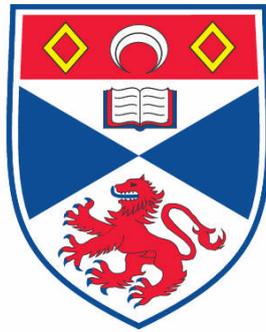


**POWER, CIVIL SOCIETY AND CONTENTIOUS POLITICS IN
POST COMMUNIST EUROPE**

Neil Albert Cruickshank

**A Thesis Submitted for the Degree of PhD
at the
University of St. Andrews**



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**POWER, CIVIL SOCIETY AND CONTENTIOUS POLITICS IN
POST COMMUNIST EUROPE**

NEIL ALBERT CRUICKSHANK

2008

Submitted for the degree of PhD in International Relations

DECLARATIONS

I, Neil Albert Cruickshank, hereby certify that this thesis, which is approximately 85,000 words in length, has been written by me, that it is the record of work carried out by me and that it has not been submitted in any previous application for a higher degree.

I was admitted as a research student in September 2002 and as a candidate for the degree of Ph.D. in September 2002; the higher study for which this is a record was carried out in the University of St Andrews between 2002 and 2008.

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ABSTRACT

This dissertation examines how contentious collective action in two post communist states, Poland and the Czech Republic, has broadened to include European and international actors. It identifies the emergence of new opportunities for contention brought about by recent episodes of institutional change, specifically EU accession, and questions how they benefit materially or politically weak NGOs. With the intention of determining how three interrelated processes, democratization, Europeanization and internationalization, affect the nature and scope of contentious politics, this dissertation carries out an investigation of several concrete episodes of political mobilization and contention. As shown these 'contentious events' involved a myriad of national, European and international actors, mobilizing to challenge national policy. Data from NGO questionnaires, interviews and newswire/newspaper archives are used to discern the nature and scope of contentious collective action. This dissertation assesses the extent to which transnationalization of advocacy politics has disrupted existing power arrangements at the national level between NGOs and government.

Hypothesizing that European Union accession in 2004 changed the nature and scope of contentious collective action in post communist Europe, this dissertation undertakes a comparative empirical examination of three sectors, environment, women and Roma, and twenty-nine representative NGOs. My research identifies three important developments in the Polish and Czech nonprofit sector: first, European advocacy networks and institutions are helping national NGOs overcome power disparities at the national level; second, issues once confined to national political space has acquired a European dimension, and; third, despite Europeanization, a few notable policy issues (i.e. reproductive rights, nuclear energy and domestic violence) remain firmly under national jurisdiction. This dissertation contributes to existing collective action/post communist scholarship in three ways. It applies established theories of contention/collective action to several recent episodes of political mobilization; it confirms that post accession institutional change does offer new political opportunity structures to national NGOs, and finally; it presents new empirical research on post communist collective action.

TABLE OF CONTENTS

TABLES, GRAPHS AND DIAGRAMS.....	iv
ACKNOWLEDGMENTS.....	vii
INTRODUCTION.....	1
Research Questions and Hypotheses.....	6
Terms and Concepts.....	28
GROUP POLITICS IN THE POST COMMUNIST ERA.....	37
THE POST COMMUNIST STATE AND INTEREST ARTICULATION	69
EMPIRICAL FINDINGS ANALYSIS.....	85
ENVIRONMENTAL POLITICS.....	112
Temelín NPP.....	139
Rospuda Valley.....	145
WOMEN’S RIGHTS.....	155
Abortion.....	179
Domestic Violence.....	185
THE EUROPEAN UNION, MINORITY RIGHTS AND ROMA	191
Roma NGOs.....	210
Sterilization.....	224
Education, Housing and Equality.....	227
CONCLUSION.....	232
APPENDIX A: Poland Law on Public Benefit Activity.	243
APPENDIX B: Questionnaire in English.....	244
APPENDIX C: Questionnaire in Polish.....	265
APPENDIX D: Questionnaire in Czech.....	277
APPENDIX E: Czech NGO Mailing List.....	287
APPENDIX F: Polish NGO Mailing List.....	292
SOURCES	298

TABLES, GRAPHS AND DIAGRAMS

- 1.1 Actors, Issues and Sectors Table
- 1.2 Three Dimensional Governance and Planes of Contention
- 4.1 Respondent NGOs from Poland by Category
- 4.2 Respondent NGOs from Czech Republic by Category
- 4.3 Self-identification of Group Type – Poland
- 4.4 Self-identification of Group Type – Czech Republic
- 4.5 Meeting Operating Costs – Poland
- 4.6 Question: Would you say your organization needs additional funding?
- 4.7 Rate Government Performance
- 4.8 Importance Attached to Developing Ties with European NGOs – Poland
- 4.9 Funding Applications by Country
- 4.10 Importance Attached to Working Directly with the EU
- 4.11 Rate Government in Your Policy Area
- 4.12 Government Encouragement
- 4.13 Government’s Eagerness to Help NGOs
- 6.1 NGOs operating in the Area of Women’s Rights
- 7.1 Roma NGOs: Political Efficacy and Perception of Politics

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Neil Cruickshank

November 2008

FOR ALANA AND DEVYN

The growth of non-party associations and organizations typical of established democracies has been inhibited by the suspicion that many political leaders have of non-profit organizations and by regulations that do not favour their development
(Wolchik 1995: 37)

In the demobilized post-communist context, many interest groups, even economic interest groups with rational incentives to lobby state institutions, have not adequately understood where their own interests lie or have been too weak institutionally to make effective demand on the state.
(Orenstein and Desai 1997: 43)

If you take the post-communist countries in Eastern Europe, we had and we still have some social movements, but on the whole, they are very limited. If you take Poland or the Czech Republic, there is practically nothing right now.
(Touraine 2002: 94)

CHAPTER ONE:

Introduction

This dissertation investigates political mobilization in two post communist states, Poland and the Czech Republic, to discern how new institutional arrangements influence the scope and character of contentious collective action. Primarily concerned with how EU accession has changed repertoires of contention¹ at the national level, this dissertation explores policy areas that encourage transnational advocacy, like the environment and human rights. The architecture of European governance means no institution, either national or European, is completely autonomous. Even states/governments that have traditionally been able to keep lobbyists and advocacy groups at arm's length are discovering in an integrated Union this is virtually impossible.

Lacking embedded policy networks and advocacy communities, and an established system of interest intermediation, post communist states are particularly vulnerable to European and international influences. Additionally, accession means European NGOs and advocacy networks are able to spread eastward into states that, thanks to EU directives and customs, look awfully similar to their own. An examination of several episodes of contentious politics in Poland and the Czech Republic reveal how on several occasions a myriad of actors, European and international, converged with great effect on issues that would have once attracted only national actors. Today, however, normally unconnected groups and institutions are becoming directly involved in episodes of contentious politics in Poland and the Czech Republic. The opening-up of several key policy sectors, the environment, women's rights and gender equality, and human (or minority) rights², has had a profound effect on power dynamics within these states and

¹ Similar to Tilly and Tarrow (2007) this dissertation uses the term 'repertoires' to indicate "inherited forms of contention" (p.4).

² At the EU level for instance there exist several committees, directives and agencies dealing in and monitoring the application of EU law in such areas. These include: the European Parliament's Committee on Women's Rights and Equality (FEMM); the Charter of Fundamental Rights of the European Union, which was adopted by EU members in 2000 and if the Lisbon Treaty is ratified by all 27 member-states will attain legal standing; the Copenhagen criteria places democracy and human rights atop accession criteria; an EU Ombudsman for the environment; the European Environment Agency (EEA) which works to facilitate cooperation

also on the political capital of national NGOs. Still a powerful actor, the state is just now realizing its power is tempered by a network of European and international actors, able and willing to assist national NGOs and movements should the need arise.

Nongovernmental Organization (NGOs) in Central and Eastern Europe (CEE) have recently been confronted with two simultaneous challenges. One, improve their organizational capacity/competency at the national level, while two, learning how to lobby European Union (EU) institutions, such as the European Commission (EC) and its Directorates – General (DGs), the European Parliament (EP) and, national level representatives in Brussels and Strasbourg. Whereas once it was possible, even preferred, to analyze discrete civil societies (cf. Almond and Verba 1989; Putnam 1993) in a thick descriptive manner, now, especially in the context European governance, it becomes necessary to consider the impact of outside forces (i.e. norms), external institutions (i.e. European Commission, European Parliament) and European advocacy networks, on policy development and contentious collective action. National governments still wield considerable power and not all policy falls within an EU sphere of competence, but the nature of contentious politics has changed enough to warrant special investigation.

After examining three interest sectors, the environment, Roma and women, and several specific points of contention or convergence within these broad areas (see Table 1.2), it becomes clear policy formulation in Poland and the Czech Republic involves traditional modes of contention, that is national actors and institutions competing for power and influence (i.e. political parties, interest groups and trade unions) and nontraditional forms of claim making and issue framing, best exemplified in how international actors, agencies and institutions are frequently able to shape the parameters of contention itself. Recognizing that contentious politics and contentious collective action are shaped largely by environmental factors and politics (Kriesi et al. 1992), and that the political and legal institutions of the two states under discussion here, Poland and the Czech Republic, have change in fundamental ways since 1989, there is a very good chance some of this dissertation may already be dated. However the core argument, that contentious politics is becoming less about discrete national actors and more about

between all EU actors on environmental matters, and; the Århus Convention, which provides access to environmental information.

European and/or international advocacy networks and European institutions and directives, should have application beyond the particular cases and episodes being investigated in this dissertation. Mindful not to overstretch the argument, this dissertation will also look at examples to the contrary, when the state/government retains full decision making power and alas both national and European actors are effectively 'shut out'.

The highly stratified system of governance that characterizes EU decision-making means among others things that international and European actors can have influence over how decisions are taken by lawmakers in Poland and the Czech Republic. Kohler – Koch (1999) suggests,

The European Community (EC) is governed without government and, therefore, it is bound to be governed in a particular way. In addition, EC governance is penetrating into the political life of member states and its particular mode of governing may disseminate across national borders (p.14).

Kohler – Koch's idea, that governance has a transformative effect on policymaking and politics is particularly illuminating when evaluated against contentious events in Poland and the Czech Republic. Few policy issues fall exclusively under the competency or jurisdiction of a single domestic institutions or actor. As a result NGOs float from controversy to controversy raising public awareness and pressuring decision-makers (both EU and national) in an interconnected policy environment that enhances their impact potential and power. Kriesi et al. argue

The development of this Euro-polity has gone hand in hand with politicization and a widening scope of decision-making at the EU level. From the point of view of national political actors, the emergence of the new supranational layer of decision-making at the EU level implies a transformation of their macro-political context. The EU level adds new opportunities and constraints, which modify the distribution of power at the domestic level (2006: 343).

The impact of European level institutions is felt in several prominent policy areas/domains as well. The surprising thing is EU rules and convention influence member state behaviour even when the policy area, i.e. nuclear energy, falls squarely outside EU institutional competency³. This is not to imply that national or local groups are entirely

³ With reference to the Temelin NPP, the European Union does not have competency over the energy policy of member-states. As Prime Minister Zemen said, "there existed no European rules

ineffectual or forced into redundancy with the ascendance of some issues to the European level, because this is simply not the case. Many groups that function exclusively within their 'home' state still manage to find power and influence, and this dissertation will discuss several such cases. The point is, a one-dimensional view of interest group politics or opportunity framing that would see discrete national actors vying for power and influence is being replaced by a two or even three-dimensional model that takes into consideration the blurring of national boundaries and the new transnational character of environmental and human rights policy (and norms). Many issues, but not all issues, cut across administrative and political lines. Those which have the most salience with international and continental actors, like environmental protection or a sub-sector issue like Temelín nuclear power plant (Temelín NPP) in southern Bohemia, will draw together a myriad of national and international actors and activists. The European Parliament, Commission, and its atomic energy watchdog, EURATOM⁴, along with Czech, Austrian and European NGOs and affiliated networks, plus Austria and Germany, made public statements about the safety, need and cost of Temelín NPP. The issue (i.e. issue salience) becomes an important determinant of whom or what attempts to exert influence over domestic policymakers and policy outcomes. My research indicates that human rights (both Romani and women's rights) and environmental protection are highly salient issues inside and outside Poland and the Czech Republic and therefore a variety of institutional and non-institutional actors were compelled into action.

Another equally important determinant beside the salience of the policy issue is political opportunity. Proponents of 'political opportunity structure' (POS) believe political institutions have both a constraining and enabling effect on social movements and NGOs (Oberschall 1999; Tarrow 1999; Giygni et al 1999; Tarrow and Tilly 2007). To clarify, Tarrow and Tilly think of POS as "features of regimes and institutions (e.g. splits in the ruling class) that facilitate or inhibit a political actor's collective action" (p.203). This would seem to imply that a phase of contentious collective action should follow regime collapse or institutional change. This model places contentious politics firmly in the political realm, but is rather vague about *exactly* which 'features of regimes

for the safety of nuclear power plants. There only exist international norms and the Temelin plant fulfills them" (CTK, 23 June 1999)

⁴ EURATOM: European Atomic Energy Community

and institutions' afford groups new political opportunities. The *Dynamic Statist* variant of POS best approximates the structural realities of European-level contentious politics, as institutional change is very much a feature of post-1989 politics. The model assumes "entire political systems undergo changes which modify the environment of social actors sufficiently to influence the initiation, forms, and outcomes of collective action" (Tarrow 1999: 44). When investigating contentious politics in Europe it is important to take stock of institutional change at both the national and supranational level, as opportunities can materialize on either plane. The examples of contentious politics analyzed below show European NGOs populating national spaces, using (or utilizing) European institutions and directives, pressuring both European and national decision-makers, and also lobbying EU member-states foreign capitals. It seems nothing is out of bounds or beyond the reach of a committed NGO.

New avenues or "routes of influence" (Greenwood 2007: 25) have emerged for Polish and Czech NGOs over the past decade, both as a result of the accession process and EU membership. The globalization of environmental protection and human rights discourse means these routes of influence extend to international IGOs (i.e. the UN) and non-EU states, such as America. In the first instance, individuals are able to take (or can threaten to take) their grievance(s) to the European Court of Human Rights (ECHR) and/or the European Court of Justice (ECJ). In a landmark decision handed down by the ECHR in November 2007, the 'Roma only' or 'special' schools that operate in the Czech Republic were deemed to constitute racial segregation and discrimination, a clear violation of the 1950 European Convention on Human Rights. In the second instance, international nongovernmental organizations (INGOs) are able to lend material and nonmaterial support to fledgling groups, in a way helping to "top-up" post communist civil society. A clear example of this, the International Mire Conservation Group (IMCG), which specializes in the study and protection of mires worldwide, played a decisive role in delaying the construction of the *Via Baltica* through Poland's Rospuda valley. The Secretary General of IMCG, Dr. Hans Joosten, sent a letter directly to EU Environment Commissioner Stavros Dimas summarizing the results of their own

environmental assessment,⁵ which cast doubt on the accuracy of Poland's evaluation. These two examples are discussed in much more detail below.

The examples alluded to above are indicative of the *ad hoc* way contentious politics occur in CEE and how NGOs and associations are mobilizing around issues that before accession would have been outside their sphere of activity. It is testament to the breadth and scope of European advocacy networks that so many groups and institutions became involved in the Rospuda valley 'affair,' as up until very recently the whole project and its environmental implications were known to very few academics and journalists. No longer are national groups attempting to influence government policy alone, choosing instead to align themselves with larger more influential NGOs and actors. National courts and parliaments are no longer the only institutional recourse available to disgruntled national groups. Comparing contentious politics in Europe with traditional collective action models, Imig and Tarrow write: "the reality today is far more complex, with conflict and reconciliation occurring at a number of levels and between them" (2001: 16). European NGOs and NGOs from abroad are prepared to assist local campaigners, thus giving international dimension to issues that are essentially of a local nature.

RESEARCH QUESTIONS AND HYPOTHESES

In trying to locate sources of political power in post communist Europe, one must be ready to examine a constellation of actors and institutions. It became apparent early on that European institutions and norms must be considered alongside national political culture. European institutions are thus a key feature of post communist political life, namely because new democracies are more susceptible to external political stimuli. Referring to new institutionalist scholars that rose to prominence in the 1980s, Shepsle suggests "they seek to explain characteristics of social outcomes on the basis not only of agent preferences and optimizing behaviour, but also on the basis of *institutional features*." (Shepsle 1989: 135 – emphasis added). It is this rationale that guide governance (Jachtenfuchs 1995; Hooghe and Marks 1997; Kohler-Koch 1999) and much of the new social movement/contentious politics scholarship (Kriesi 2006; Tilly 2004; Tilly and

⁵ An electronic version of the letter can be found on the IMCG website, www.imcg.net.

Tarrow 2006). This reorientation toward institutions and institutional design can be seen in many branches of the social sciences. International Relations (IR) scholars, political sociologists and comparative political scientists, are examining how institutions (and intergovernmental organizations) affect everything from foreign policy to local grass-roots activism. The overwhelming sense is that agents *react to* institutions just as institutions reflect prevailing norms and convention. The discussion here accepts the possibility that institutions are a determinant of political behaviour and thus endeavors to investigate the notion.

RESEARCH QUESTIONS

1. Does the myriad of European and international actors that inhabit contentious spaces in post communist Europe change domestic patterns of contentious politics and NGO in any discernable activity?
2. Can an underdeveloped civil society be ‘topped up,’ so to speak with political actors from other regions and countries?
3. What will happen to strictly national NGOs in a highly integrated European polity?

The following hypotheses were developed with certain independent variables in mind, namely political institutions and the prevailing culture of contention. So how politics is actually carried out and the role institutions play both at the national and European level in facilitating contentious politics are the utmost concern. This approach to analyzing post communist collective action is preferred because the introduction of new European institutions in 2004 and extension of advocacy networks into Poland and the Czech Republic must be regarded as politically significant events. Moreover these structural changes reframed contentious politics in an important way.

HYPOTHESES

1. For the foreseeable future government and state institutions will possess an inordinate amount of political power and by extension an ability to shut NGOs

- and other stakeholders out of the policy process, regardless of their popularity and policy competence;
2. The NGOs under analysis here, due to their inexperience and material weakness, will not be able to influence policy in a meaningful way.
 3. EU accession will not alter *status quo* power dynamics in any empirically significant way. Thus political parties (and government of the day) will continue to control all aspects the policy process.

This dissertation is concerned not with civil society organizations per se, but with contentious political activity and the NGOs that participate in it. This excludes sports clubs, fraternal societies and other nonpolitical associations from the discussion. While influenced by social movement literature (McAdam et al. 1995; McAdam and Snow 1997; Giugui, McAdam and Tilly 1999; Tarrow and Imig 2001) the discussion here deals with NGOs, defined as fairly stable and embedded organizations that have attained a level of both legitimacy and institutional validity (not necessarily acceptance). Social movements may form into NGOs and vice versa. This dissertation is concerned almost exclusively with identifiable groups, NGOs, and contentious collective action.

Nongovernmental organizations are part pressure group and part interest groups. Not every NGO action culminates in disruptive public protest or direct lobbying, though they are known for both of these activities. NGOs are “*formal (professionalized) independent societal organizations whose primary aim is to promote common goals at the national or the international level*” (Martens 2002:282 – italics in original). The term NGO is used in IR literature to denote non-state actors that exist on the international plane, tending to lobbying intergovernmental organizations, states and regional associations. What distinguishes a NGO from a social movement or a solidary⁶ group, is that

NGOs have—at the least— a minimal organizational structure which allows them to provide for continuous work. This includes a headquarters, permanent staff, and constitution (and also a distinct recognized legal status in at least one state) (ibid).

⁶ According to Paul Pross (1992) a solidary group “is made up of individuals with common characteristics who also share some sense of identity. What these individuals have in common may be sufficient to encourage them to vote for one another, or act in one another’s interest. It may foster enough group feeling to elicit a common reaction to public events...: (p.6).

This dissertation examines a series of contentious episodes that involve mostly NGOs and political institutions, but in a few cases (e.g. Rospuda valley) non-institutionalized actors are compelled to mobilize as well – by protesting or lobbying government. These temporary associations are not NGOs nor should not be considered social movements. They do however add to the complexity of post communist/post accession contentious political and political mobilization.

Social movements develop in response to social and/or political injustice, whereas NGOs are created by a discrete constituency for the purpose of articulating a particular point of view to government and affiliated agencies. NGOs, like many social movements, seek to protect or promote a ‘public’ interest, as they interpret it. In academic literature NGOs are often portrayed as possessing an international dimension, though this is not always (or necessarily) the case. McAdam and Snow (1997) contend interest groups “are typically regarded as legitimate actors within the political arena [unlike] social movements [which are] typically outside of the polity, or overlap with it in a precarious fashion” (p. xxi). The groups under study here are interest groups, as McAdam and Snow define them, but because most of them work across one or more national frontier(s), they have been categorized as nongovernmental organizations. Incidentally a majority of the groups surveyed for this dissertation, 72 percent, self-identify as a nongovernmental organization.

Many groups in post communist Europe straddle the typological line between social movement and NGO, oscillating between institutionalized modes of contention and more disruptive political protest and collective action. In some instances this has more to do with how the state perceives a particular NGO than its actual character. For example, during the Klaus premiership (02 January 1992 – 17 December 1997) most Czech environmental NGOs, even organizations considered ‘mainstream’ and ‘legitimate’ outside the Czech Republic, i.e., Greenpeace and Friends of the Earth/ Hnutí DUHA, were labeled ‘extremist’ and put on an official terrorist groups “watch list” (Beckmann 1999). Some friction occurred between protesters and police as a result of their disruptive (not necessarily violent) direct action tactics, like the unfurling of banners from smokestacks, demonstrating outside government offices and the blockading of Temelín nuclear power plant. As reported, “The attempt to brand the environmentalists as official

enemies of the state backfired; the ragtag bands of young "radicals" suddenly gained respect and status among many of the leading policy and opinion makers" (ibid). Such is the nature of contentious collective action that a degree of antagonism is expected between nongovernmental actors and state officials/officers.

The political opportunities available to NGOs during an episode of contentious collective action ultimately depend on regime type, institutional design⁷ and issue salience. In this way NGOs structure their repertoires of contention according to the political geography of their environment. However it is important to recognize that invariably each policy sector will have its own political opportunity structure, what might be available to environmental NGOs may not be available to Roma NGOs, or vice versa. Some generalizations can be made about the relative receptiveness of a given government or state to NGO input, but if the state in question is in any way pluralistic (i.e. containing discrete governmental organizations and bureaucratic offices) a variance in opportunity should exist between departments and state-level actors. Borrowing from governance literature, "the 'state' is not a unitary actor but is divided into functionally differentiated sub-structures which are part of sectoral 'policy communities' and drawn into various 'issue networks' (Kohler-Koch 1999).

Additional political opportunities exist for Polish and Czech NGOs thanks to EU accession. POS should not be limited to analysis of state-level contentious politics. If a group wishes to operate on three political levels, local, state and European, it must devise a highly sophisticated action plan. There are added material and nonmaterial costs for groups wanting or needing to interface with politicians and bureaucrats at both the European and state level. When determining the relative potency of NGOs in CEE it is important to keep socio-political and economic factors in mind, as repertoires of contention and decision calculus are very often the result not of the internal dynamics of a particular group but the influence of external stimuli.

⁷ Political opportunity structure, defined as "features of a regime and institutions (e.g., splits in the ruling class) that facilitate or inhibit a political actor's collective action and to changes in those features" (Tilly and Tarrow 2007: 49) is used regularly by social movement theorists to determine how and why contentious politics occur. They are primarily concerned with its emergence and persistence in a comparative perspective, over time and between states. I find the emphasis placed on (changing) institutions and (dynamic) regimes by *political opportunity structure* theorists particularly useful when trying to analyze group politics in highly fluid political environments.

METHOD AND METHODOLOGY

The methodology employed by this dissertation, guided by democratization theory and new institutionalism, is concerned primarily with the *political* causes and consequences of third sector⁸ mobilization as it impacts contentious collective action in Poland and the Czech Republic. The argument relies on several conceptual understandings that are common to (new) social movement literature, like political opportunity structure (POS) and contentious collective action. NGOs are assumed to be rational actors, as they will 'choose' to lobby institutions and actors which yield the highest expected utility. Also, when confronted with an impediment, statutory or political, NGO activists will seek out other avenues and routes. After all NGOs are trying to advance a particular conception of political and/or social life and thus will pursue tactics and strategies which present the greatest likelihood of success.

In terms of democratization theory, Whitehead's own theoretical starting point, that "Democracy is best understood not as a predetermined end-state, but as a long-term and somewhat open-ended outcome, not just as a feasible equilibrium but as a socially desirable and imaginary future (p.3)" is applied to this discussion. Democratization is a process complicated by a host of factors, economic, political and cultural. However Poland and the Czech Republic's accession to the EU changed the course of democratization in a significant way and also changed the nature of contentious collective action. This dissertation utilizes a comparative method not out of convenience or concern for prevailing literature on post communist politics, but because it seeks to show how despite historical differences (i.e. past regime type and transitions to democracy) contentious politics in Poland and the Czech Republic exhibit similar tendencies. This is

⁸ The term 'third sector' is used here and throughout this dissertation to denote the totality of voluntary groups and organizations that exist to represent the interests of a particular constituency. In this sense the third sector is political, whereas civil society contains political and apolitical (and nonpolitical) associations and clubs. Mendelson and Glenn (2002) determine: "a third sector of nonprofit organizations can serve as advocates for the public good and as watchdogs of political power" (p.6). In order to do this, groups must be either overtly political, e.g. a pressure groups, or have potential to become political, e.g., a help or information centre.

why examples are drawn from both states and why the survey was conducted cross-nationally with NGOs representing similar sectors.

This dissertation collected data by several different methods to discern how contentious politics occurs in Poland and the Czech Republic. First, open-ended interviews were conducted with NGO workers, current or former political activists, and with one former Czech dissident, Charter 77 activist Vaclav Zak. Second, a search of pertinent newswires and newspapers was conducted to isolate sectoral specific episodes of contention, namely in the areas of the environment, romani rights and gender equity or reproductive rights. The purpose was not only to discover how contentious episodes transpired, but also to isolate all participants, including national governments, NGOs, European institutions and agencies, intergovernmental organizations and the different local and state-level administrative offices/agencies, that became involved. It was important to map selected episodes of contention, determine their character, and report on how ‘international,’ ‘European,’ or ‘national’ they were – in other words the scope of contention. Third, questionnaires were distributed by regular mail (‘snail mail’) to 103 NGOs, 48 went to NGOs in the Czech Republic and 55 went to Polish NGOs. An attempt was made to distribute approximately the same number of questionnaires to environmental, Roma and women’s NGOs, in both countries; however, in the end this was not possible. It seems many groups have either changed address or closed without notifying webmasters of the website directories they post their activities and contact details on. Many groups were hard to track down after moving from their published address. Chapter 4 goes into far more detail about questionnaire design and analysis. This questionnaire achieved a 30 percent response rate (slightly higher if “return-to-sender” questionnaires are subtracted from the total).

* * *

Working relations between nongovernmental organizations (NGOs) and the European Union are positive and reciprocally constructive (Greenwood and Aspinwall 1998; Greenwood 2003). Whereas state-level interaction between public interest groups/ NGOs and successive Polish and Czech governments have been characterized by NGOs as

frustrating and antagonistic. This was exposed when former Czech prime minister and current president Vaclav Klaus publicly stated that NGOs were a danger to democracy and did not reflect popular sentiment in the Czech Republic (*Radio Praha* 6 June 2005). Approximately 90 NGOs demanded Klaus offer a public apology for his anti-NGO remark (*ibid*). Even though Klaus is loathed by many highly competent and professional NGOs, with my research data supporting this, he does raise a valid concern. How much emphasis should be placed on civil society development in relation to institution and state building? In Klaus's words:

We need a political system which must not be destroyed by a postmodern interpretation of human rights (with its emphasis on positive rights, with its dominance of group rights and entitlements over individual rights and responsibilities and with its denationalization of citizenship), by weakening of democratic institutions which have irreplaceable roots exclusively on the territory of the states, by the 'multiculturally' [sic] brought about loss of a needed coherence inside countries, and by the continental-wide rent-seeking of various NGOs (Speech delivered in Brussels 8 March 2006)⁹.

Most would agree an appropriate balance must be struck between civil society promotion and the development of democratic institutions, considering both are needed to sustain democratic governance and facilitate public contestation. There is disagreement however among some practitioners and scholars about the state's role in facilitating civil society development (cf. Klaus, Havel and Pithart 1996). The concern is that an active civil society containing strong entrenched interest groups may actually undermine rather than contribute to the development of institutionalized democracy. So instead of a polyarchy¹⁰ emerging you would see a system that draws political capital away from traditional core of political contestation, political parties and parliaments. The resultant arrangement, weak state institutions and strong non-state actors, will undermine mechanisms of interest aggregation, e.g. political parties, and by extension the institutions they traditionally inhabit. Is it robust democratic institutions that sustain

⁹ <http://klaus.cz/klaus2/asp/clanek.asp?id=WpNHn7MwQdIA>

¹⁰ Polyarchy here refers directly to Robert A. Dahl's conception. He writes: "Polyarchies, then, may be thought of as relatively (but incompletely) democratized regimes, or, to put it another way, polyarchies are regimes that have been substantially popularized and liberalized, that is, highly inclusive and extensively open to public contestation" (Dahl 1979: 8).

liberal-democracy or the presence of a multifarious and autonomous civil society?

According to Dahl both are required. He lists eight requirements 'for a democracy among a large number of people':

1. Freedom to form and join organizations
2. Freedom of expression
3. Right to vote
4. Eligibility for public office
5. Right of political leaders to compete for support
 - 5a. Right of political leaders to compete for votes
6. Alternative sources of information
7. Free and fair elections
8. Institutions for making government policies depend on votes and other expressions of preference (Dahl 1979: 3)

This list of requirements helps identify what is needed to sustain democracy and democratic governance. Dahl (1979) recognizes that democracy is an ideal regime-type, hardly attainable in modern pluralist societies, preferring therefore to label regimes exhibiting most of the above characteristics 'polyarchies' (p.8). Another aspect of Dahl's argument that applies to this dissertation, concerns his elucidation of political opportunity. His contention is that all full citizens should possess the opportunity to access the political process, to "have their preferences weighed equally in the conduct of government, that is, weighed with no discrimination because of content or source of the preference" (p.2). Being an essential part of participatory democracy Dahl's sentiment has been echoed by many (cf. Lijphart 1984; Putnam 1995; Diamond 1997). Figuring out a way to equitably and expediently deliver citizens' preferences to government and state agencies has proven most difficult. Dahl's conceptualization of democratization sees contestation, opposition and participation as being nodal points along a continuum, from hegemonic regime to polyarchy, which states must pass through if they seek a more inclusive and equitable regime. He argues "when hegemonic regime and competitive oligarchies move toward polyarchy they increase the opportunities for effective participation and contestation and hence the number of individuals, groups and interests whose preferences have to be considered in policy making (1979:15). Poland and the Czech Republic are not hegemonic regimes, but the sequencing Dahl offers is applicable to third wave democratization.

Dahl places 'public contestation' and 'right to participate in elections and hold office' on separate axes, the 'y' axis and 'x' axis respectively. According to Dahl, political systems can be plotted theoretically anywhere within this two plane model. When examining contentious politics the focus is on the 'y' axis and therefore the degree of contestation permitted in any given system becomes a defining characteristic. The ability of any singular NGO or network of NGOs to influence government, measured either by degree of inclusion in the policy process *or* ability to pressurize from the 'outside' (agenda setting *vs.* shaping) is an expression of a system's overall openness to political contestation and contentious politics. There is, importantly, no guarantee that an open system, one which encourages dialogue and contestation between government and stakeholders, will take the preferences of any single constituency seriously. States and governments have their own policy preferences, which may or may not be based on their interpretation of the collective good.

Summarizing Schmitter's contribution to an edited volume, Diamond writes: "civil society can (...) impede consolidation by making political majorities more difficult to form, exacerbating ethnic divisions and pork-barrel politics, and entrenching socioeconomic biases in the distribution of influence" (p. xxxiii). There are as many problems associated with a system lacking 'enough' civil society organizations and NGOs as there is with a system containing too many powerful non-governmental actors. Democratic systems require NGOs for purely functional reasons, to check state power, offer alternative perspectives on proposed legislation and represent particular constituencies (which political parties find difficult to do). The presence of intermediary institutions helps secure what Diamond and Morlino (2005) call a 'quality democracy', which according to them "provides its citizens a high degree of political freedom, political equality, and popular control over public policies and policy makers through the legitimate and lawful functioning of stable institutions" (p. xi). They list a few more determinants but overall democracy hinges on freedom, access to institutions and policymakers, and opportunity to publicly express grievances, which is similar to Dahl's list of prerequisites. There is no agreed upon formula for determining the appropriate number of civil society associations for a given state, neither is there a sense of how powerful civil society associations should be in relation to the state and other political

actors. It seems appropriate, however, for a ‘quality democracy’ to contain a mixture of civil society organizations, NGOs, philanthropic organizations and professional associations. But in an interconnected multilayered polity such as the European Union, where organized interests are nomadic, the number and type of organizations inhabiting and one state’s civil society is of limited consequence to overall patterns of contestation and political mobilization.

As table 1.1 indicates, the transnational character of EU policy and policy making coupled with the international scope/appeal of the issues singled out for investigation (which have been italicized in the diagram) encourage involvement from a diverse array of state and non-state actors. For instance thirteen different actors converged on the issue of Temelín, many of whom contributed to the framing the Temelín NPP debate, even though under EU law the Czech Republic has the final say in the design and implementation of their energy policy. However, as Imig and Tarrow (2001) correctly identify, the European system as a composite polity.¹¹ This suggests that clear cut jurisdictional boundaries are become rarer to find. They wrote about the EU being a composite polity before the May 2004 enlargement. The addition of post communist states to the Union further substantiates their claim, as many fledgling NGOs in Poland and the Czech Republic have been able to advance their concerns through European NGO networks and institutions. The EU was involved, in some way, shape or form, in all the policy issues investigated below. Furthermore, the Europeanization of contentious politics means policy areas clearly outside EU competency still attract European NGOs and sometimes even EU institutions.

¹¹ Composite polity: “A system of political relations in which actors at various levels and in different geographical units within a loosely linked system face both horizontal and vertical interlocutors and find corresponding opportunities for alliance building across both axes” (Imig and Tarrow 2001: 15).

1.1 Actors, Issues and Sectors Table¹²

SECTOR	ISSUE	ISSUE
A. Environment	<i>Temelin and Energy Policy (CZ)</i>	<i>'Via Baltica' (PL)</i>
International	IAEA	Birdlife International, IMCG
European	EURATOM, WENRA, EC, EP, Germany and Austria, CEE Bankwatch	EC, CEE Bankwatch, ECJ EEA, RSPB
State and local	Greenpeace, Hnutí DUHA, CEZ, SUJB, South Bohemian Mothers	Greenpeace, WWF Poland, OTOP, Augustow Township, PGN
B. Romani	<i>Housing and Racism (CZ and PL)</i>	<i>Sterilization and Education (CZ)</i>
International	IRU, UN, CERD, USA	IRU, UN, CERD, USA
European	ERRC, ECHR, EP, EC	ECHR, British Embassy, ERRC, EP, EC
State and local	BRRR, ROU, Dzeno, IQ Roma Servis, LIGA	Dzeno, Romea Association, IQ Roma Servis. LIGA
C. Women	<i>Abortion (PL)</i>	<i>Domestic Violence (CZ)</i>
International	UN, NEWW, Catholic Church	UN
European	WoW, ECHR	EWL
State and local	NEWW, PFWFP, PCC	ROSA

WENRA Western European Nuclear Regulators Association (NGO)
 SUJB State Nuclear Safety Office
 IAEA International Atomic Energy Agency
 OTOP Polish Society for the Protection of Birds
 ECHR European Court of Human Rights
 ECJ European Court of Justice
 EP European Parliament
 EC European Commission
 ROI Roma Civic Initiative (*Romská občanská iniciativa*)
 IRU International Romani Union
 BRRR Board of Romani Regional Representatives
 ERRC European Roma Rights Centre
 CERD Committee on the Elimination of Racial Discrimination
 UNHRC United Nations Human Rights Commission

LIGA League of Human Rights (*Liga lidských práv*)
 PGN Polish Green Network
 WWF World Wide Fund for Nature
 CEZ Czech power utility
 NEWW Network of East West Women
 PFWFP Polish Federation for Woman and Family Planning
 PCC Polish Catholic Church
 WoW Women on Waves
 EWL European Women's Lobby
 IMCG International Mire Conservation Group
 EEA European Environmental Agency
 EURATOM European Atomic Energy Community
 USA United States of America
 RSBP British Royal Society for the Protection of Birds

¹² The actors, a combination of NGOs, IGOs, specialized institutions and other civil society organizations, were identified through and added to this matrix as a result of their citation or mention in various newspapers and newswires. This list is by no means exhaustive but is reflective of the complex web of actors taking position around the identified 'issue' areas.

CASE SELECTION

In selecting two post communist states it was important to consider each state's past regime type, how each transitioned to democracy, when (and how) democracy was consolidated, and each state's standing with the international community, including the EU. It was important to compare two states that experienced different levels of independent activity under communism but were similar enough in terms of regime type as to permit comparison. Before 1989 Poland was an authoritarian regime with a *de facto* civil society. From the beginning of normalization in 1969-70, a programme initiated by Husák to undo the Prague Spring reforms of 1968, until the 'velvet revolution' in November 1989, Czechoslovakia was a frozen post-totalitarian state (Linz and Stepan 1996:47) with very few voluntary associations and civil society organizations. As Linz and Stepan posit, a frozen-post-totalitarian state is far more likely to capitulate in times of crisis than an authoritarian regime (*ibid*). This point will be taken up later in the dissertation, for the moment it is important to recognize that while both Poland and Czechoslovakia were 'state-socialist,' the tolerance shown toward independent associations in Poland was unique among Eastern European states of that era.

A mixture of international, European and national influences have gone into the development of their respective civil societies since regime collapse in 1989, with several contentious issues of the post accession period drawing attention from international and continental non-state actors. Both states have proven fertile ground for contentious politics, whether in the form of public demonstration, petition, strike or disruptive collective protest. The rise of populist politics in Poland (i.e. *Samoobrona* – Self Defence) and the regularity of public demonstrations in the Czech Republic between 1998 and 2001 would seem to support this. Equally important is each state's respective trajectory. Both states emerged from state socialism at approximately the same time (1989), both joined the European Union at precisely the same moment (May 2004), and during the communist period both experienced dissident activity rooted in human rights discourse and idealized notions of civil society. Members of both Charter 77 and Solidarity were in favour of creating a civil society, for they believed only with the construction of a civil society would individuals acquire freedom and truth. A civil

society would finally correct the backward relationship that had existed between state and society since the communist takeover (Schöpflin 1993: 1). Poland and the Czech Republic will be used throughout this dissertation to test the hypotheses relating to post communist contentious politics. The development of these states from communist to democratic will be detailed in a subsequent chapter.

In the Czech Republic, groups tend to be clustered around a few sectors, namely the environment and human rights. This is owing to the vital role played by environmental groups in the lead up to the November-December 1989 revolution (Fagin 1994) and also to the human rights tradition started by Charter 77 and *Výbor na obranu nespravedlivě stíhaných* (VONS- the Committee for the Defense of the Unjustly Persecuted). Of the 94 000¹³ NGOs currently operating in the Czech Republic (USAID 2006) only a small fraction could be considered politically active. For sake of clarity, politically active means engaging in contentious collective action, lobbying or public protesting, or any combination of the three. In Poland the number was slightly less at 63 000 but a marked increase from the 2004 level of 52 000 (USAID, 2006). USAID reports the vast majority of these registered non-profits in Poland are non political and approximately 39 percent concern themselves with sport, tourism and other recreational pursuits. Based on the information gleaned from available on-line NGO registries (i.e. *Polish Environmental NGOs Directory* and *NGO.pl*) the total number of groups that can confidently be labeled ‘pressure group’ or ‘public interest group’ is quite small. For instance the *Polish Environmental NGOs Directory* lists 35 “ecological lobbying” groups. A similar directory in the Czech Republic offered by *The Green Circle*¹⁴ (www.zelenykruh.cz) mentions 27 associate environmental groups on their website. Many NGOs have come and gone since the year 2000 let alone the early 1990s. It would be worth exploring in some detail NGO cycles of growth and decline, for such data would likely reveal something fascinating about overall patterns of contention in post authoritarian states. But the focus here is almost exclusively on contemporary issues and

¹³ This number is inclusive most types of civil society organization and association in the Czech Republic, “civic associations, foundations, foundation funds, public benefit organizations, church-related legal entities, and associations of legal entities” (USAID 2006).

¹⁴ Questionnaires sent out to four organizations listed on the *Green Circle* website were returned undelivered, suggesting that the website is either out of date or associate groups are closing down so quickly that the webmaster is unable to maintain an up-to-date directory.

the contestation that occurs between groups and the state in identifiable policy sectors, e.g. the environmental, human rights and gender equality.

Many consider the 1989 revolutions in East-Central Europe (CEE) a concrete example of how the tripartite ideas of civil society, liberalism and democracy can initiate regime collapse (Smolar 2001: 5; Kopecky and Barnfield, 1999: 76). The ‘tripartite’ ideas were cultivated during the dissident period and provided anti-regime activists in both Poland and the Czech Republic with a clearly defined goal, the realization of a more open, democratic, ‘western’ society. Ignatieff believes “...Lech Walesa and Vaclav Havel drew legitimacy away from the regime to the human rights movement, and in doing so, dug the grave of the [Soviet] empire” (2002: 116). Advanced by dissidents in both normative and empirical terms, it was hoped these three interrelated concepts would on the one hand serve to illustrate the poisonous effect socialism was having on their lives (in both economical and political terms) and on the other, present a tenable alternative to *status quo* politics. Considering this, many just plainly assumed that the post-communist order would be built on a foundation of ideas not dissimilar to those once advanced in *samizdat* publications and discussed over čaj in living rooms throughout Central Europe.

It has been suggested that power, prestige and, patronage are now more a part contemporary CEE politics than anything articulated by Chartists or KOR members during the dissident years (cf. Holmes 2006). Corruption is rampant in both Poland and the Czech Republic. The Czech Republic scored 4.8 out of 10 on Transparency International’s corruption scale (10 being the best possible rating). The Czech Republic’s Corruption Perception Index (CPI) at 4.8 was in 2006 the same as Kuwait and Lithuania’s (www.transparency.org). Poland fared much worse however. In 2006 with a CPI index, 3.7 Poland was rated lower than both Turkey and Columbia. For comparative purposes, in 1998 Poland’s CPI was 4.6, while the Czech Republic’s was 4.8. Problems at the political level persist despite EU accession.

This dissertation is a cross-national and cross-sectoral examination of contentious politics. As mentioned, a comprehensive questionnaire was sent out to 103 NGOs¹⁵ in

¹⁵In an article about the many definitional/conceptual problems with the term, NGO, Martins settles in the end on the following definition: “NGOs are formal (professionalized) independent

Poland and the Czech Republic. Groups were selected based on three main criteria. One, they had to represent a coherent constituency - the environment, Roma or women. Two, they had to be based in either the Czech Republic or Poland. It did not matter if they were an affiliate or a subsidiary of an international NGO. Three, they had to be a recognized NGO. Correspondingly their activities had to reflect those of a 'traditional' NGO.¹⁶ The groups ultimately selected for analysis look to represent either a marginalized segment of society or an issue not adequately dealt with by political elites – again as defined by the NGOs themselves. Finally, all of the groups eventually selected to receive the questionnaire had to be both autonomous and voluntary, as far as possible.

THE EUROPEAN DIMENSION

At the EU level the Commission (EC) is particularly friendly toward public interest groups (NGOs) and nongovernmental organizations (Greenwood 2003: 176 – 178) and through a variety of methods encourages their development and professionalization. The *White Paper on European Governance* published by the EC (2001) regards European civil society and interest groups as an important part of their governance model and a concrete way to overcome the democratic deficit. However, as Eising (2007) argues, since EU-level interest groups are not necessarily tied to a fixed constituency, they may not necessarily enhance democracy. Those investigating interest representation in the European Union often comment that the “EU is one of the most citizen-friendly polities to be found anywhere, and an easy one for public interest organizations to engage” (Greenwood, 2003: 176). The number of NGOs operating within the EU has risen dramatically over the past decade (Eising 2007:205). Policy networks crisscross Europe linking NGOs from Malta to Ireland and from Estonia to Portugal. Whereas Imig and Tarrow (2001) look at how EU institutions provoke episodes of contention, their frequency and effect, this dissertation is most interested in examining how contentious politics in post communist states, such as Poland and the Czech Republic, is structured when it is so heavily influenced by externalities and European actors.

societal organizations whose primary aim is to promote common goals at the national or the international level: (Martins 2002: 282 – italics in original).

¹⁶ As Martin (2002) suggests, NGOs are primarily voluntary and nonprofit, but this does not preclude them from maintaining a professional (paid) staff at a permanent office.

European governance, multilevel governance (MLG) and transgovernmentalism (and transnationalism) (cf. Slaughter 1997) are today popular topics. Among scholars of international relations and comparative European politics there is a belief the European project is stretching existing theories of interdependence and federation to near breaking point. The above models, especially those concerning governance (Kohler-Koch 1996; Jachtenfuchs 2001; Walzenbach 2006) help us understand and make sense of an emerging European polity that does not easily fit classification. Decision-making involves many actors from a variety of stations. Consequently theories that account for this are useful precisely because they recognize the fact that decision making is complex and not reducible to a one-dimensional model. Importantly such notions of governance take into consideration non-state actors, social movements and associations, along with traditional sources of political power, like governments and European institutions, when analyzing EU politics and policymaking. As Stoker (1998) suggests, “governance is ultimately concerned with creating conditions for ordered rule and collective action...The outputs of governance are not therefore different from those of government” (p. 17). Governance includes systems of formal and informal decision making. Still, the European Union clearly has intergovernmental qualities about it. Andrew Moravcsik argues “the EU’s power is highly constrained, it interferes little in the salient issues of national politics and it already has as much democratic oversight as is practical” (2003:38). Formal EU power is constrained by the *corpus* of EU treaties that point to the EU Council as the ultimate decision-making body. Thus power is technically always the hands of member-state leaders. But concern here is with informal sources of power and how the EU can shape contentious politics and issue framing. Interest groups at the European level operate inside and outside formal corridors of power and NGOs with no connection whatsoever to Brussels or Strasbourg and use EU institutions and directives to their advantage. This holds especially true for the examples cited in the case study chapters of this dissertation.

An injection of money, from either the EU or private funding bodies (i.e. Open Society Fund) can similarly stimulate a sector and change the parameters of contestation.

The PHARE (Poland and Hungary Aid for Economic Restructuring)¹⁷ programme and Community law have since early in the accession process been directly and indirectly influencing the development of interest groups cross CEE. The Copenhagen Criteria has led to the direct funding of NGOs, particularly Romani ones, and more generally to groups and associations which work to enhance civil society. Without EU assistance many fledgling associations would lack financial viability and thus the means to pressurize government. Under the title 'Phare National Programmes' the Roma community received during 1999 – 2001 a total of € 6,350,000 in direct funding. In 1998, for example, € 900,000 went towards the development of local Romani NGOs. These are two examples among many. A scheme like this may retard the development of grassroots networks and diminish local accountability, but few if any Romani NGOs would exist at all if not for the funding provided by the EU, Czech government and municipalities. More will be said about this in the case study section of the dissertation.

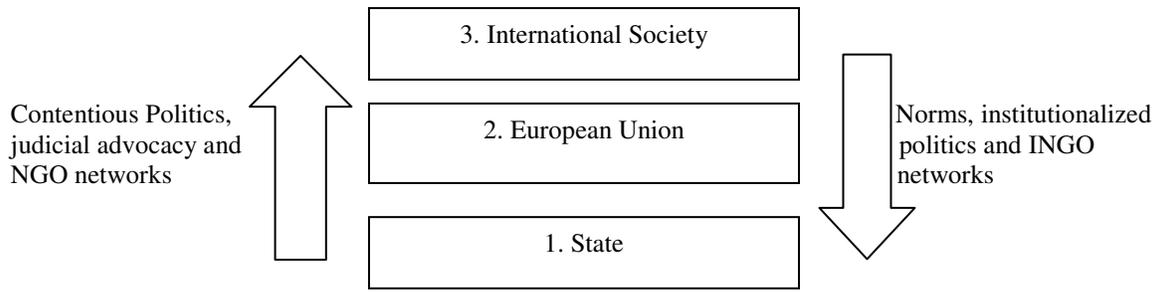
The transformation of Central East European (CEE) polities from state socialist to liberal democratic has been occurring lock step with the transformation of politics at the European level. In this way European integration and globalization have directly influenced the nature and character of contentious politics¹⁸ in CEE. Groups and professional lobbyists for instance must consider along with domestic policy and political discourse European Union (EU) directives and norms emanating from Brussels and Strasbourg. Therefore institutional change is occurring at two discrete levels, domestic and European. This, along with an ever-growing (and spreading) network of professional associations, nongovernmental organizations (NGOs) and private actors (Greenwood and Aspinwall 1998) has meant non-state actors in Poland and the Czech Republic must contemplate and ultimately deal with a second (and sometimes even a third) political dimension. This geographical diffusion of political power across time and space, coupled

¹⁷ PHARE was extended to all accession countries in the mid 1990s as a way to ensure CEE states in particular were economically and political prepared to join the EU. This was and continues to be a successful programme now covering some of Romania and Bulgaria's accession costs.

¹⁸ According to Tilly and Tarrow (2007) "*contentious politics* involves interactions in which actors make claims bearing on someone else's interests, leading to coordinated efforts on behalf of shared interests or programs, in which governments are involved as targets, initiators of claims, or third parties. Contentious politics thus brings together three familiar features of social life: contention, collective action and politics." (p.4).

with the rapid societal and institutional changes that have accompanied CEE democratization, suggests three important developments.

Figure 1.2 Three-dimensional Governance and Planes of Contention



First, civil society is no longer strictly a domestic sphere twinned with a partner set of political institutions and cultural peculiarities. It is for all intents a wide open (or has the possibility to be) space susceptible to the influence of foreign actors and agents for change, whether they be continental or international in origin. Second, NGOs in CEE have to learn the skills of domestic politicking while at the same time figuring their way around international and European treaties, which are becoming more complex and encompassing as time passes. There are pros and cons associated with such a process, but importantly it *has direct affect on the way non state actors, such as NGOs, formulate their decision calculus*. Third, explanation for the logic of NGO activity and their repertoires of contention (Tilly and Tarrow 2007), that is the way strategies and tactics are determined and used by groups to facilitate political contestation and gain influence in policy matters, may lay outside traditional social movement and interest groups theory. A theoretical model which places democratization alongside both Europeanization and globalization, whilst at the same time acknowledging the real and potential impact of political elites during transition (and subsequently during EU accession) would be ideal for the purposes of this dissertation. While not wanting to adopt strictly an agency-centred theory here, the subsequent analysis of group politics in post communist Poland and the Czech Republic utilizes the transition paradigm to understand and explain why

the state, institutionalized politics and externalities loom so large in two states that experienced the potency of civil society first hand in 1989. It is worth noting that literature on post communist politics and societies is now paying much closer attention to institutionalized politics, the state and political agents, including elites, than on associational affiliation, social movements and civil society, even though the latter three ideas have become synonymous with the revolutions themselves.

A two pronged process of democratization and Europeanization calls upon lawmakers and decision-makers to implement procedural democracy first, i.e. electoral laws and party systems, and substantive democracy second, i.e. associational affiliation and civic participation. In other words, there is a real possibility that the weakness of civil society in accession countries, Poland and the Czech Republic are exemplars, is due largely to the demands placed upon legislators by the European Union, specifically the *acquis communautaire* and the conditionality established by the Copenhagen criteria. According to the EU Council President's report outlining the accession process for Central and Eastern European countries, "membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities" (European Council, 1993). Only three and a half years after the collapse of communism in CEE, associated countries (those seeking EU membership) effectively began a process of economic and political harmonization. Although the Council report (1993) does not specifically mention the ordering or sequencing of conditions, it does bode well for the argument being presented here that 'stability of institutions guaranteeing democracy' is mentioned first. The whole accession process unfolded rather quickly. One year after the Copenhagen criteria was established Poland had already applied to join the EU. The Czech Republic applied for EU membership in 1995. Both countries began accession negotiations 31 March 1998 and officially joined 1 May 2004.

Thus multilevel governance (MLG) must be regarded as a critical and unique feature of post communist state and civil society development in CEE. A system of stratified decision making alone complicates contentious politics. Coupled with a weak civil society (Howard 200; Kopecky and Mudde 2003) such an institutional environment could potentially act to frustrate the creation of new, and the development of existing,

public interest groups (NGOs). Any group working in any of the areas explored by this dissertation, the environment, women's rights and minority rights, must seriously consider European level policy and directives. The anti-nuclear (anti-Temelín) campaign in the Czech Republic (Fawn 2006), the pro-life movement in Poland, and the Romani rights movement in both states (Vermeersch 2001), have all utilized the European dimension to further enhance their respective political opportunities. On the one hand, by joining forces with existing European-level NGOs CEE groups improve their likelihood of success, especially when dealing in areas of policy that fall directly under EU competency. On the other hand, passing power over (literally passing it up the chain) to existing European NGOs could act to retard the growth of strictly domestic NGOs in post-communist countries. This is worrisome only if associational affiliation is positively correlated with democracy (cf. Putnam 1995) and only if the presence of *home-grown* interest groups and solidary associations are needed to improve governance. In many instances groups are reacting to institutional and structural changes, not leading them. Many of the more pressing, and coincidentally difficult to resolve, policy issues, like human rights, environmental protection and economic vitality, have a transnational dimension to them. So it becomes mostly out of necessity that domestic NGOs unite with international or European NGOs to challenge either European or member state policies. As Wessels (2004) points out, "the history of interest group systems in nation-states shows that interest group formation has often responded to changes in the allocation of authoritative competencies" (p.199).

For many CEE states their transition from authoritarian rule and subsequent democratization happened to coincide with the internationalization and Europeanization of their respective civil societies, interest group sectors and policy communities. Polish and Czech groups concerned with the environment, human rights and gender equality (issues which already had an international dimension in 1989) found the existing network of international nongovernmental organizations (INGOs) and European interest groups (NGOs) most hospitable. Many American and West European based NGOs, like *Greenpeace*, *Friends of the Earth* and the *Network of East West Women*, were willing to organize conferences, information sessions and exchange programmes with nascent groups in post communist Europe. In fact within a decade of transition most 'western'

NGOs, especially those having or building towards international standing, had in Poland and the Czech Republic either a permanent office or a subsidiary organization. All the big environmental NGOs, *Greenpeace*, *WWF* and *Friends of the Earth*, have become active in CEE.

Writing on collective action in the European Union, Aspinwall and Greenwood (1998) remark: “the European tradition of interest representation differs from practice in the United States” (p.1). On the same page they contend Europeans have grown accustomed to the presence of robust mediating institutions, like political parties, to transmit their grievances to decision-makers. Contrasting this with the United States, the authors argue “there has always been a focus within the American polity on both the pluralist nature of civic voice and its relevance to political life” (p.1). Such an understanding provides a useful template not only for the analysis of EU lobbying and contention but also to help understand the central tension that exists in post communist states concerning the creation of civil society and participatory democracy versus the development of liberalism and institutionalized forms of public contestation.

With states and nonstate actors working together to formulate comprehensive pan European policy, enmeshed in a lattice of supranational, national and subnational policy communities and networks, it is best to refer to this process not as European government but European governance. This is because *governance* is recognized as a less rigid and more inclusive form of decision-making, which includes both traditional actors, such as state institutions and, less traditional actors such as professional associations, advocacy groups and EU-level institutions and bureaucrats. This places a great deal of stress and strain on newly emergent public interest groups and nongovernmental organizations from Poland and the Czech Republic, as they are forced to quickly adapt to a system which began to take shape long before their respective states were even democratic.

In the span of fifteen years (1989 – 2004) post- communist states like Poland and the Czech Republic have been almost entirely recreated¹⁹. Transforming from a socialist state to a member of both the European and global community has meant a reconfiguration of both political culture and systems of governance. These two states

¹⁹ In the case of Czechoslovakia, which separated on 1 January 1993 into two distinct states, Slovakia and the Czech Republic, such a characterization holds especially true.

have had to simultaneously integrate themselves into an array of regional and global intergovernmental organizations (IGOs) and create robust systems of domestic governance. Not only have interest groups, for instance, had to acquire the skills necessary to lobby government but they have also had to figure out the new multilevel political landscape complete with new sometimes grandfathered in European laws and relatively new transgovernmental policy communities and networks. A. M. Slaughter (1997) argues "...courts, regulatory agencies, executives, and even legislatures (...) are networking with their counterparts abroad, creating a dense web of relations that constitutes a new, transgovernmental order (p.184).

TERMS AND CONCEPTS

Before I proceed any further with this discussion, it is important to touch on the seven terms/concepts that lay at the core of this dissertation. That they even appear together in a dissertation committed to understanding group politics in Poland and the Czech Republic should speak to the changing nature of European politics, both at the EU and member-state level, and the need for an eclectic theoretical approach to the analysis post communist contentious politics. It is no longer appropriate to investigate contemporary politics in post communist Europe without at least considering the pressures applied to domestic institutions and actors from outside sources. By every indication the very nature of contentious politics is shaped by both internal and external stimuli; issues are no longer outside the range of any well-appointed interest group.

1. Democratization

Democratization is a process whereby a state or political community develops or attempts to develop institutions which translate the will of the people into effective rule.

According to Grugel, "theories of democratization have been concerned chiefly with causation and the identification of the main factors that lead to the emergence of democracies" (2002: 47). They can also be used to determine requisites for democracy and democratic governance after consolidation. Within democratization studies exists several different approaches. They differ according to the emphasis they place on structural determinants and agential factors (Grugel 2002: 46). The transition paradigm

offers an illuminating account of CEE democratization, especially so in the case of Poland and the Czech Republic, as it stresses the impact of elites and pact making on the process. It does however leave collective actors and agents out of the equation (ibid.). The historical sociology (HS) approach does take into consideration the impact of collective action and the structural changes that initiated democratization in the first instance. But it too has shortcomings. It appears unable to adequately explain transitions to democracy that occur as a result of elite bargaining and negotiation, where the important structural changes HS theorists speak of only provide an opening for the nascent elite.

As Poland and the Czechoslovakia experienced pacted transitions, it seems appropriate to look more closely at the transition approach. Grugel writes: “democracy is not, therefore, a question of waiting for economic conditions to mature or the political struggles unleashed by economic change to be one” (p.56). Democracy is a purposeful choice made by elites and state-level actors. For the *anciem* regime a pacted or negotiated transition is more favorable than regime collapse because by helping to choose the rules of the political game they maintain a degree of power. The transition model is compatible with rational choice theory as well. More will be said in a subsequent chapter about democratization and the influence of European institutions and networks on contentious politics in Poland and the Czech Republic.

2. Governance

The term governance is used to describe a decision making process that incorporates both formal and informal sources of political power. Linked most commonly to the EU, it helps make sense of a policy making system that balances the interest of member-states with those of European nongovernmental organizations (ENGOS) and the EU’s supranational institutions, the European Commission and European Parliament. In a system regulated by treaty and ‘European’ norms, power becomes much more fluid. Even though member-states wield considerable political power they alone do not shape the terms of European contentious politics. Thus multilevel governance (MLG) reflects the stratified nature of political authority in the Union. MLG means “the dispersion of authoritative decision-making across multiple territorial levels” (Hooghe and Marks

2001: xi). Each level has a particular logic to it, but all levels can simultaneously come into play. It would be impossible to put forward an argument about contentious politics in Europe without, at least, entertaining the idea of governance.

3. Europeanization

Not necessarily describing a process of cultural homogenization, Europeanization encapsulates a host of simultaneous political and institutional developments. One vision of Europeanization sees horizontal ties developing between national actors with little if any direct influence from EU institutions in the process (Quaglia et al.2007: 407). Radaelli (2003) provides a useful definition of Europeanization: “Europeanization consists of processes of a) construction, b) diffusion, c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, ‘ways of doing things’ and shared beliefs and norms....”(in Quaglia 2007: 407). This is a particularly illuminating conception of Europeanization because it regards institutional change and changes to the normative order as two reinforcing phenomenon. Kohler-Kock discusses a similar phenomenon but relates it to governance. For her, “governance has an ideational dimension as well as an organizational one” (1999). Part of Europeanization then is the extension of governance to all European decisions, replacing *realpolitik* with *Europolitik*.

4. Contentious Politics

Having defined this term above, I only want to stress two points here. First, contentious politics is a useful concept because rather than focusing on actors it stresses the interchange and interaction between them, which is useful when you are primarily concerned with patters of public contestation. Second, the term ‘contention’ opens this study to a whole host of institutionalized and non-institutionalized actors, which is useful when examining issues that bring both governmental and nongovernmental actors forward.

5. Power

Power can be conceptually understood as influence, coercion or force, and despite definitional uncertainty *power* lay at the core of most social and political inquiry. In an

introductory political science textbook, Khan et al. (1977) suggest “power is the central organizing factor in politics, while government is its basic operational structure” (p.3). As Weber conceives power as “the probability that one actor within a social relationship will be in a position to carry out his [sic] will despite resistance, regardless of the basis on which this probability rests” (in Haugard 2002: 5). Dahl’s now famous formula interprets power as “A” getting “B” to do what “A” wants. However is “A” any less powerful if she only gets some of what she wants, while “B” remains in a subservient position to “A”. In the context of EU and European policy networks, politics should be understood as a non-zero or positive sum game rather than a zero sum game. Therefore we can talk of absolute gains in relation to state power and the accumulated power of non-state actors. As this is the case, power is about getting something, opposed to nothing. Admittedly it is difficult to assess the power (or power potential) of any one NGO or particular government. Power is ubiquitous, discussed in all branches of the social sciences, and yet awfully difficult to pinpoint. For the purposes of this discussion, power is perceived as political influence in the context of decision-making. Influence does not necessarily have to translate into clear-cut policy victory.

6. Rational Choice Theory

I want to go into some detail about rational choice theory for two reasons. One, it fits nicely with the transition model, and two, though controversial in the social sciences (Green and Shapiro 1994) rational choice theory (RCT) provides a conceptual model for analyzing the discrete actions of political actors. RCT and models of similar design (e.g. political opportunity structure, public choice and resource mobilization structure) have come to dominate political science and literature concerning group politics and collective action (McLean 1991; Finkel and Muller 1998; Jones 2003; Hay 2004). RCT offers, among other things, an opportunity to make fairly robust generalizations about social activity and individual level political calculus. It also enables social scientists to construct theoretical statements about group decision-making and derive conclusions about why a particular group membership behaves the way it does.

Those adopting a rational choice model of reckoning invariably see collective action as a choice taken *willfully* by a number of individual actors confronted with a

discrete number of ‘tangible’ options. For instance, an individual actor’s decision to take part in a rowdy public protest (xP) or engage in a more subtle form of disobedience, say non-voting (xV), could be perceived as two options, among several. While completely disengaging (xD) from politics altogether could be construed as yet another possible option. Thus xP, xA and xD are three discrete courses of action open to an individual actor. After calculating expected utility, an individual will pursue *the* course of action which best reflects their *own* needs, wants, desires and/or aspirations. Subsequently xP and xR are at opposite ends of an ordinal spectrum, which can be comprised both of dichotomous and more closely related options. The chosen option becomes the one with the highest expected utility quotient. Under such a model collective action becomes the culmination or result of individual-level decision-making, when a group of individuals sharing a common utility structure *choose* to act in unison. Popular literature, however, challenges this notion (cf. Olson 1971).

Olson argues that collective action should not always be regarded as the sum total of individual level rational choice. That is, rational individuals rarely exhibit the exact same decision calculus and most significantly are susceptible to the free ride problem. Individuals may thus determine through a cost benefit analysis (which is a personal endeavor) that non-action or inaction is the most rewarding option. By now a well known and oft quoted thesis statement, Olson agrees “unless the number of individuals in a group is quite small, or unless there is coercion or some other kind of special device to make individuals act in their common interests, *rational self interested individuals will not act to achieve their common or group interests*” (1971: 2). It is much easier to apply a rational choice model to individual action or inaction than to collective action or group protest. So Among Olson’s (1971) many contributions to the study of collective action and group politics, it is perhaps his admittance that the analysis of group politics and groups themselves is not as straightforward as many might have thought which resonates so loudly.

RCT can be used to discern the nature (not necessarily the quality) and substance (not necessarily the logic) of decision making. It can thus be used to investigate group decision making and resultant activity within a discrete political environment. This is opposed to using RCT to analyze the decision-calculus of individual members of a

particular organization or association (Olson 1971). It is important to understand and determine why non governmental organizations (NGOs), for instance, take the course(s) of action they do and why preference is given to certain types of collective action over others. For this dissertation, RCT is begin used strictly as an analytic tool in the hope of showing how the complex socio-political environment NGOs in post communist Europe find themselves ultimately influence their strategies and tactics. Interest groups in Poland and the Czech Republic exist in a diffuse multi-tiered political system. To be effective in the Czech Republic NGOs and interest groups must monitor EU level policy while paying attention to and acting on regional (*kraje*²⁰ and *voivodeships*²¹) and national-level policy. A highly stratified system encourages, among other things, the use of a much more complex and involved decision-making model. In this instance, a simple decision calculus should not be assumed. Rather groups and NGOs may take decisions that on first inspection appear ill conceived or irrational. But in an unpredictable system sometimes imperfect information is all that groups can access.

The application of RCT in the analysis of group politics in post communist Europe should not be construed as a blind endorsement of RCT. Colin Hay's (2004) critique of RCT warns us not to be too literal with RCT. That is, it is entirely appropriate

²⁰ In 2000 the Czech Republic was divided into thirteen administrative regions (*kraje*), along with one separate capital region, Prague. Municipal government is an important and critical part of Czech governance, as regional assemblies, to which there are correspondingly thirteen, have considerable *de facto* and *de jure* power. For instance, the administration of museums, cultural centers and separately sports and recreation, fall under the exclusive jurisdiction of the *kraj*. This has specific impact on Romani groups for instance because funding is often routed through regional assemblies and distributed according to their own formulae. Most notably for environmental groups, *kraje* are responsible for establishing and running environmental inspection regimes and also determining land use and general zoning. This system was adopted by Constitutional Act No 347/1997 Sb. of 3 DCEmber 1997 on the Creation of Higher Territorial Self-Governing Units and on Amendments to Constitutional Act of the Czech National Council, No. 1/1993 Sb., the Constitution of the Czech Republic. Chapter Seven, Article 99 – 102 and 104 – 105, of the Czech Constitution affirms the autonomy of *Kraj* and refers to them as 'self-government'.

²¹ In Poland there exists a similar delineation of power. In 1999 Poland adopted a new system of local government whereby sixteen administrative districts, *voivodeships*, would replace the previous forty-nine. Chapter VII of the Polish Constitution (Articles 163 – 172) determines the structure and function of these *voivodeships* and entrusts to each regional assembly competency over matters not directly handled by either the Council of Ministers or President. For a discussion of how these changes came about and their perceived affect see Andrew H. Dawson (1999) "The Transformation of Polish Local Government." *Public Administration*, Vol. 77, No. 4: Pp 897-902.

to use RCT as a analytical aid or guide when investigating social action and interaction.

He argues:

If recast [RCT] less as of a universal theory of human conduct – or indeed a theory at all – and more as a set of analytical strategies for exploring the logical consequences of a given set of heuristic or imported assumptions, rational choice has a crucial role to play in critical political analysis (Hay 2004: 45)

I am stressing the importance of RCT for three specific reasons. First, Polish and Czech NGOs, like NGOs elsewhere in other places at other times, make their decisions in a very particular political environment, which is periodically subject to change. The decision calculus employed by NGOs ultimately reflects the dynamism and uncertainties of the institutional environment they find themselves, and all the evidence seems to support this thesis.

7. The 'State'

To clarify, a state is the sum total of governmental agencies and bureaucratic offices which have a hand in policy formulation. Almond et al. (2004) contend “a state is a political system that has sovereignty – independent legal authority over a population in a particular territory, based on the recognized right to self-determination (p.16). Newton and Van Deth (2005) suggest a state is “the organization that issues and enforces binding rules for the people within a territory” (p.8). Hague and Harrop (2004) determine “the state defines the political community of which government is the executive branch” (p.7). Finally, Pal argues the state *as actor* “refers to the officials, both elected and appointed, who constitute the government of the day” (1993: 272). It is Pal’s conception of the state which this dissertation employs, as it identifies the state as an autonomous and purposeful group of individuals, holding public office, with an intention to implement policies that reflect their ideological disposition (or preferences). Additionally, “states may be sites of autonomous official initiatives, and their institutional structures may help to shape the political process from which social policies emerge” (Skocpol and Amenta 1986: 131). Finally, the term ‘state’ is used, instead of government or name of the political party in power, because since the end of state socialism in 1989 the primary concern of successive governments has been to implement liberal democracy and a market economy. The

problem identified by Orenstein and Desai (1997) is “unwilling to relinquish control, Czech reformers encouraged only those organizations that would directly further the goals of the economic reform programme and held back the development of NGOs, professional associations, and public or quasi-public sector organizations” (p. 44). In this way, when reading the word ‘state’ one should think of the political core of an administrative state which takes decisions and implements policies.

OVERVIEW

This dissertation is organized into 7 separate chapters with chapter 1 and 2 forming the introduction and conclusion, respectively. The discussion proceeds without a traditional literature review but relevant scholarship is identified throughout. The introductory chapter discussed key theories and concepts related to contentious collective action and spent time establishing the theoretical (and empirical) scope of this dissertation. Part of this dissertation involves an analysis of specific contentious episodes. These contentious ‘events’ or ‘episodes’ are presented in a more comprehensive fashion at the end of each ‘case study’ chapter. For example Rospuda valley is discussed as a stand alone case at the end of the environmental politics chapter, while reproductive rights/abortion appears at a similar point in the chapter dealing with contentious collective action in the area of women’s rights and gender equality. These episodes illustrate the complexity of contentious collective action in CEE, which can draw-in actors from across Europe and even North America.

Chapter 2 investigates the absence of strong policy networks in Poland and the Czech Republic. By focusing on structural level variables and determinants it explains how many national NGOs and other advocacy groups are blocked from participating in policy making. The purpose is discover if certain structural impediments, namely institutional change and *ad hoc* law making, challenge or complicate traditional modes of lobbying and interest articulation.

Chapter 3 looks at group development since the end of communism, focusing specifically on noticeable phases of contentious politics. Only at the very beginning of democratic transition did NGOs and interest groups have a *real* opportunity to influence policy. However as Schmitter cautions, there are longterm consequences associated with

a transition driven by societal stakeholders rather than political elites or institutionally embedded actors.

Chapter 4 presents findings generated from a questionnaire distributed to NGOs in Poland and the Czech Republic. It also discusses laws pertaining to nonprofits and NGOs. A section of the chapter explores Poland's relatively new 1% law, which enables tax payers to redirect up to 1% of their income tax to a registered Polish NGO. The majority of chapter 4 is dedicated to presenting and analyzing empirical results.

Chapter 5 details the environmental movement in Poland and the Czech Republic arguing despite publicly stating their willingness to work alongside environmental interest groups (NGOS) successive governments have treated them with disdain. While relations between NGOs and ministries of the environment have improved since the mid 1990s, there still exists a chasm between interest groups and environmental policy makers – survey data supports this idea. In large measure this is the result of lingering hostility between politicians and activists and the ideological clash which accompanies market and industrial sector expansion. The environment is once again of primary concern to EU lawmakers.

Chapter 6 looks at the women's sector. The primary task here is to look at how responsive the state has been to the NGO sectors various demands, including gender equality laws, free access to abortion and domestic violence laws. In this regard, the state has not been entirely helpful when it comes to women's issues or the construction of a 'women's rights' policy community. Instead, the Polish government closed the equal opportunities plenipotentiary in Poland, and in the Czech Republic, government failed to enact a domestic violence law until February 2004, despite vigorous lobbying on the part of women's NGOs.

The first part of chapter 7 considers what the European Union will mean for post communist civil society and contentious politics. Much of it deals in hypotheticals because it was written just before Poland and the Czech Republic acceded to the Union. The second part looks at minority rights and the Roma NGOs. It concludes with an examination of coercive sterilization and 'special' schools for Romani children – both practices attracted the attention of European activists and lawmakers.

CHAPTER TWO:

Group Politics in the Post-communist Era

An open and constructive policy network is yet to emerge in either Poland or the Czech Republic. Interest groups have been unable to influence policy in any meaningful way. This condition stems more from state action than NGO inaction, as many groups have already attained a high level of professionalism and policy competency. Ost (1993) determines “so far the organization of civil society in the post-communist period has been surprisingly weak, while the state has maintained its strong position” (p.453) and its ability to establish the terms of contentious politics. The fact that both Polish and Czech states are more powerful in terms of resources and policy influence than any one particular non-state actor or an interest sector should not come as a complete surprise²². However, when one considers state preponderance in the context of post-communist political society, a period that has been characterized by purposeful attempts to construct a multifarious civil society and dense advocacy networks, it becomes somewhat surprising that in spite of this bureaucrats and parliamentarians wield as much political power as they do.

In terms of what a policy is, Skocpol and Amenta (1986) write: “policies are lines of action pursued through states” (p.131). Lobbying must therefore be seen as an attempt by interest groups to influence state action. This is precisely why policy formulation and power are inexorably linked, Brookes argues, “public policy is whatever government chooses to do or not to do (...) policy, then, involves conscious choice that leads to deliberate action – the passage of a law, the spending of money, and official speech or gesture, or some other observable act – or inaction (p.12). Since the first days of transition the state has played a critical role in setting the tempo and scope of democratization along with defining the character and architecture of political institutions. Civil society or more precisely the third sector has been adversely affected

²² The Czech regime, in particular, managed to usurp independent groups and disrupt dissident activity for thirty years. Groups did manage to form and samizdat publications managed to circulate. This is true. But the regime in Czechoslovakia was particularly successful in controlling political dissent (cf. Linz and Stepan 1996: 316-321).

by the pace of institutional and legislative change. Power dynamics in post-communist societies favour elites over interest groups, politicians over activists and formal inter-party politics over the dynamism of group politics and lobbying. Political society, while not reverting back to how it was during communism, i.e. atomized and fragmented, it is decidedly elite driven. But this is in part due to the nature of pressure groups and organized interests, on the one hand, and the ethos of state building on the other. For as Newton and Van Deth (2005) caution: “if they [interest groups] become too powerful, and if they get too close to the top levels of government, they may ‘capture’ and control government policy in their own interests: (p. 174). It could be construed that the state building exercise stays on course when the power of potentially divisive pressure groups are mitigated. But at this stage the noticeable power imbalance between government (including state agencies) and the third sector is not necessarily the result of a state trying to secure itself from powerful lobbyists; rather it is a strategy to ensure state preponderance in key policy areas, namely economic development and market reform.

Is it an exaggeration to say postcommunist civil society is dead or dying? Marc Morjé Howard’s study of civil society in Central Europe does conclude that civil society is, in fact, weak and underdeveloped. A neo-Tocquevillian like Robert Putnam would raise concern over such a situation. He and others who advance a ‘civil society’ thesis (one which posits a positive correlation between strong civil society and strong democracy) would assume Central European democracy is either floundering or a more autocratic variant. But a weak or fragmented civil society in a transitional or democratizing state is probably less of a concern than it would be in an established liberal democracy. In other words, a more rigid system of governance that places a premium on legislative and executive decision-making may actually benefit democracy development, in the long run. And if this state centric model of governance does not directly enhance participatory democracy it surely reinforces institutionalized politics and routine electoral politics. There is always a worry that if unelected, unaccountable and, undemocratic forces hijack the policy process, democracy becomes all but a sham. However, democracy suffers all the same if large segments of an electorate are unable to transmit their concerns to state officials outside election time. Trying to get this balance right, between formal and informal aspects of governance, is easier said than done.

In the most elementary of ways the third sector of any state is the sum of its parts. This means its vibrancy and effectiveness, i.e. its ability to interact with and influence policy makers, is largely contingent on the structure and function of the entire policy network. Therefore it should be recognized that no single variable can be used in isolation to discern the quality of a given civil society or the policy networks that exist within it. It may be entirely possible to look at individual-level participation and political efficacy (agency) to determine the relative 'health' of a state's third sector, as the data should provide indication of general levels of volunteerism and associational membership. But the conclusions drawn from such data can in no way be used to draw inference about the effectiveness of the third sector or the states responsiveness to any particular segment of the interest community. To understand the dynamics of contentious politics in post-communist societies one must look at the point of interchange between the third sector and state agencies. This usually occurs during the policymaking process or at points of contentious interaction between NGOs/interest groups and government.

In the context of post transition state building it tends to be structural determinants that are most relevant and revealing when it comes to understanding state and elite behaviour vis-à-vis the policy community writ large. Political institutions and elite actors become far more prominent and influential in framing contentious politics during periods of sustained state building. In the absence of clusters of effective interest groups and lobbyists in each policy sector - to query proposed legislation - policy development and implementation becomes a state dominated process. The state's autonomy is all but guaranteed in those policy areas where it *alone* can claim a monopoly over relevant information and expertise. This speaks volumes about the effectiveness of existing policy networks and the relative power of the state, to influence not just policy in general, but the way interest groups and the third sector operate. While written before the end of communism (1977) Cairn's assumption has particular currency in the study of new democracies:

The impact of society on government is a common theme in the study of democratic politics. Less common is an approach which stresses the impact of government on the functioning of society (Cairns, 1977: 695).

The state will behave quite differently in an environment devoid of entrenched interests because it need not accommodate (or even appear to) the interests of competing political actors. The state then, by virtue of its privileged position in the area of policy creation is one of the most (if not the most) important actors. This is problematic for a variety of reason, but most notably because it undermines the activities of existing interest groups and the formation of new ones. If interest groups require opportunity (as the opportunity structure suggests) before they can act or publicly formulate their grievances, then limited access to policymakers must diminish their opportunities from the outset. As Burstein argues (1999) “social movement organizations and interest groups can influence policy, but this influence is strongly constrained by (...) limits on the ability of citizens and legislators to pay attention to many issues at the same time” (p.4). As focus has shifted away from the social requisites of democracy to the economic foundation of liberalism, so government priorities and the issues which have national salience have changed. Special interests or minority interests have taken a back seat to matters of ‘national importance’.

If this discussion were directed at policy networks in established democracies the argument would not be entirely uncommon. Literature detailing the ‘embedded state’ or “the capacity of government to make society responsive to its demands” (Cairns, 1977) can easily be found within North American public policy literature (cf. Pal 1997). What is novel about adapting this approach to the study of Polish and Czech group politics is precisely what it says and assumes about contentious politics in these two countries. First, because interest groups in both countries have had fifteen years to learn the rules of the democratic game, there is an assumption they should now be better equipped to lobby and perform functions common to interest groups in western democracies. And this is not yet the case. Second, considering both states have reached democratic stability (EU accession has otherwise confirmed this²³), there is an assumption they should be

²³ EU membership provides a clear demarcation from the past or transition period. While Poland and the Czech Republic were considered liberal democratic before this, their ‘return to Europe’ became formalized on 1 May 2004. It is also worth mentioning that regular reports commissioned by the EU on Czech and Polish governance (before and after accession) opened their institutions up to outside scrutiny like never before. Thus EU membership confirms Poland and the Czech Republic as open democracies. But debate remains over the effectiveness or indeed the density of their respective civil societies.

investigated with heuristic devices designed with the modern liberal democracy in mind. One should really examine CEE politics with sensitivity to historical legacy and transition (democratization and liberalization). But this does not preclude an examination of state power and interest articulation, which may not be wholly affected by past modes of interest articulation. The realization that the policy community is chronically underdeveloped and government is purposefully excluding key public interest groups from policy formulation does not sit well with many academics and pundits, who may have once saw the mass movements of the 1980s as a hopeful start to a new kind of political system.

The weakness of post-communist civil society is not due to an apathetic population, per se, or a lack of political sophistication on the part of NGOs. The weakness stems from a problem in political society, a disjunction between policy makers and stakeholders; between the state and third sector; and ultimately between the ethos of state building and the needs of participatory democracy. One could say interest groups are victims of circumstance, of a rapidly evolving and changing political environment that waits for no-one. However, it would be wrong to think the state is not an autonomous player with its own needs, wants and motivations. The state, like any other political actor, will pursue its preferences over the preferences articulated by others. Sometimes it is in the state's best interest to accommodate or act favourably towards an interest group. As Dahl (1979) argues, "any transformation that provides opponents of the government with greater opportunities to translate their goals into policies enforced by the state carries with it the possibility of conflict with spokesmen [sic] for the individuals, groups, or interest they displace in the government" (p.15). Thus, it is in the best interest of government and state agents to minimize the effect competing interest have on policy formulation. This is especially true during regime transition, when interests are not well defined and delineated. While Linz and Stepan (1996) sought to investigate the relationship between a regime's nondemocratic past and its democratic future (and the transition in-between), this dissertation will focus exclusively on how transition itself (state-building; institutional change; redistribution of power; constitution making, etc.), not the past per se, complicates 'normal' interest articulation in Poland and the Czech Republic.

The frustrations conveyed by interest group members in Poland and the Czech Republic are real and palpable. A representative from the Gender Studies Centre (Praha) in Prague was perplexed as to why it is exactly that government officials are unwilling to listen to the recommendations offered by her organization, especially when the creation of a robust interest community was at the heart of the government's agenda in the early 1990s. She also questioned the logic of a government which fails to incorporate women's rights groups in the policy formulation process, especially when the legal status quo was clearly detrimental to women and mothers. The state has consistently opted to devise legislation without aid of interest groups and other interested parties.²⁴

Public policy, rather than emanating from the grassroots or an interest community is being constructed vis-à-vis a fragmented and unstable post-communist party system. In several critical policy areas (i.e., environment, women's rights/gender equality, visible minority rights) the lack of receptive and organized political actors, whether in the form of a political party or interest group, means the state can essentially ignore huge swaths of the interest community without fear of reprisal. There is a certain paternalism that exists in Poland and the Czech Republic in that the government is convinced they know what is best for the population and they alone determine which policy areas are of immediate concern. Far from being reciprocal, the relationship between the third sector and the state is one based on mutual distrust and resentment, with the state guarding its position against NGO incursion and interest groups unable to mount viable public campaigns in response. This situation is not unique to Poland and the Czech Republic however, for other governments in other parts of the world have been accused of similar indifference. But in the context of post-communism, the state's inaction - in terms of being open to interest groups - can more easily be explained away as a necessary part of political transition. This is a result not of group malaise but of a state concerned with pushing forward particular policy objectives.

Jiri Tutter, the executive director of Greenpeace Praha, supports the idea that policy formulation in the Czech Republic is state-directed. He believes the government (and the Czech Environment Ministry in particular) is prone to pretence and mendacity.

²⁴ Interview conducted with Lenka Simerska, senior member of the Gender Studies Centre o.p.s., in Prague 15 August 2003.

That is, it publicly proclaims a willingness to work with interest groups and then takes measures to hinder Greenpeace's ability to respond directly to particular pieces of environmental legislation.²⁵ Polish interest groups are, for different but equally valid reasons, finding it very difficult to organize in what can best be described as an asymmetrical policy community. Professor Wojciech Krawczuk – a former member of the Krakow Green 'group' – determined that the government “must change the mindset [of politicians] and the mechanisms [of interest articulation] in order to reinvigorate civil society”²⁶ He also suggests nothing will change in Poland until a “suitably stable middle class emerges”.²⁷ The problem is one of connectivity – between the state and the third sector - and therefore developing a robust interest group network without the state's assistance is a highly unlikely proposition. Brock and Banting argue (2001) “it is perhaps not surprising that the relationship between the nonprofit sector and government is complex, combining exhilarating potential and *perpetual wariness* (p.1, emphasis added).

The quotes offered at the beginning of this chapter point to a civil society in Poland and the Czech Republic without the structures needed to mount any serious opposition to government policy. Among the many structural and agential level impediments effecting interest group mobilization in these countries it appears the state itself has become a most challenging obstacle for public interest groups to navigate. Irrespective of the type of group or the protest repertoires used, the state remains impervious to lobbying conducted by prominent rights based interest groups. Their monopoly over policy development, communication and agenda setting is such that many of the Polish and Czech political elite (regardless of their party affiliation it would seem) operate with virtual immunity. That is, the civil society envisaged by Ernest Gellner (1994) which *could* and *should* counterbalance the coercive potential of the state, is so underdeveloped and disparate that it lacks both the legitimacy required to make a direct public appeals and the potency to challenge the government directly. This is the result of

²⁵ Interview conducted with Jiri Tutter, Greenpeace Executive Director, in Prague, 22 August 2003.

²⁶ Interview conducted with Dr Wojciech Krawczuk, Professor of Sociology Jagiellonean University (and former member of the Krakow Greens), in Krakow 17 July 2003.

²⁷ Ibid

an 'embedded state' rather than a disinterested third sector. The traditional focus on agent level variables and civil society writ large tends to obscure this fact.

Importantly, and this is unique to new democracies, without a 'sober second thought' from a well heeled opposition party or career bureaucrat, the state has the added advantage of being able to develop political institutions in an ad hoc fashion. The process of state building itself is an impediment that few scholars have recognized when discussing the weakness of post-communist civil society (see Howard 2003). Ongoing systemic and institutional developments mean political elites are far more likely to devise solutions to policy problems in isolation. Without the presences of a robust third sector, political elites, namely parliamentarians, senior bureaucrats and party functionaries, are free to negotiate and devise policy without the constraints traditionally imposed by an institutionalized policy community. With reference to the Czech case, Tucker (2000) argues

The aftermath of the June 1998 election proved the degree of freedom of action for Czech political elites in the absence of civil society. The outcome was solely a matter of elite strategy. The competing political parties of ODS and the SD signed a so-called opposition agreement (p.239).

Poland is not immune from such cavalier elite behaviour either. For a succession of governments have managed to 'ignore' or sideline numerous women's rights groups over the issue of abortion – the government made abortion illegal except in circumstances of rape or when imminent health problems for expectant mothers and/or the unborn child are of concern. This law reverses a communist law which permitted publicly funded abortions for nearly 40 years. Far from being a neutral arbiter the state in both these instances is concerned with neutralizing political (policy) competition, both at the elite and third sector level. In the first instance, by overlooking significant ideological differences to form government, parties are ipso facto forming cartels, which have been duly noted as a proven way to keep power at the elite level. With reference to the Polish example, parties have successfully prevented alternative policy visions from entering the legislative process.

State building coupled with insulated political elites severely limits the reach and effectiveness of interest groups, which are traditionally concerned with pinpointing the best 'entrance points' along the policy-making chain and developing the acquaintance of

those officials charged with drafting legislation in the first instance (i.e. bureaucrats, party executives, deputy ministers, and cabinet ministers). Some third sector organizations are inadvertently distancing themselves from the very policy makers they wish to influence. Western donors and agencies which fund civil society development in CEE are undermining the horizontal and vertical expansion of networks. As Mendelson (2002) argues, “the efforts to link local groups to Western networks has come at the cost of ties between like-minded groups and has diverted local groups’ attention from pressing local needs” (p.234).

There is a noticeable gulf between the theory and practice of group politics and public policy development and between the theory and practice of interest aggregation and articulation in Poland and the Czech Republic. In theory both states are ‘liberal democracies’ with an established and inclusive policy making system, which is amenable to the wants and needs of interest groups and receptive to societal pressures. In practice however, it seems the state is both: a) not willing to accommodate, in any meaningful way, the proposals being tabled by women’s rights groups, environmentalists and visible minority organizations (i.e. Roma rights groups) and; b) preoccupied with securing their own position in an otherwise fragmented interest community.

There is no reason whatsoever to assume those individuals in positions of power in new(er) democracies will be (or should be) any more accommodating to societal interests than their western European or North American counterparts. Most of what has happened since the transition period in terms of the rapid development of democratic institutions would actually suggest quite the opposite. Based on the policy and political actions of successive governments one is left with the impression that the dissident past has no bearing on the democratic present, except in the sense that the antagonisms that existed between the state and the population during the communist period exist in equal measure, but now in the form of traditional societal cleavages.

In this regard, interests of state are an equally important consideration. Especially if one wants to determine the relative affect lobbyists and interest groups have on governmental business and public policy formulation. Considering the modern state, Pal (1995) argues:

The key consequence is that the state must be seen as a nodal point in an increasing number of contemporary political conflicts. Its growing structural autonomy gives it an enhanced interest in shaping civil society and deliberately constructing and regulating the normative order (p.40)

The central question, as Pal (1995) once opined “If the state were to fund interest organizations which, in the absence of that funding, either could not organize or would organize differently, would that not make a difference to the flow of political and social forces?” (p. 4). This question has particular relevance to post-communist group politics, considering most groups are finding it very difficult to find the funding necessary to sustain their activities. The kinds of groups that are now well established in western democracies are still struggling to find their way in the post-communist milieu. For example the state (and the various governments that have come and gone over the past fifteen years) has been largely preoccupied with state building. These observations point to something unique about civil society development in post-communist states.

First, interest groups, regardless of their form or function, are having a difficult time adapting to the rules of the democratic game. Irrespective of their level of funding, membership numbers or the cause they represent, interest groups are less likely to compete in the policy sphere than their western European or North American counterparts. Second, the state and political parties are doing little to foster the development of a robust third sector. This, as it will be discussed, is both the result of accident, in that state building has thus far been occurring in an ad hoc manner, and by design, in that particular government officials are acting in such a manner as to purposely thwart group development. Third, and most damaging for the nascent civil society of Poland and the Czech Republic and the fledgling groups therein, is the interchange between policy makers and interest groups is less reciprocal and more a public relations exercise orchestrated by government officials. The interplay between members of a legislature and representatives from interest groups is a barometer for measuring participatory democracy, and as it stands, the political status quo firmly favours political parties, institutions of the state, governments and the bureaucracy.

The idea of civil society, which is hardly new, gained particular currency during the last decade of the communist period. However it was after the transition period (1989-1991) that the idea of civil society started being applied to the revolutionary period

retrospectively, both as an explanatory frame (cf. Glenn, 2001) and an actual theory for the regime collapse and subsequent democratization (see Di Palma 1991; Smolar 1996). The problems is, neither Solidarity nor Civic Forum were truly acting as the vanguard of, or representing, civil society. Therefore, considering certain segments of the population were excluded from the round table negotiations, it would be better to analyze what transpired from the early 1980s in Poland and the Czech Republic to 1992 and beyond with a theory (see Olson 1992) that appreciates cleavages, power and interest articulation. It is the contention of this dissertation that civil society in Poland and the Czech Republic has never been robust and from the transition period until today many interest groups have been purposefully excluded from the policy making process. It is better, and ultimately more illuminating, to look at a few representative sectors from civil society (environment, women's rights and Roma) to understand the weakness of the third sector in post-communist Poland and the Czech Republic. By starting with 'civil society' level analysis instead of looking at the conduct of the state and particular groups, one is more likely to miss the idiosyncrasies that frame contentious politics and collective action.

In North America and Europe academics have long discussed group politics, interest groups and policy networks without mention of civil society. Some of the most influential textbooks on interest group development and activity do not even mention civil society – or civic society (see Baumgartner and Leech 1998; Pal 1993; Pross 1992). This dissertation will look closely at group politics in both Poland and the Czech Republic with a critical eye on how the idea of civil society, calling attention to instances when it is being misused and misappropriated.

It is also important to understand that the post-communist state is neither idle nor without favourites. As Baumgartner and Leech (1998) argue “the state is not a captive of economic groups, its autonomy is based on unique sources of power, on the capacities and will of state officials. . . the result is a policy process driven by the *logic of the state itself*”²⁸ (p. 31). It therefore does little good to focus on the third sector, or even particular interest groups without examining the totality of the policy process and state bias. Consequently this dissertation is concerned primarily with that area of a polity where the state (policy areas, agencies, departments etc.) and the third sector (NGOs, not for profit

²⁸ Italics added by this author

organizations, social movements) intersect. The concern is with the architecture of policy communities and networks in Poland and the Czech Republic – their function and form - and the relative influence of the state in determining the terms and conditions of contentious politics.

Synonymous with dissidence itself, civil society is now often discussed and mentioned alongside the associations which actively challenged the communist state. No distinction is made between civil society, Solidarity, Charter 77, or Civic Forum and, sometimes civil society alone is presented as the cause of the 1989 revolutions themselves. However remarkable the events of 1989 were, and however impressive the actions taken by dissidents might have been, it is not accurate to say civil society led to the demise of the communist system. It is simply wrong to identify civil society as the catalyst for the popular protest that occurred in the streets of Prague in 1989 or the strikes that swept Poland in the early 1980s. When this is understood, it becomes much easier to reconcile the weakness of post-communist civil society with what occurred during the last days of the communist system. That is there is no real correlation between the two. Pre 1989, the transition period (1989-1991) and the post-communist period are very much different and distinct phases, with interest groups and the state exhibiting characteristics unique to those phases.

The groups that sought to bring about political change during the communist period were not typical civil society organizations. This is not at all surprising considering the state's dominant position in communist society, controlling most if not all associations and organizations (from sports teams to orchestras, from universities to the media) and usurping all those it could not control. Ultimately independent associations and dissident groups had a very limited political opportunity structure from which to draw upon and hence they could only work within a tightly controlled 'autonomous' sphere. When one examines how groups like Solidarity and/or Charter 77 organized and the environment they found themselves, it becomes apparent the traditional understanding (or definition) of civil society has little application (or relevance).

Civil society is an area of a democratic polity where autonomous associations compete for members, recognition (by government), money and attention (by media) and generally only represent a thin wedge of the policy spectrum. The difficulty in analyzing

communist era groups with what is essentially an idea couched in liberal democratic theory, is one is constantly searching for ways to compare apples and oranges. In this case the apples are dissident groups and the oranges are western-styled pressure groups or voluntary organizations. Civil society did not emerge until after the collapse of communism in 1989, before then the area between family and state was not an open and competitive sphere. It is competition, between sub-state actors and between these actors and the state, which characterizes a civil society.

In the Polish instance it was the trade union Solidarity, displaying the characteristics of a mass party rather than those of an interest group, which managed to negotiate for semi free elections with the Polish United Workers Party (PUWP). This needs qualification. Solidarity, while being a mass protest movement, social movement and trade union, had to reconcile several competing strategies and theories of dissidence, which were being articulated by several discrete internal factions. As a mass party might do, Solidarity had to carefully steer through disparate groupings of intellectuals, academics, workers and farmers etc., to arrive at a political mission statement that would not alienate any of its membership. As it happened, the movement was primarily concerned with interest aggregation, not articulation, and as a result offered a broad normative solution to Poland's political and economic problems. But importantly, as Ost (1990) argues, Solidarity struggled to reconcile its normative core with the reality of politics (inc. dealing with the state), but ultimately it had to change tack to become an active party:

In practice, this meant that once Solidarity existed, the question of the state has to be confronted. But at that point Solidarity was unprepared, because its ideological origins had counseled bypassing the state. The program that was 'ingenious' in one epoch became irrelevant the moment it succeeded (p.57).

Charter 77, the Czech equivalent (though vastly different in terms of structure and power), could not operate like a political party, trade union or even a social movement. The Chartists knew what was possible and what they could achieve in a 'frozen post totalitarian' (Linz and Stepan 1992) system, and hence kept their activities modest. Here to, no evidence of a traditional interest group or social movement can be found. Charter 77 was not pursuing one particular issue but publicizing the state's inability to honour

and indeed enforce its own human rights laws – including laws pertaining to the Roma. The Chartists realized “ a revolutionary overthrow or radical change of the state or its social basis for power was out of the question; this was forcibly demonstrated to independent and reformist party activists by the experiences in Hungary in 1956 and Czechoslovakia in 1968” (Weigle and Butterfield, 1992: 8). Thus their activities were self-limiting from the outset.

During the late 1970s and 80s, civil society as a concept with antiauthoritarian potential was being discussed by academics in the context of East European dissidence (cf. Skilling, 1981). In this way, civil society had been linked to communist era dissidence from the time of Charter 77 and Solidarity (and even KOR), but it did not become a ‘theory’ of regime collapse until after the transition period. The pace with which the transition occurred came as a surprise to many and the scholarship of that period seemed most willing to support the civil society argument. However Musil (1994) suggests “a paradoxical side effect of the smooth, non-violent take-over of power by the democratic forces (...) was the creation of the illusion that the transformation of society from real socialism to democracy would be relatively easy” (p.177). As we now know the transition to and consolidation of democracy has created both winners and losers.

Up until 1989 the communist regimes of Poland and Czechoslovakia had managed to control most dissident activity and the nomenklatura seemed well positioned to quash any popular movements or ‘counter revolutions’. Now that some fifteen years has passed since the round table talks, it is possible to look back at the 1980s, the transition period and the early phases of democratization, with a more skeptical and discerning eye. It is also now possible to apply theories of collective action and group politics to these distinct political and sociological phases.

To a certain extent what was being presented by academics and those with a particular interest in CEE democratization was a rather romanticized version of how the events of 1989 transpired and ultimately what it was that led to the collapse of communism. Aleksander Smolar (1996) for example argues “the peaceful revolutions of 1989 in Central and Eastern Europe were carried out in the name of civil society” (p.24). There is some truth to what Smolar argues, but only if one is to accept a very broad and normative understanding of civil society. However, the concern today is that by assigning

too much responsibility to civil society, in effect overemphasizing the role played by dissident groups and 'civil society' on the whole, one might be confounded by the present state of civil society and the voluntary sector.

Civil society (of the type advanced by Alexis de Tocqueville and Robert Putnam) was most often discussed and analyzed by Polish and Czech dissidents in normative terms alone. But within a few years of the actual transition period, when democracy started to take shape and the old communist era institutions were replaced with new liberal inspired ones, it seemed many academics (and those who aspire to understand the revolutions of 1989) grew convinced that civil society, and civil society alone, served as the catalyst which ultimately sparked the popular discord of 1989. The question arises: How could civil society, which is after all just a normative assertion about the way a polity 'ought' to be organized, have developed into such a powerful symbol for political and social change? It is surprising that such an ambiguous term, one that has been a part of popular political lexicon for almost two hundred years (excluding pre Enlightenment philosophers), has come to represent pre 1989 dissidence as it has.

Remembering that civil society is neither a political ideology nor an idea with inherent revolutionary appeal, it is sometimes hard to accept that it managed to topple what was an enduring political and economic system. It still seems odd to speak of communism in the past tense. However, before civil society can be isolated and credited with the sparking off the revolutions of 1989, it is important to consider why Solidarity and Charter 77, in particular, are thought to encapsulate (and represent) the whole of civil society. What becomes apparent is the weakness of contemporary civil society in Poland and the Czech Republic is directly related to how democracy was introduced and the new institutions developed.

A THEORY OF GROUP POLITICS

The idea of civil society, which is generally referred to as a space within a polity comprised of self organizing autonomous associations or groups, tends to confuse if not misrepresent the very idea of interest politics. The whole in this instance is not the sum of its parts. For unlike the civil society envisaged by Gellner (1994) or de Tocqueville, modern civil society is tantamount to competition between interests and also between organized interests and the state. An interest group community is best understood as:

- a) A competitive arena where “in some measure, every political interest is and must be ‘intolerant’ of its opponents (Pal 1995:9);
- b) A dynamic sphere that characteristically reacts to rather than initiates public policy. Baumgarnter and Leech argue for instance: “if interest groups must cope with a variety of political contexts, then their answers regarding which lobbying strategies they adopt will certainly depend on that context” (p. 166);
- c) An area of a polity with an asymmetrical distribution of power. That is, civil society groups are hostage to public opinion and government policy. Some groups will see their popularity increase along with their relative power, as others will experience unfavourable public perception. Defining the role of pressure groups, Pross (1992) contends “pressure groups focus on the special interests of a few, a restricted role that permits them to complement rather than to rival political parties in the process of political communication. Any power pressure groups do exert is *delegated to them by government and is narrowly defined*” (p.4).²⁹

This dissertation is predicated on a particular view of civil society, and it is therefore crucial to comment on how civil society will be understood and interpreted. The surest way to clear up any misunderstandings is to spend time detailing what civil society *is not*. The arguments presented here assume two things about post-communist civil society, which challenge the tenets of more prominent or mainstream interpretations of civil society and the groups which inhabit it. They are as follows:

First, civil society is not a harmonious sphere of like-minded individuals with virtuous or even liberal inspired intentions. There is rarely a single common incentive that would inspire groups to work collectively to solve a policy dilemma. It is precisely the dynamism of civil society that makes it prone to competition, corruption and

²⁹ Emphasis added. It should also be said, in the post-communist political context, political parties are themselves still trying to come to terms with their obligations and responsibilities. Some political parties, most notably the ODS, do not view civil society as a complementary sphere – in fact, they consider it potentially dangerous to institutionalized politics.

contestation, and also enables a stable actor (the state in this instance) to drive a wedge between interest groups and other political actors.

Second, civil society is not an autonomous sphere that exists beyond or parallel to the state. It can neither ignore nor avoid the tremendous influence exerted by a state during times of institutional building and/or development. While a particular nexus has always existed and will continue to exist between civil society and the state, the state in new democracies has an enormous organizational and resource advantage.

Third, neither in Poland nor Czechoslovakia did civil society ‘overthrow’ the Communist Party. While Solidarity was a prominent pseudo social movement³⁰ in the 1980s, and KOR managed to exert a degree of pressure on PUWP in the 1970s, to say it was civil society that forced the regime to capitulate is to say civil society was united, without dissention, and spoke with one normative voice. It is widely accepted now that Poland’s Solidarity movement was comprised of many factions. Certainly it was a force for change, but ostensibly it was a collection of workers, intellectuals and dissatisfied party members who wanted a more liberal socialist political system. This is confirmed when all these factions went their separate ways as soon as real political competition began in 1990, leaving only the carcass of Solidarity intact (cf. Ekiert, 1996; Ash, 1999; Ost 1990; Michnik 1998). It was Solidarity and Civic Forum respectively, at that point two visibly political organizations, which negotiated a peaceful transition from communism to democracy, not civil society as such.

Finally, civil society has not developed at the same rate as post-communist state institutions and the economy have. These were the state’s priorities at transition and continued to be throughout democratization. Critically, what Dahl says in *Polyarchy* (1979) about democratic transition has application here. He writes “the two processes – democratization and the development of public opposition – are not, in my view identical” (p.1). What this means is state institutions can develop, take on all the

³⁰ I say pseudo because Solidarity does not easily fit the standard definition of a social movement or new social movement. It was far too large and encompassing to speak on behalf of a discrete constituency. Also, with its root in trade unionism, Solidarity was a hybrid organization: certain attributes were those of a social movement, yet others were those of a more formal political organization.

attributes of a liberal democracy, while the third remains underdeveloped, fragmented and without adequate recourse to the policy process.

THE STATE

Much has been said in relative terms about the decreasing power of the modern state. This commentary tends to be rooted in the belief that globalization and new forms of regionalism (i.e., the European Union) are supplanting certain areas once firmly controlled by state legislatures. As Susan Strange (1996) suggests, the ‘the diffusion of power in the world economy’ has diminished the potency of states and created a host of new, sometimes very powerful, international/transnational/supranational actors. The role of the state has changed significantly over the last hundred years. From the so-called ‘night watchman’ state of the 19th century to the welfare state of today, it has developed in both size and complexity to occupy a central role in many areas once denoted as ‘private’ or contained within the rubric of civil society. Barany (2002) captures the function of modern states succinctly:

The regime type (in other words, the category or class of political system) is the primary determinant of the minority policies of particular states (...) This explanation privileges structural-institutional variables having to do with the organization and logic of state power and suggests that extraneous factors (such as the size of a given minority or the attitudes of the state’s population toward the marginal group) are not important determinants of policy (p.4).

Far from being politically weak or losing prominence CEE states are more powerful today, in both their ability to set the political agenda and limit interest group influence, than one might imagine. Consequently, this dissertation will consider the post-communist state as having:

1. Inherited a population with little to no experience organizing, developing or running interest groups, which in western democracies are important political watchdogs and/or policy advocates;
2. Maintained its power over society, as many dissident groups dissolved immediately after (and sometimes before) the first democratic elections. Other

than the Polish Catholic Church, the state remains the only organization with institutional roots in communism;

3. Secured its power through EU accession and subsequently the *acquis communautaire*. The EU process provided political elites in Poland and the Czech Republic with necessary political leverage to determine huge swaths of public policy without formal (or even informal) public consultation;
4. Developed institutions (and closed others) which enhance the role (and power) of political parties and elite level 'deal making' while limiting the influence of sub state actors and trade unions.

Thus this dissertation is premised on a very specific interpretation/understanding of the structure and function of the state in Poland and the Czech Republic. The argument, while appreciating the role agency played (individualistic voluntary actions) in bringing about the demise of the communist regimes of Poland and Czechoslovakia and the subsequent pattern of democratization, is concerned more with how structural variables (non-voluntary) are shaping political contention. This is not to say the actions of individual politicians and/or policy advocates or political activists are not important considerations when studying interest group activity and public policy, just that the focus here is biased towards institutional determinants.

The character and function of the state has changed profoundly since the communist period. But in Poland and the Czech Republic, two of the more successful transition state, certain 'past practices' have found their way into contemporary politics and political discourse. For instance, it was through coercion and appropriation that the Communist state managed to usurp most organized interests. Today, while the state does not rely on coercion to silence political dissent, it does exercise enormous political power. As Ziolkowski (1998) argues, "one of the paradoxes of the post-communist development is the enormous role of the new political authorities in both the political and economic transformation. In the political sphere new political incumbents are responsible not only for the resolution of current problems of 'normal politics' but also for the definition of new rules of the game, which make up the institutional framework of the 'regime' (p.121). The intention of this short section is to detail the functional changes in

the state third sector relationship: from pre transition to post consolidation. I will also explain why Poland and the Czech Republic have been selected for this comparative study of post-communist interest politics, when they clearly are the two most successful post-communist states in the region.

Both Czechoslovakia and Poland arrived at democracy with the help of organized opposition, stemming as it were from civil society – a sphere in competition with the state. In Poland it was Solidarity, a ten million member strong trade union that pushed the issue of political and economic reform until the state capitulated and Solidarity's demands for semi free election came true 4 June 1989. Solidarity developed into a nationwide network with offices throughout Poland, which were there to service the political and subsistence needs of its membership. The Polish Catholic church was a part of this dissident network as well, and on many occasion provided safe haven to Solidarity members. It was a highly effective organization that garnered attention from international media and governments throughout the world. Unlike the dissident movement in Czechoslovakia, Poland's was far more tangible and recognizably political – as it had a discrete political organization speaking on behalf of a large discrete segment of the population. Although some, like Ost (1990), see Solidarity as a highly evolved (post modern) organization which “embraces civil society and pluralism, and freely appropriates from different spheres: the right, the left, the Catholic Church” (Ost 1991: 16), I regard it in functional terms a having been a potent substate actor.

In Czechoslovakia Charter 77 formed (and published its Charter) in response to the Communist Parties inability (or unwillingness) to meet its own articulated human rights obligations under the Helsinki Agreements. The Chartists publicly challenged Czech and Slovak leaders to honour all international agreements they had signed pertaining to political freedoms and civil rights. In this way the Chartists were operating within the limits of Czech law (cf. Wolchik 1991: 153; Palous 1991: 124; Skilling 1981 and 1991) while offering effective moral opposition to state socialism. However, many Chartists were arrested, detained, imprisoned, demoted or stripped of their professional qualifications and pestered by the StB (*Statni bezpecnost*: secret police). In this way, what they were doing was political, however not as explicitly political as the strikes and public demonstrations orchestrated by Solidarity in the early 1980s (cf. Ruane, 1982).

The architecture of each dissident movement was largely contingent on the character of the regime. Kullberg (2001) argues “the institutions and rules of the game of the party-state had profound effects on the structure of society and the rationality of groups and individuals outside the state (p. 10). In a similar way (though at an entirely different scale) communist society was fragmented into smaller groupings and segmented along political and social lines. In Czechoslovakia, this meant Charter 77 would remain small and localized in Prague, while in Poland, with aid of established trade union communication networks, Solidarity could emerge with national appeal and reach.

The protest repertoires of Solidarity and Charter 77, along with those of other dissident groups not under discussion here, e.g. VONS and KOR, were largely a reflection of regime type or the functionality of the state. That is, the sorts of actions taken by dissident groups were influenced by what the state would and would not tolerate, in terms of public dissent and overall disruption to production and society. Even though Chartists and Solidarity members – and this was a point of internal contention – sought to establish a parallel polis (Michnik 1988: 104) or the conditions which would permit them to ‘live in truth’ (Havel 1991: 169) they had to deal with the political reality of the day, and thus they could not ignore the state (cf. Ost 1991; Ash 1999).

Much of what has been written about Polish and Czech opposition movements focuses on the conduct of dissidents; the internal dynamics of dissident groups; dissident philosophy, and; the development of post-communist civil society (including the impact of a communist legacy on contemporary political and civil society). Less time has been spent on investigating how decisions taken by the state, sometimes in a strikingly autonomous way, impact the third sector and its further (and future) development. During the communist period the state was powerful in a straightforward way, as it drew its legitimacy from Marxist-Leninist ideology and exercised a near monopoly on political communication – not to mention a monopoly on coercive force. No question the state, particularly the Polish state, paid attention to public sentiment and gauged their economic policies accordingly. But its actions indicate it was not concerned with public opinion in the same way governments in Western democracies are. It was a bit like *déjà vu* then when the Polish government recently closed the Plenipotentiary on the Equal Status of Women and Men without consulting any of the stakeholders. It implies a) the power of

the state has not abated, and b) the women's sector and the Parliamentary Women's Group (PGK) have no institutional recourse to fight this move. Yes, many groups publicly decried the Plenipotentiary's closure, but none was powerful enough – nor the women's network suitably established - to challenge the government's "new" policy programme or the way they went about instituting it.

THE STATE IN OPPOSITION

The state was targeted by dissident groups during the communist period and consequently characterized as the enemy or villain. The state was subjugating independent associations and civil society to further the Party's ends. This prompted dissidents to evoke national symbols and national mythology in their struggle against the Communist regime. In Poland, Glenn (2001) argues "Solidarity sought to identify itself (as all participants in the election did) as the representatives of the national legacy, invoking the historical association of society and the nation against the state" (p.106). Ash contends "if nationalism means love of country and a desire to see that country free from foreign domination then it cannot be denied that the whole of Solidarity was rabidly nationalist" (2002:323). This sort of nationalistic vein ran through Czech dissidence as well. For as Holy points out, symbolic action was an important part of dissident mobilization. For example:

All of the demonstrations started in Wenceslas Square, with participants assembling near the equestrian statue of Saint Wenceslas and attempting to march from there to the Old Town Square, with its monument to Jan Hus. The final destination was Hradcany Castle across the river, but no demonstration managed to reach it. All of these standard venues are redolent with nationalist connotations (1996: 34).

The state was not considered a partner of society nor a wholly legitimate actor as it was associated with Soviet ideology and thus an imposition. Because the state was not 'part of society,' dissidents developed the idea of a parallel society or parallel polis that would enable them to carve out their own liberated niche in an otherwise state dominated society. Therefore, this period (the Communist period) saw a society alienated from the state and government, a working class frustrated with economic policy, an intellectual

class pondering the merits of a civil society and, a clear line demarcating the 'us' from the 'them.' In Poland this was straightforward, as Karpinski suggests

The terms 'dissent' and 'dissidents,' which evoke images of a small network of isolated individuals working in an indifferent or even hostile environment, seem to be particularly inadequate for describing intellectual and other opposition in Poland. A hallmark of contemporary Polish [c.1987] reality is the existence of a civil society, that is, of extensive groups and networks organized independently of the authorities, despite the strivings by Poland's rulers to impose their own, totalitarian, model of social organization (1987: 44).

In Czechoslovakia, a disjuncture between the population and the Communist Party was the result of the 1968 Soviet invasion, which subsequently led to the removal of Aleksander Dubček as Party leader and several years of normalization. Normalization was a policy designed to reestablish the state as the locus of political and social activity, which had not been the case during Prague Spring when a more pluralistic socialism - socialism with a human face - gave rise to non-state sanctioned autonomous organizations. Ash (1989) describes the process of normalization this way:

Forgetting is the key to the so-called normalization of Czechoslovakia. In effect, the regime has said to the people: forget 1968. Forget your democratic traditions. Forget you were once citizens with rights and duties. Forget politics. In return we give you a comfortable life (...) We don't ask you to believe in us or our fatuous ideology. All we ask is that you will outwardly and publicly conform (p.62).

Dissidents could thus regard the state as being a Soviet imposition rather than something of their own creation, which meant it could be viewed as an illegitimate regime and one that did not speak on behalf of or represent Czechs.

THE STATE IN TRANSITION

The problem of institution building arose immediately after the collapse of communist power in 1989, when the old vertical power arrangement had to be quickly replaced with a horizontal, open and democratic, one. Both Polish and Czech opposition groups, then Civic Forum in Czechoslovakia and Solidarity in Poland, entered into negotiations with the Party to implement an exchange of power and to set the terms of democratization. This pacted transition, as Linz and Stepan (1996) call it, or roundtable, preserved order and ensured the democratization process could go forward without serious interruption by

the Party faithful. Ultimately it prevented the kind of violence that best Romania's revolution. However exhilarating the process was, considering dissidents groups had won the right to construct the ensuing political order according to their vision, it did not benefit third sector development. Welsh argues

Transitions are elite centered. Independent of whether regime change has been initiated from above by political elites or from below by the masses, the terms of transitions are settled by emerging elites, not by the public. Mass mobilization is short lived; demobilization and retreat to the private sphere follow (1994:382).

In this way interest groups were unable to take advantage of the euphoria, because as soon as the terms of transition were established it was the political elites (insiders) that determined policy and institutional reforms, not dissidents, and not leaders from the third sector. Even those dissident that rose to prominence, like Vaclav Havel and Lech Walesa, were immediately constrained by new constitutions and new legislative arrangements, which in Czechoslovakia favoured smaller parties and independent candidates, opposed to Civic Forum (Elster et al. 1998: 115). In Poland the powers of president were limited from the outset and former communists, "reconstituted as Social Democrats and by 1991 renamed the Democratic Left Alliance, with one of the largest memberships (150 000) of any party" (Dryzek and Holmes, 2002: 227) were still active and organized.

CONSOLIDATION

Consolidation is when the rules and practices of democracy are accepted by most if not all political actors and rule of law is recognized as the cornerstone of the system. Linz and Stepan suggest the following, which has become the definitional standard:

A democratic transition is complete when sufficient agreement has been reached about political procedures to produce an elected government, when a government comes to power that is the direct result of a free and popular vote, when this government *de facto* has the authority to generate new policies, and when the executive, legislature and judicial power generated by the new democracy does not have to share power with other bodies *de jure* (1996:3)

This is a helpful standard but is based on the transition paradigm, which would presuppose movement on a continuum from point (a), authoritarianism or totalitarianism, to point (b), liberal democracy (cf. Caruthers 2002). Linz and Stepan acknowledge that liberalization and democratization are two different but certainly complimentary

processes. But their seemingly low threshold for what constitutes a consolidated democracy means democracy can exist accordingly without the presence of any substantial and fixed third sector – with ability to mitigate state power. Schneider and Schmitter offer a more robust definition:

Regime consolidation consists in transforming the accidental arrangements, prudential norms and contingent solutions that have emerged during the uncertain struggles of the transition into institutions, that is, into relationships that are reliably known, regularly practiced and normatively accepted by those persons or collectivities defined as the participants/citizens/subjects of such institutions; and is such a way that the ensuing channels of access, patterns of inclusion, resources for action, and norms about decisions making conform to one overriding standard: that of citizenship (2004: 62)

Though Schneider and Schmitter's definition emphasizes the importance of a democratic political cultural, they are in agreement with Linz and Stepan in determining representative political institutions are critical components of any consolidated democracy. It is thus reliability, regularity and consistency that set a consolidated democracy apart from non consolidated democracy, or semi-authoritarian regime, and not just an election or political agreement between rival elites. What is useful about Schneider and Schmitter's definition is that it focuses on access to institutions and 'patterns of inclusion', which emphasizes the need for accepted patterns of interest articulation between the state and non-state actors. It thus becomes an important precondition of full consolidation to have recognized patterns of contentious politics and a state that provides citizens with access to policy makers and legislators. As I will argue, the state has prioritized institutions over policy networks and as a result many groups are without adequate access to ministries and/or policy makers.

First, Poland had a tradition of dissidence dating back to the 1950, evolving into a more concrete form with KOR (Workers Defence Committee) and ending with Solidarity. Autonomous associations (the Polish Catholic Church) and privately owned farms made Poland a unique case amongst ECE states. Also, the intelligentsia worked closely with the working class, manifest in the development of Solidarity from KOR, which enabled the trade union Solidarity to become a legitimate oppositional force. In this way Poland must be regarded as having the embryo of 'normal' democratic civil society well before Czechoslovakia. In stark contrast to this, independent activity in

Czechoslovakia was limited. Jan Urban, a leader of Civic Forum wrote in 1968 “about a half a million Party members were purged and about 800 000 lost their jobs. From that moment on, the CPCz (Communist Party of Czechoslovakia) established itself in opposition to the nationalist and humanist forces within society (...)This party could no longer reform” (see Linz and Stepan 1996: 318 notes).

Second, Czechoslovakia’s democratic reforms were spurred by sustained mass protest in Prague, and not as had been the case in Poland, by a clearly visible opposition movement. The roundtable in Poland started the transition to democracy whereas the negotiations in Czechoslovakia came after the regime capitulated (cf. Linz and Stepan 1996: 316). The Czech roundtable strongly favoured Civic Forum as the CPCz was in no position to negotiate, only to assist Civic Forum with determining the formal aspects of transition. As Stokes (1997) points out,

One of the most useful functions the roundtables performed was simply to initiate the process of discussion. The talks themselves created a consensus for change that had been lacking earlier. Negotiators in Poland and Czechoslovakia entered discussions with hostile feelings toward each other and emerged with a new sense of community. The party reformers and opposition negotiators became “we,” whereas the nomenklatura and more extreme elements of the opposition became “they” (Stokes 1997).

This cemented the ‘society versus state’ sentiment that had once served as a catalyst for dissident activity throughout the 1980s and would help citizens separate the past from the democratic present and future. In this way, Poland’s transition to democracy was initiated by Solidarity and not the people, per se.

Third, in Poland and the Czech Republic NGOs are not fully incorporated into the policy making process, even though environmental policy, gender equity policy (especially relating to domestic violence laws) and human rights policy was to be created and codified during the transition period. It is customary during constitution-making to include major societal stakeholders, or groups representing their interests, for sake of more representative and equitable laws pertaining to minority groups³¹. This was not the

³¹ In Canada for example, when the Trudeau government (c.1981) decided to patriate the constitution governing Canada, they created a host of consultative bodies which enabled women’s groups, representatives from the aboriginal community and other interested parties to have standing during the creation of the Canadian Charter of Rights and Freedoms. Czech and Polish interest groups were not included in their respective constitutional processes.

case in either Poland or the Czech Republic and as a result many laws pertaining to equal rights, hiring equity, sustainable development, minority rights, were only developed after EU accession negotiations began. Groups in both countries, regardless of each state's history of dissidence, seemed to be starting anew after democratic transition. One reason for this was the sheer pace with which a new constitution was formulated for the Czech Republic. As Osiatynski (1997) suggests, "Passage of a constitution is easiest when a new state is being born, because at that moment there is a general drive to be grounded on some foundation. After 1989 in Czechoslovakia, the main political forces could not agree on a new constitution. But immediately following the decision to divide the country, both Czechs and Slovaks prepared their constitutions in record time, in only a few months" (*East European Constitutional Review* – online). Osiatynski, who took part in the Constitution process in Poland, offers yet another reason for such a limited consultative process:

I believed that after the various politicians had reached an agreement among themselves on the text of the constitution, they would together persuade society to accept it. Today, I am a little wiser. I know that a majority of politicians will use every available opportunity for enhancing their political careers or for securing some other personal benefits. They have no desire to educate the public, and the arrogance stemming from the possession of an elected office, a "democratic mandate," makes many of them incapable of learning. In a particular way, this is confirmed by the history of failures accompanying the drafting process (*EECR* 1997).

Both in Poland and the Czech Republic, the constitution process favoured elite level negotiations and bargaining rather than a more open and civil society oriented (or inclusive) consultative approach. This was permitted even though former dissidents, particularly Havel and several Solidarity leaders, envisaged a new style of post-communist democracy that would rely more on civil society and informal interest articulation than on a traditional parliamentary system in which political parties have almost exclusive jurisdiction over decision making (cf. Osiatynski 1997).

Fourth, As Offe argues "The purposive, administered, state-orchestrated, elitist, and instrumental "shortcut" towards Western institutions adopted in the East was, to be sure, without any feasible alternative, given the way in which the ancien régime collapsed and left behind unprepared and profoundly divided societies" (*EECR* 1997). This point is

critical to the comparison of Poland and the Czech Republic. For unlike other democratic ‘revolutions’, where war and conflict provided for a coherent break from the past, ECE transitions grew out of past institutions and past practices. Without a tradition of real pluralism and policy networking, the top-down model of decision making (albeit supplemented with political bargaining between rival political factions in both Poland and the Czech Republic) was successfully carried over to new democratic institutions. Why this is important is twofold. First, it means both states under study here are having to deal with a legacy of state socialism in both an institutional as well as a psychological sense. Second, the transitions to democracy in both states, again, irrespective of dissident traditions, has been shaped by elitist compromise and bargaining rather than the dissident ethos that sought a more open and consensus-driven political process.

INTEREST SECTORS

The last three chapters of this dissertation concern three specific constituencies: women, environmentalists and Roma. Instead of focusing on trade unions, guilds or professional associations, I thought it would be more revealing, in terms of understanding how interest groups are viewed by the state, to examine groups that had little if any standing during the communist period. Whereas environmentalists lobbied the state during the communist period by assuming the guise of an ecological club, which was well within the limits of accepted political activity, other sectors, namely women and visible minority groups had little opportunity to form coherent associations. All of the latter two sectors mobilization would come after 1989 when the state was quickly moving to adopt market liberalism and rational bureaucratic model of politics.

These three sectors have the most to gain, in the sense they were not well defined prior to 1989, but also they have the most to lose, as they have been the recipients of Western aid and European Union funds since they began to form during the transition period. The laws which correspond to these sectors fall under EU competency, which means Roma groups, women’s rights groups and/or feminist organizations and environmental groups are having to figure out the EU policy rubric as they continue to find ways to influence domestic-level public policy. Thus, these groups were selected because they are a part of and representative of European dynamism – they are the

products of democratic transition and represent the ethos of it; they also have to change as the institutional arrangements change around them and this provides a host of intriguing possibilities for both NGO development and the way contentious politics unfolds.

DEMOCRATIZATION

Both Poland and the Czech Republic experienced rapid democratic transition, in that both acquired the institutions of democracy in only a few years without any significant set backs or complications. After the collapse of communism in 1989 both quickly joined the requisite intergovernmental institutions, such as NATO, the IMF and the WTO, and began what turned out to be a ‘short march’ to EU membership. Perhaps it could be argued May 2004 is when democratization stopped for these two post communist states because, as the EU has made it known (and did make it known at the Copenhagen European Council in 1993), only countries with a demonstrated commitment to democratic practice and values can join the Union. The Copenhagen criteria and sections of the Treaty on European Union (Sec. 46 and 6.1) clearly indicate democracy as being a prerequisite to accession. But does this *really* mean democratization for these two states stopped in 2004?

According to Linz and Stepan (2005) democracy is consolidated when “democracy becomes routinized and deeply internalized in social, institutional, and even psychological life, as well as in political calculations for achieving success” (in Diamond and Morlino 205: xix). By most measures Poland and the Czech Republic are democracies. However it has not been uncommon for Czechs and Poles to publicly voice dissatisfaction with certain features of post communism. Results of the 1999 World Values Survey (WVS), which asked questions about trust in political officials, confidence in political and civil institutions and levels of satisfaction with elements of the soci-political environment, suggest Poles and Czechs are not entirely happy with the political status quo. In fact, when asked about confidence in parliament, 85.8 percent of Czech respondents and 61.6 percent Poles indicated they had “not very much” or “none at all.” Confidence in the justice system was similarly low, with 74.6 percent of Czechs and 54.6 percent of Poles indicating “not very much” or “none at all”. With regard to “satisfaction

with the way democracy develops,” 61.6 percent of Czech respondents and 49.1 percent of the Polish ones indicated they were “not very satisfied” or “not at all satisfied”. In 1999 two prominent anti-government/ anti status quo politics movements formed in the Czech Republic, Impulse 99 and Thank-you, Now Leave. These two episodes of contentious collective action quickly faded, but they seemed to tap into a general sense of apathy and frustration amongst Czechs. At the time it was reported “the organization [Impulse 99] contains some 200 signatories who want to push political parties to listen to people and reinstate [sic] some integrity to Czech society” (Radio Praha 2.8.99).

The opening sentences of this dissertation alluded to several concurrent processes, democratization, Europeanization and globalization. All of which are affecting the nature of contentious politics in Poland and the Czech Republic, and most probably all CEE states. Bideleux (2001) does not regard these processes as reinforcing. He argues that Europeanization and democratization “are not as mutually reinforcing as is generally supposed” (p.25). He goes on to write “in important respects these tendencies are pulling in different directions” (ibid). Bideleux does raise a valid point when he suggests legislative powers are being eroded or ceded at the member-state level, considering EU decision-making (i.e. intergovernmental conferences) is predominantly an executive driven exercise. However, when specifically looking at NGO activity in Europe, one cannot help but notice the presence of international NGOs, philanthropic agencies and networks. Pridham believes EU conditionality did help post communist states, which are now EU member-states, consolidate democracy. He argues, “The EU possesses an institutionalized regional framework which readily transmits the kind of influences and pressures that may affect the course of democratization, deliberately or otherwise (1999: 60). It is worth noting that while there is national variance in institutions, party systems and electoral systems, all EU member-states are required, even before full accession, to subscribe to the same notion of democracy.

Diamond and Morlino (2005) have made a career theorizing and pondering democratization and democratic consolidation. For them, the best kind of democracy is participatory democracy, in the sense of groups (NGOs, interest groups and political parties) actively competing for power in the policymaking arena. They write:

One particular type of democracy seems better fit for a higher democratic quality: namely one that generates and facilitates high levels of participation and competition and therefore vigorous vertical accountability and at least some degree of system responsiveness (2005: xxxvii)

System responsiveness has to do with two systemic developments. First, the state through formal and informal channels (government and administrative bodies) is able to interact in a meaningful way with stakeholders from civil society, and two, lawmakers are a part of and utilize broader policy communities and networks. Civil society is regarded as fundamental to consolidation (Diamond et al. 1997: xxxii; Putnam 1995) but at the same time viewed skeptically. Whitehead's (2002) summary of Schmitter does well to illustrate some of the problems associated with an overzealous and unaccountable civil society. Schmitter cautions "civil society, however, is not an unmitigated blessing for democracy" (in Whitehead 2002: 80 – 81). He distinguishes between political democracy and civil society, arguing that the former can be eroded by the latter. Arguing civil society "may build into the policy process a systematically biased distribution of power" (ibid), he challenges the view that 'you can't ever have enough civil society'.

Democratization is a contested concept, exemplified by the differences of opinion concerning the nature and need for, and nostalgia of, civil society. Schmitter's ideas are useful here because unlike some transitologists he openly wonders how significant a fully functional civil society is for the development of democratic governance (cf. Diamond et al. 1997). Something that he has identified, which this dissertation supports both theoretically and empirically, is the rise of elite-level or executive politics after democratic consolidation, and its corollary, the decline of civil society after transition (ibid). The NGOs surveyed for this dissertation think three things in particular about 'their' consolidated democracies. First, approximately 62 percent of NGOs think democracy is better today than it was 10 years ago and of that 62 percent only 50 percent think it definitely better. Second, 71 percent of those same NGOs say NGOs and political parties "never" work collaboratively on issues of public policy. Third, 59 percent of NGOs fall on the side of "strongly disagree" when issued the statement, "government encourages groups like mine to participate in the policy making process." EU conditionality did spur on democratic development in Poland and the Czech Republic,

but it also helped produce a system of democracy that is unlike anything else. Civil society has both been internationalized, as non-Polish/Czech actors through philanthropy and technical assistance helped (re)construct much of Polish civil society, and Europeanized, as many NGOs belong to pan-European networks or receive financial assistance from the EU.

Democratization does not occur in a predictable and patterned way, as the number and type of intervening variables, between authoritarianism and liberal democracy, are so numerous and varied that it is extremely difficult to predict a country's path to consolidated democracy. It is important to keep the following in mind:

Democracy activists admit that it is not inevitable that transitional countries will move steadily on this assumed path from opening and breakthrough to consolidation. Transitional countries, they say, can and do go backward or stagnate as well as move forward along the path (Carothers 2002: 7)

The quickness with which democratic institutions and free market structures were introduced in Poland and the Czech Republic illustrates their readiness for state wide restructuring. However, Polish and Czech democracy, for lack of a better phrase, is still working out some of the 'transitional' kinks. The EU must be regarded as an intervening variable that helped prod democratic institutionalization forward, but at the same time, disrupted the 'natural' course of democratization, if there is such a thing. The point is the EU has potential to both help and hinder the rest of the democratization process in post communist Europe. One thing is for certain, the civil societies of Poland and the Czech Republic are an amalgam of international, European and national groups that take lessons from each other and take the political opportunities that are presented.

CHAPTER THREE

The Post communist State and Interest Articulation

In the democratic era, the groups which were the levers of regime change –including environmental and women’s groups – have generally declined...as these social movements disappear and some institutional interests decay, so orthodox interest groups, with their detailed and routine demands, should take root in democracy’s fresh soil.

(Hague and Harrop 2004: 181)

Hague and Harrop are correct to say there ‘should’ be a host of ‘orthodox’ interest groups vying for power and influence in post consolidation east central Europe. They, along with many others (cf. Keller, 2005; Kraus 2003; Poznanski, 2001, 2002; Appel, 2002; Howard, 2003), are concerned with what appears to be an ineffectual and disconnected third sector. In the early years of transition (1989-1991) civil society and newly created interest groups appeared well positioned to lead both Poland and the Czech Republic into an era of real participatory pluralist politics. This has not yet transpired. The result of a long and bumpy state-building process has instead been: a) an autonomous and powerful state; b) a weak and marginalized interest community, and; c) a policy process that is neither open to organized interest nor connected to major societal stakeholders. Bearing this in mind, and with a desire to move beyond an explanation predicated solely on a civil society heuristic (cf. Chapter II), it is the express purpose of this chapter to rely on an institutional based theory of group politics to illuminate the massive discrepancy in power (inc. resources and influence) that exist between the third sector and government.

To fully explain what constitutes an impediment to collective action and/or interest articulation this chapter will concentrate on three structural-level conditions that exist in post-communist states: 1) an autonomous state and a state-directed policy process; 2) a fragmented policy community, and; 3) an elite dominated state-building process. These institutional and system level variables, as this chapter argues, are precisely where one ought to look if attempting to understand why the third sector is not

developing into a western-style interest community or network. It should become clear by the conclusion of this chapter that an institutional inspired model of analysis (inc. neoinstitutionalism) is useful in determining the net effect of institutional change on group politics, but elite theory, used in conjunction with neoinstitutionalism, will offer the most complete theoretical explanation for third sector underdevelopment. The argument will benefit from the coupling of these two traditionally antithetical approaches to the study of politics as together they are best able to reconcile the structural imperative of regime change with the agential impact of new or reconstituted elites. This chapter is therefore predicated on the following three assumptions.

First, the post-communist state is best understood as an autonomous actor insofar as the political elites who 'run' the many state institutions and ministries have successfully managed to insulate themselves from the greater policy community. This schism is even more pronounced in the policy areas under discussion here, the environment, women's rights/gender equality, and Roma rights. Successive Polish and Czech governments have managed to devise and implement public policy without directly consulting, in any meaningful way, those groups who would otherwise represent the interests of key societal stakeholders (e.g., interest groups and/or organized interests). Observing early (c.1991) institutional development in East Central Europe, Offe (2004) argues:

The newly elected parliaments also function as constituent assemblies. This indeed means nothing other than the players determine the rules according to which the future game will be played, and with which it will be decided who will be a fellow player (P.516).

This first point directly challenges a pluralist understanding or analysis of post-communist state development which would endeavor to highlight the multitude of interests which seem privy to policy formulation and are able to influence policy outcomes. However, this explanation of policy development tends to consider the state more an arbiter between major interests (an umpire) and less an actual player in the game. As Pal (1997) suggests "the pluralist tradition as a whole tended to de-emphasize the state or policy-making institutions, and stressed the influence of lobbies and interest group politics" (p.194). Appreciating how state building itself places power into the hands of

national elites, without the sort of competition common in western (established) democracies, part of the task of this chapter is to put forward a compelling explanation of contemporary group politics in both Poland and the Czech Republic with aid of non-pluralist paradigms.

Second, the fragmentation of the post-communist policy community and their inability to engage with policy makers has meant a policy network skewed in favour of politicians, bureaucrats and, only a thin stratum of the policy community. This again challenges the pluralist approach to the study of post-communist group politics, which to be a valuable paradigm, would need to be vindicated through prolonged dialogue between state level officials and traditional interest groups. The dialogue between the state and civil society seemed to abruptly stop shortly after 1990. Coincidentally this is when dissident groups became full fledged political parties (sometimes further morphing and/or splintering into other political groupings shortly afterwards) and many former dissidents became the new holders of public office. The focus shifted rather quickly from the message, which was the creation of a participatory, liberal democracy, to the implementation of democracy, which ipso facto involved the establishment of 'new' political elite.

Hadjiisky (2001), referring to the problems encountered by Civic Forum during this period, identifies the very beginnings of post-communist elite maneuvering and settlement:

In Prague itself, however, the former dissidents who had founded the Civic Forum thought their political 'task' as 'architects of democracy' *lay in the government*, and not at the top of a political organization. . . This situation provoked a level of discontent that came to the fore after the June elections when Civic Forum activists realized that they were not involved in the formation or in the programme of the new cabinet (P. 54)

This politicization of civil society actors had a lot to do with the way power had to be quickly allocated and distributed to a multitude of new political actors shortly after the Round Table negotiations of 1989 – and later after the elections of 1989 and 1990. To call former dissidents, those who railed against the *nomenklatura* system for many years, the new post-communist political elite should not be taken as an indictment, but rather recognition of a process that swept many inexperienced people into positions of immense

power. In the case of Poland, Wasilewski and Wnuk-Lipinski (1995) have determined the following:

After the Round Table and the June 1989 election, the Party fell like a house of cards. A new party, Social-Democracy of the Republic of Poland, was formed on its ruins in January 1990. Most of the old leaders did not join the new party, passing the leadership into the hands of the younger generation. The new leaders were mostly people politically shaped in the 1980s and directly engaged in the Round Table negotiations (p.691-92).

Third, separate from the weakness of post-communist civil society, post-communist states – including Poland and the Czech Republic, which have been particularly successful in developing procedural or mechanical democracy – are realizing their public policy options with little direct third sector consultation. The subsequent policy outcomes are not reflective of the needs and wants of substantial segments of society. This suggests that opposed to a well delineated policy network what exists in Poland and the Czech Republic is top down system which emphasizes the needs of government over the demands made by any particular segment of the interest community. It is helpful to consider what Poznanski (2001) suggests:

For the state to work, it is not enough that the ruled take part in the political – state – life, it is also necessary that elites or rulers themselves have a well-developed sense of responsibility to society. Namely, they must consider the needs of the ruled to be of primary importance, above their personal ambitions (p. 219).

Without a full-scale social revolution to sever the communist past from the democratic present (and future), many East Central Europeans have discovered the limits to *their* pluralistic democracy³². Certain patterns of behavior persist, which are thought to be the direct result of forty years of communism. A communist or Leninist legacy is a popular explanation for the contemporary malaise that seems to have taken hold of the two respective populations. This is not to say that a more robust form of participatory democracy cannot be realized in the future, just that scholars must appreciate the

³² Here Skocpol's definition of a social revolution is assumed: "social revolutions, defined as rapid, basic transformations of a society's state and class structures, accompanied and in part accomplished through popular revolts from below" (Skocpol, 1994: 5)

cleavages and intervening variables that do exist in post-communist systems when evaluating the democratic performance of East Central European states.

* * *

As an important but often forgotten consideration, it is crucial to consider how power is reallocated and distributed after democratic transition. For instance, Ziolkowski (1998) argues “one of the paradoxes of the post-communist developments is the enormous role of the new political authorities in both political and economic transformation. In the political sphere new political incumbents are responsible not only for the resolution of current problems of ‘normal politics’ but also for the definition of new rules of the game” (p. 121). As elected and non elected officials are the ones determining how democracy should be applied and practiced, it is they who hold a considerable amount of real political power and are, under the pretence of ‘democracy building,’ able to exclude public interest groups from the policy formulation process. This seems at odds with the spirit of democracy, granted, but when two rival visions of democracy emerge it is usually those in power that are able to turn their vision into reality (cf. Klaus and Havel, 1996).

An example of how this power translates into institutional change comes via the Czech Republic’s political elite, who have done well to diminish the investigatory powers of quasi autonomous non governmental agencies (Quangos)³³ and other key – in house - bureaucratic agencies (Appel 2002). In quick succession, the Czech government, first, refused to initiate a parliamentary commission to examine political corruption, second, “organizations and institutions set up to monitor political economic crime and corruption, such as the Supreme Audit Office and the Securities Exchange Commission, were kept weak or deliberately weakened (Appel, 2002: 534), and finally the system of public prosecutors was changed so that “public prosecutors lost substantial powers of oversight and investigation” (ibid). Apart from the obvious stresses and strains such political malpractice places on public support for politicians and democratic governance, such ad hoc policy (esp. the kind that changes institutional arrangements) has the added effect of

³³ Quango being the name assigned to such bodies in the United Kingdom.

destabilizing the third sector and the state agencies that work with NGOS. The reason for this is three fold: First, public interest groups do not have the capacity to quickly adapt to changes in state structure, thus diminishing their influence. Second, as Colomy (1998) argues, “newly created institutions and their operatives frequently seek to expand their position and authority. The result of this institutional fluidity is that “this drive toward institutional expansion . . . typically infringes on the interests and authority of other established or emerging institutions or groups” (p. 285). Third, as a belief emerges amongst interest group leaders and their respective membership that state institutions will change as a matter of course, irrespective of the tactics and strategies they employ, they will be less inclined to engage in meaningful – sustained – lobbying with any one branch of government.

Consider while the United Kingdom, Canada and Australia have had the same prime minister and government for nearly a decade (c. 2006), Poland, during approximately the same time period (1997 – 2005), has been seen five different prime ministers. This fact alone does not undermine lobbying or mobilization strategies as parliamentary systems are periodically prone to the sort of leadership fluidity seen in Poland. But when this issue of prime ministerial constancy is placed alongside the ‘shock therapy’ of the 1990s, the 1997 Constitutional accord, EU accession talks and membership (1998-2004), and the numerous international agreements signed by Polish delegates (e.g., NATO, WTO, and OECD) since the end of communism, it become apparent that the political landscape is ever changing.

Adam Fagan (2004) supplies a succinct explanation as to why the structure and tempo of state change is as important to interest groups as it might be to politicians. He argues by reference to his own study on Czech environmentalism: “Firstly, the notion that the process of democratization has been entirely enabling for social movements is challenged . . . the argument here is that power relationships established in the early stages of transition set a precedent in terms of social movement access and interaction with elites” (p. 2). Fagan’s point is a crucial one because it supports the idea that separate from a communist or socialist legacy, separate from the revolutions of 1989 (and the way in which they unfolded), exists an understudied and underappreciated variable. This ‘other’ factor, as it has been identified, is the state and institutional building process itself, which

makes lobbying and other forms of constructive protest less straightforward than it otherwise might be. Offe (2004) determine that “the core problem of the political and economic modernization of the former socialist societies resides in their lacking any noncontingent ‘givens’ that would be suitable fixed parameters of the politics of reform . . . everything becomes contingent, and nothing can self-evidently remain as it is” (Offe 2004:516). The structure and processes of the state must be seen in the same light, then, as say political efficacy and protest repertoires, for they are yet another variable which effects the viability of the third sector.

This all comes back to the idea of political power, which is a key but often contested and misrepresented variable. However, in light of this section’s emphasis on political institutions and the national (or political) elite, it becomes necessary to spend some time determining how power manifests itself in a developing democracy. First, power is much more than the exercise of force or threat of force or the coercive capabilities of a state, group or other political actor(s) within a polity. The one dimensional definition of power (cf. Lukes 1974: 11) suggests a process whereby an actor ‘compels’ another actor to do something they do not want to voluntarily do. This type of power can be understood as active power, that is, when state power is exercised purposefully to influence the conduct of individuals or interest groups. Dahl’s widely quoted definition: “A has power over B to the extent that he [sic] can get B to do something that B would not otherwise do” (cf. Lukes 1974). Lukes (ibid) offers a compelling argument for a more substantial definition if not more complex view of power, which incorporates both active and passive forms of power and recognizes that power may be realized through decision making, nondecision- making, and control over the political agenda (Lukes, 1974: 25). Alas, the state can be seen as powerful in a traditional sense, by virtue of it having a monopoly over coercive institutions (i.e., police and army), but also critically, the state may gain power through agenda setting and non-decision making. Bachrach and Baratz note: “Here A devotes his (sic) energies to creating or reinforcing social and political values and institutional practices that limit the scope of the political process to public consideration of only those issues which are comparatively innocuous to A” (quoted in Hay, 1997: 46). To this end the post

consolidated state's (Poland and the Czech Republic in particular) resultant autonomy comes via its own mandate and the democratization process itself.

* * *

Many of the theories and methodologies employed to understand and explain group politics and policy formulation in developed democracies have only thus far been exercised at the periphery of post-communist scholarship. The concern, and what is limiting their use in ECE dedicated analysis, is over conceptual stretching and traveling (cf. Collier and Mahon, 1993) and the appropriateness (or appropriation) of methods/methodologies which rely on a host of implicit understandings and explicit concepts developed over a sixty year period to explore lobbying and pressure politics in the United States, Canada and Western Europe. However, as Poland and the Czech Republic enter a post consolidation phase of democracy, it seems perfectly reasonable to take a hard look at group politics and policy development vis-à-vis established meta and micro theories of politics³⁴ and policy formulation. Political scientists and sociologists have long been theorizing about the nature of institutions and the role of agency in the context of group politics, and it seems out of sequence not to ask similar questions about post-communist politics, as Poland and the Czech Republic offer a unique opportunity to test these theories.

It is a fairly well established idea that democracy in CEE was and continues to be developed from the bottom-up – that is, an active and dedicated civil society generates the democratic (participatory) ethos needed to support both the procedural and substantive elements of democracy (cf. Putnam, 1995). Examining the social requisites of democracy, Lipset (1994) argues:

More important than electoral rules in encouraging a stable system is a strong civil society – the presence of a myriad of mediating institutions, including groups, media, and networks, that operate independently between individuals and the state. These constitute subunits, capable of opposing and countervailing the state (p.12).

³⁴ Here I am referring to politics in the most elementary (or classical) of ways: that is, who gets what, how and when.

Lipset's intuition seems sound enough, but what he fails to consider and include in the above formula is institutions which are receptive to public interest groups, lobbyists and all of society's stakeholders. When sustained lobbying fails to culminate in some noticeable institutional or policy gain, the schism that already exists between the state and the interest community can but only grow deeper.

It was determined earlier that power manifests itself in many different ways, from overt coercion to, what is of greater concern here, non-decisions and agenda setting. Part of the problem in identifying power is locating its origin. This is no easy task, considering the locus of power often moves from one place to another often imbuing some actors or institutions with power while limiting the power of others. In other words there is both a temporal and spatial element to power. This complicates the study of group politics in Poland and the Czech Republic for the very reason that the policy networks that would otherwise incorporate interest groups into the consultation process, are ill-defined and lack permanence. Offe (2004) argues:

The logical difference between their [ECE groups] way of proceeding and the activities of 'new social movements' in the West lies in the fact that the Western movements operate within the context of already created and solidly established democratic institutions and focus on overcoming some of the built-in biases, deficiencies, and blind spots, of these institutions (p. 517).

While Offe's commentary is useful, it does not provide a sense of who is to blame (and therefore what needs to be fixed) for third sector underdevelopment and the underutilization of interest groups.

Out of the debate waged between academics claiming paradigmatic superiority has emerged a series of competing theories (roughly hinging on the question of whether structure or agency is the 'correct or favoured' independent variable) developed to shed light on the power dynamics and communication channels which exist in modern democracies, ultimately shaping how politics 'really' occurs. Functionalism (and structural functionalism), Institutionalism, Behaviouralism and elite theory, were (and still are in their contemporary guise) concerned with how state institutions and actors compete for various resources and how, precisely, one may impact the function and/or behaviour of the other. As Mule (1999) observed, "a general trend developed that was inclined to see the causal links between society and polity as running from the former to

the latter, rather than the other way round” (p. 145). Now as this chapter argues ‘that other way round’ is precisely how one ought to examine the dynamics of group politics in Poland and the Czech Republic, as institutions and state-level decisions are having a dramatic impact on the nature and scope of lobbying and interest articulation. This is not the same as saying institutions are the only variable worth considering or that agency is irrelevant in the context of institutionalized politics. But during a period of state building, when political institutions are being (re)created for the particulars of democratic governance and capitalism, the influence institutions (Legislature, Constitution, Executive etc.) have on the repertoires of interest groups becomes all the more significant. The very instability and fluidity of new political institutions is what makes them crucial variables in the analysis of group politics and policy development. As Papadoulis (2005):

Post-communist states were obliged to move very fast to organize the necessary state structures and functions on which they could base their political and public policy processes and practices, which are still underdeveloped, and consequently, they have not reached a stable end point. On the contrary, in fact some are in a state of flux (p. 518).

The structure agency debate is one that, while having existed in various forms for quite some time (cf. Hay 2001)³⁵, still seems to end in what amounts to a theoretical or conceptual stalemate. Is it indeed necessary to focus on one to the exclusion of the other? Hay argues, “structure and agency logically entail one another – a social or political structure only exists by virtue of the constraints on, or opportunities for, agency that is effect” (1995). Similarly, Johnson is able to reconcile the ‘agency-centered’ approach with the ‘structure based’ account of post-communist political development by showing how both actors and institutions inform each other in the development of economic policy (Johnson, 2003: 289-316).

What Poland and the Czech Republic offer, as consolidated democracies with a well documented democratization process, is an opportunity to examine the development of political institutions in a relatively pristine political environment – pristine in the sense that institutional choices can be mapped with some degree of confidence. Discussion has centered on civil society, communist legacy and, the development of political parties,

³⁵ http://www.raggedclaws.com/criticalrealism/archive/cshay_wpisad.html

rather than on the usefulness of specific theories for state – society analysis. This chapter uses elite theory as a heuristic aid to discover a) how elite settlement and the persistence of elite friendly institutions shape the policy community in both states – to the detriment of the third sector; b) what is preventing the emergence of an open policy network, and; c) where power lies in the post-communist policy community.

Democratization in Poland and the Czech Republic has been controlled by former communists, state and municipal level bureaucrats and former dissidents. This group of men can correctly be called the new post-communist elite, for as Elite Theory suggests, a fairly cohesive network of national elites will emerge after a period of political instability (Burton & Higley 1987; 1989; Cammack, 1990). What makes democracy endure afterwards is more a matter of elite negotiations and bargaining and less a realization of an open, liberal pluralistic democracy. Cammack (1990) argues “transformation from elite disunity to consensual unity is an essential precondition for political stability and lasting democratic transition” (p. 415).

This is not a revelation, considering both countries determined their respective transitions to democracy vis-à-vis round table negotiations in 1989. Yes, both Solidarity and Civic Forum played some part in pressuring the communists to negotiate a settlement and a peaceful transition to democracy but, the presence and persistence of elites – both communist, ex communist and dissident - cannot be ignored when examining group politics. Elites are indeed a necessary part of the modern democratic state, as they operate as both brokers and entrepreneurs in an effort to negotiate political compromises to political problems. But Baylis (1994) recognizes a problem with ECE elites:

Neither between the new elites and reformist elements of the former communist elites, nor among the new elites themselves, can we find much evidence of the pragmatism and trust needed for such bedrock agreement. Instead we find a level of hostility and mutual recrimination that has produced a splintering of political forces and pose a continuing threat to the stability and effectiveness of East European governments (p. 316).

What happened during the formative years of Czech and Polish democracy can only be described as an example of an elite driven transition to democracy. Three elite driven phases: the Round Table talks; constitution building; EU accession. If contemporary policy development is somehow modeled on old patterns (or an old ethos), that is the

frustrations conveyed by civil society organizers point to a top-down 'closed' elite dominated policy community, then it seems entirely possible that either: a) the same cultural or economic elites are occupying positions at the top of the policy ladder, or b) the same structural

Interest in elite settlement and the political consequences of 'bourgeois maneuvering'³⁶ in times of either regime change or democratization is certainly not new (see Bell, 1958; Lachmann, 1990; Burton and Higley 1987). However, in the context of this dissertation – one examining post-communist group politics – elite theory and/or the idea of elite change and settlement has particular currency. As Bozoki (2003) argues,

Transitions, roundtable negotiations, institution-building, constitution-making, compromise-seeking, pact-making, pact-breaking, extended consensualism, strategic choices – all underline the importance of elites, and the significance of research on political elites (p. 216).

Thus far scholarship on the topic of post-communist group politics has tended to focus on civil society and/or individual agency (see Howard 2004; Glenn 2001) thus shying away from looking expressly at the emergence of a new political or national elite class after the fall of communism. It is customary to discuss elites as a separate sphere or group of political actors not directly linked or fused with the groups that comprise civil society. But as it turns out, the very nature of regime transition in East Central Europe, with the pivotal role played by dissident groups and social movements, provided a sense of how elites and non-elites are. What has been written on the topic of civil society is illuminating and useful, but it tends to stop short of considering the implications - for interest groups especially - of an institutionalized form of interest politics that favours elites over other political actors – namely rights based pressure groups. What is of interest here is the idea put forward by Burton and Higley (1987): Many scholars now view the establishment and maintenance of democratic institutions as decidedly political acts (p. 295).

Anton Steen (1997) provides a compelling description of elite settlement in post-communist Europe: Elites interacting under few institutional constraints, adapting to the

³⁶ This language is linked to class based or Marxist derived analysis of elites, but should not be understood as necessarily reflecting the thrust of the argument here. Contemporary elite theorists have moved away from a Marxist or ideologically driven class based analysis of elites, opting to use a more secular language that describes transition as 'elite games' etc. See Andras Bozoki, 2003, for a detailed explanation of this evolution.

rhetoric of market liberalism, while using the state for pragmatic pursuit of special interests, make this kind of state formation very different from Western countries (in Bozoki, 2003: 225) The tempo and character of democratization, especially as it relates to and effects public policy development in Poland and the Czech Republic, has thus far been shaped not by civil society, as many argue (e.g. Di Palma 1991; Smolar 1996; Geremek 1993), not by the dissident groups that challenged the legitimacy of the communist regime prior to 1989, as many might have hoped, and certainly not by a vanguard of post-communist liberal democrats. Rather, it has been influenced by two particular interconnected phenomena.

First, the political elite of these two countries, who have managed in many cases to retain (or realize) a high degree of autonomy and power in what is an otherwise disorganized and fragmented policy community, are framing post-communist political discourse in such a way that it cannot (and should not) be overlooked when examining contemporary modes of interest articulation. This elite driven scheme (and the resultant state autonomy in particular) appears reminiscent of the top-down policy formulation model used during the communist period (see Wolchik, 1991: Pp 59-63) and is certainly not one akin to a textbook definition of pluralism. Second, the state-building process, which has its own unique ethos, is at the same time empowering state-level elites and marginalizing rights based groups.

State building itself, as a means to a more democratic end, is often used to justify a policy programme which favours efficiency over inclusiveness, or in the language of policy studies, a “state-directed” system has won out over “clientele pluralism”³⁷(Pal 1997: 202). A state-directed system implies three things in particular: One, state agency is strong and autonomous; two, the associational system is weak and dispersed, and; three, the state dominates the policy sector and the associational system (ibid). This should not be confused with a corporatist system in which civil society associations (viz. an explicit agreement with state agencies) are charged with creating or monitoring public policy in coordination with state-level actors. In both Poland and the Czech Republic it is traditional ‘new social movements’ or rights based advocacy groups that are being

³⁷ As defined: In a ‘Clientele Pluralist Network’ state agencies are both weak and dispersed, as are associational systems. Agencies rely on associations for information and support and allow them to participate in policy making (Pal, 2002: 203).

routinely ignored by ministers, parliamentarians and senior civil servants. The brand of democracy being practiced in Poland and the Czech Republic is more of a bureaucratic and elite driven exercise than one might suspect, considering democratic consolidation was supposed to create a more open, participatory, political system (cf Havel, 1992).

It is worth restating here that during a period of sustained state-building when institutions are being constantly modified (sometime ad hoc) and laws seemingly introduced, modified and sometimes repealed (e.g. abortion laws in Poland) without a sense of continuity, the state has a distinct advantage in terms of its ability to develop policy in relative isolation. This can be construed in two ways. First, it can be intentional on the part of state officials to take advantage of this autonomy and pass laws in the knowledge public opposition will be minimal. Second, it can be less a conscious decision on their part and more a result of a structural reality that enables – because of institutional fluidity – elite bargaining. The political elite of these countries along with their state-level counterparts have been instrumental in shaping public policy and modes of policy formulation in both countries should not be confused with a conspiracy theory³⁸ which, taken to would suggest an intentioned group of politicians manipulating all facets of political life through bribery and coercion. The role of the elite in shaping public policy is something that should be explored in a matter of fact way and in many ways this approach is consistent with what we already know about transitions to democracy and the difficulty of realizing a robust form of liberal democracy after a prolonged era of totalitarian governance.

Approaching the topic of democratization with a concern for agency level variables and explanation, Howard (2003) identifies three particular deficiencies that continue to contribute to the weakness of post-communist civil society. He surmises that a persistence of friendship/kinship networks, which undermines the formation of interest groups, coupled with a legacy of mistrust, which impedes the development of political efficacy and post-communist disappointment, which complicates further third sector

³⁸ Here I am referring to persons such as Polish Pres. Kwasniewski and others of similar ilk who effectively ‘survived regime transitions by repackaging themselves as socialists and social democrats’ (Higley et al., 1996: 137). It was (and still is) a possibility for ex communists to take advantage of the fractious nature of post-communist civil society by relying on communist-era policy networks and their knowledge of the bureaucracy to effect change.

development, helps “to explain the lasting weakness of civil society in the region” (Howard, 2002: 160). Just as these three ‘problems’ complicate civil society development, it is equally true to say that these same issues have prevented the state and those charged with policy formulation from consulting civil society organizations (CSO). CSOs are only one level of a multilayered policy network and so it must be stressed that Howard’s concerns for civil society, being as it is weak and unable to perform all functions traditionally ascribed to it, should be considered in-turn a concern for the way governance occurs.

By exploring each of these issues in turn, it will become apparent that the state (and government; and political parties) and other elite level political organizations are: a) able to act with a high degree of autonomy and; b) display skepticism towards CSOs can really offer – in the way of expertise and policy sophistication. The civil society paradigm fails to account for such matters, as was discussed in chapter of two. Immediately before the start of the state crafting project in 1989, which in Poland and Czechoslovakia was a negotiated or ‘pacted’ transition? This process can be summarized quite literally as the nascent elite (emerging elite) negotiating the terms of regime change with the ancien elite. This is a critical

CONCLUSION

This chapter argued: One, the fluidity of institutional change coupled with the ad hoc nature of policy formulation renders traditional policy communities (and interest groups) if not impotent, considerably less effectual than they would be if a stable, fixed, system were in place. Two, theories predicated on the civil society heuristic, while providing a sense of general levels of political efficacy and trust, cannot offer a complete picture of group politics in Poland and the Czech Republic – as it is the institutions themselves that constitute an impediment to collective action and not a disorganized third sector. Three, neoinstitutionalism (and historical institutionalism) and elite theory, which emphasise structure and agency respectively, can be used in tandem to properly reveal how post-communist elites use institutional uncertainty to their advantage, thus ensuring a high degree of state autonomy.

This chapter provided a short summary of two popular theories, institutionalism and elite theory, which would normally be excluded from an analysis of post-communist group politics. They have historically been applied to the study of group politics, interest articulation and contentious politics. They are particularly useful for examining Poland and the Czech Republic where institutions and structural determinants seem to play a much larger role in shaping the conduct of pressure groups and social movements. Most of this chapter debated the theoretical suitability of the two theories, and in so doing offered only a cursory explanation as to how Polish and Czech institutions work to stymie third sector mobilization, and what NGOs actually think about the institutional environment. The following chapter will provide an empirical study of NGO activity in both countries.

CHAPTER FOUR:

Empirical Findings and Analysis

This chapter summarizes results of a questionnaire distributed in the fall of 2007 to 103 NGOs in Poland and the Czech Republic. The questionnaire was designed specifically for this dissertation, asking questions relevant to the hypotheses, research questions (see Chapter 1) and methodology. The questionnaire was designed, first, to elicit certain empirical facts about participant organizations, i.e. membership level, structure and designation (i.e. legal status), and second, to discover how these organizations perceive themselves, i.e. their role, function and potency, in a political system that has undergone significant institutional change in the past fifteen years. Respondents, the majority of whom hold/held a paid position at the participant NGO (usually as the director or assistant director) were asked to rate government performance, rate the government's willingness to work specifically with their group and, also the NGO community writ large, and rate the effectiveness of political parties. Questions were designed to permit either ordinal or nominal level measurements, allowing for straightforward comparison of answers from groups of similar description. A battery of questions relating to political efficacy, the policy process and democracy were also included. The questionnaire comprised 10 pages and 45 questions.

Thirty-one (31) completed questionnaires were returned (two were discarded³⁹), and eleven (11) others were returned without having reached their intended destination – even though the mailing list was constructed using the most up-to-date on-line NGO registries available. Every attempt was made to contact potential respondent organizations by email before the questionnaire was posted. To this end an email was sent to each and every NGO a month before the actual questionnaire was distributed. This was done to both alert groups to the pending questionnaire and to familiarize groups with

³⁹ After reviewing the activities and bulletins about *Česká lesnická společnost* (Czech Forest Society) and *Polskie Towarzystwo Przesyłu i Rozdziału Energii Elektrycznej* (Polish Power Transmission and Distribution Association), it became apparent these two “professional associations” were not public advocacy NGOs like the others presented – they were not voluntary and/or not-for-profit as all of the other respondent organizations are.

its scope and intent. As it so happened, several emails ‘bounced back’ (were returned) almost immediately, most likely suggesting that many of the NGOs initially selected for this study have ceased operations.

4.1 Respondent NGOs from Poland by Category

Environmental/Ecological	7
Women’s rights/Gender equality	4
Roma/Romani Rights	1
Other ⁴⁰	1
Total	13

4.2 Respondent NGOs from the Czech Republic by Category

Environmental/Ecological	7
Women’s rights/Gender equality	4
Roma/Romani Rights	5
Other	0
Total	16

Part II of this chapter details the legal framework governing NGO activity in Poland and the Czech Republic. This section explains how very little has changed in the Czech Republic with regard to NGO laws, tax exemption laws and the overall legal status of advocacy groups and NGOs. In other jurisdictions (i.e. Hungary and Poland) NGOs are able to take advantage of tax exemption laws and incentives, in some instances the claimant NGO may deduct a sizable portion of their overhead expenditure (i.e. rent, heat and hydro) and other related operating costs, much like a registered business or corporation might. Furthermore, in Poland (and Hungary) individual taxpayers can assign up to 1% of their income tax to a qualifying NGO. Almost all of the Polish NGOs

⁴⁰ This group, *Instytut Spraw Obywatelskich* (Civil Affairs Institute), is a civil society umbrella group which focuses on promoting volunteerism and civic involvement.

approached for this study have listed somewhere on their website an advertisement for the 1% law, and conveniently provide their banking and legal details in close proximity. An NGO umbrella organization in the Czech Republic, called Czech Donor Forum (*Forum darcu*), has been lobbying government for a similar programme since 2005 – though the organization’s beginnings can be traced back to 1996. Czech Minister for human rights and minorities Džamila Stehliková (of the Czech Greens) said recently “the Czech Republic lacks a law on NGOs that would define their form, functioning and financing” (CTK 4 March 2008). No question the Czech Republic lags behind other post communist states in the development of laws, taxation or otherwise, which would encourage philanthropy and volunteerism.

Part III of this chapter looks at several ways in which NGOs benefit from EU membership, what exactly respondent NGOs are reporting with regard to EU funding and democracy after accession, and how European institutions can enhance the political power of Czech and Polish NGOs. Watson and Shackleton (2008) argue that interest groups and NGOs are increasingly “venue shopping” (p. 93). That is, they are looking for access points along a fairly long policy chain on which political institutions and actors are nodal points. Usually starting with their own local assemblies (i.e. *voivodships* and *kraje*) and ending with the European Commission or European Court of Justice, NGOs are looking for a path of least resistance. The Commission’s 2001 *White Paper on European Governance* states:

The organisations which make up civil society mobilise people and support, for instance, those suffering from exclusion or discrimination. The Union has encouraged the development of civil society in the applicant countries, as part of their preparation for membership. Non governmental organisations play an important role at global level in development policy. They often act as an early warning system for the direction of political debate.

In an effort to make the EU more democratically accountable and legitimate, the Commission established a civil society website and an on-line forum for public consultation. These measures encourage NGO activism and advocacy at all political levels. It is now appropriate to speak of an EU NGO, a European advocacy network and a European lobbyist. The examples presented in Chapters 4, 5 and 6 bears this out. There are now thousands of NGOs operating at the EU level. Of the groups surveyed for this

dissertation, 62% report being a member of a larger European NGO network. In the Czech Republic, three-quarters of surveyed groups belong to an EU network of some kind. The number is significantly lower in Poland, as only 46% of respondents indicated their NGO as being a member of a larger European NGO network. A clear majority of NGOs are either already a part of an existing network, a subsidiary to an international NGO, or will be in the next couple years. If the Lisbon Treaty goes forward, thus giving the EP more legislative power, a new crop of NGOs will certainly want to have representation in Brussels. Already many NGOs think they possess policy expertise and can contribute something tangible to the policy process. When asked, *Do you consider your organization knowledgeable enough to offer valuable policy advice to government*, 93 percent of respondent NGOs answered “definitely yes” or “most of the time, yes”. In most instances they have identified their usefulness to government correctly.

How useful are NGOs for the dissemination of charitable aid or assistance? Can they contribute anything positively to the policy process? In 2002 Polish President Aleksander Kwasniewski praised NGOs for contributing to civic society. He said “experience of other countries shows that non-profit organizations can often spend money for public tasks more effectively, economically and better than state and local government bodies” (*PAP* 22 September 2002). Furthermore, in 1998 Polish Agricultural Minister Jacek Janiszewski said “non-governmental organizations are a blessing for any government as they fulfill its role and duties more effectively” (*PAP* 4 May 1998). Despite this, 46 percent of respondent NGOs rate PM Buzek’s commitment to their policy area “fair” or “poor”.⁴¹ The results for Leszek Miller are actually worse. Nearly 62 percent of NGOs rate his commitment to their policy areas as either “fair” or “poor”. None of the prime ministers listed (and all twelve post 1989 prime ministers are listed) in the survey obtained a ‘passing grade’ in their dealings with respondent NGOs, but with 9 of the 13 NGOs rating his performance as “poor,” Jarosław Kaczyński⁴² is for NGOs clearly the worst prime minister. Survey results in combination with newswire and newspaper reports indicate a degree of political turbulence that is not uncommon in other democracies. The difference is Polish civil society is fragile and clearly without the sort

⁴¹ Jerzy Buzek was prime minister of Poland from 31 October 1997 to 19 October 2001.

⁴² Jarosław Kaczyński, the prime minister from the Law and Justice Party, served from 14 July 2006 – 16 November 2007.

of embedded groups and networks (excluding some communist era groups that persist today) that exist in 'western' liberal democracies. The Polish nonprofit sector has been unstable for some time. In 2003 it was reported that only 60 percent of all NGOs are actually 'active' (*World News Connection* 2003) and of those, half do not have a membership base exceeding 50 (*Polityka* 2002: 22). Only a few NGOs can legitimately claim to represent a substantial constituency and fewer still possess the sort of policy competency needed to contribute positively to the policy process. However as several governments have admitted, there is still a place for NGOs in post accession Poland.

Evidently not all governments/legislators view NGOs with the sort of skepticism and ire that Vaclav Klaus does. However his concern with NGOism, as he has put it, should not be dismissed. The language he used was certainly inflammatory, but the underlying concern, that unelected and unaccountable NGOs are taking decisions or influencing policy without a mandate to do so, does have merit. What he said in 2005, that "NGOism is almost at the same level as Communism" (*CTK* 10 September 2005) is not entirely accurate. Moreover several Czech government have made genuine attempts, it would seem, to elevate the status of the NGO sector. Dr Jana Fristenska, Secretary of the Government's Council on Foundations, said "the situation has changed in favour of the nonprofit sector, as evidenced by certain developments and a change in the indifferent attitude" (*Prague Post* 1999). This statement was made soon after Valclav Klaus stepped down as prime minister. Most likely Klaus's departure is the 'change in the indifferent attitude' that Fristenska is referring. After EU accession however it has become much more difficult to any one political agent, political party or institution (excluding the EU) to effect in any significant way third sector (in) activity.

The quantitative approach utilized here helps ground the more theoretical parts of this dissertation. The directors and assistant directors (and administrators) who participated in the survey collectively represent a substantial number of grass-roots activists and segment of the population, so the survey data should be regarded as statistically significant and useful for conducting an inter state comparison. The respondent NGOs from Poland (N=13) claim to represent 5, 427 full-time members. This number excludes part-time members and members from a few of the large(er) NGOs in Poland, like Greenpeace, which did not report their membership levels. Assuming the

answers given reflect membership sentiment and experience, Polish and Czech NGOs in the area of environment, Roma and women, see their political environment in similar ways. The questionnaires were helpful for identifying similarities and differences between groups from the same sector and especially useful in detailing general trends and practices

In order to test the hypotheses, the survey had to ask pointed questions about organizational competency, funding sources and recent undertakings. Realizing beforehand that the NGO sector, particularly in the Czech Republic, has had a strained working relationship with government since the Klaus administration, it was important to see, a) if this is still the case nearly 4 years after EU accession, and b) if NGOs have different priorities post accession. Some of the headlines pulled from newswires and international newspapers point to an NGO sector that is underfunded, underutilized by government, and perhaps even underachieving. Tension, animosity, mistrust and skepticism are all words that could be used to describe government – NGO interaction. But does this impact democracy and governance in any noticeable way?

NEWSPAPER HEADLINES

CZECH REPUBLIC:

- “Czech NGOs Suffer From Lack of Funds” (*CTK*, 7 March, 2005)
- “Several Czech NGOs Ask For More Room For Civil Society” (*CTK*, 6 November 2000)
- “Czech President Refuses to Apologize to Angry NGOs” (*Deutsche Presse-Agentur*, 6 June 2005)

POLAND:

- “NGOs to Form Federation for Lobbying against Government’s Negligence” (*Polish News Bulletin*, 25 September 2002)
- “NGOs Fearful of Taxation Changes that May Curb Donations” (*PNB*, 9 September 2003)
- “NGOs to form Federation for Lobbying against Government’s Negligence” (*PNB* 25 September 2002)

Attempting to answer that fundamental question involves discovering answers to a host of other questions, which the survey was designed to do. It was therefore important, in an

earnest attempt to discover if anything has improved empirically for NGOs since EU entry, to have groups answer questions relating specifically to their perceived ‘political opportunity structure’ and the institutional environment they find themselves. If the political environment is hostile to NGOs, as hypothesized, most groups should report being frustrated in their dealings with government or state officials. Though every NGO should experience some frustration, for in a pluralist system not every group will get everything they want all the time. Government should not seek to integrate every (or even most) policy proposal stemming from an NGO, as this would as Schmitter cautions, result in a highly skewed democratic system. Also, because many NGOs receive funding from international philanthropic institutions or NGOs, the relationship between a group’s financial vitality and their political potency may actually be inverted. Meaning well-funded groups may be the least likely to engage in contentious collective action. The international funding of NGOs (Glenn 2002; Fagan 2004; Carothers 2000) has been explored in some detail over the past eight to ten years, Carother for instance fears that aiding civil society and the NGOs sector from abroad may actually retard democratization. He argues,

A central assumption of civil society aid carried out under the auspices of democracy promotion is that advocacy NGOs are a critical segment, perhaps *the* critical segment, of civil society, at least with regard to democratization ...however the assumption of NGOs’ centrality is questionable. Other kinds of civil society groups frequently drive political change, eclipsing what it often the circumscribed role of policy or advocacy NGOs (2000: 295).

Environmental groups, Women’s organizations and Roma NGOs were randomly selected from several on-line registries;⁴³ randomly in the sense that I was not selecting groups based on any subjective criteria. The criterion used for selecting an NGO is elaborated below:

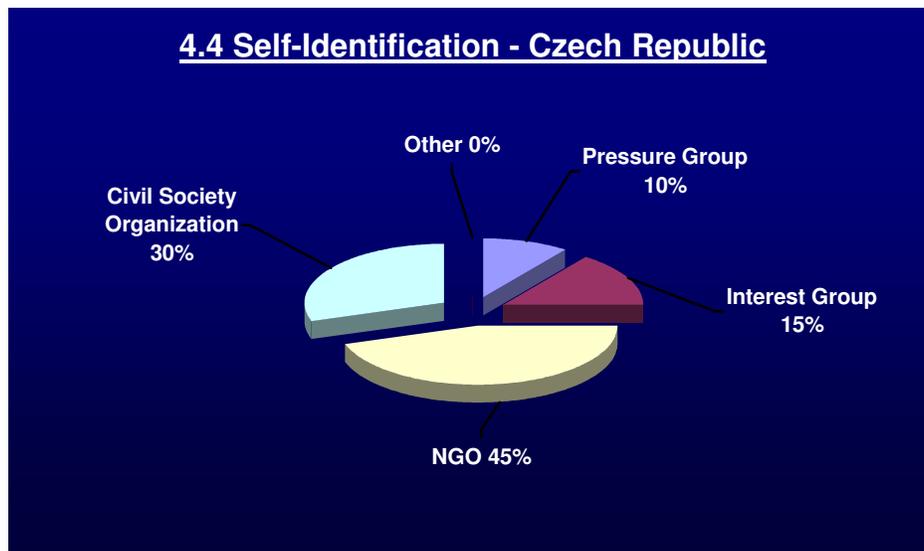
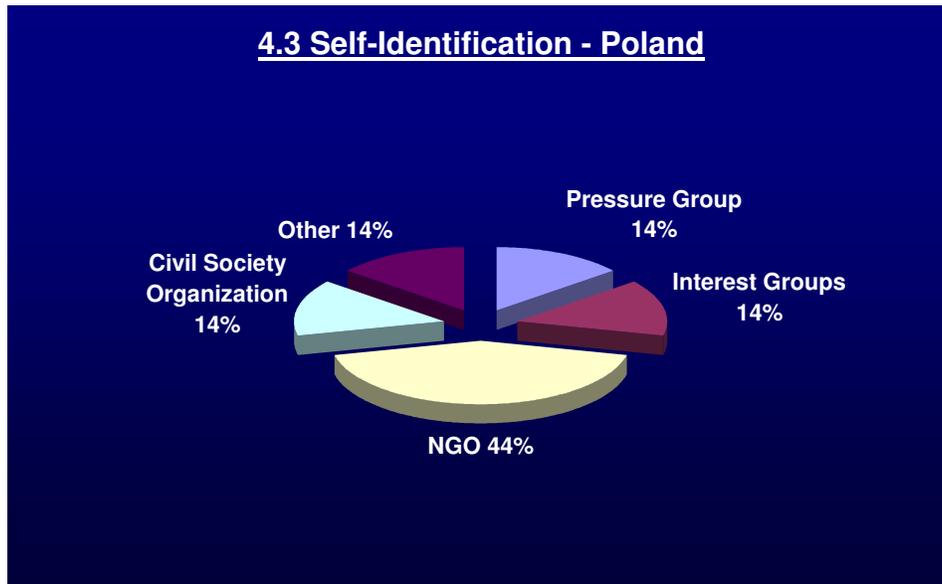
1. The group had to be functionally political. It had to be (at the time of mailing) performing a task or service related to public education, lobbying or policy

⁴³ On-line NGO registries: 1. English NGOs Poland (<http://english.ngo.pl/>); 2. Stop Violence Against Women website (www.stopvaw.org); 3. Polish Environmental NGOs Directory/ *Polska Zielona Sieć* (www.ecolink.org.pl); 4. Green Circle/*Zelený Kruh* (www.zelenykruh.cz/en/); 5. Czech Ministry of the Environment (<http://www.env.cz/AIS/web-en.nsf/pages/Links>).

formulation. The group need not be overtly political, in the sense of initiating or organizing a public demonstration or disruptive collective action, but it should nevertheless represent a particular cause or constituency, like the environment or Roma. When asked about their perceived policy competency, almost all respondents (92.85%) felt their organization could offer “valuable policy advice to government” (Question 11). This willingness to critique existing government policy or perhaps help in the development of policy confirms each group’s political character.

2. The group had to part of a larger NGO community, network or NGO list-serve. That is, their mailing address, email and other particulars (i.e. status and membership) had to appear on at least one of the on-line registries consulted. This was one way to weed out potentially defunct NGOs – unfortunately not all NGO lists were current. The databases or NGO directories were usually, and usefully, presented in both Czech or Polish and English. It is remarkable how internet savvy many Polish and Czech NGOs are, considering most of the groups consulted have a limited number of permanent staff (see Questions 12 and 13) and an equally limited operating budget.
3. The group had to be based (i.e. have a permanent office) in either Poland or the Czech Republic, and operate within either state. It is worth noting that a majority of the NGOs consulted for this study base their operations in large urban centers. In Poland, Gdansk, Krakow and Warsaw were home to nearly all participant groups. The capital city of the Czech Republic, Prague, is home to most Czech NGOs, though a few prominent NGOs can be found in Brno and Ostrava.
4. Importantly, all participant NGOs had to be *independent* and *voluntary*. So they could neither be a state-run (or sponsored) organization nor a professional association. However, many of the groups ultimately surveyed do receive state funding, either directly or indirectly. In fact, 48 percent of respondent NGOs indicated they currently receive “direct government funding” and 86 percent said they have applied to their government for funding. All sixteen Czech NGOs that completed the survey indicated they had at one point applied for government funding. Nine out of thirteen Polish NGOs did the same.

Nongovernmental organizations (NGOs) are considered by many legitimate and potent political actors, and depending on the issue, have tremendous potential to augment or undo existing government policy. Thus NGOs have a role to play in the policy process. When surveyed, respondents more often than not identified themselves as an NGO.



While respondents were permitted to self-identify in a number of ways (see above) most felt the title NGO or civil society organization (CSO) best reflects their organization's structure and function. This internationalization of the third sector may be a reason for

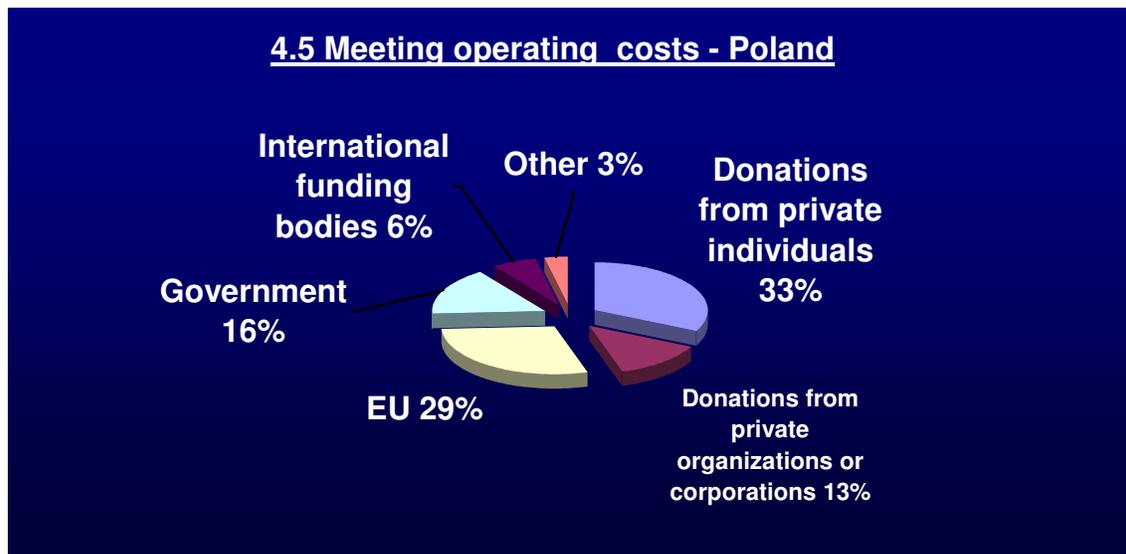
this, as many of the participant groups work across national boundaries, either at the EU or global level, and feel a part of larger continental network. Environmental groups like Greenpeace, WWF and Friends of the Earth have long operated as international or global actors, so for them NGO is a most appropriate identifier.

LAW GOVERNING NON-PROFITS, NGOs AND ASSOCIATIONS

If other structural/institutional impediments to collective action and lobbying can be viewed as occurring outside or beyond the control of state legislators, laws pertaining to NGOs, i.e. taxation, legal status and legal rights, fall expressly under the jurisdiction of national parliaments. This short section will outline how exactly the state has helped stimulate voluntary sector growth, improve the economic situation for NGOs and assist in the development of a more coherent lobbying system. Some time will be spent detailing what the state has not done, in terms of their failure to make the legal-political environment more amenable to associational affiliation and volunteerism.

To give an example of how government can help encourage third sector development, I turn to the recently introduced 1 percent law in Poland. This new law came into effect 24 April 2003 after much debate and dialogue between the NGO sector and government. With the express purpose of assisting registered NGOs, both with operating costs and the charitable work they often carry out, the 1% law was heralded by most NGOs and would-be philanthropists as an important first step in stimulating third sector activity and volunteerism. As reported, “the one percent system is an important experiment that allows a portion of the people to allocate public funds and to strengthen a philanthropic culture” (Guess and Abrams: 2005: 4). In order to qualify for this programme NGOs must first register with government, open a registered banking account, and critically, become registered as a “Public Benefit Organization” (PBO). The U.S. Council on Foundations (USCoF) provides clarification: “To qualify as a PBO, a non-governmental organization, including a foundation or association, must conduct at least one of the 25 benefit activities listed in law” (USCoF: 2007). The 1% law was part of a package of laws adopted by the Sejm to help regulate the whole nonprofit and voluntary sector. The “Law on Public Benefit Activity and Volunteerism,” which finally establishes a comprehensive legal structure for NGOs and other philanthropic activity,

was well received by most Polish activists and donors (ICN 2003). However, those who wish to contribute 1 percent of the income tax to a particular NGO or the public benefit sector, are complaining that the process is far too complicated (PAP 11 Dec, 2005). Of the Polish NGOs surveyed for this dissertation, one-third (see below) collect donations from private individuals. The Czech NGO sector is calling for a similar package of laws to be introduced.



The classification system in the Czech Republic is fairly straightforward. Nongovernmental organizations can take one of only four legal forms: association, foundation, fund and “public benefit corporation” (PBC or *obecně prospěšná společnost* – o.p.s.). Groups registered as an o.p.s., like Gender Studies o.p.s. in Prague, are closer in form to a Quango (quasi-autonomous governmental organization) than a traditional foundation or association. U.S. International Grantmaking suggests “this legal form [o.p.s.] is commonly used by government-dependent NGOs such as theatres, hospitals, homes for the elderly, drug rehabilitation clinics, and so forth...PBCs may engage in economic activities. Only 5 of 11 Czech NGOs surveyed are registered PBCs.

THE EUROPEAN DIMENSION

This short section, in consideration of the argument presented above, will outline how EU institutions and the European polity, the latter now comprising 27 member states and a

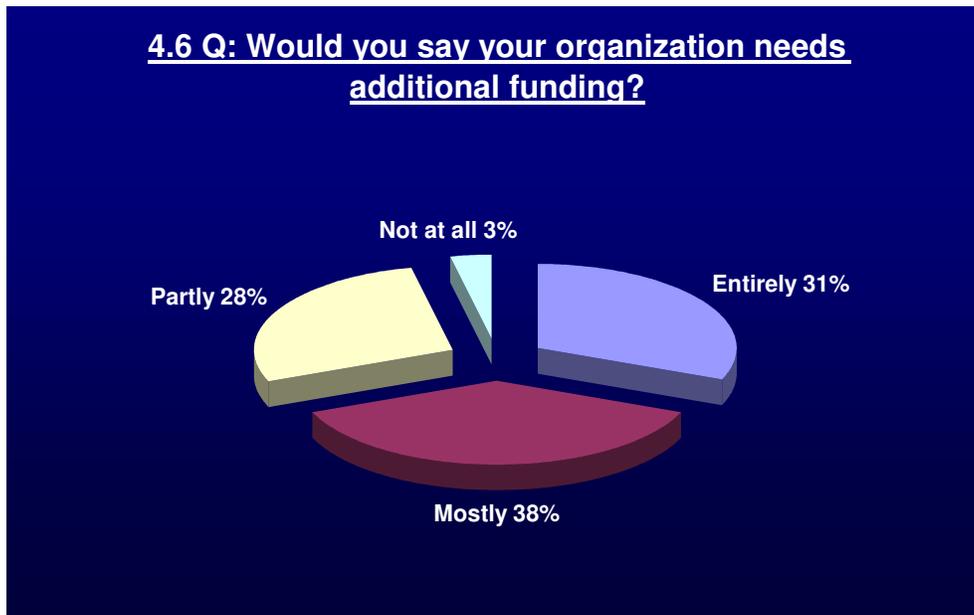
host of substate and nonstate actors, have worked to fundamentally alter the dynamics of contentious politics in Poland and the Czech Republic. Several commentators (Imig and Tarrow 2001; Schmidt 2006; Greenwood 2007) have identified EU institutions as prime ground for professional and lay lobbyists, as policy advice from ‘outside’ experts is expressly encouraged⁴⁴. Subsequent chapters of this dissertation, specifically those discussing specific episodes of contention, will present case study evidence to support the argumentation. This section will perform three tasks: First, those parts of the questionnaire relating to group funding and finance will be presented and analysed; Second, the implications of EU funding will be discussed, both in terms of how it impacts state-level NGO activity and European integration, and; Third, the idea of Europeanization will be elaborated upon, as it speaks to the growing interconnectedness of the third sector in Europe, especially amongst “special interest” NGOs (i.e. environmental groups) and their membership.

Many NGOs in Poland and the Czech Republic have benefited enormously from new (and old) EU funding programmes, like PHARE, which injected billions of euros into ECE (Mendelson and Glenn 2002: 5) and western Balkans. A separate and more modest programme with an annual budget of €1 million seeks to fund NGOs directly. Beginning in 2004 it is geared toward NGOs that, in some way, work to enhance liberal democratic governance. The Commission’s webpage stipulates that NGOs interested in applying for funding should be active “in the areas of the rule of law, democracy, fundamental rights, media pluralism and the fight against corruption” (*European Commission – Freedom, Security and Justice*)⁴⁵. Prospective NGOs are required to submit an application for funding and additionally “provide evidence of their legal existence such as an official registration” (ibid). NGOs from 2004 accession countries can each apply for up to € 150,000, but the funding they receive cannot, in the end, constitute more than 80% of the project’s overall budget. This is an important caveat for several reasons, but most importantly it encourages NGOs to solicit funds from private individuals, firms and other levels of government. Programmes of similar scope and

⁴⁴ The *White Paper on European Governance* (2001) and elements of the Lisbon Treaty clearly encourage NGOs to participate in the development of EU policy. For a summary of the Lisbon Treaty see http://europa.eu/lisbon_treaty/glance/index_en.htm.

⁴⁵ http://ec.europa.eu/justice_home/funding/2004_2007/support_ngo/funding_support_en.htm#

design are now commonplace in Europe with several funding bodies having been established over the past three years⁴⁶.



Nearly 70 percent of respondent NGOs surveyed indicated a need for additional financial support. In fact of the twenty-nine respondent NGOs only one claimed to be completely satisfied with their group’s financial situation. This came as bit of a surprise considering most NGOs operate on a fairly limited budget to begin with and are almost always on the hunt for additional support. However, the National Contact Centre – Women and Science (*Projekt Národní kontaktní centrum - NKC*), a Czech NGO dedicated to gender equity in the sciences, is able to meet all their operating costs through a combination of state and EU funding. The Ministry of Education, Youth and Sport funds NKC as part of the EUPRO programme, which is dedicated to improving research and development in accession countries and also helping incorporate researchers into an ever growing network of European scientists and scientific researchers (*Regionální kontaktní*

⁴⁶ When searching for news stories about NGOs and NGO activity I could not help but notice how many Newswire entries from Poland and the Czech Republic mention “EU funding”, “EU money” and “NGO financing”. In 2007, for instance, € 3 million were made available to Czech NGOs (CTK 18 January 2007). In Poland, NGOs will be able to apply for funding from a coffer containing € 37.8 Billion. It is expected that this money will “contribute to reducing the economic and social disproportions in Poland” (*Polish New Bulletin* 25 April 2007 – originally published in *Gazeta Prawna*, 20-22 April 2007)

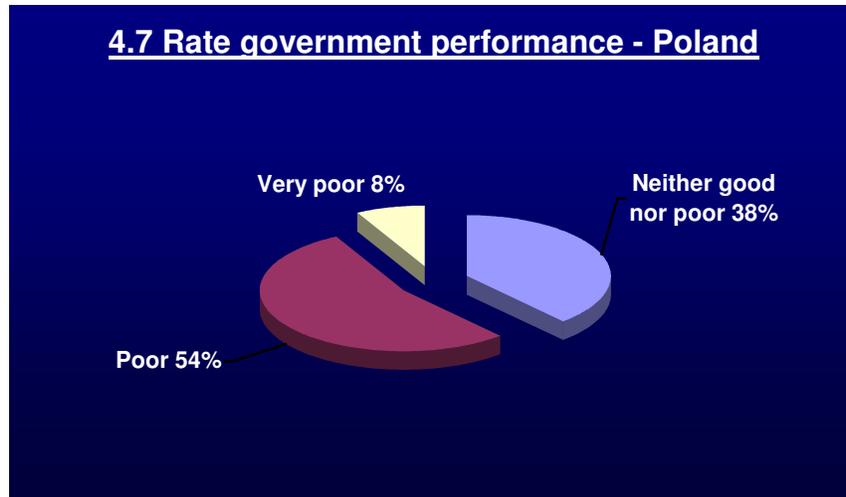
organizace)⁴⁷. NKC was established three year before Czech accession, in 2001, and has since then actively sought to bring gender equity to the sciences and improve the number of women holding executive-level positions in research and development (R & D)(*Central European Centre for Women and Youth in Science, website*⁴⁸). The goal of this organization is really three fold: to bring more women (and girls) into the sciences; to provide both legal and emotional assistance to women experiencing sexual harassment and other workplace indignities; to integrate Czech women scientists and academics into national, international and global R & D networks (ibid).

NKC can confidently be labeled a successful, professional and competent Czech NGO, however, their working relationship with the Czech state, the Ministry of Education and the Government Council for Research and Development, is according to information provided on the survey anything but amicable. It is worth highlighting three specific examples. First, NKC representative that completed the questionnaire “strongly disagreed” with the statement, “government strongly encourages groups like mine to participate in the policy making process”. Second, on a scale of 1 to 10, with 10 being “strongly agree” and 1 being “strongly disagree,” the respondent selected 3 to indicate how eager government is to hear from NKC. Third, the NKC representative indicated that the policy process in the Czech Republic is controlled by political elites and when asked about levels of cooperation between NGOs and government, wrote “there’s no concept of cooperation so there’s no favoritising [sic].” This does not appear to be an isolated sentiment either, as several of the NGOs surveyed for this dissertation indicated similar frustrations with government. However when asked to rate government performance in their respective policy area, i.e. environment, gender equity, domestic violence and Roma rights, just over half (56 percent) of Czech organizations indicated it has been “neither good nor poor”. This level of indifference is surprising as most NGOs believe the policy process is controlled by elites and that government thinks they know best. The Polish numbers are presented in chart form, below. Notice not one Polish organization was inclined to rate government performance in their policy area as “good” or “very good,”

⁴⁷ Information about the EUPRO programme was obtained at the website for *Regionální kontaktní organizace* (Regional Contact Organization), <http://www.vuts.cz/rko/com/finance/financovani5.asp>.

⁴⁸ <http://www.cec-wys.org/html/index.php?s1=1&s2=3&s3=2&s4=1&lng=13>

which unlike the Czech case is more consistent with press reports and other secondary sources.



The NGOs and NGO sectors selected for this dissertation have benefited most from EU membership, as the EU Commission has made gender equality, environmental protection and minority rights a priority since the early 1990s. Natura 2000, a Commission programme establishing an EU-wide network of protected parklands and nature preserves, gave many ecological NGOs fresh impetus to organize and subsequently monitor policy proposals and implementation. It also linked up west European NGOs with their counterparts in ECE, giving the whole ecological network a reason to work together. The G10, a Brussels based umbrella organization for ten key environmental NGOs, including Greenpeace, WWF and Friends of the Earth, works “purposefully [to] coordinate resource between network members” (Greenwood 2007: 120). Working at the EU level the G10 works not only as an environmental policy watchdog and pressure group but also as an “indispensable” member of the EU environmental policy-making community (ibid: 134). This elevates the status of environmental organizations at the national level and gives them a degree of legitimacy that they otherwise might not have. Though this may not necessarily be a precondition for legitimacy in the Czech Republic as NGOs there are one of the most trusted institutions. CTK reported 29 June 2007 that

“NGOs enjoy quite a high trust [and] an absolute majority of Czechs have trusted NGOs in the long-run.”⁴⁹ The G10’s presence at the European level, in combination with the European Environmental Agency (EEA)⁵⁰ and comprehensive EU-level environmental standards, means national NGOs have, one, a host of organizational and institutional support, and two, a way to circumvent unresponsive national lawmakers.

In terms of minority rights, the EU has been quite clear to both 2004 and 2007 accession countries, and Turkey, that human rights are a critical part of the European ethos, and moreover the *acquis*. The Copenhagen criteria developed in 1993 with Central European and former Soviet republics/states in mind, establishes “...respect for human rights and the protection of minorities” as a condition to EU entry (Barnes and Barnes 2007: 426). Article 49 of the Treaty on European Union, which enumerates membership criteria, lists human rights, democracy and liberty as “common” Union values, and as such, a prerequisite to membership. Furthermore, in an effort to improve human rights and democratic governance the EU provides NGOs and other organizations with grants in those areas which further Union aspirations. The following four granting agencies/bodies are part of this programme: European Initiative for Democracy and Human Rights; European Union Agency for Fundamental Rights; Gender Equality; Anti-discrimination and relations with Civil Society.⁵¹ A final example, Daphne II Programme to combat violence against children, young people and women, and to protect victims and groups at risk, is working to enhance NGO power across Europe. In reference to the inherent value of NGOs, their website reads:

In many cases, these organisations offer services which the public authorities do not have the power or the ability to provide. Society will only benefit from the expertise and experience of the NGOs if their ideas and programmes are disseminated throughout the European Community and shared with like-minded organisations in other Member States (Daphne Programme website⁵²).

⁴⁹ The CTK National News Wire report quoted the STEM polling agency for their story on trust. CTK (29 June 2007) “Most Czechs do not trust political parties, church – poll: General News.

⁵⁰ The purpose of the EEA is to provide NGOs, consumers and business with information about EU environmental standards and also general facts about conservation, recycling and pollution reduction. This environmental nodal point is meant to facilitate dialogue between all parties.

⁵¹ Information on EU grants and funding can be obtained at http://ec.europa.eu/grants/index_en.htm#human

⁵² http://ec.europa.eu/justice_home/funding/2004_2007/daphne/funding_daphne_en.htm#

Daphne is a clear example of how some EU initiatives actively encourage the creation and development of transboundary advocacy networks, which in turn change the parameters of contentious politics in Poland and the Czech Republic and state – NGO (or third sector) relations. For it becomes easier for weaker groups to accumulate power through a system of cross-cutting networks than a system of unitary, discrete actors. Even if the state tries to usurp power from a particular NGO, either through limiting their access to information or to government officials, it becomes possible in the current EU polity to utilize EU institutions, namely the Commission and ECJ. The Rospuda valley affair is a clear example of how a previously unconnected group of NGOs can coordinate a campaign around a single salient issue against a member-state, in this case Poland, and ultimately win.

It is precisely this sort of arrangement between new member states and the EU that effects power dynamics in post communist Europe. Kriesi et al. (1992) argue that politics and institutional arrangements have a dramatic effect on how (and with what effect) citizen groups mobilize and which protest (or lobbying) repertoire they utilize. They argue “that the overt collective action that constitutes the organized, sustained, self-conscious challenge to existing authorities is best understood if it is related to political institutions, and to what happens in arenas of conventional party and interest group politics” (Kriesi et al. 1992: 239). To elicit change Polish and Czech NGOs have to work through existing national political institutions, just like any other interest group would have to. But in 2004 they were provided a brand new set of institutions that thus far have enhanced their standing both at home and across Europe.

Grant programmes and funding schemes are only two of the ways in which the EU can directly influence NGO development, and by extension contentious politics in Poland and the Czech Republic. The Europeanization of contentious politics, that is the spreading of advocacy networks and NGO communities across continental Europe, has generally had a validating effect on collective action. Referring back to figure 1.1 in the introduction, it would seem that every EU member-state, not just Poland and the Czech Republic, are subject to sudden, often potent, episodes of collective action orchestrated by traditionally fragmented constituencies. Imig and Tarrow (2001) edited a volume, *Contentious Europeans*, specifically on this topic. They argue a corollary of EU

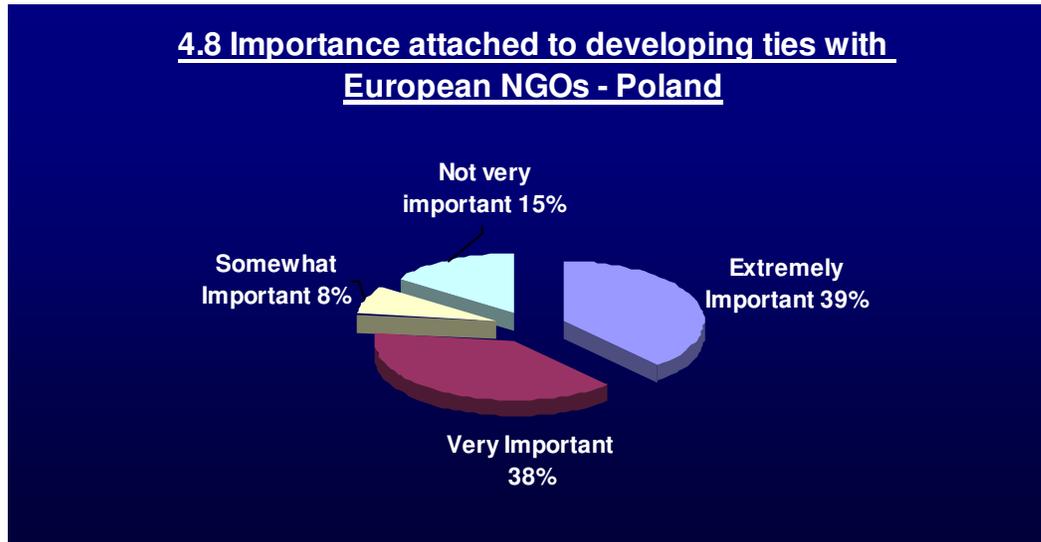
integration is (or will be) European level contentious collective action, and most significantly, an overall nexus between domestic (member-state) and European nonstate actors. There is strong evidence to support their perspective on European contentious politics and that a composite European polity has formed thus encouraging the development of truly European policy networks. The effect of these networks is more pronounced in Poland and the Czech Republic and other post communist/Soviet states because civil society generally lacks embedded networks of advocacy groups. Multilevel action coordination, which assumes politically weak groups coordinate their actions vertically, from the EU to the national and vice versa, speaks to the growing irrelevance of demarcated boundaries when it comes to contentious collective action and lobbying in Europe (Helfferich and Kolb 2001: 151). Helfferich and Kolb's idea, which is now almost a decade old, has even more relevance today, as EU 27 contains thousands of politically weak NGOs looking for ways to strengthen themselves both materially and numerically.

Europeanization is a contested concept, for it suggests the loosening of national boundaries, erosion of state sovereignty, enmeshment of third sector actors, and the gradual homogenization of European political culture. Anderson argues "important policy debates and decisions that once unfolded within purely national parameters have now been 'Europeanized' (2002:794). This is an important development for national governments that want to accumulate or retain power in decision making and also NGOs that want to effect change through collective action. This dynamic is explored in subsequent chapters by way of five separate case studies, which when taken together clearly illustrate the power and influence external actors and institutions have during episodes of contentious politics in Poland and the Czech Republic. The ideas and theories Kriesi et al. were discussing in a 1992 article about new social movements and political opportunity structure (POS) in Western Europe now seem prophetic. They wrote:

The relevance of the national POS, may, however decline in an even more fundamental way, if the nation-state loses its prominence in conventional politics in a unified and/or regionalised Europe (1992: 240).

For the reasons national POS is losing relevance, domestic networks are gradually being extended outward. Survey results indicate the nearly 80 percent of respondent NGOs

believe that developing ties with European NGOs ought to be a strategic priority (See below). If the Lisbon Treaty falls short of full ratification, perhaps CEE NGOs will attached less importance to forging links with the EU and EU NGO networks.



A concerted effort has been made since 2001, the year the Commission published the *White Paper on European Governance*, to assist both civil society organizations, directly, and initiatives aimed at improving democratic governance. Based on survey results it seems many of the Commission’s recommendations, especially those calling for the funding of NGOs and civil society organizations, have been put into practice. For example, when respondents were asked about funding (how their operating costs are met), almost 70 percent (69.2) of the Polish participant NGOs and 75 percent of the Czech ones, indicated the European Union as one of their main sources of funding. Almost all groups surveyed plan on applying to the EU for some type of financial assistance in the near future. Fully 83 percent of NGOs surveyed indicated they had previously applied for EU funding (see below). In Poland the percentage of respondent NGOs having applied for EU funding, 84 percent, is slightly higher than the combined average. No question the EU has helped and will continue to help support certain segments of the nonprofit sector in CEE. In terms of how the EU views NGOs, both the Commission and Parliament “have sought to improve the organizational capacities of

diffuse interest groups so as to enhance their standing in the policy process...” (Eising 2007: 215). Does this however mean that European groups are more powerful political actors, in Europe and in their respective member-state?

4.9 Funding Applications* **

N = 29	Poland (N)	Czech Republic (N)	Total (%)
European Union	11	13	83
Government	9	16	86
Other Government	2	2	14
Private Philanthropist	6	15	72
International NGOs	3	9	41
Other	1	7	28

* Respondents were permitted to indicate more than one funding source on the questionnaire

** NGOs were asked: Has your organization applied to any of these sources for funding?

The table reveals several other interesting funding developments. For all the complaining Czech and Polish NGOs do about government, they appear willing to approach government agencies for funding and use acquired public authority funding to run operations. More than 86 percent of NGOs surveyed have applied directly to the state (i.e. government and/or auxiliary agencies) for financial assistance. The survey results are only a snapshot in time, granted, but it is surprising that so many groups are willing to accept government funding when many times they are publicly critical of the post communist (and now post accession) situation. For example, A *CTK* newswire of 6 November 2000, reports the NGO community as being utterly frustrated with the political status quo, which they contend is elitist and unfair to NGOs. Several NGOs made their feelings publicly known just a day or so before the European Commission was to assess the Czech Republic’s “preparadnes as a candidate for EU entry” (*CTK* 6 November

2000). Polish NGOs have made similarly unflattering statement about government in the past. But the government of Jerzy Buzek (*Akcja Wyborcza Solidarnosc - AWS*) injected a lot of złoty into the civic/NGO sector. For example the Education Ministry “handed out 279 commissions for NGOs in 1999-2000” and also the Ministry of Finance allocated 30 million *złoty* to the third sector (*Polityka* 15 September 2001: 25). In this way government actually helps support third sector development, but in doing so they get to determine where (and to whom) the funding goes. The EU disrupts this most basic of political advantages. Greenwood (2007) reports, “a four year action programme (2002 – 06) for promoting NGOs in the field of the environment has a budgetary contribution of € 32 million” (p 132), thus illustrating EU commitment to developing the environmental advocacy sector. With all this EU-level funding, many NGOs, especially Polish ones, are looking to Brussels for financial security.



Advocacy groups are an important part of the nonprofit family as they are able to challenge government on specific issues relating to policy development and implementation, and most often have the policy expertise to do this effectively. Referring to America’s (more precisely USAID’s) perception of advocacy NGOs, Carothers notes:

The single most favoured area of US civil society assistance is that of advocacy NGOs, such as human rights groups, election monitoring organizations, and environmental organizations. In the view of US aid organizations, the crucial feature that distinguishes such organizations from social service oriented NGOs,

or from the many other intermediate associations and groups that usually exist within societies such as kinship organizations, sports clubs, and cultural associations, is that they seek to influence governmental policy on some specific set of issues (1997: 114).

A critical difference between EU grant programmes and USAID, in terms of how monies can be distributed and spent, is that both Poland and the Czech Republic are members of the EU and therefore a part of the budgetary process. Thus both governments will have some say in how EU money is spent and allocated, even if the Commission has it earmarked for the NGO sector of civil society development. USAID and international philanthropic agencies, in particular are able to fund NGOs with minimal political constraint. However many NGOs and NGO forums are upset with the present institutional arrangement, in which national governments have the ultimate say in how EU funds are distributed to nonprofits – especially if funding must first be routed through state ministries and agencies. The Commission only approves the overall budget and spending formula, where and who the funds are ultimately channeled to is up to government. Polish MP, Witold Gintowt-Dziewaltowski (SLD), is quoted in *Gazeta Bankowa* saying “...the process of EU funding distribution is too centralized...local governments, as well as NGOs play too small a role in it” (*PNB* 15 May 2007). Problems with distribution date back to before EU entry but in many places they persist. Referring to the Polish experience, Stankiewicz (2003) notes that “a mere 3.4 percent of Polish NGOs [c.2003] have tapped into EU funds so far” (*World News Connection* 26 August 2003). But it seems as though things are now finally improving for the Polish and Czech NGOs.

CONCLUSION

The purpose of this section was to add some empirical weight to several ostensibly theoretical arguments about NGO activity in Poland and the Czech Republic and also the manner in which NGOs conduct their activities in a highly stratified European polity. The inclusion of quantitative data, though limited to only a few types of organizations in two post communist countries, was not accidental. Comparative research in the areas of group politics in post communist states, interest articulation in the EU and, the development and

expansion of policy communities and networks in Europe, had become much more empirically based over time (Greenwood 2007; Eising 2007; Schmidt 2006; Toepler and Salamon 2003; Mendelson and Glenn 2002). The study of NGO development in post communist Europe has become, as Mendelson and Glenn (2002), overly empirical and quantitative. They took effort to provide a more qualitative account of NGO activity in their latest book. For the purposes of this dissertation it was important to consult groups directly, if anything, to get a sense of how they view government and what it is, specifically, that may be impeding their development. The empirical findings suggest three things about post communist and post EU accession group politics in Central Europe.

First, in an attempt to acquire political power, understood here as influence, groups have been busy building advocacy networks with groups both inside and outside their home state that stretch the length and breadth of the EU. The fact is, European institutions and the quasi-federal nature (or compound nature) of the EU encourage NGOs, both old and new, to seek out alignments and partner with stakeholders of similar kind. This holds especially true for NGOs in Poland and the Czech Republic, which thus far have been unable to exert influence over policy makers using what amounts to traditional lobbying strategies and tactics – lobbying parliamentarians and policy makers directly without aid of intermediary institutions, supranational agencies or networks. None of the NGOs consulted for this study felt whole heartedly that their respective government actively encouraged their participation in the policy process or were eager to hear what they had to say about pending policy. Thus, as rational actors, they have intentionally looked for other ways to gain political advantage. This explains the growing number of EU interest groups (Greenwood 2007: 12-14; Watson and Shakleton 2008: 94), the way contentious politics occurs, and increasing density of policy communities and advocacy networks. It is worth repeating, NGOs from Poland and the Czech Republic are more likely to join pan-European networks⁵³ or utilize EU institutions to

⁵³ Networking may occur on an issue to issue basis. That is, groups may align, as was the case with the Raspuda valley episode, in an attempt to exert one-time pressure on an agency or government over a discrete event or policy decision. It is this unpredictability which characterizes contentious politics in the post Nice EU. The cases studies present in subsequent chapters are a

pressurize their national government, as they have not been receptive to their lobbying efforts.

Second, respondent NGOs from the Czech Republic have been in operation, on average, twice as long as their Polish. Nearly 70 percent (N = 13) of the Polish NGOs surveyed for this dissertation indicate an organizational lifespan of between for 2- 5 years. This is remarkable considering every single participant NGO from the Czech Republic report being over 6 years old, with approximately two-thirds indicating their age at over 10 years. While it is impossible to extrapolate or indeed make any definitive generalizations about all Polish and/or Czech NGOs from such a limited sample, it is perhaps telling that when comparing the more service-sector oriented and urban Czech Republic, to the more agrarian and rural Poland, it is the Czech Republic that is most able to support the voluntary sector. The *Economist* reports GDP per head purchasing power parity for the Czech Republic at US\$ 24, 336, and for Poland US\$ 16,291.⁵⁴ But in a globalized or internationalized system the relative economic strength of any one particular state (even if calculated per capita) is offset by how much international aid the voluntary sector is able to secure. By most estimates, the NGO community in the Czech Republic has historically received more philanthropic assistance per capita than Poland. It is difficult to obtain reliable data on overall/total philanthropic contributions to any or all of the voluntary sector(s) in Central Europe. Of the NGOs surveyed, on average it is the Czech ones that have been around longer, have more paid than voluntary staff, and believe they can contribute “valuable policy advice to government.”

Third, most of the respondents believe their NGO and NGOs in general contribute positively to democracy, policy development and governance. The data indicates that political parties are viewed quite negatively by the NGO community and are, for the most, unable to adequately represent the interests of a divergent population. This was almost unanimous, with fully 59 percent of respondents “strongly disagreeing” with the statement, “political parties are better able to translate the needs of the population than non-governmental organizations”. Only 2 of the 29 respondents indicated any agreement

testament to the diversity of interests which converge on a particular policy issue, if it is highly salient to enough actors, that is.

⁵⁴ Data can be found at <http://www.economist.com/countries/CzechRepublic/> and separately <http://www.economist.com/countries/Poland/>. These numbers reflect 2007 averages.

whatsoever with the statement. In this way NGO activists regard the third sector as both important to the functioning of democracy and imperative to the development of truly responsible and equitable public policy. This is however a skewed result, as only active NGOs were consulted for this dissertation. There may well be a number of disillusioned activists out there that regard the NGO community as too powerful or elitist and unable to work collaboratively with other NGOs and government. Vaclav Zak, a Charter 77 signatory and now social commentator and media lecturer in the Czech Republic, believes that NGOs are undeserving of public funds, are less accountable than state organizations, and do not behave responsibly.⁵⁵ Current Czech President Vaclav Klaus, as mentioned, regards NGOs in a similar way. But Dзамila Stehlikova, minister of minorities and human rights in the Czech Republic, believes something quite different:

Non-governmental organizations can enrich considerably the priorities [during the Czech Republic's EU presidency] since it is them who always reacts [sic] most sensitively and quickly to the current needs of citizens and complement the state sector and public administration in areas that are necessary for the operation of our society" (CTK 4 March 2008)

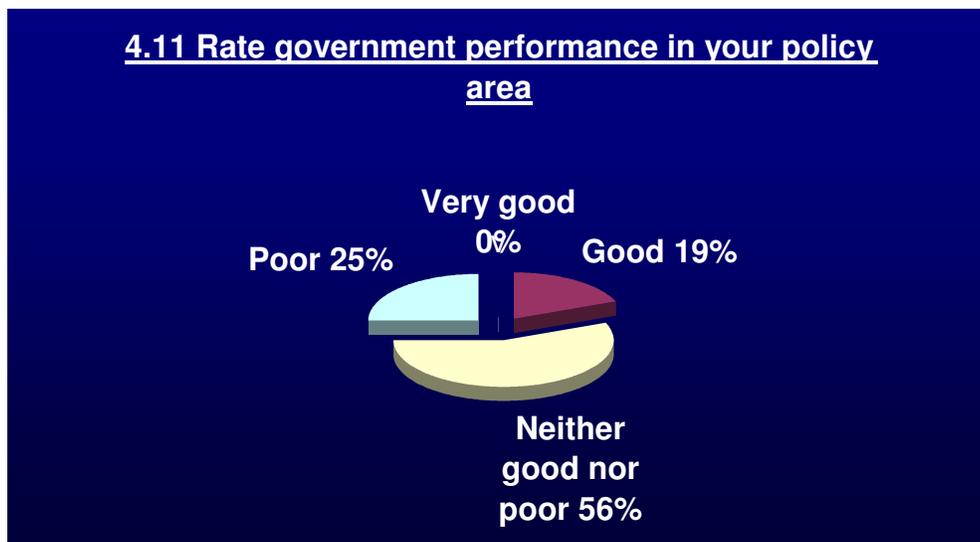
In the end there is no consensus either in the Czech Republic or Poland on what role the voluntary sector should play and specifically how NGOs should be incorporated into the decision making process. But almost all NGOs surveyed believe all NGOs should be given time to read draft government policy and, critically, be provided with an opportunity at least to communicate their ideas, concerns and views to government. So there is a noticeable disconnect between policy makers and the NGO sector, as a clear majority of NGOs surveyed feel marginalized. Kit Kimberly wrote:

Since 1990, the more than 30,000 NGOs that make up the Czech nonprofit sector have struggled to gain recognition and respect for filling the gap – created by the transition to a civil society – among government, business, and citizen interests. (*Prague Post* 4 March 1998)

Similar charges have been levied at state authorities in Poland. For example on 22 September 2002 over 500 members of NGOs convened a meeting in Warsaw to consider possible solutions to what they determine is a crisis in the voluntary sector (*Polish News*

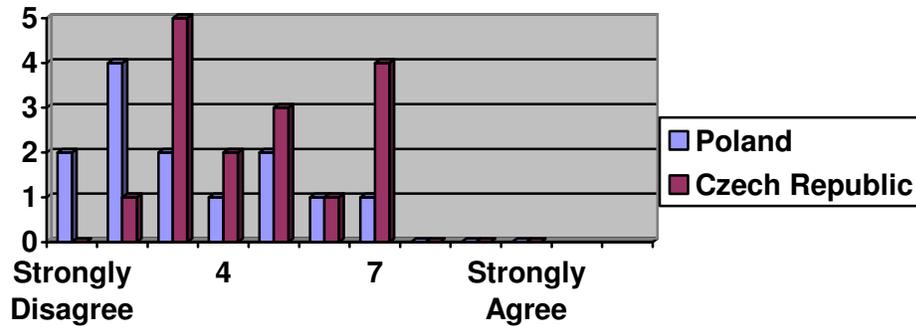
⁵⁵ Interview conducted 18 August 2003 in Prague, Czech Republic.

Bulletin 25 September 2002). The goal of the meeting was to construct a federation (i.e. an encompassing advocacy network) capable of exerting pressure on Polish decision makers. As reported, “of all the registered non-governmental organizations [in Poland] nearly a half have ceased to exist, due to financial problems, low spirits and negligence by state authorities” (ibid). While other source suggest a similar decline in the total number of Polish NGOs (i.e. the *Nations in Transit* series) it is important to recognize that USAID stopped providing SEED support around this time, and other philanthropic agencies began turning their attention to the former Yugoslavia, the Ukraine and other Eastern European states. In other words there are intervening variable that should be taken into consideration when determining the reasons for NGO decline in Poland.

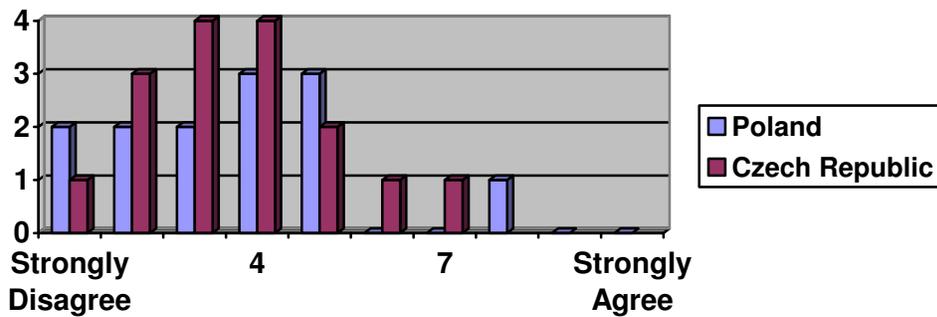


A result that contradicts one of the hypotheses is presented in chart form above. Three-quarters of Czech NGOs surveyed rate government performance in their particular policy area “good” or “neither good nor bad.” A few of the other results relating to Government-NGOs relations and interactions is presented in graph form below.

4.12 Government encourages groups like mine to participate in the policy making process



4.13 Government is eager to hear what my organization has to say about pending policy



Despite EU accession and several policy victories at the European and national level, survey data suggests that many NGOs are still unpleased with the status quo. However this may not be an indictment of EU governance and multi-level decision making. Rather it could be that respondent NGOs have either unrealistic expectations or have rated current political practices according to how they ‘wish’ it transpired. Thus there will always be a lower degree of political efficacy among very active (and demanding) NGOs.

CHAPTER FIVE

Environmental Politics

One fundamental problem with interest articulation stemming from the environmental sector in ECE is while many groups have gained experience and lobbying know-how since consolidation, government and state agencies have retained socialist era skepticism toward sub-state actors. Two examples seem to support this position. First, President Vaclav Klaus has – several times - publicly condemned NGOs for being undemocratic and illegitimate. Referring to Klaus’s speech at the Council of Europe Summit in Warsaw, the *Prague Post* quoted him as saying “various manifestations of NGOism [sic], of artificial multiculturalism, of radical human rightsism [sic], of aggressive environmentalism” were ways of “endangering and undermining freedom” in the post-communist era.”⁵⁶ Polish politicians do not seem to have the same penchant for stirring up controversy over their views on NGOs, but undervalue the potential policy expertise of third sector advocates a similar way. For the second example I turn to the relationship between the Polish government and the third sector. It is worth quoting Regulska (1999) at length:

The national state’s policy towards the NGO sector in Poland is confused. In the context of a high rate of government turnover – nine governments presided during the past nine years – the attitudes of elected and appointed officials toward NGOs also have oscillated. Several Polish Prime Ministers and their governments of example felt obliged to take public stands regarding NGOs, and with each sending different signals, a clear policy is yet to be established. Various fiscal and financial provisions have been introduced, only to be either withdrawn shortly afterward, remain unimplemented, or to be hampered in implementation by excessively bureaucratic procedures (1999: 67)

This chapter will accomplish four things. First, it will determine why policy formulation in Poland and the Czech Republic is state-directed and, shed light on the reasons for state autonomy. Second, it will supply an overview of lobbying, contentious politics and the protest repertoires available to several established and emerging environmental groups. Third, a synopsis of environmental group development in Poland and the Czech Republic

⁵⁶ Dinah A. Spritzer “Speech Against ‘NGOism’ Haunts Klaus,” *Prague Post* online (www.praguepost.com): last accessed 5 August 2006.

will be given with focus on trajectory and relative potency – that is, how EIG development relates to structural changes at the political elite and institutional level. Finally, the protests at Temelin nuclear power plant in the Czech Republic, along with the Green party movement (fissure?) in Poland will be analysed to discern the impact of state building on interest group behaviour, in the first instance, and the political factors influencing the Green party activities, in the second.

This chapter is expressly concerned with the interchange, or lack thereof, between state officials and environmental interest groups (NGOs), and also the unwillingness of elected officials to implement environmental policy with aid of non-elected or non-state groups – e.g., environmentalists. It has been noted that however well this sector is currently performing, its dependency on western donors means many environmental groups and correspondingly their policy community is without a robust grassroots network to draw support from (cf. Fagin 2000; Fagan 2004; Davis 2004; Andonova 2004; Jehlicka et al. 2002). According to these same authors it is precisely the preponderance of international aid which has exacerbated this problem, creating a situation where local environmental groups are concerned first and foremost with donor expectations and requirements and not with developing meaningful connections to the grassroots. Incidentally, because some donors are forced to seek out and support apolitical or less political organizations, something that American philanthropic associations are bound by law to do, there has been a noticeable increase in the number of research centers and educational programmes (McMahon 2001). As McMahon suggests, “foundations and other non-profit organizations can only make grants for charitable, scientific, literacy, or educational purposes only (...) their support cannot be used to influence legislation or support groups with a political agenda” (McMahon 2001: 56). The growth of educational programmes, however, has been at the expense of direct lobbying and contentious politics. This is beginning to change, as Davis indicates, “although research, education, publicity, and occasionally protest remain the core activities of Czech environmental groups, a few have begun to engage in more of the ‘insider’ modes of political participation – namely lobbying and litigation – that have long formed the nucleus of their American counterpart’s efforts” (2004: 386). But for the first years of

democracy many groups were less involved in policy making than they might have hoped.

The piecemeal way policy is created and developed is also problematic for NGOs, as they are unable to regularize their contact with parliamentarians and/or bureaucrats. For example, once a part of the policy making process, “the stunning reversal in the policymaking access enjoyed by environmental groups highlights the development of weak connections between the state and society (...) Environmental groups saw their involvement in policymaking diminish gradually through 1996 and their interests openly derided as naïve and harmful” (Green 1999: 9). Also of concern to lobbyists, anywhere really, is the stability of a given government and/or governmental ministries. In Poland for instance, where governments are short lived and susceptible to fissure, groups are less likely to engage in conventional forms of political protest and/or lobbying. There is simply less opportunity in Poland to establish working relationships with parliamentarian and non-elected officials. Dalton et al.’s study of environmental modes of action across six regions reveals, 1) East European environmental groups are least likely (out of all six regions) to engage in conventional activities, and 2) the second least likely (only behind North America) to use protest as a way to pressure officials (Dalton et al. 2003: 754). Considering NGOs publicly stated willingness to work with government during the first years of transition, and then their inclusion in environmental policy making in the early 1990s, it would appear that as state building has proceeded, so NGOs have become marginalized. Both Jiri Tutter of Greenpeace CZ and Vojtech Kotecky of Friends of the Earth CZ (FoE CZ) confirm as much, as they report a less than ideal working relationship with the Czech Ministry of Environment. Two questions underpin this chapter:

1. Is the development of effective environmental groups in Poland and the Czech Republic being hampered by the persistence of communist era collective action tactics?
2. Are policy networks (or communities) suitably able transmit the desires of both NGOs and the population to decision makers so that environmental policy takes into consideration the needs/wants of relevant stakeholders?

This chapter argues Czech and Polish environmental NGOs have struggled to find a positive place in post consolidation policy making, even though they have toiled long and hard to effect change and develop western-style advocacy networks (Carmin and Hicks, 2002). A socialist legacy has something to do with this, certainly, as the actions taken by both contemporary politicians and environmentalists are likely to be influenced by communist era (anti) politics. Without policy networks and interest communities, for example, communist era politics was segmented and closed off from societal stakeholders, providing the state with considerable autonomy and thus no direct challengers. This is a difficult condition to overcome. Fragmentation within the environmental community has enabled state institutions to continue their paternalistic practices and avoid direct, meaningful, dialogue with environmental groups. But as new EU directives take effect, the environmental lobby at both the EU and member-state level becomes more powerful. Environmental groups are prominent and important political actors at both the national and international level. Growing in size (total number of organizations and membership) and gaining institutional competency over the past 30 years, such groups as Greenpeace, World Wildlife Fund and Friends of the Earth, have managed to secure their place in a complex worldwide network of environmental policy advocates and professionals. Direct action campaigns, educational programmes and membership drives have made these groups household names – and the face of environmentalism. Recognised as legitimate environmental policy experts, environmental NGOs are now credible and potent sub-state actors, able to influence environmental policy and government planning in profound ways.

It is not an exaggeration to say environmental NGOs have managed to push sustainable development and renewable energy atop the international policy agenda while drawing attention to such destructive practices as driftnet fishing, clear-cut logging and automobile pollution. In Poland and the Czech Republic however, these issues have less salience with the population than more immediate concerns, such as job security, unemployment and healthcare. Pollution, both water and air, along with inadequate solutions to toxic waste disposal, open pit mining and inefficient logging practices, have provided democratic-era ECE environmentalists with a litany of problem areas to focus

their attention on. After forty years of maltreatment at the hands of Communists, the environment in both Poland and the Czech Republic was in need of immediate attention.

The As Pavlinek and Pickles (2004) identify:

It is now well known that post-socialist Europe inherited a complex legacy of environmental problems with their own distinct and important geographies (...) By the late 1980s, large areas of the region suffered from excessive air pollution, water pollution and land degradation, particularly in the former East Germany, the Czech Republic and Poland (p.239).

Many local groups, often accompanied by (or sometimes led by) large international NGOs, started asking tough question of the newly elected governments of Poland and Czechoslovakia. They wanted to know what the government's immediate plans were for environmental clean-up and sustainable enterprise in both the industrial and agricultural sector. NGOs were quickly becoming powerful policy advocates at both the local and state level, putting to work an established network of environmentalists with requisite policy experience. Examples of their activity range from a Greenpeace authored 'letter to the editor' in the *Prague Post* about river contamination after the floods of 2003, to a rather ruckus series of protests in Warsaw's Targowek borough over a proposed incinerator. While the environment, as an area of discrete policy concern, has slipped down the political agenda (Carmin and Hicks 2002: 314), it still seems ECE governments are having to deal with environmental interest groups (NGOs) whether they would like to or not. In this way traditional interest cleavages are forming between industry and environmentalists, and between neo-liberal/market oriented politicians and NGOs. The environmental sector in Poland and the Czech Republic are beginning to exhibit some the characteristics of a 'western' policy community, with a host of competent groups regularly challenging government programmes, liaising with local and European media, and critically, they are offering the public alternatives to government policy. But this sector is lacking connections, to both its own constituency (e.g. ecologically oriented Czechs and Poles) and the state (e.g. the bureaucracy and/or Ministry of Environment). Important to developing a lasting and potent environmental network in ECE is the creation of vertical advocacy chains, moving upwards from informal local groups to professional organizations with policy competency. At the top of this chain is where the state and professional NGOs meet. Here, the actions of state officials and government are

critical to the transmittance of policy ideas from the third sector to the Ministry of the Environment or to government proper. It is worth noting what USAID said about this working relationship in the Czech Republic first, and Poland Second:

Czech Republic:

Cooperation between the government and NGOs needs to be improved. The government does not perceive NGOs as partners; some prominent government officials even refer to NGOs as illegitimate, non-elected organizations with verifiable democratic structures.

Poland:

Despite [many tangible] advances, NGOs continue to face serious problems: financial viability remains elusive for many organizations; relationships with the government require strengthening; and the general public still does not have a solid understanding of the role of NGOs.⁵⁷

Given the tradition of organized opposition in Poland (Ekiert and Kubik, 1998) it is surprising that environmental groups seem preoccupied with elite level or formalized interest contestation (i.e. the establishment of a green party) rather than developing further as a sub set of civil society. In the Czech Republic, the push for a green party has been tempered by the organizational success of NGOs, which have garnered considerable attention from the press and academia⁵⁸ and have, compared to Poland, been active since the early 1990s. Therefore the intervening variable with the most impact on repertoires of contention in post-communist Europe is the state, for government and state officials are establishing the terms of contentious politics and augmenting institutions and laws on almost a monthly basis.

It is not an overstatement to say the post-communist state is concerned about its prospects of losing power to interest groups and sub-state agencies. A recent example

⁵⁷ Both citations are taken from *United States Agency for International Development* "2001 NGO Sustainability Index," published by USAID and available on their website, www.usaid.gov.

⁵⁸ It has been this author's experience throughout the course of researching environmental organization in Poland and the Czech Republic, that the environmental movement in Czechoslovakia and the Czech Republic has received the lion's share of scholarly attention since the collapse of communism in 1989. There are a number of reasons for this, but the two dominant ones seem to be the critical role played by environmentalists nearer to the end of communism and second (cf. Pavlinek and Pickles, 2004), the recent activity of Greenpeace and FoE, which has kept the environment, if not at the top of the political agenda, certainly at the top of the scholarly agenda.

comes via Ladislav Jakl, secretary to president Vaclav Klaus, who said: “I think NGOs’ power over people is dangerous – this power should only be used by institutions with a public mandate, which can be overseen” (Radio Praha, 13/07/2005). Ultimately contentious politics is shaped not by the actions or character of interest groups in isolation, but by the government or state’s perception of NGOs and reaction to their lobbying. If Jakl’s comments are truly representative, then it seems only too obvious why environmental NGOs and the government are distrustful of each other. A viable thesis emerges from this cleavage which posits third sector weakness is a consequence of unfavourable working condition between governmental agencies and NGOs and/or international NGOs. In Poland, Kurek et al. (2001) argue “unfortunately the influence of ENGOs [Environmental Non-governmental Organisations] in the administrative process is weak because membership and financial resources are limited and the record of concerted action is poor” (p. 511). In situations where the state is openly hostile towards organized interests, e.g. Klaus’ view of civil society and NGOs, it is no longer acceptable to regard low levels of political efficacy as the root cause of third sector marginalization. The focus should be squarely on the state and its administrative competencies (including the particular ethos of the Ministry of the Environment) in order to determine impediments to ecological mobilization and collective action.

After the collapse of communism politically hardened environmental advocates began to liaise and sometimes supplant home-grown activists in CEE (Carmin and Hicks, 2002; Davis 2004). Many of the groups which formed after 1989 are branches of established international NGOs, thus securing the help of policy experts, media consultants and senior campaigners during the formation of CEE offices. The environmental movement in both Poland and the Czech Republic has benefited from a preexisting network of environmental NGOs and has used the experiences of West European and North American groups to good effect. Therefore, when looking at contemporary NGOs in the Czech Republic one sees media campaigns, membership drives⁵⁹ and protests that resemble those of established groups in countries with a longer

⁵⁹ This author witnessed members of Greenpeace CZ carrying out a membership and donation drive in the Prague subway (July 2003). The scene resembled western Greenpeace campaigns, with members wearing Greenpeace T-shirts, toting clipboards and asking commuters to join or

history of public protest and volunteerism. For instance the quality of a recent Greenpeace CZ television advertisement lambasting the government's poor record on pollution and waste management is consistent with (if not better than) what Greenpeace has produced outside ECE⁶⁰. Greenpeace has been active in Poland as well (recent campaigns to remove a 'pirate' fishing vessel from Gdansk harbour and separately to stop genetically modified seeds from entering Poland bears this out) but interest among local green organizations is with creating a Green party that can compete at state and EU level elections (cf. Ferry and Rudig 2002). Part of the problem in establishing a competent green party in Poland is with environmentalism itself. As Ferry and Rudig (2002) argue "environmental issues (...) had played their symbolic role as carriers of anti-communist challenges, but then had little role to play in post-transition party politics" (p.2). With political transition came a host of more pressing issues and policy conundrums, such as economic restructuring and privatization, by which the environment seemed less pressing.

But the above examples do not speak to the growing levels of dissatisfaction amongst greens in Poland or to the limited role NGOs play in the formulation of Czech environmental policy. In Poland, the green movement has sought to create one, unified and encompassing, Polish green party to compete in national and sub-national elections. This is consistent with the history of dissidence in Poland which saw Solidarity acquire the characteristics of a political party in waiting when the opportunity to compete in semi-free elections emerged in 1989. This episode, as it will be discussed, ended up marginalizing those Solidarity members that favoured a more environmentally friendly, if not overtly 'green,' movement (Ferry 2002: 172). In the Czech Republic, a core group of environmental NGOs has managed to develop into a fairly effective network, but as Fagan (2005) argues

With a few exceptions, the core professional environmental NGOs that dominate policy arenas, comment on policy drafts and articulate the dominant

give generously to Greenpeace. People seemed quite receptive, but this is a purely anecdotal statement.

⁶⁰ The advertisement can be viewed at www.greenpeace.cz or via the Prague Post website, www.praguepost.com/P03/2005/Art/0217/news4.php. The Greenpeace advertisement has been criticized by Regional Development Minister Jiri Paroubek, who said "this is a strike below the belt (...) it basically presents us as some sort of dump for the whole of Europe" (*Prague Post*, 17 Feb 2005)

environmental discourse in the media and within the policy sphere have failed to root themselves within society at large (p.529)

This leaves a disjuncture between potential grassroots activists and the political movements themselves, on the one hand and, a growing gulf between policy makers and professional environmental NGOs on the other. Both outcomes place limitations on what environmental groups can politically do, whether it is the building of a grassroots support network or developing a constructive relationship with policy makers. For instance, the above two structural conditions puts into question the legitimacy of environmental groups and the movement in general. Insofar as NGOs are not connected to the population they supposedly represent (cf. Fagan, 2005: 529), potential membership. Subsequently the development of a more robust environmental policy community is jeopardised. This leaves the state in a powerful position as the environmental ministries of Poland and the Czech Republic are able to manipulate the policy process to their advantage. As executive director of Greenpeace Praha Jiri Tutter pointed out, while the Ministry of the Environment has publicly proclaimed its willingness to work with environmental NGOs, like Greenpeace and FoE, it is common for them to release a huge policy dossier only days before a particular matter is to be introduced in Parliament.⁶¹ With a staff of only thirteen, Tutter proclaimed that it is impossible to analyze and comment on complex and complicated policy briefs only days before they enter the Bill stage. He also added that the Czech Ombudsman, who handles complaints from NGOs, “has no legal force” and cannot compel government to open-up the policy process to third party organizations⁶². It is up to the discretion of the Ministry and government whether or not policy will be tabled publicly and discusses at the committee level. Both Polish and Czech legislation (particularly the broad environmental ‘mission statements’ prepared by each respective Ministry of the Environment) calls for the creation and maintenance of a multilevel, transparent, policy process which incorporates NGOs and other interested parties in decisions making. However, NGOs are still very much at the periphery of environmental policy formulation.

⁶¹ Interview conducted in Prague, 22/08/03.

⁶² Interview conducted in Prague (Greenpeace Office, Ceskomalinska 27, 16 000, Praha 6) 22/08/03

In Poland, the Green movement was fairly active during the communist period, securing a place within the Solidarity movement and at the roundtable talks. However, post 1989 the green movement has not developed into a stable sector with any tangible political power. Attempts have been made to rectify this through the formation of a large umbrella organization, which would place gay/lesbian groups, feminist organizations and ecological clubs, alongside more established environmental NGOs. Amongst greens in the Krakow area the trend has been towards the development of a political party. This has caused the green movement in Krakow to fissure rather than move towards the creation of an effective lobby.⁶³ Furthermore, as Krawczuk points out, the Green movement sees “huge regional disparities in terms of environmental activity – some areas those (sic) interest groups are quite well organized, others, very weak indeed” (Interview, 18/07/03). But the overall impression one gets of the Polish green movement and NGOs is that they are well regarded by Poles generally, but are not actively encouraged to form or grow by the state or political parties.

On the one hand, Polish environmental groups have decided to focus their attention on formalized politics, working towards the establishment of a Polish green party. On the other hand, evidence suggests Czech environmental groups are seeking to influence decision makers through lobbying and direct action campaigns. While there are a few examples to the contrary, the environmental movement in each country is developing according to the opportunity structure available – which is largely contingent on state practice and overall policy direction. This cements earlier assertions that it is in fact the state, institutions and the parameters of contentious politics that are shaping interest group politics, and not the internal dynamic of groups or accordant levels of political efficacy. This is why structural determinants are here being placed ahead of agential or ideational variables.

As environmental policy develops and ministries expand to accommodate new EU environmental directives and the neo-liberal prerogative of the common market, state officials and the political elite are provided with an excuse – the EU excuse. This permits them, in good conscience, to ignore huge swaths of the policy community. They are

⁶³ Interview conducted in Krakow with Dr Wojciech Krawczuk, former green activist and now professor at Jagiellonian University, 18/07/03

forced, as adherents to the *Acquis* and other international agreements, to prioritize public policy decisions according to the external pressures and the integration timeline. As Andova (2004) argues “most accounts of EU enlargement also present the adoption of EU rules by accession countries as driven exclusively from above by empowered executives and the European Commission, with limited involvement of societal interests and parliaments” (p.18). It is impossible to analyse NGOs in Poland and the Czech Republic without seriously considering how external environmental norms and explicit rules shape the conduct of all environmental actors, at all levels of the policy process – the ministry of the environment, government and lobbyists, etc. This sort of multilevel policy making and lobbying, to which environmental standards and sustainable development are privy to, is unprecedented. Never before has an examination of interest groups and environmental policy had to peel back so many political layers. It is in this environment that institutions and the way decisions are made (or excuses are made) increasingly matter. One example offered by Andonova (2004), “the policy process in all three countries [Poland, Bulgarian and the Czech Republic] was dominated by governmental agencies, industrial actors, and parliaments without substantial input from advocacy organizations” (p. 26).

During transition and after, there is a tendency according to Dryzek and Holmes (2002: 248), for newly elected politicians and their mandarins to see politics in “black and white terms, with clear heroes and clear villains – as opposed to the more pragmatic politics of interest which supposedly characterize mature liberal democracies.” Again, contentious politics is shaped in large measure by institutions and institutional choices, thus choosing a particular economic policy (a five year plan, for instance) would place limitations on NGOs from the outset. Blazyca (2003) highlights the Polish case: “where the authorities predicted a short, sharp recession before better times, what they got was a much longer and deeper downturn (...) the room for manoeuvre was much less than the neo-liberal approach assumed (p. 217). Therefore in the Czech and Polish cases, though the political environment and historical legacies influence group politics in difference ways, the environmental movements in each country are faced with similar institutional-level impediments.

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This chapter weaves established theories of interest articulation and public policy into the analysis of post-communist group politics. Fagan (2004: 35) cautions against using western theories to explain the deficiencies or indeed character of post-communist environmental politics. But as the purpose of this dissertation is to highlight structural level impediments to collective action, it seems appropriate to use theories and concepts that ultimately accentuate institutionalized forms of interest contestation. When one is looking expressly for deficiencies in state-NGO relations, it is useful to look at the architecture of contentious collective action and the repertoires of contention utilized by participants. Institutional and/or functionalist theory also help illuminate how power dynamics in the policy system affect normal channels of communication between interest groups and state agencies.

This is being done here for two specific reasons. First, it will help cement the case studies in language which is less normative and more conceptually robust, making this dissertation's methodology useful for other comparative assignments. Second, it will allow for a more critical assessment of group politics in Poland and the Czech Republic, which are considered two of the more advanced post-communist states in the region. In a way they are liberal democratic trailblazers (Dryzek and Holmes, 2002).

When examining post communist models of democracy (cf. Dryzek and Holmes 2002: 4-15) and civil society (cf. Putnam 1995), it is important to stress Arato and Cohen's (1995) thoughts about social movements and civil society: "social movements constitute the dynamic element in processes that might realize the positive potentials of modern civil societies" (p. 492). While their comprehensive book on the topic of civil society is most helpful, covering the normative revival of civil society in ECE, along with the historical roots and development of the concept (and theory), a clear link is never established between interest articulation, state practice and autonomy (at either the state or sub-state level). If this discussion elucidates only one thing, it must be that groups are competitive, ecological groups being no exception, which makes it impossible to extrapolate from one sector's activity the overall condition of civil society.

Further, Arato and Cohen supply a six fold summary of the Chicago school's (social psychological paradigm) assumptions about collective action. Of interest is

number two, which reads: “Noninstitutional-collective action is action that is not guided by existing social norms but is formed to meet undefined or unstructured situations” (p. 495). The idea that group action can occur outside structured avenues of interest contestation is one that this dissertation fails to support. In newly democratic states it is precisely the institutions, both formal and informal, which guide or influence contentious politics. For example, from the first free parliamentary elections in 1991 the ecological movement in Poland has been preoccupied with establishing one, unified and encompassing, green party. This is directly the result of an electoral system which early in transition favoured smaller parties (Waller and Millard 1992: 168). Now, even though a new threshold limits smaller more radical parties from winning seats, political parties are still the preferred method of interest articulation – to the detriment of classical forms of interest articulation and mediation. Political parties have become powerful actors. Both in the traditional sense, as they have capacity to form government or part thereof, and in a more unconventional sense, as political parties which gain a parliamentary (Sejm) or senatorial (Senat) seat are guaranteed a state allowance and access to information. Acknowledging the upward mobility of some interest groups for purely economical reasons is important, as some political parties, like Poland’s Samoobrona (Self-Defence) exhibit many of the characteristics of a social movement or protest group, including the use of direct action campaigns and disruptive protest, rather than those traditionally associated with a political party concerned with interest aggregation. Violence at an August 1999 Samoobrona protest, which injured approximately 70 people, mostly police, illustrates the mentality of this union come populist party and the turbulence surrounding the Polish party system (Financial Times, 1999).

I have presented elite theory and new institutionalism as two important and valuable paradigms in the study of post-communist group politics and public policy. The prior emphasizes closed bargaining (‘inner circles’) and the persistence of certain actors and modes of behaviour (i.e. corruption), two realities of post-communist politics. Elite theory, in that it emphasizes power arrangements and the significance of political elites during regime change, helps explain why both the Polish and Czech state has managed to maintain a degree of autonomy that, in effect, keeps many interest groups at bay and outside formalised policy making channels. The latter, neo institutionalism, brings the

state back into civil society analysis – which has been done previously, by Skocpol and Offe, just not in the context of post-communist policy formulation and interest politics. For all intents, the state’s ability to act ‘alone’ is further enhanced when state officials are confronted with the task of state-building and law making, as is the case with Poland and the Czech Republic. As Higley and Burton (1987) argue, “in many ways, elite settlements are as consequential as social revolutions, yet they have not been systematically studied as a discrete class of events” (p.295). Elites play an important role in developing new institutions and new policies and, if their preferences emerge during this period, it should not be entirely surprising. Consider the impact of EU legislation, and indeed European level environmental lobbyists, on member-state environmental policy and the activities of local environmentalists and government. As Watson and Shackleton (2003) argue “environmental groups have built up particularly extensive contacts inside the different institutions and, with the help of certain ‘greener’ governments, have influenced the Commission’s sustainable development policies” (p.92). This is the new reality of Polish and Czech environmental policy. Even if groups are unsuccessful ‘at home’, at the domestic level, they will undoubtedly have an equally fervent section of lobbyists at the EU level to do their bidding.

Environmental legislation and the environmental ministry, which were recreated in both Poland and Czechoslovakia in 1989 (and again in 1993 in the Czech Republic and Slovakia), had to deal with the ecological past while preparing for a much greener European Union future. Describing the deficiencies of pre-1989 environmental policy, Waller and Millard (1992) argue, “the state’s priorities favoured quantity of production over social costs (...) In particular, the ruling party controlled the written and spoken word in these pre-glasnost days (...) the population was ill-informed (p.164). During the communist period the state exercised a great deal of political control, which had direct impact on the way environmental policy was constructed and implemented. But there was limited opportunity, more so in Poland than Czechoslovakia, for sub-state actors to exert influence on state officials. At certain points in its forty year lifespan, the communist state did in fact pursue a more green-friendly policy agenda. In Poland, Kurek et al. (2001: 511) identify the Nature Protection Act (1974), the environmental protection act (1980), and the act dealing with packaging and movement of poisonous substances

(1963), as substantial and important pre-transition environmental laws. Poland also ratified a number of international conventions, ranging from the Washington Convention on the international trade of wildlife animals and plants hazarded by extinction (1985) to the Helsinki Convention on the protection of the marine environment of the Baltic Sea (1974)(Kurek at al. 2001: 511). Czechoslovakia made similar commitments during the 1970s, culminating in the establishment of a Commission for the Environment in 1972 and also a Ministry for Territorial Administration and Environmental Protection in 1973 (Carmin and Hicks 2002: 310).

After the collapse of communism the state did not simply step aside to allow civil society to take over – though many dissidents did assume posts in the new administrations. In certain policy areas it must be recognized that the state actually gained power – albeit in a more conventional form – as the third sector fragmented and realigned after the collapse of communism. Post-communist environmental policy emanates from a Ministry which has a host of domestic and international policy obligations to meet. These range from the Kyoto protocol to EU environmental policy harmonization and standardization. In the Czech instance, a pressing concern has been the lack of information available to NGOs, international NGOs and private citizens. As Carmin (2003) point out, “although the Czech constitution mandated availability, legislation on access to environmental information was not enacted until 1998 and regulations regarding access to state and territorial information were not enacted until 1999” (p.46). Still in 2006 the EU Commission is accusing the Czech Ministry of the Environment of limiting access to Environmental Impact Assessment (EIA) hearings. An EU press release of 3 July 2006 contends “Czech EIA rules unduly restrict the public’s right to go to court to uphold their entitlements to participate in EIA procedures”.⁶⁴ Which theory of group politics/state power best explains this condition?

As Nordlinger (1985) argues “the preferences of the state are at least as important as those of civil society in accounting for what the democratic state does and does not do” (p.1). The post transition policy programme has reflected the priorities of successive

⁶⁴ European Union press release: “Environmental Impact Assessment: Commission takes legal action to improve implementation in 10 Member States”, 3 July, 2006

governments, not interest groups as such, and in this sense post-communist states have been primarily concerned with:

- 1) Developing economic competency, to a) secure EU membership, and b) stabilize the liberal democratic order;
- 2) Securing foreign direct investment (FDI) in key industries;
- 3) Meeting the political (and democratic) provisions for EU entry as set by the *Acquis Communautaire*.

Bearing in mind the above areas of concern and the possibility that too comprehensive an environmental regime (or the appearance of one) may complicate FDI and infrastructural programmes (i.e. new highways, power generation plants and pipelines), post-communist environmental policy has been constructed by stealth. According to Friends of the Earth CZ executive director Vojtech Kotecky, the result of this autonomy is that environmental policy is more or less a ‘private issue’ of the Ministry/Minister of Environment, its/his/her programmes and priorities.⁶⁵ In this way, both institutional and elite theories have something to say about the way environmental policy is created in post-communist ECE. As Church (1993) points out, “rebuilding the structures of the state seems to be the *sine qua non* for solving the environmental problems of the east (...) merely taking over the old structures is not enough” (p.351). With new institutions comes a new elite class and new practices. Even if some of these new political elites were dissidents or sympathetic to Charter 77’s cause, the overwhelming majority of these new political elites are primarily concerned with securing the Czech Republic place in an expanded European Union.

Unlike the politics of women’s rights (and minority rights, as it will be presented in the next chapter), environmentalism or a programme of sustainable development often complicates if not directly challenges the state building (democracy building) process. For the state must choose between competing policy options in view of limited resources, internal pressure and international obligations and, the logic of capitalist production. As Waller and Millard (1992) point out:

⁶⁵ Email interview, 13/07/2006

Economic crisis will continue to dominate the political agenda; and economic crisis is not conducive to an environmentalist political orientation (...) but they [ECE ministers of the environment] can take some comfort from the fact that the population to whom they are responsible is likely for the moment to assign a higher priority to having bread on the table than to having clean air to breathe (p.173).

For example, Polish and Czech policymakers must consider the economic and political viability of burning 'dirty' coal in outmoded power generating plants while heeding emerging EU regulations and accepting the need to create wealth for locals and foreign investors alike. It is much easier for a government to publicly decry inequitable hiring practices than cut or curtail power generation in a time of economic hardship; it is much easier for a government to extol the virtues of liberalism and human rights than divert millions of euros from their education or healthcare budget to a programme for the safe disposal of hazardous waste. These are already tough choices, but by having to make them during a period of institution building and ad hoc law making, when national budgets and international aid are being stretched to the limit, it becomes even more politically difficult to advance post material concerns (cf. Inglehart 1981) over materialist ones⁶⁶. This goes back to the idea of policy priorities and addenda setting. At the moment the priority in Poland and the Czech Republic is economic growth and harmonizing their domestic politics with EU standards. However, the Czech Republic has yet been able to find a balance between the needs of the environment, the interests of the population, the demands of environmental groups and the regulations set by the European Union. This summarises the problem:

It will be impossible to mobilize the massive resources necessary to reach EU standards without relying on and involving all sectors and interest groups of society, from private citizens to nongovernmental organizations, industry and the public sector. While environmental organizations are relatively strong and active, the vast majority of Czech citizens, businesses and government organs are oblivious of environmental issues and their importance to the future of society. Environment is a non-issue in the Czech lands, only raised uncomfortably now and again by the European Union. Improving the environment is not seen as a

⁶⁶ The post-materialism thesis assumes "the basis value priorities of Western publics had been shifting from a Materialist emphasis toward a Post-Materialist one – from giving top priority to physical sustenance and safety, toward heavier emphasis on belonging, self-expression and the quality of life" (Inglehart 1981: 880).

positive challenge but rather as a bothersome task, like some extra homework assigned unfairly by a stern teacher (Beckmann, 1999).

The Polish Ministry of Environmental Protection, Natural Resources and Forestry (PMEP), acknowledged early on that it would be a challenge to reconcile sustainable practices/development with state building. Under the heading, “Reasons for the New National Environmental Policy for Poland,” it is stated:

I.1 Poland, a country confronted with ecological disaster, faces the very difficult task of reshaping its environmental policy during a time of radical change in the national economic system (...) I. 3. Thus environmental protection is its broadest sense, will be any ally to a modern, effective and prudent economy (PEMP, 1991)⁶⁷.

There is obvious difficulty in adopting sustainable development policies during a period of rapid democratization and trade liberalization, especially when Poland’s agricultural sector lags behind other European Union states in efficiency of production and per capita production. The Czech government’s broad environmental policy statement emphasises the impact of EU accession on Czech environmental policy and subsequently the need to meet the stipulations set forth by EU level environmental policy. The policy document states:

(...) there is a direct connection between the SEP CR (State Environmental Policy of the Czech Republic) and the National Program for the Preparation of the CR for Membership in the EU, with the Approximation Strategy in the Environment, and with the Implementation Plan for the Chapter 22 (...)(MECR, 2001)⁶⁸.

What does this mean for environmental groups in both countries? In the Polish instance, the government has publicly acknowledged the difficulties associated with implementing at the same time economic development policies, to increase production and overall GDP, and sustainable development programmes, which would require significant financial investment. As the Institute for Sustainable Development in Warsaw (2002)

⁶⁷ The full text of this document is available in English at www.mos.gov.pl/mos/publikac/environmental.html. Last accessed 18 June 2006.

⁶⁸ The full text of this document can be found in English at www.env.cz. Last accessed 21 June, 2006.

reports: “because of the painfulness of the transformation, particularly in the field of the economy, and the stimulation of consumption, the political significance of environmental protection diminished” (p.2). In the Czech Republic, environmental groups are attempting to gain access to institutions and political elites (Fagan 2004:169). Considering the elite nature of the policy process and the Ministry’s ability to insulate itself from the wider environmental movement, it seems this tactic, to gain institutional competency, is in-line with the dominant policy model of the day.

While equal rights legislation is the hallmark of an enlightened/post modern society and integral to liberal democracy, its application rarely challenges prevailing economic or industrial policy. The political struggle waged between the state and environmentalists over sustainable development and green policies must be analysed in the context it occurs – and in the case of Poland and the Czech Republic, it is happening whilst policy makers are doing everything in their power make their respective countries appealing to increase foreign direct investment (FDI). Social movements in the West came about during a period of social change, but not during a period of significant institutional change. For example the system of governance used in the United States, Britain and Canada, remained relatively fixed over the period 1960 – 1980, which as it happened was witness to the sharpest growth in rights based organizations. Women’s groups and environmental groups could therefore hone their lobbying skills without the worry of sudden and dramatic shifts in the political landscape. What environmental groups in Poland and the Czech Republic have experienced since the end of communism is an unending series of political and institutional changes at the domestic level, along with new EU regulations and targets – covering everything from car emissions to preferred production methods. As Andonova (2004) argues “the process of EU integration changes the environmental interests of industrial actors and thus the domestic political dynamics of environmental regulation in Central and Eastern Europe” (p.11).

Integration is having the added effect of changing the parameters of contentious politics as well. As EU environmental regulation now trumps domestic legislation in many sensitive areas, it provides environmental groups with two sets of politicians to lobby – not including local (or municipal) level government. It has in a relatively short period of time transformed from a vertical top-down system of governance to one which

is multilevel and multidimensional with a multitude of new political actors occupying newly created government offices. The effect this development has had, and will continue to have, on environmental groups and ecology clubs cannot be underestimated. Crucially, “Czech EMOs [Environmental Movement Organizations] face aggressive foreign direct investment and an increasingly diffused power structure. Rather than replicating a bygone stage of western development, they face a political and economic context in which pro-growth neo-liberal consumerism and subservience to foreign direct investment is the accepted mantra” (Fagan and Jehlicka 2003: 52). These two authors have identified a key variable, the process of democratization and state-building itself. Unlike western environmental movements, Czech and Polish groups are operating at a time when progress, internationalization and capitalism are overarching policy directives. Where no significant middle class exists and government is compelled to play catch-up, in both the economic and political sector, many policies that could otherwise be challenged – either internally or externally – become a part of the unofficial state building accord.

Complicating matters are two interrelated developments. One is the withdrawal of foreign aid for civil society development, in the form of monetary donations to particular groups and/or sectors and the expertise that comes with transnational networking. The second concerns the harmonization of Czech and Polish environmental law with preexisting EU standards and future targets – in areas such as car emissions, toxic waste disposal and the use of PVC. These are indeed separate processes but as both are occurring at the same time they are causing tremendous strain on the third sector and specific NGOs. Pavlinek and Pickles (2004) offer a compelling thesis regarding the implications of EU accession. In one way they argue, EU integration and the onset of market capitalism in post-communist ECE states has meant an increase in overall consumption, which is detrimental to the environment. But they also argue that while the EU has had a positive effect in some policy areas, it has also been to the benefit of neo-liberal politicians. They write: “While the new environmental regulations provide common standards and procedures for applicant states, the minimum standards required by the *acquis* are, in some cases, also being used by neo-liberals in CEE countries to water down existing more comprehensive environmental legislation” (p.238). One cannot be entirely certain then whether the EU will be to the benefit of environmental advocates,

which Pavlinek and Pickles admit. Polish and Czech politicians are able to use the EU as both a scapegoat and a savior, depending on their policy needs. Perhaps surprisingly, many ECE groups “have been profoundly ambivalent about the environmental consequences of EU enlargement” (Andonova 2004: 25) and the development of a pan-European environmental lobby network. However, a more likely scenario is that many groups are still learning how to effectively lobby the EU and their domestic ministries. Also, the funding many of these groups receive from international philanthropic institutions means their immediate goals are with building networks at home and not with evoking EU conditionality. This will come as groups begin foster deeper ties with Brussels-based environmental NGOs.

Three statements about environmental policy and activism should be made before proceeding.

1. To quote Pavlinek and Pickles, “many of the improvements in air and water quality have been achieved as a result of political struggles waged in the 1980s and economic reforms arising in the 1990s (2004: 261). Therefore, ones understanding of contemporary environmentalism and the activities of NGOs in post-communist Poland and the Czech Republic cannot be informed only by post-1989 events and policy, because the environmental groups that took part in the 1989 demonstrations did alter the trajectory of environmental policy – in many cases for the better. As Davis points out, “regardless of motives, the environmental movement emerged as one of the most significant elements in the Velvet Revolution” (2004: 377).
2. EU accession helps NGOs in that environmental policy becomes much more straightforward and predictable – e.g. all EU standards and directives are public knowledge (cf. *Aarhus Convention*, 1998⁶⁹) and groups are legally entitled to

⁶⁹ The Aarhus Convention stipulates: “the right of everyone to receive environmental information that is held by public authorities (“access to environmental information”). This can include information on the state of the environment, but also on policies or measures taken, or on the state of human health and safety where this can be affected by the state of the environment. Applicants are entitled to obtain this information within one month of the request and without having to say why they require it. In addition, public authorities are obliged, under the Convention, to actively

- access environmental policy information. However, the EU should not be construed as a panacea for all environmental problems. Just as environmental groups have access to the EU Commission and Parliament, so do thousands of corporations, industries and pan-European business associations. Approximately 300 public interest groups routinely lobby the EU; whereas 1300 private organizations (plus 270 law firms and consultancies) occupy the same space (cf. Watson and Shakleton 2003: Chapter 5). By no means do EU structures and processes benefit environmental NGOs over other types of organized interests.
3. The environmental lobby in the Czech Republic and Poland is tied to an international policy community, which means among other things that pressure is being exerted by a multitude of actors from several different planes – local, national, European and global.

Not to diminish the complexity or importance of policy concerning gender equality or minority rights, it must be recognized that environmental policy is now an extremely complicated multi-level affair. It involves not only Brussels and a given member state's environmental ministry, but also a host of corporate associations, professional organizations and several other related EU institutions (i.e. EURATOM, CAP and fisheries). There may be greater opportunity to lobby EU institutions and evoke EU conditionality in an effort to challenge domestic-level policy (i.e. an increased opportunity structure), but this is certainly tempered with the complexity of EU laws and harmonization protocols.

A quick look at the Friends of the Earth (FoE) website reveals they are concerned with a host of environmental issues – from car emissions to airport expansions, from

disseminate environmental information in their possession; the right to participate in environmental decision-making. Arrangements are to be made by public authorities to enable the public affected and environmental non-governmental organisations to comment on, for example, proposals for projects affecting the environment, or plans and programmes relating to the environment, these comments to be taken into due account in decision-making, and information to be provided on the final decisions and the reasons for it ("public participation in environmental decision-making"); the right to review procedures to challenge public decisions that have been made without respecting the two aforementioned rights or environmental law in general ("access to justice")" (www.ec.europa.eu/environment).

public transit to aviation related pollution (www.foe.co.uk/campaigns). The corresponding agencies at the EU and domestic level are share policy competency in some areas, like air pollution and aviation, but not others, like public transit. The problem groups like FoE face in an expanded Europe is dealing with the poor advocacy networks in ECE states while at the same time trying to improve their pan-European environmental community, which is a mix of green parties and non-governmental organizations and old green movements and fledgling ones.

In the Czech Republic, environmentalists played a critical role in galvanizing anti-state sentiment in the lead up to the 1989 Velvet Revolution. Motivated by the severe ecological degradation they saw around them, environmentalists publicly challenged the state's record on such issues as air pollution, water contamination and deforestation. Davis argues "in the 1970s and early 1980s (...) environmental discontent began to manifest itself through increasingly bold, though often surreptitious, activities both inside and outside this small legal movement" (2004: 377). Because many ecological groups were de facto sanctioned by the state, they had a degree of legitimacy that other groups, like Charter 77, did not have. Even though the sympathies of many Czechs rested with the Chartists, in environmental groups Czechs had an outlet for their anti-state sentiments without fear of state reprisal. Even though the activities of these state sanctioned environmental groups consisted of planting trees and cleaning up river banks, they served as a useful tool in elevating the status of the environment in both party circles and the general public. It is useful to quote Waller and Millard at length:

The decade leading up to 1989 saw also the emergence of numerous other movements, initiatives and even parties organized specifically around the environmental issue. Even the official 'mass organisations' at times demonstrated an independence of spirit by embracing the environmental cause, a celebrated case being the Czechoslovak party's youth organization's espousal of a protest action at Krivoklat in the Berounka Valley in 1988 (...) In this sense the eventual professional environmental organization had a base to draw ecologically minded activists and volunteers from. Czechs has been concerned with the environment from some time, culminating in the establishment of a Green party in 1989 (1992: 167).

Although taking momentum into the first elections, the Green party did not manage to win one seat in either the Federal Assembly or the Czech National Council. This has

more to do with the dominate position of Civic Forum after the roundtable than the competency of the Greens.

The Polish green movement gained organizational competency early in 1980. Taking advantage of the Party's lenience towards environmental clubs and the pluralistic conditions that existed in Poland, "environmental concern was to a certain extent able to take on full organizational form, with first the creation of the Ecology Club in 1980, and then of a Green Party in 1988 (Waller and Millard, 1992: 166). But like their Czech counterparts, the Polish green movement found it difficult to compete with the larger and more vocal 'official opposition' group, Solidarity. It was the case that Solidarity spoke on behalf of all anti-state/regime groups, whether the groups in question wanted them to or not. Solidarity was a popular association with an extensive network of regional offices throughout Poland and thus was able to supplant many other autonomous groups, which may or may not have shared in Solidarity's vision for political and social change. In this way many ecological clubs and environmental organizations that existed during the 1980s found a dwindling constituency awaiting them when the transition period commenced.

Solidarity's success at the semi-free elections of 1989 meant they alone carried the democratic torch into the new era of pluralist politics (which was quickly extinguished soon after). As a result it was Solidarity that established the terms of political debate up until the first free elections, and in so doing also pushed environmentalists to the margins of the Solidarity group. But key to the limited impact of environmental groups in the early days of democracy, Ferry and Rudig argue "once the transition has been set in motion and communist rule had been overcome, there seemed little room for green in the newly established party systems" (2002: 2). The party system exploded, with hundreds of new political parties vying for seats and state funding. As one Jagiellonian University security guards told me in the summer of 2003: "all of my friends were starting political parties [back then]."⁷⁰ Once a national threshold was put into place the party system started to resemble that of a stable democracy, with political parties

⁷⁰ Informal interview conducted (with aid of interpreter) at Jagielloneian University, Krakow Poland 15 July 2003.

representing the gamut of ideological persuasions. But the Greens, which appeared well placed to secure a spot in the *Sejm* were effectively silenced during the 1991 elections.

This however was not an indictment of green politics as such, as by 1995 there were approximately 250 officially registered political parties in Poland, and of those, some 17 proclaimed a green orientation (Ferry and Rudig, 2002). It is therefore unsurprising that the Green movement, at both the party and NGO level, was finding it difficult to carve out a niche in the often turbulent Polish party system. Here the fortunes of NGOs and Green political parties were intertwined as the economic restructuring (chiefly Balcerowicz's shock therapy) distracted many Poles from environmental issues, like water contamination and air pollution.⁷¹ In Poland, the environment as an area of policy concern quickly became overshadowed by massive unemployment, inflation and a decrease in production levels.

Carmin and Hicks (2002) argue

The Polish movement entered this volatile era with greater internal coordination and higher mobilization levels than the Czech movement, but the pressures from donors, networks, and increasingly routine political processes began to foster similarity. Both movements found environmental issues sliding down the list of public priorities as the hardships of economic transition took hold (p. 316).

In the final analysis, despite the institutional and cultural advantages (e.g. structural-functional advantage) Polish ecological associations and pressure groups had immediately before transition, the environmental movements in both states are now discovering that the problems associated with lobbying the state, or even finding 'local' grassroots support, are extremely difficult to overcome during a period of wide scale institutional and economic restructuring. Pavlinek and Pickles believe "there is a surprising correspondence between the neo-liberals after 1989 and communist politicians

⁷¹ The *New York Times* summarises the task as follows: "The plan, which Polish officials hope to begin next month, will make Poland a pioneer in pursuing the tortuous economic path from Communism to capitalism. The plan calls for removing price controls, restraining wage increases, balancing the budget and slashing subsidies for most goods and services. Mr. Balcerowicz admits that as a result of his plan the real income of Poles may fall by 20 percent next year, industrial production may drop by 5 percent and hundreds of thousands of workers may be laid off" (26 December 1989).

before 1989 in the ways in which they understood and acted in regards to the environment” (2004: 259).

It is important to recognize that in Poland and the Czech Republic support for greens and/or green politics is split between political parties and interest groups or social movement organizations. It would seem that green politics is caught between two traditions, institutionalized interest aggregation on the one hand and pressure group politics on the other. Unlike in North America or Great Britain, where the origins of Green parties lay in environmental NGOs, Western Europe has had a long tradition of Green parties taking the lead in environmental policy. This is especially true in Germany where Green parliamentarians have held cabinet posts in coalition governments and pushed the Green agenda in ways no environmental pressure group could (most notably in the last Schroeder cabinet). By embracing the West European model of green politics, which emphasizes green political parties, while the third sector remains underdeveloped, Polish and Czech environmentalists are unintentionally splitting their constituency, and thus their support base. They may also be inadvertently confusing the population as well. But in the early days of transition many environmentalists were skeptical of what a Czech or Polish Green party could actually achieve. In reference to the Czech situation, Jehlicka and Kostecky (1992) argue

During the year and half of its existence, the Green Party has not convinced members of the ecological movements – in Bohemia, but partly also in Moravia – of its pure intentions and of its ability to provide qualified solutions to environmental problems. Most of the ecological initiatives refuse to co-operate with the Green Party. It is unlikely that personalities from the ecological movement will share the same list of candidates with the Green Party in the next elections (p.93).

Protests against the Temelin power plant managed to galvanize many disparate environmental groups and politicians into one coherent and effective lobby. Referring to the Temelin affair, FoE CZ Director Vojteck Kotecky said: *“We used Temelin construction site blockades in mid-1990s in order to draw public attention to the project's deficiencies and problems - and to keep Temelin high in the public and political debate after it was officially approved in 1993. By the way, this was extremely successful”*

(Interview, 13 July 2006). Temelin nuclear power station is located in the town of Temelin and has been an ongoing project since 1978, when the USSR approved of its construction (cf. Fawn, 2006: 102-103). For a variety of reasons it has been the subject of controversy since 1989, when the newly appointed cabinet decided – with pressure being exerted from President Vaclav Havel – to put the project on hold. This illustrates three important things about the environmental sector: 1) when prompted, voluntary associations and professional NGOs can work together to effect change; 2) the sector as a whole, and *Hnutí Duha* and Greenpeace CZ in particular, exhibited a level of maturity and professionalism that rivaled western protest actions of a similar style; 3) the protesters successfully managed to construct a transnational movement out of this local protest by lobbying the Austrian government. Having studied this movement in detail, Fagan (2004) argues “this sophisticated and highly professional campaign reflected a maturity and professionalism within the movement that surprised many” (p.103). It is thus the contention of this chapter that far from being poorly organized and naïve, many NGOs in both Poland and the Czech Republic have the wherewithal to effectively lobby governmental agencies and parliamentarians.

The environmental movement in Poland has been primarily concerned with developing a coherent political wing to their less formalized body. Carmin and Hicks (2002) identify the difficulties common to environmental movements during periods of institutional change:

From 1997 onward, routinized electoral and legislative processes and denser networks of transnational and intergovernmental relations between East and West stabilized the basic structures of political opportunity in Poland and the Czech Republic. As movements engaged in the long march through institutions, they could use their countries’ democratic procedures and the pressures for harmonization with the EU to advance their causes, *but at the same time they were constrained by both* (p.316, emphasis added).

The Polish environmental movement had achieved a level of professionalism early in the transition period. But there has always been a core group of green activists seeking to establish a more potent green party, which could advance the green cause into the corridors of Polish power. If one considers the volatility of the Polish party system and the vast array of political parties that emerged during the first five years of democracy, it does make sense that greens should seek party status. As in the Czech case, disruptive

forms of collective action were being replaced with institutionalized forms of lobbying and, NGOs were attempting to gain access to “commissions on a routine basis (Carmin and Hicks 2002: 318). But still, policy formulation retains its state-directed impulses in Poland.

TEMELIN NUCLEAR POWER PLANT

The Czech nuclear power plant Temelín is a useful case study as it perfectly illustrates how a network of contention can form around an issue of transnational (or international) character and how a purely domestic rooted analysis of interest group politics in post communist Europe can no longer truly suffice. As figure 1.1 shows, groups from across Europe converged on the small Czech town of Temelín (near České Budejovice) in an attempt first to halt construction of the NPP in the late 1980s and early 1990s, and second, to have it shut down indefinitely after it became operational at the beginning of this decade (December 2000). The story of Temelín NPP is a complex and complicated one, which has drawn together an assortment of political actors from inside and outside the Czech Republic. Today the plant is fully operational. Austrian officials and NGOs however are still voicing concern over the NPP’s shoddy safety record (Die Presse 10 January 2008) and appropriateness.

The Temelín Nuclear Power Plant (Temelín NPP), located approximately 60 (to 80)⁷² kilometers from the Austrian border in the South Bohemia region of the Czech Republic, has been the focus of NGO ire for nearly twenty years, and a preoccupation for Austrian lawmakers and Greens since the project gained new impetus in the early 1990s. The plan for Temelín NPP was devised in 1979 during the communist period, though construction of the facility did not commence until 1987, two years before the Velvet Revolution. Construction of Temelín NPP transects several discrete socio-political periods, which made for a complicated nonlinear building process full of unanticipated events and setbacks. Ground was broken in 1987 when Czechoslovakia was a communist state and the plant did not begin its testing phase until 2000, four years before the Czech

⁷² Axelrod (2004) writes Temelín is approximately “80 kilometres from the Austria border.” A Google map search put the distance at 67.7 kilometers from the town of Temelín to the Austria/Czech border, due south.

Republic joined the EU. It went into commercial operation in 2002-2003. The whole project was put on hold for nearly three years (1990 – 1993) and then almost completely redesigned and overhauled by Westinghouse, the new contractor, in the mid 1990s. Temelín NPP was never a sure thing and only received final approval in 1999 when the ČSSD (Czech Social Democratic Party) government of Miloš Zeman voted in favour of resuming construction (Czech National Newswire CTK 9 July 2000). Temelín has since 2000 been taken off line (off the power grid) several times, temporarily shut down, and had its output capacity intentionally reduced. Anti- Temelín campaigners across Europe cite these ‘problems’ as proof that plant is dangerous and ill-advised. The EU, IAEA and the Czech State Nuclear Safety Office (SÚJB) believe the plant to be safe and operating according to the strictest standards.

During the 1990s a host of environmental NGOs and NGOs from South Bohemia, Austria, and beyond made their opposition to Temelín NPP known by organizing petitions, road blocks, and several demonstrations outside the Temelín complex. When Greenpeace decided to lobby U.S. Congress in 1994, the issue immediately acquired an international dimension. Congress, which potentially could have blocked a US \$317 million loan guarantee to finance the work (Fratz, New York Times 22 May 1994) found itself supporting the American-based company Westinghouse Electric Corporation in their bid to retrofit the Soviet-designed nuclear reactors (ibid). The Austrian government raised concerns about Temelín to the Clinton administration in 1994 (ibid). The New York Times (1994) reported “so great is the Austrian anxiety that Chancellor Franz Vranitzky told President Clinton (...) during a meeting about Bosnia, that his Government was extremely concerned about the potential for an accident at Temelín and similar reactors in other neighbouring countries” (ibid)⁷³. The 1986 Chernobyl accident, and to a lesser degree the Three Mile Island Accident, was weighing heavily on the minds of NGO representatives and Austrian politicians, as they carried out a sustained public campaign against Temelín NPP⁷⁴.

⁷³ Chancellor Franz Vranitzky held this post in Austria from 1986 to 1997

⁷⁴ In 1986 a reactor at the Chernobyl nuclear power plant near Kiev in Ukraine exploded, sending radioactive material high into the air. As reported in 1986 monitoring stations in “Sweden, Finland and Norway began reporting sudden high discharges of radioactivity in the atmosphere two days [after the explosion]” (BBC on-line). This accident changed the nature of contentious

Temelín NPP is an example of a contentious issue that has attracted that attention of a host of international and domestic actors, all of whom feel compelled for one reason or another to act against the Czech government. Austria's opposition is easily understood, as they adopted a blanket anti nuclear policy 15 December 1978. This being said, several groups have voiced support for Temelín NPP, such as the Western European Nuclear Regulators Association (WENRA), the International Atomic Energy Agency (IAEA) and the EC. Germany and Austria have at various points opposed Temelín NPP, and still do, but they are nevertheless involved in the ongoing monitoring of the facility. It is rather remarkable that so many diverse actors have converged on Temelín NPP, utilizing an equally impressive assortment of direct action tactics, lobbying strategies and public relations gimmicks. Several authors (Fagan 2000; Fagan and Jehlička 2003; Fagan 2004; Axelrod 2004; Fawn 2006) have identified this case as paradigmatic – as it shows cross fertilization (or movements and actors) and the impact of international agents, institutions and philanthropists.

The post Cold War international system, no longer beholden to rigid bipolar logic and segmented (by geography) policy spheres, is really what has enabled this sort of transnational politicking to occur. Issues which do (or potentiality) involve two or more states, like pollution, illegal migration and infectious disease, tend to draw in activists from the offending state, the affected state, and from states which have a stake in the outcome or resolution. The project has managed to outlive two regimes, 10 prime ministers, as many environment ministers, and Czechoslovakia itself. The Temelín project has from the outset been plagued with problems. Spiraling costs, antiquated technology, and concern over design and instrumentation, are examples of what the Czech power utility (CEZ) have had to deal with.

Temelín NPP has attracted the attention of both domestic and international NGOs, and also international agencies, European institutions and Germany and Austria. What

politics around nuclear power generation in Europe, but especially around power generating plants in East Central Europe, where Soviet technology remains in use. Three Mile Island, a nuclear power plant located in Pennsylvania U.S.A, suffered a “severe core meltdown” (U.S. NRC Fact Sheet) on 28 March 1979. No deaths or serious injuries have thus far been attributed to the Three Mile Island meltdown. But the event initiated wide scale and sweeping changes in areas of nuclear plant safety, emergency protocols and response, and regulatory oversight. The plant is no longer in operation (ibid).

makes the Temelín issue different from Raspuda valley, in terms of EU involvement and the potential for interest group convergence, simply comes down to the EU not having a coherent policy on nuclear energy or nuclear power plant construction. In fact, the EU has clearly said energy and energy production is a matter for member states, so long as European safety standards are adhered to. While the EU did not, and does not, have any specific competency in the area of nuclear energy, it does have an interest in seeing that the matter does not affect inter European affairs. As Fawn argues, “the EU assumed several new roles and ultimately became protector of one accession state’s vital interests over those of an existing member: the Czech Republic against Austrian governmental and societal pressure to close the Temelín nuclear power plant” (Fawn 2006: 101). Recently the EU hosted the Inaugural European Nuclear Energy Forum, which brought together energy sector stakeholders, activists and government representatives. A dedicated website outlines its scope and function:

A structured and open debate, without taboo, was organised among high level representatives from the nuclear industry, power companies, energy intensive consumers, finance and civil society, as well as other key decision makers and organizations at national and EU level⁷⁵

A matter which would have once been between the International Atomic Energy Agency (IAEA) and the Czech Republic now features a host of peripheral actors, agencies and NGOs, with direct and indirect involvement⁷⁶. The EU does have a say however in how radioactive material and waste are transported and disposed. Transportation of dangerous or radioactive goods falls within EU competency and several directives pertaining to the transportation of dangerous goods were introduced by the Council in the years following the Maastricht Treaty. There are also several non-binding directives at the EU’s disposal, most notably Council Resolutions 22 (1975) and 18 (1992), which together call for cooperation in the area of nuclear technology and safety. Council Resolution 18 (92/C

⁷⁵ http://ec.europa.eu/energy/nuclear/forum/bratislava_prague/2007_11_26/index_en.htm

⁷⁶ The following actors have been involved (and some continue to be involved) with the Temelin NPP issue: International Atomic Energy Agency (IAEA), European Atomic Energy Community (EURATOM), Western Europe Nuclear Regulators Association (WENRA), the European Commission (EC), European Parliament (EP), Germany, Austria, ECE Bankwatch, Greenpeace, Hnutí DUAH (Friends of the Earth), Czech power utility (CEZ), State Nuclear Safety Office (SUJB) and the South Bohemian Mothers.

172/02) is noteworthy because it extends the non-binding regime to non-EU countries in Central Eastern Europe and the Republics of the former Soviet Union. Many of these countries, like the Czech Republic, are now full-fledged EU members. The European Council and Commission have been responsible for establishing a normative order, of sorts, as most of what comes out of the Commission and Council relating to atomic energy is non-binding. This does not mean the EU, its directives and EURATOM, are ineffectual instruments in establishing preferred practices in the field of atomic energy and energy production. Governance literature has long suggested that non-traditional and informal sources of power and influence become much more significant in highly stratified polities, where decision-making occurs both vertically and horizontally (cf. Rhodes 1997: 46; Jachtenfuchs 2001: 250)

According to Axelrod (2004) the EU became “officially involved [with Temelín] in July 2000”. Before this date EU officials were working in an unofficial capacity, mediating between non-nuclear Austria and the soon to be nuclear Czech Republic. There was some concern that Austria, an EU member, would attempt to block or at least complicate Czech accession (Fawn 2006: 104). As a way to allay fears and smooth political tensions, Coreper asked the Atomic Questions Group (AQG) to write a report detailing areas of cooperation in the implementation of nuclear safety. An EU non-paper detailing the non-legal basis for cooperation in the area of nuclear energy and plant safety was published 29 September 2000. The purpose of the non-paper is to highlight the nonlegal basis for cooperation between EU states and accession states, and between European states and European institutions. As it happened the publication of the AQG report coincided with a period of Czech government posturing. A spokesman for Temelín NPP, Milan Nebesar, said the Czech government would not consult outside institutions or actors as plant safety was the sole responsibility of Czech bodies (Czech National Newswire ČTK 8 February 2000). But in a non-legal way the EU was involved. The EU, which supports a process of isomorphism and harmonization of national laws, had (and has) an obligation to all EU members to support the development of pan European nuclear safety regime. The non-paper suggests:

The fact that no EU legal “acquis” has been developed in the field of nuclear Installation safety does not mean that national systems have nothing in common. A fundamental “non-binding acquis” exists as a result of a historic and economic

based on voluntary co-operation between the main nuclear actors at EU level (AQG Non-Paper: 2).

Almost thirty-five years of accumulated recommendations, directives and opinions have gone into the formulation of contemporary European Union environmental policy. Hildebrand (1992) points to 1972 as a jumping off point, when both the public and their respective governments recognized the need for a coordinated approach to environmental lawmaking in Europe (p. 15). It was not environment degradation and pollution that necessarily concerned lawmakers back then, as Hildebrand argues, but the prospect of “uncoordinated local environmental protection measures causing intra-community trade distortions”. From 1973 on the EU has produced a series of directives and recommendations that together work to constrain and/or influence member state environmental policy. EU standards and directives pertaining to emissions, hazardous waste and environmental conservation often trump corresponding member state law. The EC’s interventionist attitude towards Poland over Rospuda Valley/Via Baltica (presented above) shows how fundamentally things have changed since 1972, when the EU regarded the environment as “incidental to the overriding economic objectives” (Hildebrand 15).

With respect to nuclear energy the EU does claim some regulatory oversight. For the most part however EU power is exercised peripherally and does not impinge on each member-state’s right to devise energy policy. But since the Aarhus Convention (1998) and the EC’s White Paper on European Governance (2001) the lines between EU competency and national jurisdiction are blurring, which means even though EU states are technically allowed to build nuclear facilities, they are becoming increasingly enmeshed in an European regulatory regime. Thanks to crisscrossing networks of anti-nuclear activists, pro-nuclear associations, and EU institutions, it is in any practical sense impossible for a member state to escape scrutiny. Before proceeding to the actual case study, it is worth noting that the EU is starting to play a larger role in the coordination of nuclear safety and information. Since 1998, twenty-four reports have been commissioned on ‘nuclear issues’, seventeen of which were produced after 2000, with two further articles exploring the impact of eastern enlargement on existing safety standards and regulation. Temelín nuclear power plant, even before the Czech Republic acceded to the *acquis communautaire*, was entangled in this web of EU safety recommendations, norms

and expectations, and subject further to international oversight (i.e. the IAEA) and a U.S. Congressional hearing⁷⁷. For EU member states, contentious politics is best understood as a fluid and dynamic process. The case of the Czech nuclear power plant, Temelín, illustrates the changing boundaries (and character) of post accession contentious politics. The NGO dimension has attracted a lot of scholarly attention and analysis (Axelrod 2004: 157; Fagan and Jehlicka 2003). The Temelín matter managed to galvanize both local and European activists, and lobbying occurred on several different political planes. During the late 1970s environmental NGOs and nongovernmental organizations were gaining prominence and starting to engage in the sort of lobbying and contentious political action that today is commonplace, and this raised environmental consciousness across Europe. A variety of tactics were employed by anti-nuclear activists in the Czech Republic, Brussels and America. These strategies and tactics of contention, or as Tilly and Tarrow (2007: 16 – 18) call it, claim-making repertoires, are highly contextual and temporal.

ROSPUDA VALLEY/VIA BALTICA

It is difficult to find a better example of interest group convergence in post accession Poland than the one being presented here. A segment of a proposed motorway linking Warsaw, Poland to Helsinki, Finland, the ‘Via Baltica’, would have cut directly through an environmentally sensitive area of north-east Poland, the Rospuda valley. To give some sense of perspective, in a letter to the EU Commissioner of the Environment, Stavros Dimas, the Secretary-General of the International Mire Conservation Group (IMCG) wrote: “the plans to build a road across Rospuda valley has aroused alarm among mire specialists worldwide” (Joosten, 7 February 2007).

The EU finds itself in public opposition to the Polish government and residents of Augustów, as both regard the motorway as an important infrastructural project. In 2006 the IMCG and representatives of several environmental NGOs raised concern over the Polish government’s refusal to adhere to EU directives. A wide array of INGOs, NGOs

⁷⁷ While “several Congressional committees are examining issues related to Temelin” the “primary investigation is being conducted by the oversight subcommittee of the House of Energy and Commerce Committee, which [was] being chaired by Representative John D. Dingell, Democratic of Michigan” (Frantz, 22 May 1994).

and institutions, from Europe and elsewhere, have become entangled in the debate⁷⁸. This matter garnered international attention when the EC and EP instructed Poland to stop the motorway project until a proper environmental assessment could be carried out. Furthermore, the EC made a formal request to the ECJ on 5 April 2007 asking they issue an injunction to the construction of the Augustów bypass. This case clearly shows that political power in Europe is much more diffuse and segmented than traditionally thought (cf. Moravcsik 2003). Transnational advocacy networks and international actors are able under certain circumstances to influence domestic policy through EU institutions and courts.

This case study relies on information gleaned from newspaper reports, Polish government and EEA press releases, and NGO WebPages. A cursory search of the internet reveals this issue has caught the attention of both Polish based environmental NGOs and international NGOs, with few of the latter having any direct ties to either Augustów town, the region (Voivodship) of Podlaskie, or Poland. The international press has reported on the matter and several INGOs have established a 'Via Baltica' link on their home pages (cf. Greenpeace.org). A dedicated website also exists⁷⁹.

The political and legal wrangling lasted approximately two years and passed through four discernable phases. First, in January 2006 several NGOs, WWF Poland, Polish Society for the Protection of Birds (OTOP) and ECE Bankwatch, filed a formal complaint with the EC over the proposed route (Birdlife International, 2006: 1). Under EU law individuals and NGOs are able to petition and/or file a complaint with the European Union Ombudsman, the European Commission or the European Court of Justice (ECJ) if it is believed EU law has been inappropriately applied or ignored by a member-state. By planning to construct the Augustów and Wasilków by-pass through a

⁷⁸ I identified the following actors as being directly involved in the Rospuda debate: European Parliament (EP); European Environmental Agency (EEA); European Court of Justice (ECJ); Polish Society for the Protection of Birds (OTOP); British Royal Society for the Protection of Birds (RSPB); East central European Bankwatch Network (ECE Bankwatch); International Mire Conservation Group (IMCG); Birdlife International; Greenpeace; WWF Poland; Polish Green Network (PGN); and, Augustów Township.

⁷⁹ The website, www.viabalticainfo.org, provides information about the highway project and its potential impact on the Rospuda valley. It also serves as a forum for monitoring and disseminating news about the motorway project. This site is sponsored by ECE Bankwatch, WWF Poland and Birdlife International.

Special Protection Area (SPA) the complainants believed Poland was in contravention of two specific EU directives relating to the protection of birds and animal habitat (the Bird Directive 79/409/EEC and the Habitats Directive 92/43/EEC) and also the Natura 2000 programme. The European Union programme, Natura 2000, was established “to safeguard the 27-nation bloc’s most important wildlife areas and species” (BBC 28 February). On 12 December 2006 the EC notified Poland in writing they were in breach of EU law (IP/06/1775)⁸⁰. The EC was now formally involved in this matter through the ‘infringement procedure’ mechanism.

The second phase began 21 March 2007. Poland seemed intent on proceeding with the project despite several direct warnings. Dimas said to the press, “I urge the Polish Government to once more consider ways of building these bypasses without causing such serious environmental damage” (BBC 28 February 2007). The infringement procedure was at that point being ignored by Poland and work was set to commence at the earliest opportunity, 1 August 2007. The EC recognizing Poland was unwilling to suspend construction asked the ECJ to issue an order halting construction of the Augustów and Wasilków bypasses until the ECJ has rendered a final decision (Europa 21 March 2007). Important to this development was the NGO community, which remained engaged in the process and kept public pressure on the Polish government. Groups like Greenpeace, WWF Poland and OTOP managed to organize public demonstrations in Warsaw and Augustów, and also initiate a petition campaign. Below is a plea for help that was posted on the IMCG website:

As the measures to protect the Rospuda valley, which could be undertaken on the national level, seem to be exhausted, we ("Save Wetlands" Association, Poland) appeal to the international authorities to take action to help us to preserve this very valuable unique mire complex. In this case the international pressure on the Polish government and involvement of international organisations seems to be the last hope for the valley (<http://www.imcg.net/threat/01.htm>).

With the involvement of INGOs and the EU, specifically the ECJ, the EC with the EP, the Via Baltica matter was transformed from essentially a local issue to one with international scope and appeal. Despite the protests and warning from the EC, the Polish

⁸⁰ The press release indicates “Article 226 of the Treaty gives the Commission power to take legal action against a Member State that is not respecting its obligations” (12 December 2006 IP/06/1775).

government believed their actions were not in contravention to any EU directive. Referring to the EC's warnings, Prime Minister Kaczynski said: "if we allow restrictions and obstacles by every group to block such a major investment, the Poland's great opportunity will be lost" (Reuters, 13 May 2007). The way this matter has unfolded – Poland pitting itself against the EC, EP and ECJ - is symptomatic of a more acute tension that exists between post communist states and European institutions, or more precisely between post materialist and materialist societies. As suggested by Grajewski (30 July 2007), "some analysts see the Rospuda dispute as a prelude to more conflicts between the EU and its new members from central and eastern Europe over the environment as they seek to upgrade some of their outmoded road and railways"

On 5 April 2007 the Commission of the European Communities (referred to above and below as the European Commission - EC) officially brought an action against Poland to the ECJ. The EC requested the ECJ order Poland to suspend all work on the motorway until the ECJ has appropriately dealt with their initial complaint and delivered a judgment (Case C – 193/07). The EC's initial warnings did not seem to resonate with the Polish government. The legal action, though downplayed by Polish authorities, changed the complexion of this dispute and gave NGOs a small victory in their battle with Poland. The third phase of the dispute began summer 2007. The Polish government delayed the beginning of construction until 1 August 2007, as not to disturb bird nesting. As of July, the Polish government seemed intent on going forward with the original plan, which would have seen the construction of a ring-road around the towns of Augustów and Wasilków and the building of a bridge over the Rospuda valley. Perhaps believing the EC's actions amount to meddling in Poland's domestic affairs and a clear cut challenge to a member state's sovereignty, both Slovakia and Lithuania publicly announce their intentions to back Poland in this dispute, insisting also the EU not punish Poland too severely. Not satisfied with Poland's response to numerous warning over the Rospuda project the EC sought help from the ECJ. The EC "asked the European Court of Justice to take interim measures to ensure Poland does not go ahead with the construction" (Europa 30 July 2007). Convinced that the Natura 2000 network and protection of 'European' wetlands and bird habitat is more important to Europe as a whole than the Via Baltica project, or at least the proposed route, the EC took the unusual step of asking the ECJ to

issue an injunction, as a way to override Polish domestic policy. This was the culmination of years of protest and sophisticated lobbying on the part of a diverse group of INGOs and NGOs. In the days before Poland was set to resume construction, the European Parliament's Committee of Petitions voted to support the EC. It was the committee's view that the route proposed by the Polish government was ill conceived and should be changed. This phase clearly illustrates the multi level character of EU governance and how disparate actors can be pulled together for sake of a discrete, for the most local, issue.

The fourth (and by no means final) phase of this dispute started the last day of July 2007. Twenty-four hours after the EC appealed to the ECJ for an injunction, Poland decided to stop all construction indefinitely or at least until the ECJ had reached a final judgment on the matter. The possibility of incurring fines seemed to bring an abrupt end to Poland's impertinence. However several hundred protestors took to the streets in Augustów to protest the government's inability to get the project done. The townspeople too were unhappy with the whole ordeal. For them, a discrete constituency in their own right, the issues were (and are today) first and foremost the safety and economic vitality of their town. The highway running through both Augustów and Wasilków, for which the bypass was sought, is particularly busy. One report estimates 4,500 heavy goods vehicles pass through the small town of Augustów, population 29,951 every day (BBC 2 Feb. 2007). One website refers to this motorway as 'Poland's highway to hell'.

In October 2007 Civic Platform (PO - Platforma Obywatelska) won the parliamentary election and almost immediately undid all plans concerning the Via Baltica. PO decided to hold public consultations on the rerouting of the by passes. The construction of the motorway will not proceed until all stakeholders, including environmental NGOs and Augustów town council, have had a chance to comment on all proposed routes (there are at least four). The new Environmental Minister, Professor Maciej Nowicki, intends to work collaboratively with all parties concerned has vowed not to make any unilateral decisions on this matter.

Via Baltica managed to galvanize the Polish ecological sector as well as European level policymakers. Consensus was (and is) the proposed route would irreparably harm the region's ecosystem and wildlife. This short case study will analyze how this

convergence, more precisely an opposition movement against the motorway, has impacted the Polish government's decision calculus. The immediate solution to the problem, rerouting the motorway around the ecologically fragile wetlands in the Rospuda valley, was not entirely the most popular or easiest one to implement. The town most directly affected by this stretch of the Via Baltica, Augustów, was calling on government to continue with the highway project (Reuters 31 July 2007). The townspeople were (and are) in favour of the project because it supported the building of a ring road (bypass) around Augustów, thus alleviating traffic congestion. Hence this example of contentious politics is both a complex and multilayered affair.

It is difficult to imagine an issue similar to Via Baltica receiving such public exposure even a decade ago. Unlike Temelin NPP in the Czech Republic, which has immediate and direct impact on neighboring states (i.e. Austria) and the South Bohemia region, Rospuda valley could easily be view as a local matter. But now that Poland is a member of the EU and entangled in a web of directives and laws, a local issue can quickly become a European and/or international matter. If anything this case study shows the impact of horizontal and vertical networks and community norms (and law) on the framing of contentious politics. The Rospuda valley debate can be summarized in three points.

First, European competency extends to environmentally protected areas, like the Rospuda valley, by virtue of the Natura 2000 programme⁸¹. The intention of this EU sponsored and subsidized project is to protect “seriously threatened natural areas” (Transitions Online, 10 August 2007). The EC is therefore acting in accordance with treaty law, which Poland acceded to, when they threaten to impose sanctions for failure to reroute Via Baltica. The 1992 Habitat and 1979 Birds Directives constitute the community law underpinning the Natura 2000 programme. The EC believes Natura 2000 is the “centerpiece of the EU nature and biodiversity policy” (EC website). The environment and specifically environmental protection is fast becoming, if it has not already become, a European issue.

⁸¹ Information on the scope and design of the Natura 2000 programme can be found at EC website: www.ec.europa.eu/environment/nature/natura2000/index_en.html

Second, through infrastructure improvement and modernization schemes Poland is trying to bring their antiquated transport system (especially in the northeast) up to existing EU standards. In some instances this desire to ‘westernize’ brings the Polish government into collision with Polish and European environmentalists, who place conservation and protection ahead of large-scale projects, like Via Baltica. Referring to a proposed local referendum on the matter, Prime Minister Jaroslaw Kaczynski “we are fighting today for Poland’s right to rapid development” (Reuters 13 May 2007).

Third, Nongovernmental organizations from inside and outside Poland have been fighting against the proposed motorway route since early 2006. Though origins of the plan date back to 1996 (BBC 1 February 1996) the specific route of the Polish segment was not known until fairly recently. NGOs have worked collaboratively to publicize the issue and lobby EU representatives. This plan was more out of necessity than design because both the townspeople and Prime Minister Kaczynski were intent on implementing the original plan, which would have rerouted a 17 kilometer section of the Via Baltica around Augustów and over the valley (Zoeller 2007). Environmental group and the EC were (and are) against this plan.

The Rospuda affair brought together a *mélange* of political actors with divergent and convergent interest. All of the participant NGOs were primarily concerned with environmental and wildlife protection in the region. The Polish government and inhabitants of Augustów, guided by more immediate and tangible concerns, wanted the project completed in a timely fashion. For the Polish government, the proposed bypasses and bridge were of symbolic as well as economic importance; a chance to bring Poland into 21st century with a comprehensive road network, stretching from Prague to Helsinki, that would facilitate commercial trade. The townspeople were ultimately unhappy with the traffic congestion, which is acutely a post accession problem. This short case study shows that transnational advocacy in Europe is both a political reality and a highly contentious development. A system that provides INGOs and transnational advocates a political opportunity, through EU institutions, to affect domestic legislation and challenge national law, is one that shares little resemblance to any other existing polity or political community.

An analysis of ECE civil society must take into consideration the impact of international advocacy networks and actors. The examples presented above indicate that home-grown interest groups are not the only stakeholders involved in lobbying ECE governments and European institutions. In fact both Poland and the Czech Republic have recently been the scene of transnational activism and a brand of contentious politics that involved several levels of government, a myriad of activists and actors, and pays little regard for established patterns of policy contestation. What is affecting modes of contention in ECE more than the scope and character of domestic political culture and civil society is issue salience and European institutions, name the ECJ and Commission.

The two examples presented above, Rospuda valley (Poland) and Temelín nuclear power plant (Czech Republic), support this position. Once maligned domestic interest groups are gaining political advantage through the mechanisms of multi-level governance and transnational advocacy networks, and are thus utilizing new political opportunities to pressurize state-level lawmakers.

CONCLUSION

Modes of interest articulation are shaped in large part by state institutions and policy networks, as pressure groups are most likely to seek a path of least resistance when lobbying. Government policy, which is developed *ad hoc* during periods of state-building, often constrains volunteerism and philanthropy rather than empower groups or prospective donors. It is during this period of uncertainty that the state, by virtue of entrenched patterns and institutional practices, gains power and influence over most, if not all, policy sectors. The state is particularly potent in areas where they alone have a monopoly on information, statistics and programme development. As the Euro-Czech Forum (2003) reported in 2003, “As yet there has been no success in creating partnership relations between public administration, non-governmental ecological organizations and economic spheres. In many cases, lack of confidence and ‘unfriendliness’ persist” (p.46). On the surface of it, environmental policy development and implementation in both Poland and the Czech Republic appears routine and well orchestrated. The official line in Poland, as articulated by former Minister of Environmental Protection, Natural Resources and Forestry, Jan Szyszko (1998):

The Ministry (...) recognizes ecological non-governmental organizations (NGOs) as its natural allies and partner in activities for environmental protection according to principle of sustainable development, irrespective of their opinions on both general and detailed matters.

But below the surface, the development of an already fragmented and somewhat inexperienced ecological sector is being further complicated by a state with little regard for NGOs or the principle of pluralism. As Krzeminski (2003) argues, at around the same time the above statement was made by Minister Szyszko, the working relationship between third sector organization and the Polish state were already strained. She argues “it is worth noting that in the second part of the 1990s central government and parliament declared war against foundations and, more generally, their sector organizations” (p.51).

Much of what transpires at the policy development phase is contingent on the structure and function of the state and governmental agencies. This, as argued, is even more pronounced during periods of regime change and flux, when political institutions are being remodeled (or created from scratch) and uncertainly exists around the appropriateness of political custom and convention – i.e. the style of lobbying and its venue⁸². With a more autonomous state stifling third sector group development, by virtue of its power vis-à-vis the media and other channels of communication, civil society development becomes less about normative postulations and more about policy networking and concrete forms of interest articulation. In the case of environmental policy it was argued above that many NGOs have developed institutional competency and professionalism, which is indication of how far many of these groups have come since 1990, when they were not much more than amateur, loosely configured, grassroots associations. The fluidity of environmental policy during the late 1990s and early 2000s, which stems from a rapid development of environmental legislation, as per international

⁸² It is important to remember that much of what transpires in the west, in terms of lobbying and informal policy networks was established not through laws and legislation, but through custom and norms developed over hundreds of years – stemming from interactions between parliamentarians (and members of Congress) and lobbyists at Westminster and later in and around Congress. The same logic applies to post-communist lobbying. Many of the laws pertaining to lobbying and interest group financing came into effect at the end of the 1990s, thus permitting a decade of informal pressure politics.

agreements and EU harmonization (i.e. *acquis communautaire*), must be seen as an impediment to collective action in both countries under study here.

Civil society cannot develop in isolation; its very ethos is shaped by its interactions with the state and policy makers. In the area of environmental advocacy and policy making, it is most revealing that representatives of two of the largest, most publicly visible environmental pressure groups believe the government to be disingenuous when dealing with NGOs. What is even more remarkable, especially to those that subscribe to the transition paradigm or other linear theories of democratic development, is that many of the problems of the early transition period have not been entirely solved or even addressed. Andrzej Kassenburg of the Polish Ecology Club argued in the early 1990s “cooperation between the Ministry of the Environment and the numerous environmental organizations had ceased” (Waller and Millard, 1992: 172). Sixteen years later, even though Polish NGOs are gaining institutional competency and showing signs of professionalism (Carmin and Hicks, 2002: 317) there is still a belief amongst activists that the state has little time for NGOs (which survey data seemed to suggest) and will continue to take decisions that further their immediate policy preferences: economic and industrial growth. However, some of the examples point to a system that is not controlled exclusively by states. European governance and the transnationalization of interest politics can put government at a disadvantage, especially if it is trying to introduce policy without appropriately consulting all major stakeholders. Most recently contentious politics has been less about national politics, in a strict sense, and more about European norms and integration. Some of this will be explored in relation to women’s NGOs in the next chapter.

CHAPTER SIX

The Women's Rights Sector

Despite the opportunities that come with democratization, i.e. improved forms of interest articulation, open and receptive political institutions and rights of assembly and association, it seems the women's movement has stopped short of developing into a stable, potent, network of advocacy organizations. Without the requisite amount of direct government funding and/or private donations, advocacy groups, interest groups and women's centers are left to 'beg and borrow' for the resources they need to operate. This economic reality coupled with an institutional environment hostile to lobbying and devoid of meaningful policy dialogue means groups dedicated to furthering the interests of Czech and Polish women remain at the periphery of the policy making process. In this way, democratization and market liberalization has produced a new set of structural conditions which hamper mobilization and diminish opportunities to lobby decision makers.

Instead of acquiring lobbying know-how, many observers report women's rights NGOs are faltering, becoming less political and further alienated from political parties and decision makers. By all indications, the women's movement in the early 1990s was assuming a place alongside other emergent advocacy groups. As a whole the third sector was growing exponentially, largely as a result of the euphoria that marked this period and the growing financial assistance from Western philanthropists. Despite this, the women's movement (inc. more formalized organizations) has yet celebrated any policy victories. For as Bystdzienski (2001) argues "the feminist movement in Poland (...) is still fledgling and fragmented" (p.501) and with this, unable to mount a campaign against restrictive abortion policies and growing gender inequalities. The situation is no better in the Czech Republic, where successive governments, paying only lip service to women's issues, have managed to keep women's groups out of the policy process altogether. Ignoring their pleas for a comprehensive domestic violence law, legislation for equal pay

in the workforce, and better laws relating to human trafficking and prostitution, the political elite's preoccupation for the past decade has been with corruption and party financing scandals and EU accession.⁸³ A membrane has developed between the elites of these two countries and respective public interest groups, which makes constructing a vertical policy network almost impossible.

Women's groups in both countries are discovering first-hand how difficult it is to lobby a state which is both powerful (relative to interest groups) and insulated (from societal stakeholders) during this period of protracted institution building. Instead of concentrating on the list of demands issued by domestic sub state actors, post-communist era politicians were focusing attention on institutional and economic reform. Czech and Polish policy makers have shown little inclination to develop a responsive, organized, policy community. Part of this may be a result of what Cameron (2003) argues:

It is not a great exaggeration to say that on accession, the new members will be re-created as states, committed to processes of policy making and policy outcomes that in many instances bear little or no relation to their domestic policy-making processes and prior policy decisions but reflect, instead, the politics, policy-making processes, and policy choices of the EU and its earlier member states (p.25)

Polish and Czech lawmakers did little to further minority rights and gender equality until they were forced by the *acquis communautaire* to do so. Cameron believed the policy process would change upon entry, and based on research conducted in the post accession period it is safe to say it has. The Polish government successfully kept the issue of abortion off the agenda and outside the parameters of the EU accession treaty when it convinced Brussels to annex reproductive laws, thus enabling Poland to circumvent EU-level human rights law and laws pertaining to the status of women in the EU. The annex reads:

The government of the Republic of Poland understands that none of the provisions of the Treaty on European Union, or in the treaties establishing the European Communities (...) shall disturb the right of the Republic of Poland to

⁸³ Interview conducted with Lenka Simerska, senior member of the Gender Studies Centre, in Prague 15 August 2003.

regulate on issues of moral importance and concerning the protection of human life (East European Constitutional Review, 2003: 39)

While being an intergovernmental matter between Poland and the EU, this annex also effects and/or restricts the sort of lobbying tactics available to women's organizations in Poland at across Europe. Protest repertoires will have to change, as EU level negotiations and legal challenges may become more effective than mobilizing at the domestic level to effect change. The Polish annex is unique (as Ireland and Malta have similar conditionality in place) because it was negotiated after the accession agreement was complete. Polish Prime Minister Miller and President Kwasniewski argue the annex was a way to prevent Euroskeptics from derailing Poland's entry (EECR 2003: 39) but as it occurred, it also ensured no women's groups could properly intervene or comment on this policy shift.

Failure on the part of Polish and Czech decision makers to include women's groups in the policy process should be seen as both a procedural failure, because such a top down policy exercise ultimately produces incomplete and uninformed policy (driving a wedge between concerned constituents and their parliamentarians) and, a moral failure, because it shows contempt for democracy and emerging citizen initiatives. It is true "many Central and East European women had participated in dissident opposition movements, yet (...) rejected the idea that they needed to organize as women" (Jaquette 2001: 113). But what is further contributing to this political malaise is the inaction of post-communist leaders who have done little to support women's initiatives and at certain points have even actively discouraged the activities of women's rights groups.

To test the vitality of post-communist democracy it is important to carefully consider how particular sectors function relative to the political opportunities available to them – if they exist at all. In doing this, it is equally important to come to some understanding on how political opportunities are created or made and which political actors are best equipped to take advantage of them. During a period of wide-scale political change and state-building, political opportunities can, at the same time, be abundant and scarce. As Jaquette (2001) suggests "in most cases, democratization and the political mobilization of women are mutually reinforcing (p.112), but in Poland and the Czech Republic this has not been the case. There is theoretically an opportunity for

formerly aggrieved and marginalised groups to mobilize once barriers to collective action have been broken down, but for the transition to be carried through, the state must limit its involvement with outside stakeholders. It is easy in such circumstances for government to forgo a drawn out consultative policy process in favour of a more efficient, essentially elite-driven, model of policy creation. And as a fragmented and disorganized sector, women's groups (and women's movement writ large) have been unable to penetrate the inner citadel of the policy community.

Taking into account the above thesis, this chapter argues that to explain the weakness of the women's lobby in Poland and the Czech Republic, one must look at what is happening in political society instead of civil society, and also, what is happening at the structural level instead of at the agential level. For instance, The number of "women's NGOs" has decreased since the beginning of the '90s – none of them receive any funds from the Czech State, apart from a few grants for certain concrete social purposes (IHFHR, 2000: 146). Without a policy network that incorporates the third sector, institutionalized mechanism to encourage dialogue between policy makers and women's groups cannot exist. In other words, a policy network is ineffectual when it stops short of linking decision makers and bureaucrats with interest groups. The reason for interest group mobilization, after all, is the acquisition of power and influence at the policy level. The argument presented here is predicated on five observations and understandings:

- 1) The ideological nature of women's groups means policy makers, the media, and many Polish and Czech women themselves, look at 'feminist' organizations with a certain degree of suspicion;
- 2) The state has done little to help with the establishment of a coherent women's lobby and in many respects has directly contributed to their marginalization;
- 3) Women's group in Poland and the Czech Republic have actively sought the support of Western donors (including the European Union) and specific Western-based women's organizations to help offset the costs associated with organizing and lobbying;
- 4) State institutions have thus far failed to honour general principles of gender equality and human rights;

- 5) The instability of the third sector coupled with the ad hoc nature of policy formulation has provided women's groups with little opportunity to make inroads at either the bureaucratic or legislative policy levels.

As theses 1 through 5 suggest, it is structural-level impediments to collective action that are limiting the scope and activities of the women's advocacy sector, and not necessarily ideational or agential factors. It is therefore the contention of this section that the problems encountered by women's group and subsequent under representation at the policy level can only be solved by changing current institutional arrangements. By opening up the policy process third sector groups will become unified and more active, and until such time will remain inconsequential actors. Recommendations to this effect have been made by government committee already (The first quote relates to the Czech Republic; the second to Poland):

One of the most urgent tasks is to raise the level of awareness and knowledge among broad layers of the population. NGOs are in this regard important actors, helping to increase the knowledge and awareness of gender issues. According to the newly adopted directive 2002/73/EC, article 8c, Member states shall encourage dialogue with non-governmental organizations that have a legitimate interest in contributing to the fight against discrimination on the grounds of sex.⁸⁴

Women have joined the public dialogue, recognizing that they have equal rights as well as the duty to speak out on issues of vital importance to society and to actively participate in problem solving (...). One of the principal threats to the Polish women's movement is unstable state policy. A good example is the instability of offices responsible for

⁸⁴ This recommendation was made in a report "Improvement of the Public Institutional Mechanism for Applying, Enforcing and Monitoring Equal Treatment of Men and Women" which was part of a twinning project (CZ 2001/IB/SO-01) between the Czech Republic and Sweden. Last accessed on-line 15 May, 2006.

*promoting gender equality and the lack of legislation regulating co-operation between the state and NGOs defending women's rights.*⁸⁵

Understanding the need to enhance democracy and the status of women through the development of effective policy networks, the *Government Council For Equal Opportunities for Women and Men* in the Czech Republic, and the now defunct *Government Plenipotentiary for Equal Status of Women and Men* in Poland, have called upon government to incorporate women's NGOs into the policy making rubric. But, as this chapter argues, it is becoming increasingly obvious that without the fear of political repercussion post-communist elites (inc. parliamentarians) will continue to ignore recommendations made by stakeholders. In the case of public policy which directly affects women, the institutions currently in place offer women's organizations little opportunity to advance their policy preferences.

* * *

A comparison of the women's NGOs in Poland and the Czech Republic reveals a communist legacy and the specific models of dissidence employed by Charter 77 and Solidarity have less impact on how this sector mobilize than it might on other sectors (i.e. student organizations – Impulse 99). On the whole, women's groups are not anti-political or apolitical nor do they carry with them the normative baggage of the dissident experience. Unlike many other newly formed interest associations, women's groups are attempting to reacquire some of the benefits extended to them during the communist period. For instance:

- With the exception of Poland (...) from 1980 onwards, 80 to 90 percent of children between 3 and 6 had access to kindergarten;
- In all [ECE]countries 80 to 90 percent of women had gainful employment at the end of the eighties;

⁸⁵ From the Government Plenipotentiary for Equal Status of Women and Men, on-line at www.rownystatus.gov.pl – last accessed 14 April 2006

- Acts were adopted at an early stage of the system assuring equal rights for women in politics (the right to vote and be elected), and within marriage (Ferge 1997: 161-162);
- Women were guaranteed unfettered reproductive rights, extending to free medically administered abortions.

Even if the above statistics are accurate, as the reliability of state generated data has been questioned before (cf. Ferge 1997; Wolchik 1991; Ramet, 2005), there remains a clear disjuncture between state ideology and the lived experiences of women. Einhorn (1991) argues, “the fundamental contradiction inherent in the paradigm adopted by state socialist countries lay in a definition of women as workers and mothers without any parallel conceptualization of men’s role” (p. 4). In this way, one should not assume that women were more politically powerful or privy to the same advantages as men during the communist period, because they were not. For example “In the socialist era, the status of women was imposed from above – it would be a mistake to regard it as an independent self-assertive process” (Smidova 1999: 217). Post-communist women face the following socio-economic and political problems:

- As of 1996/97 women were about 20 percent more likely than men to be unemployed (Ramet 2005:2)
- The closure of and/or price rises for childcare facilities (Einhorn, 1991: 8)
- More teenage girls are giving birth now, drug abuse and alcohol abuse are increasing, [and] domestic violence and rape are reportedly also rising (Ramet 2005)
- Fewer women politicians at all levels of government in both countries
- Restrictive abortion laws

These issues have galvanized segments of the women’s movement, but on the whole women’s rights groups remain unable to channel this solidarity into any tangible political benefit. There is however one aspect of the women’s movement which is informed by both the socialist experience and post-communist socio-political realities. Aware of

public disdain for rigid ideology, many groups and centers, i.e. the Gender Studies Centre in Prague and the Network of East West Women in Poland (NEWW Polska), have been unwilling to adopt a feminist narrative or admit their activities are framed by feminist ideology. As Sloat (2005) reports:

Negative conceptions of feminism also hinder NGO efforts to promote gender equality as a policy priority. A recent survey in the Czech Republic (...) found that almost 50 percent of men and more than one-third of women consider feminist groups fighting for women's rights to be useless, while one-quarter of both sexes remain uncertain about them (p. 442)

Thus feminism, like any 'ism' in post-communist ECE, becomes *the* matter of concern rather than an instrument for empowerment. As a consequence, the women's movement remains fragmented and embroiled in theoretical debate, often times with western women, about how the movement should be constructed and framed. Valuable time and limited resources have therefore been diverted to conferences and workshops rather than being used to determine the most feasible way to improve the women's group network and their status vis-à-vis policy makers. The debate over the use and misuse of feminist ideology has strategic overtones, for as Einhorn argues "many women are averse to the idea of feminism, as they associate it with state intervention and discredited 'isms' of the past" (Sloat, 2005: 442). Thus, women's groups in Poland and the Czech Republic have had to abandon the sort of rhetoric that empowered the women's movements in North America and Western Europe for language that is less inflammatory and more conciliatory, on the belief this would create more opportunities for their movement.

There is however an even a larger problem with such an inter-movement debate. It allows the state to ignore many of the more politically active (government would say 'radical') women's groups on the grounds they only have a tenuous connection with 'average' Polish or Czech women. An inability to assume some sort of a tangible identity means the women's movement will continue to falter. But one has to wonder how much of this has to do with the state, its agenda and programme, opposed to the women's movement itself. For as Beckwith (2005) argues "in several postcommunist democratizing nations of Central and East Europe, as institutions democratized, opportunities for activist women began to close" (p.588). The dynamism of democratization, with the state assuming the lead role in determining policy and

institutional design, leads to a situation where state priorities take precedence over the demands of third sector organizations. This can be viewed in two ways: one, the state *must* guard its autonomy during state-building, to ensure the democratization programme does not become overburdened with divergent interests; two, the state strategically uses its autonomy to expedite its policy preferences rather than establish a consultative framework with interest groups.⁸⁶ As Wolchik (1995) argues, “the growth of non-party associations and organizations typical of established democracies has been inhibited by the suspicion that many political leaders have of non-profit organizations and by regulations that do not favour their development” (p.38). In this scenario it’s not specifically women’s groups that are excluded from the policy process but rather any group which seeks to challenge the political status quo.

Through direct funding and incentive schemes ECE governments have been most eager to support only those women’s organizations that compliment their policy programme. An example offered by Haskova (2003) illustrates this: “Organization proFem has been for years organizing training for lawyers for domestic violence. When applying for funds for continuing this project, it has been rejected by the Czech agency but succeeded when applied directly to Brussels” (p.6). It would seem odd for any government to fund organizations that publicly disagree with their policy priorities or method of governance (cf. Pal, 1993), but the consequence of not doing so, in some measure, is a policy system without any regulated or institutionalized competition. Ultimately without domestic support groups turn to international donors, EU level funding schemes and private corporations for funding. The result, as McMahon (2001) argues

While independent of the state, they remain extremely dependent on the international community. This predicament has affected the issues they take on, as well as the type of activism they use to respond to inequality and existing political conditions. The bottom line is that this dependency on the international community has translated into a lack of accountability, if not interest, in grassroots constituency building (p. 57).

⁸⁶ This latter scenario is predicated on neo-institutionalism, as it is consistent with the idea that “the state is not a captive of economic groups, its autonomy is based on unique sources of power, on the capacities and will of state officials. The result is a policy process driven by the logic of the state itself” (Pal 1993: 31)

The above is critical to our understanding of interest group development in Poland and the Czech Republic, because if it is the responsibility of post-communist states to devise a more democratic policy making system and, in-turn a more open pluralistic form of politics, then it is also their obligation to fund third sector initiatives.

Considering the international community (i.e. American foundations and West European women's associations – European Women's Lobby) and specifically the European Union have invested millions of dollars and euros into grassroots women's initiatives, it is surprising women's groups have not become more politically active and powerful (cf. McMahon 2001). As Penn argues

Grassroots women's groups had begun forming in every country of the former Eastern bloc and needed the intellectual and material support of Western feminists, because such resources were sorely lacking inside their own countries (Penn, 1998: 48)

A dependency on international donations coupled with domestic-level impediments to collective action, like instability at the party level, means women's groups have opted for a less political-form of existence. McMahon (2001) determines that American law, which prohibits donors from directly funding any overtly political group, has largely determined the conciliatory nature of many Czech and Polish women's groups. As he argues, "the outcome, unfortunately, is that women's groups in East Central Europe have become narrow, single-issue groups with little interest in domestic politics" (McMahon 2001: 57). This structural reality goes a long way in explaining why so many of the women's organizations in Poland and the Czech Republic, that one reads about in organizational listings (i.e. *Directory of women's organizations and initiatives in Poland*) are resource or training centers rather than political organizations. This fact would be lost if one were to look exclusively at the total number of groups in civil society, which has been on the increase in several sectors since 1989. But women's groups in particular, in both Poland and the Czech Republic, are very small, lack a robust grassroots membership base, are unsure of their political persuasion and, are almost exclusively located in major metropolitan areas (Warsaw and Prague being home to the majority of women's groups). The problem with focusing on civil society instead of specific groups or sectors, as was identified in chapter II, is one may mistakenly consider all groups, associations, and

organizations as being equal in political value, regardless of whether they are pressure groups or not. To speak of civil society without mentioning advocacy groups would be akin to examining a legislature without paying attention to political parties. Examining the potency of the women's movement in ECE and the specific groups which claim to represent women's interests, along with legislation and institutions, will help determine how parts of civil society function in light of institutional shortcomings and economic underdevelopment.

It is important to consider both political culture and popular culture when analyzing women's groups and feminist politics. The ratio of female to male parliamentarians, the depiction of women in the media and, the cultural norms associated with family and motherhood, are all issues that guide the activities of feminist organizations and women's rights groups. In this sense, the protections and rights groups seek in ECE are as much about pay equity and abortion as they are about human rights and democratic citizenship. An information booklet published by the Czech government (The Ministry of Labour and Social Affairs) has on the cover a quote from T.G. Masaryk (the Czechoslovak President 1918-1935) which reads: "There is no women's issue just as there is no men's issue; there is only the human issue." This may seem innocuous, but it is precisely this sort of language and reckoning that concern contemporary feminists. For they argue that there are a host of issues, like abortion, prostitution and domestic violence, which disproportionately affect women - to say otherwise is to misunderstand or ignore the power dynamics in post-communist societies. Funk identifies something novel about this wave of feminism. She writes:

The paradigmatic "women" is no longer who she once was in the early 1960s and 1970s, the white upper middle class women trapped on the "pedestal" or in a domestic prison. Post-communist developments also make vivid the importance of women's participation in the political public sphere. Post-communist women's needs epitomize second wave feminism, state two (1993: 328)

There was a hope that immediately after the 1989 transitions women, like their male counterparts, would acquire the political gumption needed to fight for women's (and often children's) rights. As Polish women were active within the Solidarity movement and also developed independent feminist organization during the 1980s, there was a sense they would be in a good position to continue such activities after 1989. However as the

Solidarity movement gained prominence and subsequently entered the realm of institutionalized politics, it began to take decisions that would compromise the position(s), specifically on abortion, articulated by its own women's section (Bystydzienski, 2001: 505). This organization did manage to survive the transition period, but "it has lost its feminist stance of the early period and in 1995 characterized itself as a 'mass organization aimed at satisfying the needs of working and unemployed women and their families'" (ibid). Thus the development of the Solidarity women's section as a feminist organization stopped in 1995, and like Solidarity itself, fractured into several other organizations and political units.

This again illustrates the fluidity of organized politics in post-communist countries. As groups and political parties break-apart and form new units, established ideological lines become blurred making it difficult for women's groups to identify opportunities and political allies. As a consequence, instead of becoming more political, more militant and better organized, Polish women's groups depoliticized in their pursuit of foreign funding and popular support (McMahon 2001: 56-58). However, since McMahon published on American NGOs and their funding of ECE women's groups, Poland and the Czech Republic have joined the European Union. This seems to have reinvigorated the women's movement because a battery of new equal opportunity legislation accompanied accession needs to be harmonized/transposed with existing (and sometimes nonexistent) domestic law – a chance to influence new policy for the first time. This *window of reform*, as presented by John Keeler (1993), suggests that "successful policy innovations are only possible when the various constraints that normally prevent policy changes give way to a policy window" (Helfferich and Kolb 2001: 145). New EU directives offered women's groups a window of reform during the *acquis* period but quickly vanished as soon as membership was formally ratified. The influence of the EU on contentious politics in Poland and the Czech Republic will be discussed in more detail at the end of this chapter. But it is important to recognize that women's NGOs "play a crucial role in 'passing down' the information, including issues of the European Union" (Zielinska 2005: 31), which is a vital component of policy dissemination and integral to third sector development.

While recognizing the existence of cultural differences between Western and Eastern women and the models of feminism they employ, and also between women in Poland and the Czech Republic, women's NGOs have not been entirely effective in realizing policy reform. Current cultural practices, specifically the Polish Catholic Church's influence over policy relating to the family and abortion, and the socio-economic standing of women in post-communist Europe have a lot to do with this. That is, women in post materialist or developed democracies are not subject to the same ideological constraints as their Czech and Polish counterparts (Inglehart, 1990; Nevitte 1996). There is evidence to suggest, rather than the demobilization of the women's movement being a result of poor tactics and strategy on their part, it is an overall breakdown in state – third sector relations that undermine the further politicization of the interest group community (cf. Green 1999). Green argues that “the key to democratic development is in the quality of the state-society connection, which is generally perceived to extend beyond the act of voting” (p.2). The development of a robust policy community is essential to the achievement of a more politicized third sector. If women's groups are consistently blocked from entering the policy process, their rational calculations will soon steer them away from institutionalized interest articulation altogether.

A policy community “refers to all actors or potential actors who share either an interest in a policy area or a common ‘policy focus’ and who, over time, succeed in shaping policy” (Atkinson and Coleman 1992: 158). This definition is generally accepted, but it suggests that for a community to exist, key stakeholders will at some point manage to influence the decisions taken by parliamentarians and/or bureaucrats. Much of the literature on public policy and interest group formation stems from N. America and Great Britain (cf. Pal 1997) and pays scant attention to the structure and function of a state during periods of regime shift or transition. Therefore some of the concepts and theories presented in policy textbooks have little currency in the countries like Poland and the Czech Republic, which since the collapse of communism have experienced a series of significant political events – the break-up of Czechoslovakia (1993), economic shock therapy in Poland (1990-94), and EU membership for both (2004). But interest group and policy literature provides a useful template because it can

be used to show how the shortcomings of the present policy process undermine the development of third sector organizations. For instance, there is a noticeable gulf between a theoretically desirable policy system, such as an open and consultative pluralism, and the one which exists in Poland and the Czech Republic. In the latter case, agenda setting (Pal 1993) has been firmly in the hands of government and state elites. And while the 'opening of policy windows' (Kingdon 1995) should occur more readily in political fluid environments, which would provide groups with an opportunity to change the policy status quo, in the case of women's specific legislation, it is other interests and issues which have dominated post-communist politics.

Policy issues such as abortion, gainful employment and equality rights had almost no salience during the state socialist period, as state ideology determined women had a right to all of these things. However there is a disjuncture between the rights afforded to women during communism and the rights women are seeking today. The 'emancipation' of women during communism was the result of state generated ideology and Soviet imposition, not a 'cultural' development as such. Thus, many men (and indeed women) see post-communism as an opportunity to return to a value system that existed before Soviet hegemony. This has caused serious problems for women's organizations, particularly in Poland, which are charged with the daunting task of condemning communism while at the same time championing certain communist era policies. For example,

While women obtained a number of progressive welfare provisions (...) including extensive maternity leaves, free day care and education, as well as the right to abortion, they were not allowed legally to establish autonomous women's organizations (Bystydzienski 2001: 502)

In communist Poland, the voice of women was routed through The League of Polish Women (*Liga Kobiet Polskich*), which worked as a vehicle for socialist ideology rather than an organization for the advancement of women (Bystydzienski, 2001: 502-503). In Czechoslovakia a similar scenario emerged. The Communist Party usurped independent organizations and established the National Women's Committee, in part to facilitate a dialogue between men and women, but also pragmatically, as a way to direct women into particular professions and political stations (Wolchik, 1991: 200-205). By incorporating

women into party hierarchy the state managed to first subdue feminist thought and potential organization along that line, and second it ensured any debate on gender equality would stay within the party. As Wolchik (1991) argues, the National Women's Committee (CZ) "began to question party dogma concerning the position of women under socialism [but] for the most part, however, such activities and criticism remained confined to intellectuals and members of the political elite (p.30). The result of this schism, between elite and non-elite, and Party and individual, is as Funk (1993) argues

Women in state socialist countries appear to be more oriented than Western feminists toward children and the family, have different attitudes towards the individual and the collective and to authority, (...) and have different attitudes toward men or toward *collective action*⁸⁷ (1993: 320)

This is an important consideration, for specific issues which galvanized women's movements/groups in the West will have less salience among women in ECE. This point has been advanced by several feminist scholars working in the area of post-communist women's rights and feminist politics (cf. Funk 1990; Kapusta-Pofahl 2002; Baldez 2003; Siklova 1996) and has been identified as a methodological issue that cannot be overlooked when examining the evolution of this interest sector. But, this chapter argues far from political disengagement being a matter of low political efficacy among women, the post-communist state – including institutions and laws - has done little to enhance the standing of women's groups (both formally and informally) in the policy formulation process. Culture may preclude women from adopting a western oriented feminist stance; it however has no bearing on institutionalized forms of interest contestation to which women's groups should otherwise be privy to.

It is solely the state's responsibility to foster the necessary conditions for an open policy dialogue between women's groups and state institutions, a process which ought to be responsive to the concerns of women's groups and promote the production of competent legislation. However the total number of groups in civil society has no bearing on the above recommendation. Statistics suggest women's nongovernmental organizations (NGOs) have been on the increase since 1990 (IHFHR, 2000: 146), but still many of these post-communist era groups lack the political will and/or expertise needed to assume an advocacy role in their new democracies. Ramet (2005) argues that 95

⁸⁷ Emphasis added

percent of Czech women's organizations "are not concerned with politics at all" and prefer not to label themselves as feminists (p.306) nor assume a feminist agenda. However, Siklova (1996) believes Czech women are exercising their democratic rights in a uniquely Czech way, by not joining associations and entering politics. She argues "in the Czech Republic, it is understood that freedom does not come from organizations" (p.94). It has been suggested that this is because East Central European women are not as concerned with their relative social status or standing as Western feminists were during their campaign for equal rights in the 1970s (Funk,1993). Thus the post-communist women's movement(s) in ECE is both quantitatively and qualitatively different from anything studied before. The key consideration is not what motivates a group to mobilise, i.e. their grievances or policy concerns, but *how* they mobilize and whether they have access to relevant policy makers.

Alas one is left to determine whether it is historical and/or cultural difference between Western women and Eastern women that render Czech and Polish Women's groups politically impotent, or structural-level impediments to collective action which work to frame contentious politics in the first place. The political agenda can be set by the state alone, inasmuch as "the state is an active agent, molding society and serving the interests of office-holders sometimes as much as, or more than, the interests of citizens" (Atkinson and Coleman 1992: 154). The reality is however "many CEE women's NGOs have been unable to initiate large-scale projects or lobby for political reforms (...)" (Sloat, 2002: 440). So even if Siklova's assessment of Czech feminism and women's groups are correct, that is, Czech women feel no affinity with Western feminist discourse and are not by 'nature' political, it still does not adequately explain why Women's interest groups in the Czech Republic are so ineffectual. Siklova is assuming, a) that all Czech women fall into this category, of not wanting or needing to be political, and b) that there are no external, tangible, impediments to collective action. Women's groups, by virtue of how diverse the constituency is (e.g. lesbian women, women of colour and Roma women, older women, women from lower socio-economic backgrounds, or from academia etc.) cannot be viewed or analyzed as a homogenous sector. There are women who want to be politically active; develop or join associations; engage with policy

makers over particular issues, and; join the ranks of Czech and Polish parliamentarians, bureaucrats and advisors.

In Poland, women were active in Solidarity, comprising 50 percent of the membership (Bystydzienski 2001: 504) and drew on this experience when developing independent women's organizations after the collapse of state socialism. Czech women were equally political during the communist period, with 18 percent of the signatories and 31 percent of the spokespersons within the Charter 77 movement being women (Einhorn 1991: 1). It goes almost without saying then that women have both capacity to be politically astute and facility to be effective organizers. But for purely political reasons that states under discussion have taken effort to introduce policy that only compliments their economic programme. As a result women's groups are routinely blocked from participating in policy development,⁸⁸ even though in many cases the legislation concerns abortion, pay equity and domestic violence, which are almost exclusively women's issues. Institutional entrepreneurs, which are those "individuals or groups who adopt a leadership role in episodes of institution building" (Colomy 1998: 270), have ignored huge swaths of the potential policy community. The Polish Plenipotentiary provides this analysis of the abortion issue:

The biggest debate on women's human rights was the dispute over the right abortion for social reasons – a debate that got started in the late 1980s. In 1993, in spite of protests by more than a million people demanding a referendum on the issue, parliament passed a restrictive abortion law, depriving women of the right to decide their maternity. The ruling right did not want any discussion on women's right⁸⁹.

The Czech Ministry of Labour and Social Affairs published a report that suggests:

⁸⁸ In the Czech Republic for example, many of the newest statutes dealing with equal opportunities and human rights call for the inclusion of NGOs in the policy making and institutional building process. However, as Havelkova's (2005) report to the Open Society Institute suggests, many of these 'laws' and/or recommendations fall short of changing the status quo in any meaningful way. NGOs are given only 10 days to comment on proposed legislation, are not permitted to liaise with Cabinet and/or senior policy analysts directly, and recommendations for government and NGO cooperation is "but followed only by a part of the ministries" (p.25).

⁸⁹ The Government Plenipotentiary for Equal Status of Women and Men, statement on 'Co-operation with non-governmental organizations' (www.rownystatus.gov.ol). Last accessed 12/04/2006

The (...) structure of institutional guarantee in the agenda of equal opportunities emerged in the course of the years 1998 to 1999. Co-operation between individual elements of this structure is not ideal. Creation of basic measures beyond the competencies of individual departments remains in the hands of the Government and the public can only influence it indirectly and in an ad hoc manner (Sec. 167: 1999)⁹⁰

In both Poland and the Czech Republic, even though the histories of these two countries are vastly different, the opportunities for women's groups to actively engage policy makers and institutional entrepreneurs are equally meager. The Solidarity movement campaigned ostensibly for Polish workers and engaged particularly in the Gdansk and Szczecin shipyards in direct action campaigns (Ost 1990: 86-88). The movement grew exponentially in the early 1980s before martial law was mandated, but it managed to incorporate other trade unions and guilds throughout Poland into its organizational structure. Solidarity grew into a potent advocacy group and opposition movement with the aid of a committed and professional core of organizers – which as discussed, included some 4 million women. In Czechoslovakia, dissidence was less public and obviously political and for reasons already alluded to, never developed into a Solidarity-type network of regional offices. The argument here is that with the commencement of the state-building process came the creation of a new political society, which is vastly different than dissident era society and controlled for the most part by governing coalitions. For instance, as new political institutions were created or reconstructed to meet the needs of democratic governance, interest group in both countries, regardless of dissident traditions and the level of organization attained by dissident groups, have found it increasingly difficult to influence their respective areas of concern. It is important to consider Moe's (1990) argument, "political institutions are (...) weapons of coercion and redistribution. They are the structural means by which political winner pursue their own interests, often at the great expense of political loses (p. 213). Post-communist

⁹⁰ Ministry of Labour and Social Affairs, Czech Republic (December 7, 1999) "Second Periodical Report on the Fulfillment of the Convention on the Elimination of all Forms of Discrimination Against Women, In the Czech Republic over the period 1995 to June 31, 1999" (www.mpsv.cz/en/1991)

institutions are thus shaping and/or influencing the interest community in profound ways. For as groups begin to form and consider their place in an ever changing and politically dynamic environment they are forced to deal with certain, and in many ways unique, institutional impediments. One being the uncertainty which comes with economic restructuring and EU harmonization, the other being the considerable fluidity at the ministerial and deputy ministerial levels – which gives NGO personnel little chance to develop lasting ‘friendships’ with decision makers.

* * *

As social movement and feminist scholars have identified, there are a wide array of women’s groups in the third sector, taking issue with a variety of causes and concerns. For instance in Poland, there are several issue groups which disseminate information on women’s employment and homemaking (i.e. Work and Home; The Working Woman, and; the Federation of Business and Professional Women’s Clubs in Poland), and others that straddle policy spheres, like Manushe, a Roma women’s initiative that seeks to advance Roma as well as women’s rights. It should be said that since 2000 many multiple issue groups have emerged, but are ostensibly isolated from the wider policy community – in both countries.

There are a number of groups in both Poland and the Czech Republic that self identify as ‘women’s rights groups’. For example, a prominent group in Poland, Network of East-West Women (NEWW), say on their website: “Founded in 1991 NEWW is an international communication and resource network supporting dialogue, informational exchange, and activism among those concerned about the status of women in Central and Eastern Europe, the Newly Independent States, and the Russian Federation.”⁹¹ They are primarily concerned with helping or assisting women’s NGOs in ECE organize campaigns, whether at the state, sub-state or European Union level. Nine women’s groups in Poland and only two in the Czech Republic are members of this association which is based in Gdansk, Poland. The Polish groups range from a women’s entrepreneurial society to a crisis intervention society and in the Czech Republic the most

⁹¹ www.neww.org.pl – last accessed 23 April, 2006

notable member of the NEWW is the Prague Gender Studies Centre (PGSC), which houses a women's resource library and several permanent full time staff to coordinate activities in the Czech Republic. As a resource centre and hub of the women's movement in the Czech Republic, the Gender Studies Centre has engaged in public awareness campaigns on such issues as domestic violence and pay equity, along with women's political participation and the history of Czech women – especially during the communist period. The PGSC has also published a report, entitled *Gender Audit of the EU Pre-Accession Funds 1999-2004*, which identifies what is potentially a crucial development in the way NGOs acquire funding. The report (2005) argues:

The Czech non-profit and non-governmental organizations (NGOS) are recently experiencing a new and specific situation. Foreign foundations, mostly of American origin like Open Society Fund, Ford Foundation and others, are either leaving the Central and Eastern Europe region or significantly restricting their programmes in the area (Gender Studies o.p.s., 2005: 5)

The women's movement and specifically women's rights groups are not only trying to create awareness in their own constituency (i.e. women) but are operating in an environment with few political certainties. The party system, electoral system, the ethos of parliament and international agreements (i.e. the EU), all work to inhibit the traditional lobbying techniques available to non-state actors. For example, as Benoit and Hayden (2004) have correctly observed, political parties and the electoral system in Poland has been in a state of constant flux since 1990. They argue “since the transition to competitive elections in 1989, every election has (...) been preceded by a change of *electoral rules*⁹²” (Benoit and Hayden, 2004: 403). While structural changes at the electoral and party level tend to complicate the development of some grassroots organizations, in the Czech Republic it was more substantial institutional-level developments that altered the parameters of interest articulation and lobbying. With the creation of an upper house (Senate) in 1998 and constitutional changes that reorganized

⁹² Emphasis added

the distribution of political power in the Czech Republic thus keeping interest groups at bay. As Reported in *Nations in Transit 2004*:

The state administration has undergone significant changes in recent years. The 14 administrative regions, created in 2001, were given considerable oversight powers in education, health care, territorial planning, and the environment. Power was also transferred from the former 73 districts (abolished by January 1, 2003) to 205 newly created municipalities (Klvana, 2004: 12).

The correlation between women's sector fragmentation and political instability cannot be overlooked. There was a sharp increase in the number of women's groups immediately after the fall of Communism in 1989, as women were legally entitled to form associations and political organizations for the first time. But from the mid 1990s many of these transition era groups either amalgamated, forming large 'multipurpose' groups, or were forced to disband, because of limited funds and political resources (IHFHR, 2000: 146).

The net result of this fluidity – of both institutions and the women's movement – is a women's movement without the stability and permanence needed to compete in their target policy area – broadly, equal opportunities and women's rights. It has been determined that “women's movements often emerge and prosper in times of major societal upheavals” (Bystydzienski, 2001:501), when a sudden change in social and political orientation permits new issues, such as feminism or gender equality, to enter the popular discourse. As the previous chapter argues, while there is an opportunity for groups to emerge during regime change, they are still by virtue of the state building process, at the mercy of the new political elite. While there is opportunity to form organizations and pressure groups, the economic realities in Poland and the Czech Republic placed limitations on what new groups could feasibly do. This hit the women's movement particularly hard, as Heinen (1997) argues “the democratization of political systems and the transitions to market economy in Central and Eastern Europe goes along with a process of marginalization of women in the economic and political field” (p.577). Without any substantial dissident movement to call their own, Polish and Czech women found the post-1989 political environment devoid of any established mechanisms for interest articulation.

The civic zeal that once captured the hearts and minds of Poles and Czechs and western philanthropists is no longer capable of sustaining interest group activity,

especially in an era of institutionalized interest contestation when a premium is placed, not on the message being conveyed, but on results. This logic is consistent with ‘western’ lobbying which regards policy and policy formulation as an interactive and dynamic process inhabited by a multitude of pressure groups, consumer groups and professional lobbyists. Importantly, in this sort of an environment the interest groups themselves are charged with the responsibility of organizing and funding their lobby – the state has little involvement with political organizations. Pross (1992) contends “persuasion depends on organization” (p.3) and “above all, pressure group activity must have continuity if it is to have lasting effect” (ibid.). This last point is critical, as the women’s movement has, chiefly as a result of the ever changing political institutions and governmental personnel, been unable to develop a coherent movement or stable, reputable, women’s rights organizations.

I want to return to an example mentioned above, the closure of the Polish Government’s *Plenipotentiary for Equal Status of Women and Men (Plenipotentiary)*. The Polish government established the Plenipotentiary 25 June 2002, which came into effect 1 July, 2002. The purpose of this Plenipotentiary was to assess the overall status of women in Polish society in relation to their male counterparts and whilst offering advice to the Council of Ministers and the Prime Minister’s Office were charged with “incorporating the principle of equal status of women and men into all the fields and scopes of the government policy” (Sec.3:2). There was acknowledgement that government should do the following:

Retain or strengthen the Office of Government Plenipotentiary for Equal Status of Women and Men. While having equal rights, women do not have equal chances and opportunities, hence institutional mechanisms are required to support women's aspirations to achieve (...) One of the principal threats to the Polish women's movement is unstable state policy. A good example is the instability of offices responsible for promoting gender equality and the lack of legislation regulating co-operation between the state and NGO's defending women's rights.

This committee was established in 2002 within the office of the Secretary of State in the Chancellery of the Prime Minister. As it began to function as a gender rights watchdog to

ensure public policy reflected the government's commitment to women's equality, it was abruptly closed down 4 November, 2005⁹³. The message on the Plenipotentiary website confirming this is equally abrupt: "On the 3rd of November 2005, the Regulation of the Council of Ministers on Cancellation of the Government Plenipotentiary for Equal Status of Women and Men came into force"⁹⁴. Almost immediately women's groups were publicly questioning the closure of this office, which as the Network of East Women argue, is in contradiction to "Poland's obligations towards the European Communities"⁹⁵ and the government's own equity programme.

In the Czech Republic, the Government Council for Equal Opportunities for Men and Women (Government Council) was established in October 2001, but as it was reported, did little to create a meaningful policy community with the women's advocacy sector. On publication of the Open Society Institute's report on equal opportunities in the Czech Republic, the Government Council had "not created any committees or working groups" (Havelkova 2005: 18). By not creating working groups or committees, women's rights groups have been effectively blocked from the policy process and may only participate at the discretion of the Council's deputy ministers – and they have no executive or supervisory powers (ibid). If either the Government Council had been granted more power or women's groups were permitted to network with cabinet minister or senior bureaucrats via committee meetings, it would have enhanced the standing of women's groups. But Czech decision makers seem unwilling to open up the policy process to 'outside' actors. Policy formulation is not a regulated or regularized exercise, for it is largely left to the discretion of ministry analysts to determine consultative practices. Sometimes experts are called upon to comment on draft legislation but as Green (1999) reports, "only rarely have ministries consulted with outsiders, and even then only on a case by case basis" (p. 6). The Committee does cannot address these policy lacunae either, for it has no power of oversight and sits only three times a year.

⁹³ See the Plenipotentiary website for details: www.rownystatus.gov.pl [last accessed 22 April 2006]

⁹⁴ www.rownystatus.gov.pl

⁹⁵ The complete letter can be found at the Network of East West Women website, www.neww.org.pl. Last accessed 09/06/2006

Furthermore, the Czech government decides committee composition and is under no obligation to select members from any particular NGO.

Consider what Musilova (1999) writes about the 'rights revolution' in the Czech Republic:

Equal opportunities (recognized as a matter of public interest) are an instrument for fulfilling another matter of public interest, i.e. entry into the European Union. This is at present a priority for midterm interests, since the Czech Republic is actively seeking membership" (p.197).

Musilova argues the motivation for establishing equal rights committees in the Czech Republic is not the advancement of women, but the economic growth and security that EU accession offers. Yet again the elite is manipulating political institutions to their benefit and not working to develop a robust form of interest articulation. When examining the case of the Polish Plenipotentiary, one cannot help but be suspicious of the circumstances which surrounded its closure. Government insists it was a necessary cost-cutting measure, but the action to dissolve this office came only after Poland was formally admitted to the European Union. Groups are now dispersing, disbanding, or moving towards a less 'political' form of existence, which is in part due to a host of institutional level impediments. Ramet (2005) identifies an important characteristic of the women's movement in the Czech Republic: "some 95 percent of women's organizations are not concerned with politics at all, while both the label 'feminism' and the feminist agenda have been so thoroughly deprecated that few advocates of women's equality dare refer to themselves as feminists" (p. 306). The situation is such that:

Women's groups don't talk to each other. They remain atomized from each other, sometimes by 'status' schisms, sometimes by ideology, many times by suspicion of peoples outside their 'circle' (...) As of 1994, there is no structure and no single goal that unites them (Olesky, 1995: 5).

Things have changed since 1994, when the above concern was raised by Peggy Simpson, but still women's organizations are either preoccupied with sorting out the sector as a whole, i.e. looking to establish the sorts of policy and advocacy networks that were absent in the early 1990s, or giving up on lobbying altogether. While statistics supplied by the Polish government suggests the presence of a robust women's NGO sector, the fact remains that very few groups are active in the policy formulation process. As a

result, Women's groups have been unable to augment or challenge state directed policy in any meaningful way. Thus, Polish and Czech women's groups of the post-communist era have been met with two distinct types of institutional impediment. The first is the 'run of the mill' gender inequality that is pervasive enough in many parts of the industrialized world, which in and of itself is not a unique characteristic of Poland and the Czech Republic today. The second is the nature of Polish and Czech institutions themselves, which are in states of flux and without clearly defined policy networks.

In Poland it is the issue of abortion that has prompted many groups to mobilize - on both sides of the debate. It is particularly complicated in Poland because up until the transitions period reproduction laws were liberal. As Kulczycki (1995) argues " following the lead taken by the former Soviet Union in 1955, Poland shortly thereafter made abortion legally available practically at the request of a women, and the procedure promptly became a primary means of fertility regulation" (p. 471). Kulczycki's helpful summary of Poland's abortion law points to a dramatic shift in abortion policy, from being restrictive before WWII, to openly available and free of charge during the communist period, back to a more restrictive model after the collapse of communism in 1989-1990. The power and political influence of the Polish Catholic Church has a lot to do with the more restrictive stance adopted by successive governments, as it is the one organization that has remained politically potent after democratization. As Saxonberg (2000) determines, "On moral issues (...) the Catholic Church has a much greater influence on politicians than on citizens. On the controversial question of abortion, for example, the populace is much less 'Catholic' than the politicians (...)" (p.240). The power and potency of the Polish Catholic Church will be explored in some detail, but for now it should be regarded as an organization which challenges – and in some cases denies - many of the aims and goals of the women's movement in Poland.

REPRODUCTIVE RIGHTS/ABORTION IN POLAND

Since the 1960s abortion has been by far the most contentious and contested topic among women's groups in North America, particularly the United States. Pro-life and pro-choice forces, as they self-identify, have clashed repeatedly over the legality and morality of the practice. In a landmark decision (*Roe v. Wade*) the Supreme Court of the United States

ruled (with a 7-2 majority) the practice of limiting or preventing access to abortion is unconstitutional. From 1973 until present, the pro-life movement has tried to get the Supreme Court decision of 1973 overturned on the grounds that abortion contravenes the 'right to life' provision in the Constitution. The Polish case is almost the reverse.

The Polish Constitutional Tribunal, Poland's highest court, interpreted the 'right to life' provision in the Polish Constitution to mean 'right to life from time of conception.' In a 1997 ruling it struck down the more liberal abortion law introduced only a year earlier by the SLD government. A *New York Times* article quotes the tribunal chairman Andrzej Zoll, "the highest value in a democracy is human life, which must be protected from its beginning to the end" (29 May 1997). The 1997 ruling bolstered the 'anti-choice' movement, as Nowicka labels it, which has been active since 1993. It is supported both by the Church hierarchy and American pro-life activists (2001:234). Nowicka indicates that many American 'anti-choice' groups have helped train and fund their Polish counterparts (ibid.). Only a small fraction of pro-choice women's NGOs actively lobby government on the abortion issue, instead "the majority of women's groups choose not to take a position on abortion" (ibid.). Reproductive rights (or access to state-sanctioned abortion) in Poland is a complex case study, but it illustrates the fundamental way contentious politics has changed. Not only are Polish NGOs, the Polish Catholic Church (PCC) and the state involved in this on-going contentious episode, but so are European and American NGOs, the European Parliament, European Court of Human Rights and the European Court of Justice.

The abortion issue galvanized the Polish women's movement in a way few other issues could have. NGOs became active in the early 1990s when existing abortions, introduced during the communist period, were under threat of repeal. For nearly 40 years the laws on reproductive practice had provided Polish women unfettered access to state subsidized medical abortion⁹⁶. By the time Hanna Suchocka assumed the premiership in

⁹⁶ Abortion was legalized in Poland in 1956. Wanda Nowicka writes, "the regulations allowed abortion on social grounds, which meant that abortion was available practically on demand for almost 40 years [and] although exact figures do not exist, it is estimated that there were between 180,000 and 300,000 per year during this period" (p.224). For comparative purposes, the Polish government claimed 151 abortions were carried out in 1999 and 134 in 2000.

July 1992, there was much speculation that a more restrictive abortion law would soon be tabled in the *Sejm*. It was reported late in 1990 that the anti-abortion movement was gaining momentum. A *New York Times* report determined:

The anti-abortion movement has been strongest in Poland, where politicians, faced with the power of the Catholic Church, are apparently unfazed by polls showing that most women are against a proposed ban on abortion that has already cleared the Polish Senate, with the only real opposition coming from the discredited Communists. (Bohlen 1990)

At the beginning of 1993 abortion became illegal except for instances when “pregnancy threatens a women’s life or health, results from incest or rape, or when the foetus is hopelessly damaged” (Barker 1996). Women’s NGOs have been trying to get government to relax anti-abortion laws since they were introduced. Abortion laws were only relaxed, or ‘liberalized,’ for a short period in 1996 after Włodzimierz Cimoszewicz’s government of the Democratic Left Alliance won parliamentary majority. Such a sudden change in reproductive policy brought moderate women (and men) into the pro-abortion camp. A poll taken in 2002 discovered that 49 percent of Poles wanted government to relax abortion laws (AFP 8 Jan 2003). A few years earlier, a survey conducted by Warsaw based Centre for Research on Public Opinion found 65% of Poles to be ‘pro-choice’. Abortion is an emotive issue in Poland and has proven to be quite divisive. Women’s NGOs are positioned in opposition not only to rightist political parties, but to the Polish Catholic Church, which has been a powerful civil society organization since the early days of communism.

The Polish Catholic Church (PCC) has remained a key political actor in the democratic era. During the communist-period the PCC was discreetly anti-communist, though it refrained from coming out publicly against the Polish regime. This being said a high ranking Polish Cardinal, Cardinal Wyszynski, was arrested by secret police after he gave an inflammatory sermon in which he condemned a recent bishop’s arrest. Along with KOR and Solidarity, the PCC provided Poland with an independent and autonomous sphere, giving Poland the impression of a civil society. The PCC was held in high-esteem during the communist period and was credited, along with Solidarity, with initiating regime collapse. This is one reason why political parties are afraid to challenge the

existing abortion laws. During the lead up to EU entry, for example, the Democratic Left Alliance (SLD) moved very slowly and cautiously on the abortion issue (AFP 18 Jan 2003). They were the most populous part in the Sejm, having gained 41% of the popular vote in the 2001 election, but still were “anxious to win the support of the Catholic Church for Poland’s entry into the European Union” (ibid). The PCC is *the* most powerful nongovernmental actor in Poland and unlike many women’s NGOs has access to an established nation-wide network (churches and Bishops) of associations. The League of Polish Families (LPR), an ultra-right and anti-EU political party that held 38 and 34 seats in the 2001 and 2005 *Sejm* respectively, has been involved in planning public pro-life/anti-abortion rallies throughout Poland (PAP 28 Mar. 2007). While not being directly affiliated with the PCC it has managed, successfully it could be suggested, push the Church’s agenda in the political sphere. Few political parties are willing to do the same for the pro-abortion/choice movement.

The leading pro-choice civil society organization in Poland is the Polish Federation for Women and Family Planning (PFWFP). It is comprised of nine independent women’s NGOs, which as Girard and Nowicka (2002) suggest “are among the few groups that have campaigned actively for women’s choice on abortion over the years” (p.24). Nowicka, the executive director of PFWFP has done a great deal to keep the abortion issue on the political radar. She organized a tribunal on abortion rights 25 July 2001, which entailed several Polish women sharing with ‘international judges’ their abortion stories. Girard and Nowicka (2001) explain:

Seven testimonials were presented over the course of the day. They were selected to illustrate what happened to women who were entitled to an abortion under the Act and those who were not, and women who had managed to obtain an abortion, legally or illegally, and those who had not (p.24).

The testimonials were subsequently published in book form under the title *Contemporary Women’s Hell Polish Women’s Stories* and is available online. Pro-choice NGOs, especially the PFWFP, have been very successful disseminating statistics about clandestine abortions to national and international press agencies. Newswire and newspaper stories on the topic of abortion in Poland invariably use statistics supplied by women’s NGOs.

They estimate between 80,000 and 200,000 underground abortions are performed every year in Poland (AFP 20 Jan. 2003).

Every pro-choice rally organized by the PFP or associate NGO is met a week or so later with a ‘counter’ pro-life event. An illustrative example happened March 2007. On 4 March the PFP organized a protest in Warsaw attended by approximately 2,000 people (*Xinhua General News Service*. 5 Mar. 2007). They were protesting a proposed change to the Constitution that would see abortion enumerated as an illegal activity – this could ban abortion outright. Wanda Nowicka, the pro-abortion/choice movement’s well-known activist and organizer, addressed the crowd and demanded the Polish state respect women’s reproductive rights and recommended they hold a referendum on the matter (ibid.). Twenty-four days later “around 3,000 anti-abortionists staged a Life March [in Warsaw] demanding a total ban on abortion in Poland” (PAP 28 Mar. 2007). The League of Polish Families (LPR) and the ultra conservative Radio Maryja, event organizers, were probably responding to the pro-choice rally (ibid). Most likely for symbolic effect the protesters, along with opposition party leaders, attend Holy Mass in Warsaw’s St Alexander Church (ibid.). A year earlier abortion supporter demonstrated outside the Sejm. As a NEWW press release indicates, this is the first “protest action against the anti-abortion law in Poland of this kind, where women who’ve had terminations are speaking out about it openly” (NEWW 12 Dec.2006). Public demonstrations are occurring more frequently in Poland.

Women’s NGOs active in the area of reproductive rights, either pro-choice or pro-life, have been so intermittently since 1993 – pro-abortion activists started campaigning almost immediately after Solidarity’s electoral victory in 1989. Women’s NGOs that are in favour of liberalized abortion laws have been met with considerable institutional opposition. The PCC, and the Law and Justice party, along with several other prominent parties, are inclined to maintain the status quo. However external actors and institutions, the UN, EP and ECHR for example, are wading in on the debate.

The European Dimension:

In June 2002 the European Parliament passed a resolution on “Sexual and Reproductive Health and Rights”. The Committee on Women’s Rights and Equal Opportunities

convened to draft an ‘own-initiative report’ on the matter of reproductive rights. Included below are two articles from the tabled Resolution.

12. Recommends that, in order to safeguard women's reproductive health and rights, abortion should be made legal, safe and accessible to all;
13. Calls upon the governments of the Member States and the Accession Countries to refrain in any case from prosecuting women who have undergone illegal abortions;

While the European Union cannot quash strict abortion laws, it can offer an opinion on reproductive rights. Based on the above resolution, it appears the EU in a general sense opposes strict abortion laws. Other than Ireland, Poland has the most restrictive abortion laws in the EU. The resolution was submitted two years before Poland joined the EU, perhaps diminishing its impact.

On 20 March 2007 the European Court of Human Rights ruled Poland had contravened the Convention on Human Rights when it refused to grant an abortion to a woman in medical need. After receiving authorization from a Polish doctor to have an abortion, the complainant Alicja Tysiac was refused the procedure. Her eyesight deteriorated quickly afterward, to the point where she has great difficulty seeing objects five feet away (PAP 20 Mar. 2007). The Court instructed the Polish state to pay her court fees and damages as a result of their negligence. This case has put pressure on the Polish government to clarify what is meant by a ‘medically necessary abortion.’

The Council of Europe’s parliamentary assembly, which has no legal authority in the area of reproductive rights, voted 102 – 69 in favour of a resolution legalizing abortion in its 47 member states (AFP 16 April 2008). Poland and other nations condemned the comprehensive resolution that contains 72 separate amendments (ibid.). It called for the legalization of abortion in any state where it is illegal, an end to “*de facto* inaccessibility” and age appropriate sexual education (ibid.). Resolution 1607 (2008) both offers suggestions to member-states, on how to augment existing reproductive laws for example, and general facts about the legal status of abortion in Europe. Section 7 (see below) clearly challenges Poland’s abortion laws.

7. The Assembly invites the member states of the Council of Europe to:

- 7.1. decriminalise abortion within reasonable gestational limits, if they have not already done so;
- 7.2. guarantee women's effective exercise of their right of access to a safe and legal abortion;
- 7.3. allow women freedom of choice and offer the conditions for a free and enlightened choice without specifically promoting abortion;
- 7.4. Lift restrictions which hinder, *de jure* or *de facto*, access to safe abortion, and, in particular, take the necessary steps to create the appropriate conditions for health, medical and psychological care and offer suitable financial cover...⁹⁷

The resolutions of the Council of Europe and European Parliament have worked to change the nature of contentious politics in Poland. Polish pro-choice NGOs worked in relative isolation at the national level until quite recently. European institutions have changed the parameters of contention by simply, intentionally or unintentionally, stating their opposition to restrictive abortion laws. Associations/networks like PFP can now claim their position on abortion is the majority position and is, in fact, backed by several European institutions. Only time will tell if Europeanization can bring Poland's abortion laws in-line with the rest of the EU, save Ireland.

DOMESTIC VIOLENCE IN THE CZECH REPUBLIC

Czech women were without a domestic violence law for nearly 15 years. It was not until 2004 that a Czech government passed a law detailing the crime of spousal abuse. Before then physical abuse between married couples, common law partners and cohabitating adults were treated the same as any other physical assault. In 2007 police were given the authority to remove perpetrators of domestic violence from their homes for up to 10 days (CTK 23 May 2007). Even though domestic violence is punishable under Czech law, some of the recommendations made by the 'committee for the prevention of domestic violence' have yet to be implemented (CTK 14 Dec. 2007). As Roma NGOs experienced, the 1990s were a time for institutional and societal recalibration.

Despite pressure from NGOs, both national and European, successive Czech governments failed to develop and implement comprehensive domestic violence legislation. That a law on domestic violence finally appears in 2004 is perhaps

⁹⁷ The full text of this resolution can be found at the Council of Europe's website: <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta08/ERES1607.htm>

coincidental. However, as Forest argues “the accession process provided a window of opportunity, thus developing co-existence between different – and relevant – levels of influence for women’s groups” (2006: 180). Women’s NGOs were politically weak for some time but are now in the post accession period gaining power and legitimacy. The presence of powerful, competent and professional national NGOs or advocacy networks is sometimes not enough to overcome malaise at the institutional level. If lawmakers are unwilling to act, there is very little NGOs can do.

The four respondent NGOs from the women’s rights sector in the Czech Republic, based on survey data, still appear to be aggrieved. The groups in question, *Bílý kruh bezpečí* (BKB), *Občanské Sdružení Elektra* (Civic Association Electra), Gender Studies o.p.s. and La Stada, all work with survivors of domestic violence or have lobbied government on issues related to domestic violence. They are all very active in Czech society and well-respected for their work in the area of women’s rights, gender equality and domestic violence. All four groups receive funding for their activities from the European Union, have been operating for more than 10 years, are not the result of a merger and have a permanent (paid) staff. However successful these groups are, they still feel unappreciated and underutilized.

Presented in table form below are five statements that were given to NGOs in the questionnaire. The four groups mentioned above (like all 29) were asked to respond to five statement by indicating their level of agreement on a scale from 1 (‘strongly agree’) to 10 (‘strongly disagree’). A mean average was calculated from the answers given by the four participant NGOs – the average is listed in the right column.

6.1 NGOs Operating in the Area of Women’s Rights

Statement to NGO	Average Score
1. Government encourages groups like mine to participate in the policymaking process	5
2. Government is eager to hear what my organization has to say about pending policy	4.25
3. Democracy is further enhanced with the presence of organizations like mine	9

4. Political parties are better able to translate the needs of the population than non-governmental organizations	1.5
5. Since joining the European Union in 2004, I have noticed government representatives taking more effort to consult NGOs like mine	3.75

The results, though generated from a small sample, do suggest something worth looking into – at least with respect to these four NGOs. Perhaps not surprising they hold themselves and NGOs generally in high regard. One result that appears to challenge thesis 3 of this dissertation is the one related to the European Union (No. 5). The four respondent organizations have not noticed a significant change in their dealings with government, despite EU accession.

CONCLUSION

This chapter identified several institutional-level impediments that are working to thwart the development of a potent women’s lobby in Poland and the Czech Republic. It showed how women’s groups can often be excluded from the policy process even though Poland and the Czech Republic established quasi autonomous governmental agencies during the *acquis* period to address gender inequality in post-communist society. While this illustrates the important role played by the European Union in spurring on domestic institutions to take gender and equality issues more seriously, it does not indicate the existence of policy system geared to the needs and/or demands of the women’s sector. In Poland, women’s groups have tended to butt heads with the Catholic Church, an organized lobby which exerts tremendous pressure on government. Of all the interest groups that have come and gone in Poland since 1989, the Polish Catholic Church is the only organization capable of pressuring government one way or the other. As Chimiak (2003) reports,

In Poland the Catholic Church is strengthening its influence on politics and on the adoption of laws. An example of the interventionist policy of the Church in

Poland is the introduction of the institution of separation in 1999, which allows spouses to break up their marriage, but not to marry again. As the leader of the League of Polish Women put it, 'Poland after 1989 has become a state much more ideological and this ideology is directed against the freedom and rights of women' (p. 19)

Not having gone into great detail about the role of religion and culture in framing contentious collective action in Poland, this chapter does concede that the Catholic Church in Poland, along with the aversion to ideology that seems prevalent in the Czech Republic, places constraints on women's NGOs in both countries. As Einhorn and Sever argue, the 'personal is political' mantra espoused by Western feminists has worrisome connotations, it "sounded dangerously like inviting surveillance back into the home, and women were reluctant to invite legislative intervention into the domestic sphere" (2003: 172). It has also been reported that women in both Poland and the Czech Republic are increasingly taking on the traditional role of stay-home wife and mother, which was denied to them during the communist period (Chimiak 2003: 19; Einhorn and Sever, 2003: 172). I have not discussed these aspects of post-communist society in great detail but they should nevertheless be recognized as a structural-level impediment to collective action.

Collective action and mobilization is determined by opportunities and, considering the few opportunities available to women's group it seems sensible they have become marginalized. There is little impetus to form purely political organizations in ECE because the chances of success are severely constrained by post-communist political institutions, which are preoccupied less with developing civil society than implementing EU monetary policy. The negotiations that do take place at the political level rarely include interest groups, resulting in sometimes inadequate legislation. In both Poland and the Czech Republic domestic violence laws, for example, have been the focus of much attention. Women's groups in both countries have announced their disappointment with the way domestic violence laws misrepresent and even ignore power dynamics in society. Women's NGOs argue that 'unfavorable' laws of this sort are the net result of an insulated policy process that favours efficiency over consultation. By placing the state building enterprise ahead of pluralist politics, post-communist elites have managed to

justify, only to themselves, the logic of a policy process that has no formalized consultative arrangements with the third sector (cf. Green 2003).

The examination of women's groups in Poland the Czech Republic confirms: a) that agential factors are less relevant in the context of a fluid political environment, where political parties, state institutions and, decision-makers lack permanence, and; b) that women's groups in both counties face similar problems, especially in terms of their inability to access the policy process for the purpose of representing the interest of women. Like the environmental sector (see chapter 6) the infusion of Western aid to support civil society programmes and the establishment of information centres in ECE is having unintended consequences. It is worth quoting McMahon at length:

International involvement has meant that women's NGOs are dependent upon Western actors for resources to maintain their infrastructure, further their skills, or complete their proposal projects. Assistance from international donors has allowed these groups to focus on issues once considered taboo in Polish (...) society, such as violence against women, and to engage in Western-style activities, such as opening shelters, lobbying the parliament, and conducting research on the changing status of women. The absence of domestic financial or moral support, along with their dependence on international actors, has meant that women's NGOs remain isolated from the general public and marginalized from the local decision-making process (2002: 48)

The issue of funding, or more precisely the origin of funding and its impact on the ethos of civic society, is one that straddles several sectors. All the groups under discussion here, environmental groups, Roma organizations and indeed women's groups, have benefited from international assistance and developed according to the donor agencies requirements. Out of necessity, women's groups have sacrificed their potential relationship with the grassroots for sake of establishing a western-type policy community, which would at the very least communicate a women's perspective on contemporary sociopolitical issues to the first generation of democracy.

The argument has a hint of circularity about it. Women's groups are politically weak because the state is strong and, the state can ignore the women's sector because it is underdeveloped and lacking power. But this statement actually reveals a lot about how the women's sector and the state interact. For instance, the Polish government closed the Plenipotentiary because after considering the political ramifications it recognized no

significant political backlash would result. Remembering that the state is an autonomous actor and has its own policy preferences, it makes sense that a government looking to cut expenditures – as the Marcinkiewicz government said it was doing – would target those sectors with the least political and/or economic power (or clout).

EU accession has reinvigorated the women's NGO sector, and has meant a series of new human rights and gender equality directives for national governments. Also, similar to what is happening in the environmental sector, women's groups are beginning to form extensive advocacy networks. In many respects international and European norms have helped contentious collective action in the areas of domestic violence and abortion. The latter has attracted much attention from European institutions and courts, which plays to the advantage of pro-choice NGOs. But for both Polish and Czech women's NGOs a societal aversion to ideology (i.e. feminism) and gender mainstreaming has been most difficult to overcome. The next chapter will explore Roma NGOs in an integrated Europe.

CHAPTER SEVEN

The European Union and Roma

The purpose of this chapter is to understand and explain how the European Union and European Governance (conceptually multilevel governance) change the parameters of contention for groups originating in CEE countries. In other words, in recognising the need to develop a concrete understanding of what post-communism specifically is, this chapter will draw a link between perceived collective action ‘problems’ and the general principles and practices that frame post-communist political discourse. This section is guided by the belief “the quality and profile of protest culture is closely connected to the structure of political opportunities, which is based on the prevailing political institutions and political culture” (Szabo, 2000: 74). At this stage in the political development of both countries it would be impossible to discuss the structures and processes of governance (inc. institutions of state) without considering how the act of state building and democratization, along with the politicization of civil society, affect the relationship between interest groups, the state (inc. government) and political parties.

This chapter also discusses how European Union (EU) accession might help alleviate some of the problems Polish and Czech interest groups currently face. It appears the EU has the potential to assist third sector development and their relative potency by:

1. Providing domestic organizations with an immediate and expansive network of European organizations from which they can a) glean information and b) increase their representative base (if claiming to speak on behalf of the same constituency or cause).
2. Providing groups with additional points of entry, which enables them to enter the policy-making chain (or web) from outside their host state – i.e., Brussels, Strasbourg and/or EU Parliament, Council etc.
3. Developing a more unified and accepted culture of interest articulation and lobbying, which as it is popularly perceived, the EU is in favour of. Schmitter

(2003) argues: “Regarding one dimension of the EU’s impact, virtually everyone is in agreement: Given its functionally skewed agenda, the EU has tended to first to benefit *interest groups*⁹⁸ over other forms of collective political action, and second to benefit those interests that have been most capable of organizing themselves across national borders” (p. 82).

The EU and the potential to lobby more receptive politicians and mandarins is an important structural development in the short lives of Polish and Czech interest groups and NGOs and certainly one that illustrates the dynamic system they find themselves.

The final section of this chapter is dedicated to the Roma community of Poland and the Czech Republic, although most of the examples are drawn from Romani experiences in the Czech Republic. It explores several issues that disproportionately affect the Roma community and Roma NGOs, namely forced sterilization, education, housing and equality legislation and law. Because Roma NGOs have benefited enormously from EU accession, both materially and nonmaterially, it was decided this case study best illustrates the profound impact Europeanization has had on the NGO sector in post communist Europe.

What defines Czech and Polish politics and society after 1989 is the presence of a whole host of inherited political and social practices. During the communist period some of these coping mechanisms developed out of necessity (i.e., Black Market) and others created in recognition of a need to, as Havel opined, ‘live in truth’ (i.e., *Samizdat*, Flying Universities and the idea of ‘parallel polis’) or turn inwards to, as Gellner suggested, the inner citadel. Indeed as Rose and Mishler argue, “the most trusted institutions in communist society were informal, unofficial networks or families” (p.6). These historical facts (not artefacts) is ultimately what makes the political culture of both Poland and the Czech Republic different from older ‘western’ democracies, which are ostensibly immune from such issues of cultural/political carry-over.

Therefore, this chapter considers post-communism to be, in the strictest possible sense, a phase in the development of democratic polity whereby certain practices and patterns of behaviour are derived from the communist experience. Part of this includes

⁹⁸ Italics in original

the idea of legacy and transition, which in conjunction suggest certain dynamism, in that the state is evolving and developing new institutions, and stagnation, in the sense some communist era social and political practices remain. Ken Jowitt (1999) suggests:

Any substantial analysis of democracy's and market capitalism's chances in Eastern Europe must interpret the maelstrom itself, and that means coming to analytical grips with the cultural, political and economic 'inheritance' of forty years of Leninist rule (p. 215).

The issue at hand, how post-communist society and specifically state building effect interest group formation and their relative level of influence – whether on policy makers or in society generally, is by default intertwined with ideas of political efficacy, political culture and civil society. However it must be stressed that this project is only concerned with legacy so far as it impacts the institutions of state and the manner by which interest groups go about lobbying. Legacy, post-communism, civil society and democratisation are valuable concepts and ideas for grounding the discussion here, but the goal of this project is to show how the third sector is being purposely excluded from the policy sphere because of structural impediments caused by the various processes of state building and general political volatility.

If trying to explain why civil society and the third sector in Poland and the Czech Republic is underdeveloped and under-utilised, one could persuasively argue that it is a host of structural (and institutional) deficiencies that are working to deter or prevent interest groups from taking their – rightful - place in the policy formulation community. What was left after 1989 was “in institutional terms, a *tabula rasa*. As the leading role of the party was stricken from the rulebook, nothing was at hand to fill that leading role (Elster et al. 1998: 25). These ‘problems’ or deficiencies are often the result of democratisation or state building itself. For example, political parties in both countries are without a robust grass-roots membership base to draw on and are prone to sudden and profound changes in leadership and political – ideological - direction. Such actions taken by political parties, while not confined solely to the post-communist region, tend impact the interest group sector in a more profound and substantial way. So while post-communism may be a difficult thing to quantify and categorise, it is the sudden and abrupt changes - at all levels of governance – which is indicative of post-communism

and to which Czech Republic and Poland have been privy. Szczerbiak (2002) argues this point effectively:

The September 2001 parliamentary election, therefore, shattered what appeared to be the new emerging order in the Polish party system. Moreover, the political scene is likely to remain extremely fluid and unstable, and the contours of the new political landscape unclear, for sometime to come (p. 67)⁹⁹.

The ideational elements of post-communism are somewhat difficult to quantify, although many scholars of democratic transition and post-communist politics are indeed attempting to understand the political and societal dimensions and impact of ideas (see Schopflin, 2003; Dawisha and Ganey, 2005). Legacy firmly belongs in the realm of ideas, as it is precisely about perception (of government and state) and belief (of the value of participation – i.e., political efficacy). As Rupnik (1999) argues “more important than the manner of the changeover in 1989-91 in influencing the longer-term prospects for democratic success are the nature of the old communist regime and the depth of its imprint on society” (p.57).

It is difficult for any particular post-communist government to develop all the structures and processes a democratic state needs or ought to have without encountering difficulties along the way. This is not, of course, to offer an excuse for what in many instances are poorly devised plans for implementing what amounts to wide scale institutional and sometime social changes. Raising the threshold for political parties to enter the Polish *Sejm* or reconfiguring the mathematic formula for proportional representation were wise political acts, but had the added effect of changing the parameters of interest group politics. It is true, as Almond et al. (2004) argue that interest groups are more than capable of locating sources of power in a given polity. However when the polity is consistently changing, witnessing both a change in personnel

The absence of a coherent law on lobbying or charitable contributions may be the reason for such low levels of volunteerism. Without an incentive to organise or join an association, people may be inclined to remain private citizens. The problems with creating a viable law on charitable donations is also noteworthy because if potential

⁹⁹ Considering the most recent parliamentary elections in Poland (2005) managed to produce a new government, yet again, it would seem the argument offered in 2002 ‘that the party system is fluid’ does indeed have merit.

philanthropists (whether they be individuals, an existing organisation or a business) are unsure of how much the government may take – in the form of tax – from their donation or what they can declare on their tax forms, they may wait until a law is proclaimed. As Green (1999) argues “ the development of civil society in the Czech Republic has been slow and hesitant, in no small part due to the legal vacuum in which non-profit organisations have existed” (p.7). In Poland, NGOs seem to be “hampered by the lack of stability in the government’s fiscal policies” (*Nations in Transit*), and as a result unable to make long-term budgetary arrangements. While this appears a possible if not probable explanation for the third sectors poor showing, it is also important to consider matters of the mind. This refers to issues of resentment towards the new political elite; disappointment with the new liberal democratic arrangement; frustration with the high level of corruption that is purportedly occurring at all levels of government. Appel identifies the consequences of this corruption: “It became commonly recognised at home and abroad that the Czech Republic suffered from systemic corruption. In March 1998, the European Commission cited pervasive corruption as one of three potential obstacles to the Czech Republic’s bid for European Union (EU) membership” (p. 528).

A consensus has formed that would suggest a communist legacy, in its various manifestations, is affecting the way Czechs and Poles go about their democratic business (see Tismaneanu 2002; Lovell 2001; Holmes, 1997). That is, the forty years of communist rule in those countries has left an indelible imprint on the collective psyche of the two respective nations – and this applies equally throughout the ECE region. There is a difficulty in quantifying such an hypothesis because a) it is hard to know exactly what is of the past and what is of the near present; b) it is difficult to draw a line from an independent variable in the communist past and connect it with a dependent variable of the democratic present - this in consideration of the numerous institutional and societal changes that have occurred since 1989; and c) it is near impossible to isolate any one particular event as the catalyst for a communist legacy. As Leslie Holmes (ibid) argues, “There is no readily identifiable and reasonably specific ideology or even theory of post-communism as there was for communism... This is a major reason why it is so difficult to conceptualise post-communism” (p. 13). This will be done in consideration of how post-communism, as a particular stage of democratization, may alter the standard interest

group – government (or state) relationship. While emphasizing how this impacts group politics and collective action in the two countries under study, this chapter will also carefully consider the notion that pluralism (and civil society in general) enhances democracy – and is a prerequisite for its establishment. Many of the essays and books generated since the fall of communism mention post-communism in passing, perhaps assuming that such a title or category can be used without saying what post-communism actually is.

A communist legacy implies the continuation of certain practices and learned behaviour, which were developed during the communist period (1949-1989) and continue to endure despite a change in the social and political environment. The failure on the part of Czechs and Poles to mobilise in the 1990s and into the 21st century is often explained away as a result of a ‘communist legacy’ and/or post-communism. Jan Kubik determines the following:

Cultural legacies should be then defined as patterns (scenarios) of behaviour or thought that are transmitted from the past and enacted in the present. (implicitly) and thus serve as habitual ‘ways of doing things’ or are explicitly and deliberately invoked as models (blueprints) for current actions by cultural entrepreneurs (p. 318).

Perhaps the most significant event to have occurred in the short history of interest group development in Poland and the Czech Republic is EU accession. This is a point of departure for many groups as it symbolised, in the Czech case, ‘a return to Europe’ and for the Poles a recognition of the ‘western’ and ‘liberal’ credentials. The post-communist ‘tag’ if not irrelevant, was beginning to be reconsidered as an appropriate description of these states. The introduction to this chapter briefly mentioned how the European Union and the more abstract idea of Europeanization may both enhance the profile of domestic interest groups and create a political environment more conducive to lobbying and interest group politics. In a sense, and in functionalist speak, the atmosphere of lobbying that now pervades Brussels will ultimately ‘spill over’ to the member states (Diez, 1999). It is similarly thought that the democratic conditionality attached to the *Acquis Communautaire* did prod the candidate countries forward towards a more stable brand of liberalism.

The worry is that instead of forming uniquely national groups, NGOs will opt to join the rapidly expanding pan-European interest community. As Holmes argues (2003), “incentives for the development of robust political parties and other mechanisms to articulate group interests disappear when large swaths of domestic policy are effectively dictated from a foreign capital” (p. 113). In-turn, this movement away from traditional forms of – homegrown - interest articulation will be to the detriment of post-communist civil society. Countries that are building institutions and developing a civil society can ill afford to lose groups to the EU juggernaut. If Poland and the Czech Republic had been displaying the beginnings of a viable third sector, then I too would be worried about what the EU might do to those groups already formed. But this paper will argue that the EU will bring not only institutional convergence, but a convergence of political norms that value pluralism and lobbying.

It may be overstating it a bit to argue, as Mair (2003) does, that citizens of East-Central European countries will lose out to EU technocracy. He writes, “Not only have they [East Europeans] recently acquired a voice for the first time, but they are now risking to have it removed at one fell swoop” (p.63). Not being able to develop beyond its present incarnation, the third sector will be stuck precisely at the point of EU accession. Hall (1998) argues “it is civil society which makes liberalism and democracy truly desirable”(p.32). Two questions arise: 1) is this really what is going to happen; after all, NGOs have not yet vanished from the British, German or French polity, and; 2) why should we assume accession to the EU is best represented by zero-sum logic; can Brussels lobbyists not teach and reinforce Prague or Warsaw based lobbyists; thus increasing NGO status throughout Europe.

With the European Union (EU) about to admit ten new countries (eight having been authoritarian only fifteen years ago) it seems appropriate to examine how European institutions (namely the Council, European Parliament and European Court of Justice) and Europeanisation¹⁰⁰ more generally, might provide interest groups from accession countries with new political opportunities. This paper will concentrate on public interest groups from two of the new member-states, Poland and the Czech Republic.

¹⁰⁰ Here Europeanisation refers to the idea that ‘western’ European values – rule of law, democracy, liberalism etc. – are now, especially with EU membership and in fulfillment of the Acquis Communautaire, an aspect of Eastern European political culture.

Environmental (ecological) and women's rights groups will constitute the bulk of the examples used – as these two 'types' of groups have been active throughout the transitions period, have an international dimension, and have communist era incarnations.

EU technocracy favours lobbyists and those with a keen interest in public policy, with the Commission seeking out and often rewarding those NGOs with specific policy expertise. As Lehmann et al. (2003) propose in their working paper for the International and Constitutional Affairs Division:

Modern government implies close co-operation with stakeholders from all sectors of society. Therefore, civic and producer interests contribute to the perception, presentation and definitions of issues in European Union policy-making . . . There are already institutionalised advisory bodies established to assist the European Commission, the European Parliament and the Council of the EU (p. 1).

European Union governance may produce a democratic deficit, a system for example that devalues direct citizen participation in the form of elections; however, the structure of the EU provides interest groups with an opportunity to partake in the creation of pan-European policy. They may not be successful all the time, but importantly, lobbying and NGOs have become a part of the political process.

Several access points exist (the EP, Commission, advisory bodies) in two different cities (Strasbourg and Brussels) that enable lobbyists to informally and formally approach parliamentarians and other 'important' members of the policy community. And because "the EU's institutions are extremely resource-poor" (Watson and Shackleton 2003: 93) NGOs perform an invaluable task: they supply information to policy makers. While the EU is resource-poor and third sector rich, Poland and the Czech Republic are really below the poverty line on both accounts. As Elster et al. (1998) argue, "since the intermediary sphere is weak in the Czech Republic and, moreover, dismissed as less important, perhaps even dangerous by the leading political forces of the country, the political parties have thus far remained the predominant actors in the public domain" (p. 281). As we have come to realise, political parties are no substitute for interest groups (and pressure groups). They provide an invaluable service to EU politicians and in Brussels have become as common as translators.

Unlike the EU then, institutionalized politics in Poland and the Czech republic is not flanked by a diverse and robust third sector. In the Czech Republic for example, from

the immediate aftermath of the Velvet Revolution to present, Vaclav Klaus (in his various incarnations – prime minister, president, economic minister etc.) has made it known that he is no friend of civil society or lobbyists, urging all those with political aspirations, or views contrary to his, to join an existing political party or create one.¹⁰¹ For him, and many other politicians of his era, political parties are quite simply superior to any other form of organised interests. Similarly in Poland, political parties have assumed a leading role, forming around a multitude of issues, such as beer, farmer's rights and the environment. In most other states an interest group would have adequately represented these 'special interests'. The reason why political parties are so numerous in Poland is perhaps because "in the second part of the 1990s central government and parliament declared war against the foundations and, more generally, third sector organizations" (Krzemiński 2003: 51). The examples above seem to indicate that those organizations that exist outside formalised political channels are looked upon with a degree of suspicion. On the face of it, this relationship between the state and organised interests is very much reminiscent of pre-1989 political culture.

These examples reveal an under-appreciated and under-utilized third sector that has limited access to policy-makers and elites. If this is the case, then surely the EU will provide public interest groups with a 'get out of jail card' by setting an agenda that includes NGOs at both the European and the domestic levels. As Pross (1992) argues, "pressure groups are seen as 'adaptive' instruments of political communication, equipped with sensitive antennae for locating power" (p. 2). If lobbying has no affect at the domestic level, then surly lobbyists will go to where they may find success. If in fact, "the promise of European Union enlargement has brought with it enormous potential for political and economic integration, new freedoms to travel and work . . . [and has led] to improvements in ethnic minority rights, freedom of the press, and anticorruption efforts"(Grzymała-Busse and Innes 2003:64) then groups will reap all the benefits that accompany such a political development.

What is significant about this is that there is a good chance that the EU will actually enhance group politics in these countries. By providing public interest groups

¹⁰¹ Although Klaus's views are well publicised, a summary of his political beliefs can be found in *The Journal of Democracy*, Vol7, No.1 (January 1996). This article compares the ideas of then President Vaclav Havel with those of then Prime Minister Vaclav Klaus.

with access to policy makers and parliamentarians (in the Commission and European Parliament) the EU will be cultivating the skills lobbyists need. The 2, 6000 interest groups that call Brussels home have had to come from somewhere, and there is no reason not to expect that Polish and Czech groups will add to that number, or that individuals will help swell the ranks of those groups already there.¹⁰² Interest groups from post-communist states will benefit – politically and culturally – from their daily exchanges with EU politicians and mandarins. Groups will also benefit from European law and the European Court of Justice’s obligation to uphold European Union treaties, rules and regulations. Europe is becoming increasingly litigious, relying on the courts to sort out jurisdictional matters. By extending a rights-based culture to countries lacking one, disenfranchised groups should find the impetus to organize and pool their resources.¹⁰³ The EU will provide an outlet for frustrated groups, and if this takes some of the pressure off post-communist governments, preoccupied with state building and macro economic policy, it can only be a good thing. It is not surprising that post-communist governments have been less concerned with ‘special’ interests, opting (out of necessity in many cases) to work diligently on policy issues of an international and continental dimension – e.g. economy, EU accession, NATO etc.

By providing an outlet for disgruntled public interest groups – in the form of lobbying the Commission and/or the European Parliament and/or the ECJ – the EU could indirectly bolster the third sector in Poland and the Czech Republic. According to Watson and Shackleton (2003) the European Union “provides an alternative arena where groups that are not gaining access at the national level have a second chance to be heard”(p.

¹⁰² A working paper from the International and Constitutional Affairs Division (January 2003) of the EU comments that in 2000, of the 2,600 interest groups that had permanent representative Brussels, approximately 10% are European NGOs (public interest).

¹⁰³ The idea of a ‘rights based culture’ is most clearly (in my mind) linked to Canada and the introduction of a Charter of Rights and Freedoms there in 1982. Some argue that The Supreme Court of Canada acts more like a legislature than a judiciary, in the sense that it rules on the ‘legality’ of proposed legislation before parliamentarians get an opportunity to introduce it in the House of Commons. Interest groups can lobby Parliament or their respective Provincial legislature, but in Canada they increasingly take their grievance to the ‘Court’. Lobbyists from Poland and the Czech Republic rarely take matters to court, but with the EU comes a host of legal and quasi-legal bodies that can pass judgment on a number of issues (e.g. environment, trade and commerce, employment equity etc.). If groups believe they can get results, it may well increase political efficacy and decrease levels of government mistrust among the populations of Poland and the Czech Republic.

105). This means groups thwarted by their national legislatures can use pan-European channels to further their cause and EU institutions to test the salience of their claims. Policy success at the EU level would provide a particular group or a specific campaign with the political ammunition needed to attack their national legislature yet again. This method would certainly take a lot of patience and resources, not to mention the know-how. Lobbying a different government at different times requires an extremely dedicated and experienced group of activists, who would have to be able to forge relationships with policy makers at all levels and learn the idiosyncrasies of multi-level lobbying. But with many groups now transcending borders and, even continents, the likelihood of establishing an omnipotent and omnipresent interest group is perhaps more feasible today than ever before.

The eight leading environmental groups at the EU level (the G8) have successfully used EU policy to challenge member-state legislation, and where a gulf between the two has existed, have been able to force national parliaments to amend non-compliant policy. This is a development worth noting. It suggests that borders and specific 'lobbying' cultures are less inhibiting today than they were before supranational governance became a reality.¹⁰⁴ As a result, as Rucht (2001) argues, "some national groups in some issues may primarily focus on EU institutions, which, in turn put pressure on the national government because the latter lags behind the standards of other countries or *remains unresponsive to direct intervention by domestic groups*" (p.130).¹⁰⁵ It is important when discussing the current status of interest groups and lobbying in post-communist Europe to spend some time detailing recent 'protest' movements and collective action. A paper of this length can only briefly allude to some of these trends, but I must stress, it is specifically these trends that shed light on the relative strength of

¹⁰⁴ J.N. Rosenau argues, "Government refers to activities that are backed by formal authority, whereas governance refers to activities backed by shared goals. Governance is a more encompassing phenomenon because it embraces not only governmental organizations but also informal, non-governmental mechanisms" (Quoted by R.A.W. Rhodes, *Understanding Governance*, Open University Press, Buckingham p.51). This is an important distinction, because the EU is open to lobbying and open to the idea of pluralism (its under funded policy think tanks actually require NGO involvement), whereas many national legislatures would rather block special interests from 'pestering' ministers and junior ministers.

¹⁰⁵ Emphasis added

the Polish and Czech third sector and help illustrate why public interest groups are less prominent than they might otherwise be.

The second half of the 1990s was a period of hope, despair and rapid internationalization for Poland and the Czech Republic. President Havel's hope for a unified and politically congruent Czechoslovakia quickly gave way to the realization that many Slovaks felt marginalized and disenfranchised in Czecho-Slovakia, and separation would be the surest way to solve this problem. Poland did not have to deal with such matters of nationalism. As a unified state for the first time in some sixty-five years, the immediate concern was with implementing 'shock therapy' and reinvigorating a somewhat 'backwards' agrarian - based economy. When national unemployment reached approximately 20 percent (some areas up to 40%), Poles were in a state of relative despair. Gone were the days of secured employment and manufacturing prowess. Democratisation meant government was concerned with market and trade liberalization, privatisation and currency stabilization.

Another development of extreme importance is that Poland and the Czech Republic found the western world to be rather hospitable. Germany was advocating the EU on behalf of Poland, the Czech Republic was selected a candidate country for the EU without much reservation, and both states were finalising their NATO applications and joining the relevant global regimes. However successful this period was for establishing their democratic and free-market credentials, the development of civil society as such was not a priority. In the Czech Republic, broadly defined citizen initiatives, the most prominent being 'Impulse 99' and 'Thank You: Now Leave' called for sweeping changes within government and demanded more involvement from society at large. Reminiscent of Charter 77, these groups sought to challenge what they perceived as a lack of morality amongst the ruling elite and a large segment of the population. They wanted to increase civic awareness but were a – self-professed – apolitical movement that saw 'politics' as the problem. One of the organisers, Tomas Holik, argued at the time "[we do not want] to transform ourselves into a political party. That would be a shame, and I think we have the potential to do more" (Hill and Navazelskis, 1999). Writing for *Central Europe Review*, Andrew Stroehlein (1999) went so far as to say "such a warped and naïve view of politics on the part of the petition-lovers is, sadly a legacy of Charter 77. But while a mild public

petition in a closed society is a strong statement . . . things should work differently in a democracy” (CER 1999).

At the same time in Poland, public interest groups were feeling the effects of a slumping economy and as a result most individuals sought out political parties – which could get state funding - in an attempt to find an outlet for concerns. Jack Kurczewski (2001) comments “observers of Polish civil society point to a lack of self-sustainability of the organisations, which is certainly true in most of the cases” (CER 2001). Considering national unemployment was at 18-20% and the state lacked the resources to deal with a woefully weak third sector, it comes as no surprise that Polish interest groups were a political rarity. Instead, public grievances were translated into votes for such political parties as Samoobrona (Self-defence), which during the 2001 election managed to secure 53 seats in the Sejm (10% of the popular vote). Surprisingly, a combined total of 200 seats (41% of the popular vote) went to political parties in the 2001 Polish General Election that gained naught seats in 1997. Of the four, only Samoobrona was a registered political party in 1997.¹⁰⁶ In summary, the mitigating factors that seem to impede further interest group development are:

- 1) Lack of resources: Groups in Poland and the Czech Republic lack a variety of resources – volunteers, donations and government support are relatively low;
- 2) Mistrust of Organisations: Howard (2003) reports that East Europeans are generally skeptical of organizations. He argues that forced participation during the communist era left many doubting the benefit of associations or societies;
- 3) Episodic/sporadic mobilization: Based on Czech examples of ‘Impulse 99’ and ‘Thank You: Now Leave’, and the Polish example of rapidly dissolving political parties, it would seem that longevity in the third sector is rather the exception than the rule.

This argument that the EU will foster third sector growth hinges on a belief that the EU will create new political opportunities for interest groups in Poland and the Czech

¹⁰⁶ All election data was taken from Jacek Wasilewski (2003) “Poland and the Political Challenges of ‘Europe’” *Poland on the eve of EU membership*, George Blazyca (ed.) Centre for Contemporary European Studies (Working paper series No. 2003/01) University of Paisley

Republic. That point is not really controversial. But what is debatable is whether or not they (environmental and women's rights groups) have the capacity to take advantage of a wider and multi-layered playing field. Not only have groups had to learn how to deal with a completely new and evolving (uncharted) political system, but have also had to learn how to lobby 'new' local councillors, 'new' national parliamentarians, 'new' bureaucrats and policy advisers, 'new' intergovernmental bodies, and finally, 'new' supranational institutions. To say the cards are stacked against lobbyists is perhaps an understatement.

But groups like the Network for East-West Women have been trying to redress the problem of over-stretch. They have developed a 'kit' that outlines various pieces of EU legislation and how it will impact domestic gender-equality laws and more generally the status of women. It also discusses what the EU will mean for woman in politics and women in the labour market.¹⁰⁷ This should be viewed as a positive step and an indication that at least women's rights groups have been actively preparing for EU membership. By all indication, women's groups (with the Network of East-West Women being perhaps the leading group of this kind) will benefit from the institutional convergence that accompanies EU enlargement.

Malovà and Haughton argue (2002) "institutional convergence is likely to contribute to overall democratisation and stability on the continent, because it increases predictability, that is, political actors in CEE are increasingly expected to behave at the state level according to the democratic rules of the game" (p. 102). Considering that most groups from Poland and the Czech Republic have been in search of such stability, they will certainly benefit from an open and transparent policy process. The harmonisation of domestic law and economic practices with those of the EU should be appreciated as a step towards further democratisation. A step that will benefit lobbyists and public interest groups by setting institutional standards that ought to favour at least a modicum of pluralism. Considering East European civil society is weak and still amidst development (see Howard, 2003) there is a need to consider the relative importance of civil society for the creation and maintenance of interest or lobby groups. If pressure groups are essentially a separate and unique part of a polity, then surely, they can successfully exist in

¹⁰⁷ This information can be found at www.neww.org.pl, the Polish chapter of the Network of East-West Women. The particular newsletter that informs this discussion was published on-line 20 September, 2003 and is catalogued as No 15 (36).

a state that lacks a substantial third sector (see Green, 1999). But if civil society is a precursor to interest group development and lobbying in general, then one should expect a state, like Poland or the Czech Republic, which has a post-communist civil society, to have a fragmented and underdeveloped third sector. That these states have less than a robust voluntary/third sector is not up to debate. By most accounts (Howard, 2003; Tucker, 2000; Dahrendorf, 1999; Rupnik 1999, etc) civil society is weaker in Poland and the Czech Republic than it is in western democracies. But the EU is something quite different from a traditional nation-state (Moravcsik, 2003) and as such, it can advocate for civil society without having to worry about the political consequences.

Interest groups and many other NGOs (e.g. Red Cross, Amnesty International, Helsinki Federation for Human Rights etc.) can exert pressure domestically without ever having to set foot in the country it takes issue with. Pressure politics is a transnational phenomenon. Countries like Poland and the Czech Republic, which on the whole lack the resources required to sustain a large multifarious civil society, will surely gain more from being a member of the EU than they lose by it – this is especially true for public interest groups. Moravcsik (2003) argues

...recent research reveals that EU regulatory processes are as open to input from civil society, and as constrained by the need to give reasons, as the (relatively open) systems of Switzerland and the US. The EU system may be unfamiliar to citizens, but it is hardly closed (p. 42).

For the European Union is, above all else, a policy making machine that requires copious amounts of fuel just to maintain its production rate. In this analogy, NGOs provide the fuel, in ideas and position papers, and the EU presses out the desired policy. As long as there is a democratic deficit, NGOs will be the legitimising factor. Just by the simple fact the EU has adopted qualified majority voting and attaches ‘democratic’ conditionality to membership, means it has the potential to positively influence third sector development in all EU member-states.

This discussion of civil society will quickly come to an end, but it is worth considering the core question here: Does a strong civil society give rise to an active lobbying and interest sector (i.e. pluralism)? It is my contention that the civil society debate is only one part of a larger issue; that issue being fair and equitable policy. Civil society is supposed to be strong enough to counter-balance the state (Gellner 1994), but if

no organised groups exist to challenge government policy, it becomes a rather hollow concept. In short, interest groups are a part of civil society, but pressure groups are there not to keep the state in check, but rather to ensure specific policy is respectful of the section of society it affects.

This paper is predicated on the belief that interest groups are important for the development of fair and equitable policy and are crucial if participatory democracy is to be realised. In the context of state building, a stage Poland and the Czech Republic find themselves, groups are even more important. The reason is quite simple: to avoid future grievances the government of the day should encourage all interested parties to present their specific concerns to policy makers. This way, cleavages are minimized and policy becomes less a game of chance and more a consultative process that appreciates the diversity of public opinion. This does not mean that all groups will offer good advice or represent the interests of society as a whole, just that any future battles between policy makers and interest groups will out in the open and constructive, rather than hidden and destructive. For example, the Czech branch of Greenpeace (which was previously deemed an extremist organization by the Czech government) finds the so-called consultative policy-process, which the government applauds, rather discriminatory. According to Greenpeace officials, the Czech Environmental Ministry regularly provides them with huge dossiers and working papers only days before the policy is to be submitted to the legislature¹⁰⁸. Again, this is clearly a practice that devalues interest groups and works to reinforce the groups/state divide.

When groups feel marginalised or worse still victimised, they resort to a host of unsavoury tactics and protest strategies, which can only exacerbate tensions between civil society and the state. Commenting on the Prague demonstrations that took place in response to the suspension of TV Nova executives, Dermot O'Shaughnessy (2003) argues, "perhaps the reason Czechs turned out in force on this particular occasion was because, for once, they knew that their opinions would actually be broadcast and their voices heard" (p.5). This suggests that a) people want and need to be heard, and b) that people will forgo lobbying in favour of disruptive forms of collective action, if other

¹⁰⁸ Interview conducted August 2003 with Jiri Tutter, Greenpeace Executive Director (Praha), Prague, Czech Republic.

forms of collective action end up being ineffectual. How groups protest and what methods they employ will largely depend on where they appear in the 'funnel of mobilization' (Pross 1992: 7). A pressure group, which has access to policy-makers and politicians and has a stable and defined place in the policy community, will very rarely use disruptive tactics – i.e. picketing, protest, demonstrations etc. Whereas groups situated at the open, unaggregated end of the funnel, will often resort to disruptive tactics out of necessity. This latter response to unfavorable political developments occurs most often when the government has effectively blocked a group from participating in the policy process.

In the Czech Republic, groups and movements, such as 'Impulse 99' or 'Thank You: Now Leave' were, as Pross determined, 'solidary' groups. Pross (ibid) contends "a solidary group is made up of individuals with common characteristics who also share some sense of identity" (p.6). With reference to these two fleeting groups, both of which being comprised of student leaders from 1989, disgruntled academics, artists, journalists and others that had simply lost faith in the political system (*The New Presence*, August 1999: 8/99). Below is an excerpt from Impulse 99s appeal.

Civic participation for citizens and non-governmental institutions is becoming hindered and increasingly controlled by the major political parties, who are in – turn primarily preoccupied with internal party politics and increasing their power (ibid).

This is a topic worth further discussion, but suffice to say 'Impulse 99' and 'Thank You: Now Leave' did not lead to the establishment of a permanent interest group or a political party. They started and finished as a solidary group. Lipsky defines the political opportunity structure as "the degree to which groups are likely to be able to gain access to power and to manipulate the political system" (appears in Cram et al. 2001). As already stated in this essay, the EU has several access points which offer groups an opportunity to liaise with policy makers. As Helfferich and Kolb (2001) correctly argue, there is a sense among some scholars that "due to the process of European integration, new supranational level of political opportunities is developing, which is shaping both contentious politics on the European level and reshaping domestic conflict"(p.145). The idea that new institutions bring with them new opportunities is not necessarily a new one and applies to

most political developments that bring about significant institutional change. Whether these changes are at the transnational, regional or continental level is not necessarily a concern.

Accordingly, the collapse of Soviet communism and capitulation of Eastern European socialist regimes - which made it their business to subjugate and destabilise much of civil society - meant interest groups finally had a legal right to lobby government and publicly voice their collective angst. While this paper discusses only those political opportunities that come with EU accession, it wishes to point out that what is happening now, in terms of interest group development and the building of civil society more generally is only one part of a continuous process. Because already the *Acquis Communautaire* has influenced existing policy and altered the way policy is created and implemented. And if the EU Constitution is ratified in June, a whole host of new opportunities for interest groups should arise.

Implicit to the idea of political opportunity is the presumption the group(s) in question have the means available to take advantage of institutional developments. That is, they must have within their repertoire the tools required to 'lobby' and interact with European-level policy makers. A professional team – preferably a permanent staff - capable of writing and presenting policy is a necessity, especially considering EU lobbyists now number approximately 14-15 000 (Watson and Shackleton, 2003: 89). It is an increasingly competitive arena and if a particular group is not up to the task, they will undoubtedly be overlooked in favour of other more competent organizations. Greenpeace and World Wide Fund for Nature have cornered the environmental market, so to speak, taking advantage of their international standing and brand recognition to become two of the more successful pan-European public interest bodies. An indication perhaps of just how successful environmental groups have been, is, according to Rucht (2001) the fact very few protests in Brussels have been carried out in their name. He writes:

A more convincing reason for the absence of environmental protests in Brussels might have to do with the possibility that lobbying EU institutions is by far more adequate and effective than the kind of unconventional protest action that is so common at national and subnational levels” (p.136).

With the EU comes a host of policy channels that most interest groups have, or in the case of Poland and the Czech Republic will have, access to. It is significant that EU

policy is scrutinised by several agencies, think tanks, levels of government (the EP, Commission, Coneccs) and interest groups of all shapes and sizes. More importantly, the ECJ offers legal recourse to those groups that feel marginalised or have a genuine concern with the way in which laws are introduced and enforced; or not introduced for that matter.

For example, the Czech Republic does not have a specific domestic violence law on the books. Instead, law enforcement officials treat domestic violence the same as they would any other type of assault. According to the Gender Studies Centre in Prague, failure to recognise the need for specific and detailed domestic violence legislation results in a very real tension between women's organizations and elected officials¹⁰⁹. And significantly, it reinforces the gender divide that seems to plague most post-communist countries – countries where feminism, because of its ideological dimension, is frowned upon by so many. The various Czech governments since 1994 have tended pay lip service to the principle of gender parity in government, but have allocated few resources to achieve a more equitable civil service and legislature.

So here we have a concrete example of an interest group at odds with its national policy makers and legislators. The European Court of Justice becomes an important institution for such groups, for it offers a political opportunity that previously did not exist, and which can directly or indirectly pressure the national government into action. Indirectly, the threat of circumventing national institutions in favour of European ones might force elected representatives to act (perhaps to save embarrassment), directly, the ECJ could rule in favour of the Czech women's lobby and by extension pressure the national legislator to amend the legislation in question. EU enlargement should provide Poles and Czechs with a new set of political norms that favour, rather than frustrate, third sector development. It should also give Polish and Czech politicians a reason to trust NGOs. For if they really want to 'return to Europe', they have to return to a form of politics that accepts groups as a part of an institutionalized bargaining process. Easier said than done, I fully admit, but if national politicians fail to do this, they may find that groups circumvent the usual (domestic) channels for the more group-friendly EU

¹⁰⁹ Interview conducted August 2003 with Alena Kralikova, Director of Education, Gender Studies o.p.s., Prague, Czech Republic.

environment. While interest groups may find this tolerable – even preferable - such a process would surely create more pronounced cleavages between the state and the third sector.

Civil society and interest group development is a two way street. The state is just as important for the realisation of a dense network of lobby groups as citizens themselves are. The political environment must change from one that favours political parties and elite bargaining to one that draws on public interest groups (even funds them!) for their expertise and resources. The EU has set a standard for such an arrangement. Groups should therefore find new political opportunities within EU institutions and therein discover a political environment that reinforces the principle of pluralism.

The hope is not that the EU will somehow magically infuse Poland and the Czech Republic with a sense of pluralism, but that interest groups frustrated at the domestic level will find a sympathetic ear in Brussels and/or Strasbourg; thus lessening the likelihood of disruptive protest movements. As it stands, “EU institutions are probably more open to a variety of interests than most national administrations” (Lehamm et al. 2003: 53), but the possibility is open for national legislators to follow the EU’s lead. Finally, there is no reason to assume EU membership will have an adverse affect on interest groups and interest articulation. On the contrary, the Czech Republic and Poland are joining an intergovernmental organisation that values the third sector, and this will enhance group status at all levels of EU (and member-state) decision-making.

THE ROMA

The Roma are “verbally derided, subjected to physical abuse, social marginalization and even legal disenfranchisement (Fawn 2001: 1193). This chapter will not investigate in any great detail the root cause of the problems identified by Fawn in the quotation below nor look closely at the structure and function of any one particular organization claiming to represent Romani interests. Instead it has the singular task of determining whether or not the state works constructively with Romani interest groups. In this way I am looking primarily at the structure of state-Roma group relations and not at the bases for it. As it stands, the Roma NGOs with international standing are having a difficult time establishing a suitably robust grassroots network. This condition is strikingly similar to

the one faced by environmental organizations. State-directed minority/Roma policy means the Roma, stakeholders in the system, are not directly contributing to the development of laws which directly affect them.

The Romani of the Czech Republic in particular, but Roma elsewhere in ECE, are finding life after the collapse of communism extremely difficult. Institutionalized racism, high rates of unemployment and, physical assaults, are just three of issues this minority group must face. In this way, the Roma rights sector is qualitatively different than the other two sectors analysed here, as they are not only dealing with structural impediments to collective action, but an environment hostile to their political and human rights demands. But significantly, they share important similarities with the environmental and women's rights sector. One, all three interest sectors are tethered to international networks, which has enhanced their status at both home and abroad. Two, all three sectors rely on international aid, in the form of private philanthropic organizations (e.g. Open Society Fund) and state derived financial assistance (USAID). Three, in attempting to alter the policy formulation status quo, all three sectors share similar aspirations and goals. Concern over the closed nature of post communist policy making in Poland and the Czech Republic has been articulated by groups stemming from all three sectors. State-directed policy, instead of being confined to one particular policy sector, appears to be a broad, encompassing, strategy employed by lawmakers to limit interest group influence. The Romani movement and subsequent interest groups (and NGOs) are, however, managing to develop an advocacy network which is pan-European in scope and international in composition¹¹⁰.

But critically, the Roma movement cuts across national boundaries, governmental jurisdictions and autonomous regions like no other movement in Europe. This makes it difficult to mount one cohesive lobbying campaign. Also complicating matters, "Roma were among the last groups in Europe to discover the potential and power of ethno-nationalism and to struggle for a political space of their own (quoted in Guy 2001: 20).

¹¹⁰ The International Romani Union (IRU) is comprised of representative from all over the world. A cursory examination of the IRU membership and executive (elected July 2000) shows how international it really is. For instance, Members of the Cabinet hail from the Czech Republic, Poland, Sweden and Bulgaria (to name a few). While amongst the parliamentarians are delegates from Canada, Israel, Norway, England etc. The Roma diaspora is large and geographical diffuse.

This is different from the environmental movement, which formed as a coherent grouping during the communist period, and the women's rights sector, which organized almost immediately after associational rights were legally guaranteed by post communist governments. Romani rights are not just a post communist phenomenon either. The Roma used the opportunity of Prague Spring to form an independent organization in 1968. But their organization, like others developed during this period, was disbanded by the state and then banned outright (Siklova 1998: nps; Guy 2001: 292). Charter 77 took up the Romani cause and published "a caustic report on the Communist policy towards Roma listing specific human rights abuses" (Guy 2001: 292). The Chartists, and particularly Vaclav Havel, did a great deal to raise the socio-politico status of Roma during the last years of communism. Havel included the Romani Civic Initiative (ROI) as a partner in the coalition parties which ultimately won the first democratic elections (ibid.). But Havel's eloquence and oratory skill could not change widely held beliefs in society that 'Gypsies' should not be accorded the same rights as 'white' Czechs and Slovaks.

Chomsky (1994) issues this warning:

Up until a couple years ago, Eastern Europe was under the control of a very harsh tyranny – the Soviet system. It immobilized the civil society, which meant it eliminated what was good, but it also suppressed what was bad. Now that the tyranny is gone, the civil society is coming back – including its warts, of which there are plenty (p.62).

Racist attacks on Roma constitute one such wart. With regard to their potency as a discrete interest community, it is important to acknowledge racism does not stop at the door to the legislature.

In Poland, ten different Roma organizations have been registered, but as Mroz (2001) reports, "five or six are not very active" (p.262). Like their Czech and Slovak counterparts, Polish Roma organizations have been actively seeking compensation for maltreatment during the war (Mroz 2001: 262). During the transition period, Polish Roma began establishing formal organizations and have subsequently developed a wider network of Roma associations. However, instability at the party level and within government generally, means state funding of Roma organizations is not entirely secure. As a truly pan-European nation, the Roma have been working

Roma NGOs cover and indeed represent a much broader scope of issues than other issue oriented advocacy groups. Romani groups are active in areas ranging from the education of Romani children to the protection of Roma arts and culture and, are concerned with every aspect of Romani life, from citizenship to domestic violence. Barany (2002) writes: “in the last decade the Roma have established a wide variety of social, cultural, and economic organizations from militias to protect themselves from racial attacks in Slovakia through trade unions and Gypsy university student associations in Romania to artists’ groups in the Czech Republic” (p. 210). While Roma have made strides in the above noted areas, there still exists problems in the political sphere, where interest groups are without the grassroots support they need.

It is wrong to think the Roma have no political experience whatsoever. As Vermeersch (2001) reports, “in Czechoslovakia (...) Roma played an active part in the anticommunist movement and joined the coalition parties that overwhelmingly won the first democratic elections” (p.3). But the Roma did not constitute a discrete political organization, as such. It is also important to recognize that immediately after the fall of communism and, in the period immediately before EU accession, human rights were a top the political agenda. It goes to reason that “Central European states were particularly sensitive to the discourse of human rights norms because they realized this was becoming a key issue pertaining to their standing in the international community (especially vis-à-vis the EU)” (Vermeersch 2001: 3). It is a monumental task, however, to implement policies that directly help the Roma population. Roma are a divergent group with ranging socioeconomic status, which makes it difficult to make generalizations concerning what the Gypsy populations needs, in either material or political terms (cf. Pogany 200: 8-11). This chapter will advance two arguments. First, that the Roma population of Europe (with emphasis on Poland and the Czech Republic) has managed to develop a fairly robust organizational network that is both asserting Roma rights and fostering the development of a more coherent Roma identity. Second, political parties and government agencies, while publicly stating their intention to help end discriminatory practices against Romani peoples, are showing little motivation to end systemic racism. During transition, the Helsinki Watch reported:

Despite (...) improvements in the legal status of the Romani minority in Czechoslovakia, Helsinki Watch has found that the consequences of past policies toward Romanies continue to affect the Romani community today. An extremely serious matter is the current government's failure to condemn publicly and thoroughly investigate and prosecute those responsible for medical procedures in which Romani women were sterilized without their consent and, in some cases, without their knowledge (Human Rights Watch 1993: 1).

While this was written before Czechoslovakia split, it should be noted that similar concerns have recently been raised about the exact same issue. For instance, the European Roma Rights Centre provides the following summary of a statement released on 1 September 2006 by the United Nations Committee on the Elimination of Discrimination Against Women (CEDAW):

In its Comments, the Committee commended the Czech government for several aspects of its work to combat discrimination against women. However, it expressed serious concerns in a number of areas, including on the problem of coercive sterilisation of Romani women by Czech doctors (EERC – online newsletter)

In terms of government intervention, to stop the practice of forced sterilization and improve the status of Roma more generally, not much has changed since 1992, when the Human Rights Watch report was published. If the issue of forced sterilization is a litmus test for the government's overall commitment to ending discrimination against Roma, then surely they fail.

To say institutions are unimportant when it comes to the vitality of a particular interest group or interest sector is to underestimate the significance of formalized politics in an era of rapid social and political change. The government, judiciary (both local and national courts) and bureaucracy develop and implement new laws, procedures and institutions, which in turn define the parameters of contentious politics for minority groups. Any movement for civil rights and indeed human rights will undoubtedly target existing laws and the lawmakers, for law and legislation are what established a society's rights discourse. This occurs because it is law, in the form of a Bill of Rights or Charter of Rights and Freedoms, which ultimately determine a group's relative status and designation in society. In both Poland and the Czech Republic, steps were taken to expand legislation to include Roma rights. But this was not done voluntarily. As Trehan argues, "as a result of the early work of many NGOs in publicizing rights violations

against Roma, the European Union has adopted specific criteria with respect to Romani integration in accession countries.”(2001: 142). But the problem is identified in this next quote from the same author: “Independent experts argue that post-Communist countries have adopted changes (some claim merely cosmetic) to their legal and judicial structure in an attempt to make themselves more palatable to Europe and enhance their chances of speedy EU accession” (Trehan 2001: 142).

One is left, then, to determine whether legal changes were the result of a strong Romani lobby, or strategic calculation on the part of Polish and Czech lawmakers. Considering how government has kept environmental and women’s right groups at arms length, and the continuance of Roma maltreatment at the hands of judges, magistrates and the police, it may be easier to support the latter version (cf. Fawn 2001). Human rights become state priority only when they serve to further other goals, like increased EU funding. To this end, Musilova argues “in the Czech Republic there is a situation in which equal opportunities policies are implemented ‘from above (...) For this reason they remain confined to the basis of legislation, and decision-making bodies do not furnish the space to link up with all other parties” (1999: 202). While this argument relates to women’s groups and their pursuit of equal rights, the thesis has equal application in the context of Roma rights. It is the nature of the system which works to exclude interest groups from the policymaking process. As Musilova argues, in transitional societies large constituent groups (usually society writ large) garner the most attention from state agencies and lawmakers.

The Romani of the Czech Republic and Poland (and ECE) are not afforded the same level of protection under the law as say the largest minority linguistic group (francophone) in Canada is. Being recognized under the law as a distinct but equal member of society means any discrepancy which may arise in the application of law, in this case language laws in Canada, can be settled by the courts, instead of by politicians. But with a majority of Eastern Europeans harboring “extremely negative attitudes toward the Roma” (Barany 2002: 189), a legal quick fix may well be out of the question. But as Fonadova (2003) reports “in legal terms, Roma are members of a minority with rights equal to the other inhabitants of the Czech Republic in accordance with the democratic constitution” (p.30). This may be the case, legally, but in terms of the Roma’s ability to

utilize the law to further their own ends, it appears most judges are unable to establish any sort of meaningful precedent. Another problem, identified by Siklova and Miklusakova, is the restrictive and discriminatory nature of Czech citizenship laws. While Roma are entitled to protection under the law, the law only applies – in its full capacity – to those individuals granted Czech citizenship after the dissolution of Czechoslovakia, 1 January 1993. Siklova and Miklusakova write:

To select Czech citizenship between January 1, 1993 and June 30, 1994, in accordance with Sec. 18 of Law No. 40/1993 Coll., was made all the more difficult by a number of conditions that the Roma were often unable to meet. The group, as a whole, is largely ignorant of the law; many Roma are semiliterate and, without assistance, they have been unable to understand administrative procedures or deal with state authorities (1998: nps).

Thus, a disjuncture exists between the law in theory, and the law and practice. Its ability, therefore, to end discriminatory practices should be seriously questioned. No matter how organized Romani NGOs may have been during this period (1992-1993), the sudden and rapid shift in political boundaries (literally) had serious ramifications for the movement and the status of Roma. The fluidity of laws pertaining to the Roma directly and minority groups in general made lobbying almost impossible. It was possible to communicate a desire to see Romani rights improved, in a general way, but much more difficult to ‘attack’ or question specific legislation and laws. It was difficult for Roma groups to determine, in any definitive way, what the government was going to do. This placed (and continues to place) limitations on what they can politically do and moreover what they can expect.

In terms of their ability to organize, it appears thus far Roma activists (and activists representing Roma) have been able to construct an impressive network of advocacy groups. But as Barany (2002) cautions: “the majority of Gypsy organizations are loosely structured and are elite driven” (p.208). This echoes the description provided in chapter five (5) for the women’s movement and their respective interest groups. Part of the reason why Romani political groups are elite driven comes down to the way financial aid was (and continues to be) distributed amongst civil society organization. The requirement to apply for international funding, which is a fairly commonsense approach, means groups with an established membership or existing international ties have a

distinct advantage over upstart groups. This is a step in the right direction though, as “all previous attempts by the countries of the region to devise policies aimed at managing their Roma populations had been without any participation by Roma themselves” (Guy 2001: 19). This is not to say Romani groups have achieved political parity with other NGOs, because the reality is many of NGOs concerned with Roma rights are without the political clout needed to affect change. This does not mean they are ineffectual, because some important legislative changes have occurred as a result of lobbying. But linkage mechanisms between state agencies responsible for Romani welfare and the Roma population are underutilized and, indeed, underdeveloped (Trehan 2001: 136-37).

The transition to democracy was not wholly enabling for the Roma. Romani organizations were faced with the difficult task of representing the interests of a disparate group which had experienced a sudden and abrupt change in their legal status post 1989. First, the policy of assimilation ended when the Communist regime capitulated. It must be recognized that “from the 1950s onwards, instead of violent repressive decrees, the Communist state pursued a paternalistic and assimilatory re-education policy. A systematic effort to deal with the Roma question began in 1957 and lasted up until 1989” (Fonadova 2003: 29). After 1989 then, the Roma were not only having to discover their political voice vis-à-vis the development of interest groups and political parties, but were also, most significantly, having to come to terms with newfound status.

In Canada, the aboriginal population fought long and hard to see the Canadian Charter of Rights and Freedoms (1982) recognize their right to sovereignty and self-determination.¹¹¹ In Australia, a long and somewhat difficult series of negotiations on the topic of aboriginal self-government has produced little results – even though self government is a part of Australian common law. But the point here is that minority groups, especially those with customs and practices that clash with mainstream culture, have sought remedy through the courts and legislature, and not as it were through popular protest¹¹². It is otherwise impossible to change institutionalized forms of racism without first changing the legal climate that condones it.

¹¹¹ Sec 35 (1-4) of the Constitution Act 1982, “Rights of the Aboriginal Peoples of Canada”

¹¹² Although public protest is a part of their repertoire it does not constitute their main activity.

This case study on the development of Roma NGOs in the Czech Republic and ECE (with some evidence from Poland) illuminates three things:

- 1) International donors and human rights groups (e.g. the International Helsinki Federation for Human Rights – IHFHR) have helped the Roma population of the Czech Republic, in particular, establish advocacy networks. But too many cooks can ‘potentially’ spoil the broth. As the number of organizations dealing with human rights and Roma rights increase, the greater the likelihood of a fragmented and ineffectual advocacy network, which would weaken the standing of most groups.
- 2) Roma rights groups remain detached from their grassroots base. This is however partly the result of how disperse the Roma population of ECE is. But they are beginning to develop international organizations, like the International Romani Union, to rectify this problem.
- 3) EU membership should help Roma groups develop a more effect policy network. The EU will also facilitate the development of better, more comprehensive, laws relating to human rights and citizenship. The EU will provide lobbyists with a second tier of government, which they can utilize should state governments prove unhelpful. However, as Kovats (2001) argues, the European Union may be too far removed from the Roma to fully appreciate the economic, social and political problems faced by Roma. He contends “for Europe to play its role effectively its institutions need to be realistic about their own competence and recognize that the complexities involved require the channeling of policy initiatives through state-level structures” (p.110). But this is contingent on there being responsive state-level structures, and so far, this does not seem to be the case.

The transitions to democracy was not entirely enabling for the Roma. As Guy (2001) argues

While the moribund assimilation policies of the Communists lapsed, they were replaced by pandemic unemployment and destitution, verbal and physical racist attacks sometime escalating to murders and pogroms, increasing segregation in

education and housing, and widespread health problems aggravated by poverty (...) the head of the Council of Europe Specialist Group on Roma, Geraldine Verspaget, declared that Roma were now worse off than under Communist rule (P.13).

The problems encountered by Roma are the result of systemic racism and rapid institutional change. Changing laws, and most significantly the dissolution of Czechoslovakia, left the Roma community without a clear sense of their entitlements and position. This did not empower the Roma as a minority group nor the agencies and organizations that represent(ed) their interests. Roma organizations now have to compete with other minority groups for government assistance, recognition and access to the policymaking process. As civil society opened-up, competition amongst groups grew increasingly fierce. Without having the benefit of existing international advocacy networks, like environmental and women's rights groups had in Poland and the Czech Republic, Roma organizations – begin separate from international human rights agencies – were faced with the task of building their movement from the ground up. The issues facing Roma in the Czech Republic and Poland, like poverty and illiteracy, can only be dealt with correctly through local groups. There have been improvement in Roma – government relations since accession, and many local authorities in the Czech Republic have introduced programmes geared toward ending institutional racism and social exclusion.

FORCED STERILIZATION, EDUCATION AND EQUITY

This short case study on the Romani minority in Poland and the Czech Republic illustrates how profoundly EU funding and wider European NGO coordination has impacted the status of Romani organizations in Poland and the Czech Republic. Simply stated many of the most active and visible organizations, like *Sdruzeni Dženo* (Association Dzeno), *Romodrom*, in the Czech Republic, and *Związek Romów Polskich* (Union of Polish Romanies) in Poland, owe their existence to EU monies. While this section refers to Roma and Romani organizations, the reader should be aware the 'Roma community' is not without political fissure and ideological disagreement. In Poland the Roma community is split over the issue of education and whether Romani children should be segregated from the majority population (Sobotka 2002: 13-14). In the Czech

Republic the Romani movement and chiefly the Romani Civic Initiative (ROI), a main Roma political party, has experienced in-fighting amongst the leadership (CTK 1 April 2003). Total agreement on how Roma NGOs, ancillary associations and education centers should operate has not been realized.

Racism toward the Roma persists despite Poland and the Czech Republic's accession to the European Union, but this is hardly surprising. It will be some time before Roma are treated as equals in two societies that have for so long considered them outside the mainstream. However the existence of EU directives and treaty law relating to human rights, the treatment of minorities and equity in the workplace, such as the *Charter of Fundamental Rights of the European Union* and the Amsterdam Treaty, does put pressure on the 2004 accession countries, in particular, to revamp existing human rights legislation. Mechanisms of a punitive nature were added to the Treaty on European Union (Art 6, 7, 49 and 46 TEU¹¹³) in the hope of giving teeth to the EU's many human rights declarations, which in most instances were not binding on member states. This, combined with the EU's commitment to governance, a decision-making system that encourages NGO participation, and civil society, has given the Roma NGO community hope.

Presented below are two separate but certainly interconnected case studies relating to the treatment of Roma in the Czech Republic and Poland. Each is an issue that affects the Roma community directly and has attracted the attention of international media, European and national NGOs and, in all three cases, the European Union. As stated at the beginning of the Roma section the intention here is not to delve into the

¹¹³ The EU Commission's Justice and Home Affairs website summarizes this change: "The Amsterdam Treaty, which came into force on 1 May 1999, established procedures intended to secure their protection: It established, as a general principle, that the European Union should respect human rights and fundamental freedoms, upon which the Union is founded (Art 6 TEU) The Union can suspend certain rights of a Member State deriving from the application of the Treaty, if it has determined the existence of a serious and persistent breach of these principles by that Member State.(Art 7 TEU) Candidate countries will have to respect these principles to join the Union (Art 49 TEU) It has also given the European Court of Justice the power to ensure respect of fundamental rights and freedoms by the European institutions (Art 46 TEU)" (http://ec.europa.eu/justice_home/unit/charte/en/rights.html).

historical or socio-political reasons for institutionalized racism and/or xenophobia, but rather is to look at how (or if) contentious collective action in the area of Romani rights has changed in any significant way since consolidation and EU accession.

One of the biggest changes in the past four years has been direct EU involvement in issues and matters relating to the Roma community. Before formal accession talks had even begun the Commission was voicing concern over the plight of the Roma communities throughout Central Europe, and in particular, the Czech Republic and Slovakia. In 1999 the EU was already pledging to support, “both financially and politically, social programmes aimed at improving the situation of the Roma minority in the Czech Republic” (AP 11 Nov. 1999). A year earlier in 1998, the EU was confronted with a clear-cut case of racism in a potential candidate country, the Czech Republic. In *Usti nad Labem* and *Plzen*, the town council approved the building of a ‘separation wall,’ which would have in effect ghettoized the Roma population. This controversial project drew ire from national Roma associations, international human rights groups and, the EU, which suggested the Czech Republic’s membership bid would be harmed if this segregation were permitted to continue (BBC 21 Nov 1999). As the BBC reported in 1999, “the gypsies of Usti Nad Labem believe what can help them now is the Czech Republic's eagerness for membership of the European Union....As the accession talks continue, the diplomatic pressure is growing on Prague to improve its record on human rights” (BBC 26 Feb 1999). With central government’s prompting (and financial assistance) the wall separating the Roma from the non-Roma was eventually torn down and, five years later, the Czech Republic joined the EU.

In 1999 the EU Commission also criticized Poland for its failure to adequately legislate for the Roma population (Sobotka 2002: 2), which numbered approximately 45,000 in the mid 1990s -- 0.1172 % of the Polish population (Barany 1998: 313). Like the Czech Republic, Poland was taken to task by several European institutions. The European Commission against Racism and Intolerance (ECRI) recently suggested to Polish authorities “a series of measures to address the situation of disadvantage and discrimination faced by the Roma community” (ECRI 2004) and more specifically, it “encourages them [Polish authorities] to cooperate with and support NGOs which promote Roma culture and work in the field of combating discrimination against Roma”

(ECRI 2004: 34). For all the plans and intentions Poland is still without a comprehensive strategy for combating Roma racism and stigmatization. As the Commission's 2002 Regular Report outlines:

These good intentions [communicated in 2001] have not, however, fully survived the transition into practice. The pilot project has been launched, but budgetary difficulties have placed severe limitations on the elements of the project which have been undertaken to date (p.31).

This shows even when international institutions are involved, monitoring and making recommendations, it is still up to the state to devise and implement public policy. If they are unwilling to take recommendations seriously or are unafraid of the political consequences chances are legislation will stop short of solving the inequality problem. Also, just because political opportunities exist, does not mean that all NGOs or even whole sectors will benefit.

The EU is not a panacea for the Roma, which will most likely encounter ill-treatment and hostility for some time to come. But the EU does serve as a catalyst for change and as way to influence the nature and course of contentious politics in Poland and the Czech Republic. It becomes acceptable and legitimate for European and international actors to join national NGOs in their campaign to end racism toward the Romani population of Central Europe. Furthermore, a host of new mechanisms, both judicial and political, became available to NGOs, first after 1989, and second after accession to the Union in 2004. The European Court of Human Rights (ECHR), the European Convention of Human Rights and, the Council of Europe (CoE), all ratified by the Czech Republic between 1992 – 1993, offer Roma NGOs and activists new political and legal opportunities. In fact recent rulings by the ECHR have prompted government to make substantial legislative change in areas of Roma education, healthcare and housing. The presence of courts and EU-level institutions alone does not guarantee victory for Roma NGOs, though it does help with the development of Roma political assertiveness (Vermeersch 2002: 94). Vermeersch contends:

Making policy on minority issues in post communist central Europe today is far from exclusively a matter of domestic politics; it is significantly influenced by the norms and standards emerging in the international political arena of contemporary

Europe. *In particular the EU has attempted to alter central European policies related to minorities by explicitly linking normative pressure with membership conditionality* (2002: 83 – emphasis added).

These conditions of membership, which are outlined in Article 49 and Article 6 (1) of the TEU¹¹⁴ and, elucidated in the text of the Copenhagen criteria, are also coincidentally the characteristics of a ‘good’ western European democracy as well – and there is both internal and external pressure to conform.

An important feature of this assistance comes in the form of PHARE grants. The PHARE programme was (is) meant to help accession countries establish functioning democratic institutions and civil societies. A PHARE report (2002) reads:

Candidate countries are encouraged to earmark support to Roma communities as well as to increase the participation of NGOs in programming. Funding priorities are discussed in the context of the frequent contacts the European Commission maintains with numerous Roma organizations (DG Enlargement Information Unit 2002: 8).

Mentioned elsewhere in the dissertation, the Roma community has benefited enormously through the EU’s PHARE programme, and related granting bodies. It is true that money cannot (always) buy a NGO political power and influence, but what it can do, which is almost as important at this stage of post communist development, is help NGOs acquire basic operational supplies – computers, paper, fax machine and telephone. Looking through PHARE reports one will discover that many one-off grants went toward the purchase of such equipment and office needs. PROM PO DROM, a Romani organization in Poland, acquired €1, 870 under the PHARE National Programme in 1994 to purchase a computer to, as indicated, edit a Roma periodical (DG EIU 2002: 25). The total amount of PHARE grants going to Roma initiatives and NGOs in the Czech Republic to May 2002 was €8, 127, 600 (ibid). In the same period Polish Roma received €91, 700, with

¹¹⁴ Article 49 of the TEU: “Any European State which respects the principles set out in Article 6(1) may apply to become a member of the Union. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members.” Article 6 (1) of the TEU: “The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States.”

€ 79,260 (ibid) going to a “confidence building” project in the Carpathian Basin, a particularly problematic area of Poland for Romani (Sobotka 2002: 13). The PHARE programme in combination with philanthropic agencies, such as the Open Society Institute, which through its Roma Participation Programme has assisted Roma NGOs, is helping to construct a professional and competent network of Roma NGOs in Central Europe¹¹⁵.

FORCED STERILIZATION

The matter of coercive or forced (or at best uninformed) sterilization of Romani women in the Czech Republic was thought to be of an historical nature, in that it happened only during the dark days of state socialism. In fact Roma women were being unknowingly sterilized as late as 2004-05, after the Czech Republic had already acceded to the TEU. This case illustrates two opposing developments in Czech politics. First, it shows how NGOs, European institutions and international sentiment, can together force change on Czech lawmakers. But second, it also reveals despite the Copenhagen criteria, The Charter of Fundamental Human Rights of the European Union, Section 49 and 6 (1) of the TEU and numerous human rights directives, to which the Czech Republic is a signatory, many Roma in the Czech Republic still experience racism and hostility. This part of the case study focuses exclusively on the European institutions and NGOs that helped end the practice of sterilization.

In 1958, a Central Committee of the Communist Party of Czechoslovakia (CCCPC) Politburo Resolution identified the Roma as “a socially and culturally backward population featuring characteristic lifestyles” (Public Defender of Rights – PDR: 2005 44). It was the State’s goal to assimilate Roma into mainstream Czech society, as any other approach, they determined, would not have the desired effect of

¹¹⁵ The Roma Partnership Programme’s (RPP) webpage outlines its activities: It “provides institutional support and training to grass-roots Romani NGOs engaged in community-issues advocacy. In addition, RPP supports broad-based campaigns aimed at systemic policy reform at the national level through funding projects by Romani NGOs that have the requisite professionalism to operate on the national and international levels. The desegregation of schools is the current primary example of this type of funding” (<http://www.soros.org/initiatives/roma/focus/rpp>).

ending their “backwardness”. Charter 77 Document No. 23/1978 references the practice of forced sterilization. It reads:

Particularly serious is the sterilization issue, which is admissible in cases with proper medical justification, sometimes perhaps necessary, although always dubious in moral terms. The consent of Romani women to sterilization is obtained through persuasion, the impartiality of which is not guaranteed (...) Thus sterilization becomes one of the policies of the majority population against the minority population directed at preventing childbirths in the minority ethnic group (PDR 2005: 24)

Most recently the European Roma Rights Center (ERRC) drew attention to the issue of sterilization. However as JUDr. Otakar Motejl, the Czech Republic’s Public Defender of Rights, acknowledged in his comprehensive report on the matter, “civic initiatives in the former Czechoslovakia pointed out the questionable practice of sexual sterilization as a social measure long before 1989” (p.24). Thus non-state organizations, both before and after the collapse of communism in 1989, have actively sought to put an end to this practice. The Czech NGOs, IQ Roma Servis, ERRC, *Liga lidských práv* (League of Human Rights) and *Vzájemné soužití* (Living Together) initiated the claim on behalf of 10 Romani women and played a key role in helping the Public Defender of Rights collect information from the complainants (PDR 2005: 1-2). A total of 87 cases were presented to the Minister of Health before the final report was authored in 2005.

The Czech Ministry of Health still maintains that all sterilizations, which were carried out by doctors, were both medically necessary and non discriminatory. The Czech Ministry of Health concluded, “by no means were the sterilizations a racial or nationalistic policy” (Hulpachová 2007). However, the Regional Court in Ostrava ordered the City Hospital in Ostrava to pay one of the complainants, Iveta Červeňáková, Kč 500, 000 (approximately £16,600) in damages (ibid). According to her lawyer, this is the first time a Czech court awarded damages to a Romani women for being coercively sterilized (AFP 12 Oct. 2007). NGOs played a vital role in bringing about this particular settlement and also bringing the once ‘accepted’ practice of coercive sterilization to the attention of the European and international community.

A recent statement issued by the European Parliament with reference to anti-discrimination measures called for sweeping policy reform in several sectors, with

housing, healthcare and education atop the 'most pressing' list. The EP press release concluded: "MEPs urge the Commission to "shape a Community Action Plan on Roma Inclusion", to give one Commissioner "responsibility for coordinating a policy" and "to promote Roma staff within its structure" (EP 2008). According to the EP 'ghettoization' of the Roma is a very real concern, as many Roma exist at the periphery of society. The EP suggested the nearly 10 million Roma, the majority of which gained EU citizenship after the 2004 and 2007 enlargements deserve special protection. Parliamentarians believe "the situation of European Roma communities is distinct from other national minorities, they say, arguing that this justifies specific measures at European level" (ibid).

The EU is thus able to exert pressure on member-states to, either change national policies and programmes so they reflect European norms and standards, or adopt new EU-initiated policies. Either way state autonomy in matters/areas relating to the Roma community, their treatment and rights, is being etched away. Furthermore, Roma and human rights NGOs have successfully put coercive sterilization on the EP and EC agenda, and chance are it will remain there until NGOs stop pressurizing EU officials to do something.

The press release did not specially mention the Czech Republic, but it did say something concrete about sterilization, which had been carried out in Slovakia and the Czech Republic. The quotation: "In addition, "extreme human rights abuses (...) including racial segregation in health facilities and coercive sterilisation of Romani women" must be ended" (EP 2008). The U.S Department of State also chastised the Czech government publicly for its poor treatment of Roma. At a hearing on 15 August 2006, the U.S. Commission for Security and Cooperation in Europe (CSCE) discussed the matter of eugenics and coercive sterilization in Slovakia and the Czech Republic. The commission report, *Accountability and Impunity: Investigations into Sterilization without Informed Consent in the Czech Republic and Slovakia* was informed by the testimony of two NGO representatives, Gwendolyn Albert from the League of Human Rights and Claude Cahn of the ERRC. It subsequently issued reservations and recommendations (CSCE 2006) to the Czech and Slovak governments. The report was particularly critical of the investigation, as the Czech Ministry of Health was investigating itself. The CSCE

called this a “conflict of interest” (ibid). Certainly all of the NGOs directly involved in this ‘international’ inquiry into the practice of sterilization grew in reputation and influence.

EDUCATION AND SEGREGATION

Another issue that disproportionately affects Roma is housing, or rather access to affordable (or state subsidized) housing. Both the EU and UN mention the problem of Roma “ghettoization” and/or segregation. Referring directly to the situation of Roma in Poland, The European Network Against Racism (ENAR) determined “the process of democratization seems to have had a good impact on the situation of minorities in general; however, the conditions of one of the groups, Roma, has broken down as a result of the economic transition process.” ENAR is the hub of a 600 strong network of European human rights NGOs and associations, endeavoring to monitor and report on national anti-discrimination policy and member-state implementation of EU directives¹¹⁶. The Polish government did introduce a programme in 2001 aimed at improving relations between the Roma and majority population in the province of Malopolska (PAP 13 Feb 2001). But this plan popularly referred to as the Malopolska Programme¹¹⁷ only came about after intense pressure by the United Kingdom “alarmed by the increasing number of Romani asylum seekers from Poland (Sobotka 2002: 3). The EU Commissioner for Human Rights, Alvaro Gil-Robles, reported that the Malopolska Programme, which is now a permanent feature of education policy in the region, was making a positive change in lives of Romani children (CHR Report 2006: 22).

For many years Romani children in the Czech Republic were sent to ‘special’ schools for children with learning difficulties, instead of to regular mainstream schools which are attended primarily by non-Roma children. In a groundbreaking decision, the ECHR ruled that this practice, which was prevalent in many parts of the Czech Republic,

¹¹⁶ The ENAR report refers to Article 13 of the Amsterdam Treaty, which “gave the European Union a legal base on which to develop appropriate measures to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation” (ENAR Pamphlet).

¹¹⁷ PAP reported “the programme is to provide equal opportunities in education by increasing the number of people finishing school, raising school attendance figures and improving the results of children and young people. It is also intended to fight unemployment (be encouraging people to get new qualifications) and reform health care and safety” (PAP 13 Feb 2001).

constituted a form of illegal segregation. In 2000 several Romani between the ages of 16 and 22 lodged a joint complaint with the ECHR believing they had be “discriminated against on racial grounds and deprived of their basic right of access to education” (EurActiv 2007). The ECHR was in fact their third stop. This matter was presented, first, to the Ostrava education authority, which dismissed the complaint outright, and second, to the Czech Constitutional Court, which in 1999 ruled the special schools to not be an infringement of their rights (ibid). Further to this, “legislation in all member states of the Council of Europe...will have to be revised” (AP 15 Nov 2007). The Roma complainants would certainly not have won their litigious battle with Czech authorities had it not been for the ECHR, which in this instance acted like an appellate court.

Roma NGOs saw the ruling as a wake-up call and signal to push for the formation of a pan-European strategy on Roma (Goldirova 2007). Romani children are sent to such special schools in Italy, Slovakia and Romania as well. According to Livia Jaroka MEP, there are more than 600 such classrooms in Hungary at the moment (BBC 2005). Thus a pan-European approach to solving Roma segregation is required. The EU Commission’s website on the Roma,¹¹⁸ which provides links to all available EU reports on Roma, xenophobia and human rights, is helpful. But the ECHR court ruling adds judicial weight to the many EU directives and programmes. As reported, “NGOs are setting their hopes on the recent ruling by the Strasbourg-based European human rights court” (ibid). Whether the Czech and Polish government will execute policy recommendations in a timely fashion is another matter altogether.

All of the Roma NGOs surveyed from the Czech Republic (N = 5) are funded though both EU and national government programmes. Three of the groups were established over 10 years ago, while the other two are between 6 and 10 years old. Returned questionnaires from several prominent Roma organizations, *Romodrom*, *Dženo*, *Společenství Romů na Moravě o.p.s* (The Association of Romanies in Moravia), *IQ Roma servis and*, *Vzájemné soužití* (Life Together) suggest a degree of tension still exists between government and Romani Organizations, despite their affiliation with EU institutions and agencies. A representative from Dženo believes “they [government] should learn to listen and to communicate [in a] better way.” The results indicate political

¹¹⁸ http://ec.europa.eu/employment_social/fundamental_rights/roma/

culture and politics in the Czech Republic is still elitist, meaning political parties and government take decisions unilaterally, and without an established system of interest mediation.

Directly below is a list of seven statements from a questionnaire distributed to Czech Roma NGOs at the end of 2007. Respondents were asked to indicate on a ten point scale, with 1 representing “strongly disagree” and 10 “strongly agree,” the extent to which they agree or disagree with each separate statement. The mean average from five respondent Roma NGOs is indicated in the right column.

7.1 Roma NGOs Political Efficacy and Perceptions of Politics

Statement	Average Score
1. Government encourages groups like mine to participate in the policy making process	4
2. Government is eager to hear what my organization has to say about pending policy	3
3. Democracy is further enhanced with the presence of organizations like mine	7.8
4. Political parties are better able to translate the needs of the population than non-governmental organizations	1.6
5. Since joining the European Union in 2004, I have noticed government representatives taking more effort to consult non-governmental organizations like mine	4
6. Government thinks they know best	8
7. The policy process is controlled by political elites	7.6

The numbers, though generated from a small sample size, are telling in terms of what they say about how Roma NGOs view Czech politics and policymaking. They regard the policy process as essentially elite driven with government not really appreciating the expertise Roma NGOs bring to the policymaking table, even though the EU explicitly asked the Czech government (and other EU member states) to work more closely with

Roma NGOs in the correction of discriminatory policies and practices. Despite the effort of NGOs (via policy networks) and the presence of external (supranational) institutions and international agencies, the Roma are still facing economic hardships and political marginalization. Referring to international philanthropists and funding agencies, the Dženo representative wrote, “without them [it] would be impossible to work.”

The three contentious issues presented above demonstrate how outside political and judicial influences, namely the ECHR, the EU Commission, EP and EU treaty law, can change the parameters of contention for national NGOs. Further, international organizations, like the United Nations, and national governments (i.e. U.S. Congress) inside and outside Europe, can have a profound effect on how contentious collective action occurs. No single institutions or actor has power ‘over’ national lawmakers in Poland and the Czech Republic, as sovereignty still rests in the hands of their respective legislators – in the Polish Sejm and Czech *Poslanecká sněmovna* (Chamber of Deputies). But NGOs, especially those that are members of a network or community, are significantly more powerful today as result of the EU and the internationalization of human rights discourse. The questionnaire results, presented below, indicate that the five most recognized and embedded Roma NGOs in the Czech Republic still lack the political capital needed to alter power dynamics in any lasting way. Though it could be noted they are, in fact, making an impact at the EU and international level, and publicising injustices experienced by Czech Roma .

CONCLUSION

Roma rights have been taken up by a number of international organizations (e.g. Helsinki Human Rights Federation), European agencies (e.g. the European Roma Rights Centre), state-level non-governmental organizations (e.g. Roma Women’s Initiative and the Romani Civic Initiative) and governmental agencies (e.g. Office for Ethnic Equality and Roma Integration, Czech Republic, or Office of Gypsy Affairs, Poland). The situation is improving for the Roma. Peter Vermeersch (2001) contends

Since the beginning of the 1990s, there has been a growing transnational advocacy network focusing on the situation of ethnic minorities in Central and Eastern Europe. Many international NGOs started to criticize the maltreatment of minority citizens in these countries and conducted campaigns aimed at changing

government behaviour, educating citizens and raising awareness of right within minority communities (p.1).

Stressing the language of rights and citizenship, many of these NGOs (like Human Rights Watch) have helped establish an encompassing human rights discourse in ECE. They have also drawn media attention to what are often obvious examples of institutionalized forms of racism. But like the other sectors investigated, this sort of international assistance is not always the best thing for a fledgling movement. It tends to cut the activist off from the grassroots and the advocacy groups off from the populations they represent. Considering the plight of Roma post-1989, however, direct international support was the only way to jump start the Roma-rights movement, which has found little sympathy and compassion within majority group.

The Roma rights sector is a multilayered policy arena that sees a multitude of actors voicing often divergent opinions. But in this way, Roma rights and, minority rights in general, is beginning to be explored by a host of political actors. Though state power and government priorities places certain constraints on the development of 'rights' legislation, it must be recognized this sector is exhibiting characteristics common to pluralist systems. That is, the state, while having its own preferences, must contend with and mediate between often politically powerful agencies and non-state actors in the construction of new policy. While the transition to democracy must be regarded as having brought to the fore Romani rights, as governments were concerned first and foremost with meeting existing EU human rights protocols, it must also be seen as a destabilizing force for much of the Roma population.

The structure-agency problem is one that has specific application in the context of Roma rights. For the most, it is structural level impediments to collective action that have been the most damaging – and have delayed the development of a more potent Roma lobby. Uncertainty does not lend itself to the formation of stable, effective, Roma organizations, or the creation of policy networks. The most striking thing about the Roma movement, and this applies equally to the other sectors under study here, is how isolated it is from the rest of civil society. There is a Romani women's rights group, the Roma Women's Initiative, which cuts across two of the sectors investigated here. But for the most, Polish and Czech interest groups tend not to cross sectoral lines.

CHAPTER EIGHT

Conclusion

The case studies and empirical research presented above suggest contemporary contentious politics has been significantly influenced by both European and international actors, to the point where non-national NGOs and institutions can alter the outcome of what are essentially local or national contentious episodes.

Four assertions can be made. First, transnational issues like the environment (i.e. pollution, water contamination and nuclear energy) and human rights can potentially attract a broad coalition of international activists and organizations to a discrete policy issue. Two, any direct correlation between a 'strong' civil society and an active interest group sector must be rethought, as post communist era contentious politics is complicated by a host of intervening variables, such as international actors, institutions and legal norms. Many local/domestic groups are a part of larger global coalitions and networks and therefore not directly affected by domestic socio-political conditions and/or power dynamic. Three, European governance *not only* allows for non-traditional forms of interest intermediation and political mobilization, *but also even generated* previously unknown forms of activism and lobbying. Four, the long-term impact of such an arrangement on civil society development is unknown, but it goes to reason that contentious politics in CEE will for some time to come present social scientists with both theoretical quandaries and conceptual headaches. It is difficult to predict how many international or strictly European NGOs (or which ones) will mobilize in response to an essentially local contentious episode. The number, type and duration of protests is related to *political opportunity structure*, which he defined as "the degree to which groups are likely to be able to gain access to power and manipulate the political system" (in McAdam et al. 1996:23). In a multilayered European polity, POS is not confined or restricted to one administrative level. NGOs looking for power and/or influence will no doubt look to EU institutions and actors if stymied at the national level.

For over 40 years civil society in Poland and the Czech Lands, and elsewhere in the eastern 'bloc,' was frozen, save for a few movements in the latter part of this period.

Even Poland, which had an incredibly active voluntary sector when compared to other Soviet-styled states, did not have a civil society in the classical Tocquevillian sense. Poland had autonomous, voluntary groups, but they were never a legitimate part of the decision-making apparatus – groups like KOR and Solidarity were not a feature of the regime type, they were in effect an anomaly. The hypotheses in the introductory chapter were positioned to reflect this historical reality. Even with international funding the nonprofit sector would remain weak, as it did not have tangible grassroots support. This was based on the fact that, a) many prominent dissidents ‘exited’ civil society for positions in government just as democratization began thus decreasing the effectiveness of NGOs (Bernhard 1996); b) the new power structure was and would continue to be essentially anti-NGO, with prime minister Klaus’s censuring¹¹⁹ of Czech environmental groups a clear example, and; c) the significant institutional changes taking place would disadvantage NGOs, in that *ad hoc* lawmaking, abrupt constitutional change and a fracturing, unpredictable political party system would take attention away from civil society, putting it squarely on political elites and the institutions they occupy. Furthermore, many academics and practitioners were reporting that post communist civil society was weak (Kopecky and Barnfield 1999; Carothers 2000; Howard 2002; Kopecky and Mudde 2003), with low levels of volunteerism and associational affiliation, and without any large, strong, grass-roots organizations to speak of. Dahrendorf argued just after the ‘1989 revolutions’ minimally six decades were required for CEE states to develop a proper civil society. His initial projections have changed somewhat as EU membership, he argues, provided unforeseen impetus for fledgling CEE democracies (Dahrendorf 2005). Accession forced Poland and the Czech Republic to expedite democratization and gave many NGOs reason to become more involved (if not involved for the first time) in the political process.

The initial argument was that in Poland and the Czech Republic government and administrative agencies are able to construct policy in relative isolation. Some

¹¹⁹ It has been reported that the PM Václav Klaus put Hnutí DUHA and other prominent environmental NGOs on a ‘terrorist watch list’ (Bechmann 1999). Radio Prague reported that Miloš Zeman’s foreign minister, Jan Kavan, announced he would have the intelligence service monitor the activities of Czech and Austrian environmental NGOs demonstrating Temelín NPP (Radio Prague 25 Feb. 1999).

challengers, lobbyists and advocates manage to exert influence, but policymaking remains predominantly the responsibility of legislators and political elites. In a 'winner-take-all' majoritarian system government is able to keep stakeholders at bay by taking decisions and augmenting institutions in such a way as to maximize their power and influence. The so-called 'opposition agreement' between two rival Czech political parties (also ideological opposites) the Civic Democrats and Social Democrats in 1998 supports this idea. After examining contentious collective action in Poland and the Czech Republic, it appears this initial argument did not fully appreciate the potential for external actors to offset power disparities at the national level. For as the case studies show and empirical research suggest, democratization and Europeanization have helped certain NGOs and interest sectors accumulate political capital. It is important however to not over extend this argument either, as EU institutions cannot help NGOs overcome all obstacles and impediments to collective action. Sidney Tarrow (1999) offers the following idea.

International institutions are created by states, supported by states, and – beyond a certain level of tolerance – serve the interests of states. While they provide venues for network formation, mobilization and collective action, they are not in the business of dissolving state authority structures (p.26).

However the EU is not a 'normal' international institution as its supranational institutions, namely the Commission and ECJ, are able to usurp state authority in areas falling under the Union's recognized competency. Also, through the process of Europeanization, decision-making has shifted away from national legislatures to EU institutions, such as the EP (Hooghe and Marks 2001: 42), thus opening up the policy process to a host of substate actors and other influences. For this reason it was impossible to evaluate government-NGO relations in Poland and the Czech Republic without considering EU decision making and governance. Irrespective of who ultimately 'wins' a contentious episode/event, the state or the NGOs (and any other actors) opposing national policy, the very presence of EU institutions changes the parameters of contention.

Poland and the Czech Republic are *still* sovereign states, which means each respective government *still* retains considerable influence over policy-making and implementation, even in areas of environment, gender equality and Roma policy. Just as

European states do not fully control the political environment, so to the European Union is seldom able to force policy change in areas it does not have competency. There is a big difference then between disappointing the EU, such as when Poland closed the ‘Plenipotentiary on the Equal Status of Women and Men’, and contravening an enumerated EU directive or article, which Poland would have done had it proceeded with construction of *Via Baltica* motorway through the Rospuda valley. European decision-making is complex and sometimes even complicated, as there are a multitude of actors operating all levels of the decision making rubric. The examples presented in this dissertation point to a highly stratified system in which member states and EU agencies often work collaboratively to deliver policy solutions. Contentious collective action seemed to occur when the national government was either: disregarding an express EU directive or programme; the national government was failing to transpose EU policy or other international laws quickly enough, thus creating a policy lag, or; the national government was refusing to replace or augment existing policy so that it reflect a particular NGOs preference. In this way traditional lobbying still occurs alongside EU-level contentious collective action.

* * *

The next two sections revisit the research questions and hypotheses from chapter 1. First, it was asked, does the myriad of European and international actors that inhabit contentious spaces in post communist Europe change domestic patterns of contentious politics and NGO in any discernable activity? Based on the sporadic but well attended public demonstrations that took place in the Czech Republic in the mid to late 1990s, and the high levels of dissatisfaction Poles felt for their new economy and political system up until the beginning of the 21st century, it would be easy to think that in post communist Europe the state/government, political elites and political parties wield considerable power. Marc Morjé Howard’s (2003) examination of civil society in post communist Europe revealed an overall weakness among CEE civil societies, with low rates of volunteerism, associational affiliation and political efficacy. This is not entirely surprising if we consider for a moment the sheer scale of the economic and political

upheaval that marked the first decade of transition. Democratization, as Diamond (1997) points out, is a complicated process involving socio-political, cultural, economic and international determinants. Not surprisingly Poland and the Czech Republic's path to democratic consolidation was at times made more complicated by instances of corruption, cronyism and cover-up (cf. Holmes 2006: 34-36). The introduction of 'foreign' NGOs into the region, even though most were staffed by locals, immediately changed the nature of contentious politics in Poland and the Czech Republic.

The most significant change came when Poland and the Czech Republic acceded to the EU 2004 and its many directives, protocols, practices and laws. This provided advocacy NGOs, both inside and outside these states, with an opportunity to extend their activities to neighboring states and Brussels. Almost overnight existing networks grew to accommodate the 10 new member-states. Did this change national contentious practices? Looking at the examples presented in this dissertation and the results of the NGO questionnaire distributed in the fall of 2007, it is clear the architecture of contentious collective action has changed since 2004. A host of groups, actors and institutions are involving themselves in national-level issues. But in an interconnected Union 'local' problems or concerns, especially those of an environmental nature, quickly attract the attention of other NGOs and institutions.

Second, can an underdeveloped civil society be 'topped up,' so to speak with political actors from other regions and countries? Civil society has two faces, the political and the apolitical or nonpolitical. The latter is most commonly associated with the idea of democratic political culture and social capital (Putnam 1993, 1995). Contentious collective action is a political event, in that stakeholders mobilize to influence decision making or policy. The cases of contentious politics examined in this dissertation suggest that when European and international NGOs mobilize alongside their national counterparts, their concerted effort is seemingly taken more seriously by European institutions and national lawmakers. However this is very difficult to quantify. Also, not all groups are weak or in need of international or European assistance. But even when competent national NGOs are engaging in contentious collective action actors from other jurisdictions seem compelled to lobby alongside or parallel to them. Temelín NPP is one of the best examples of this. A well organized group of Czech environmental

NGOs were able not only to initiate a public debate about Temelín NPP but also nuclear energy in general. The campaign against Temelín NPP was successful, in that it attracted NGOs, actors and institutions from Europe (and America), but in the end the Czech government gave the project final approval. The EU supported the Czech government's position on Temelín, and worked hard to discover a solution all actors but especially Austria could deal with. Note here that the EU did not blindly endorse environmental NGOs or anti-nuclear Austria, but instead interpreted existing directives and rules relating to nuclear energy production in the Union. Ultimately the Czech position was made stronger by receiving EU endorsement.

Third, what will happen to strictly national NGOs in a highly integrated European polity? The likelihood of strictly national NGOs remaining isolated from European advocacy networks and/or institutions for much longer is rather low. Even if they operate alone at the national level other institutions will surely influence their environment and thus the mobilization strategies they employ. There will always be room for national or local NGOs in the EU, as many policy areas, thanks to the principle of subsidiarity, are becoming the responsibility of town councils, municipal bureaucrats and burgomasters. As my research indicates, collective action tends to involve a multitude of actors from the local, national, European and sometimes international level.

Three separate but interrelated hypotheses formed the basis of this dissertation, the first one asserted, for the foreseeable future government and state institutions will possess an inordinate amount of political power and by extension an ability to shut NGOs and other stakeholders out of the policy process, regardless of their popularity and policy competence. Several of the examples presented in this dissertation act to confirm this hypothesis. Yet, several others point to a much more complex system of political mobilization and contentious collective action, wherein power is highly diffuse and national governments are only one of many potentially potent actors. The Rospuda valley episode, which pit Polish authorities against an amalgam of international, European and local environmental activists, was presented to show how EU institutions, namely the EP, ECJ and Commission (esp. European Commissioner for the Environment, Stavros Demas) can be used by NGOs to initiate policy change at the national level. Because Poland acceded to the Natura 2000 programme, which established a European-wide

network of protected natural areas, it was unable to ‘unilaterally’ build on an ecologically sensitive parcel of land near Augustów, north-east Poland. Another example of how European institutions change the parameters of contention was presented in the Roma section of the EU chapter. The matters of coercive sterilization and ‘special’ (segregated) schooling for Romani children attracted the attention of many European and international actors, which in turn put pressure on the Czech government to augment or completely change related policies. Thus Roma NGOs based in the Czech Republic were not mobilizing against the Czech government alone but rather with a multitude of actors, each having a particular relationship with the Czech Republic, the EU and the Roma community.

The post communist state is neither entirely weak nor powerful, though it has held a privileged position since 1989 as architect of the new democratic order, complete with transposing the EU’s *acquis communautaire*. Institutional redesign has been a massive undertaking for state officials in Poland and the Czech Republic. Writing an essentially new constitution, designing a multi-party parliamentary system, expunging socialist jargon from statutes and bureaucratic manuals, creating new political subunits and in the Czech instance a brand new state, has been no easy task. As a result of this process, which happened very quickly, many stakeholders, advocacy NGOs and CSOs were excluded. As Schmitter (1997) cautions, too many powerful civil society actors can actually disrupt democratization and lead to a fragmented and asymmetrical polity. Also, “civil society can contribute to democratic consolidation only if other institutions are also favourable” (1997: xxxiii). This suggests the institutional bias of early post communist governments, especially Klaus’ in the Czech Republic, may have been a good thing for transition and democratic consolidation. From 2004 the parameters of contention have changed. The state is no longer the sole architect of policy and NGOs (along with other CSOs) are an accepted (and acceptable) part of European governance.

The second thesis assumed The NGOs under analysis here, due to their inexperience and material weakness, will not be able to influence policy in a meaningful way. Considering the emergence of transnational advocacy networks and the oversight granted EU institutions, especially in the areas of environment and human rights policy, it appears the relative material weakness of any single national NGO is less consequential

than at any time before. In this regard the above thesis can be challenged. Polish and Czech NGOs are not isolated actors in the sense they must acquire skills and experience without help from outside advocacy groups and institutions. As presented above, PHARE grants and other targeted funding programmes have helped Roma organizations immeasurably. They provided Roma NGOs with basic material needs, such as computers and fax machines, and also a degree of legitimacy that was previously lacking. Still with the Roma example, the presence of the ERRC, a dedicated website on and for Roma (through the Directorate General, Employment, Social Affairs and Equal Opportunities), a European anti-discrimination NGO network and EU laws concerning racial discrimination and unfair hiring practices, have extended POS beyond national boundaries. NGOs are able to influence policy by utilizing ‘new’ EU institutions, ‘new’ EU directives and policy and ‘new’ EU-level NGO networks. This does not mean however national governments are altogether politically weak and unable to frustrate some NGOs and NGO communities. The Czech government did not back down over Temelín NPP despite pressure from Austria and a broad coalition of environmental NGOs to decommission the plant altogether. In Poland, government refuses to seriously consider any measure that would undo strict abortion laws, even though an international consortium of women’s NGOs have been active in opposition.

The groups and sectors used to explore post communist contentious collective action have gained most from EU accession, as the EU has full or partial competency in environment, gender equity and minority rights policy. And even when jurisdiction has not been expressly assigned to EU institutions by member-states, the EU is still able to exert influence through direct or indirect funding of NGOs, civil society organizations and research. Romani NGOs for instance, including all of the organizations surveyed for this dissertation, cover a significant portion of the operating costs with EU monies. They would not be able to function as they do without EU funding. Thanks to private philanthropy, direct government funding (from the Czech and Polish state) and EU support, the Roma NGO sector is no longer materially weak.

Finally, accepting that EU accession would present NGOs with greater opportunities, the third thesis determined EU accession should alter status quo power dynamics in an empirically significant way. Thus political parties (and government of the

day) will be unable to retain control over all aspects of the policy process. What EU accession had done for the NGO community in Poland and the Czech Republic is provide several new access points through which they can enter the policymaking process/chain. In POS terms such access point are important in shaping the nature and scope of contentious collective action. In this way pre accession power dynamics have been altered, in some cases substantially. As members of the European Union national governments cannot introduce policy that contradicts existing directives and practices, as such NGOs are able to focus attention on transposition and implementation. If a discrepancy arises between national legislation and EU law, they can alert/lobby the Commission and if required the ECJ. This additional layer of judicial (and political) oversight is good for NGOs, and in the cases presented proven bad for national lawmakers. In terms of how contentious politics actually occurs in Poland and the Czech Republic, several of the cases presented above (namely Rospuda valley, Temelín and Roma schooling) show NGOs to have a heightened awareness of their institutional surroundings and recognition of the collective action opportunities European integration creates.

Separately, the process of Europeanization has reinforced practices that benefit NGOs and civil society actors. For example, the EU's insistence on 'governance' and 'civil society' has given many NGOs impetus to form larger, more specialized networks across the whole of the European Union. NGOs in Poland and the Czech Republic have in effect been 'gobbled up' by these ever growing transnational advocacy networks and policy communities. European integration helps to reinforce human rights norms and environmental law in new accession states. It also enables NGOs to more readily and easily coordinate their activities, as they do not have to worry about any significant variation in policy and approach. Isomorphism is helping smooth out any noticeable wrinkles in the institutional landscape, which can only assist the development of advocacy networks. The integration/harmonization process is not without problems. The Polish Catholic Church, which favours Poland's restrictive abortion law, backed EU membership so long as government kept the existing legislation in place after accession (AFP 20 Jan 2003). Not all groups favour continued EU integration, including the Polish Catholic Church, as it could mean the erosion of national culture and religion.

* * *

In the final analysis NGOs in Poland and the Czech Republic are beginning to exhibit characteristics common to competent, professional advocacy organizations. Many of the more prominent groups in the women's rights, environmental and Roma rights sector have benefited from international financial support. Other groups, like Greenpeace, Friends of the Earth (Hnutí DUHA) and Network of East West Women in Poland, gained immediate advantage through their membership in already established NGO networks. While NGOs are gaining institutional competency and learning how to perform functions in-line with their status, such as lobbying, they nevertheless are faced with the prospect of developing much needed grassroots connections in a political system that seems to favour upward motility. The government's underutilization of the third sector means policy reflects the interests of the state and the dominant discourse of the day, which so happens to be neoliberalism (Ost 1993; Orenstein 2001; Holmes 2006).

There was great hope and sometimes unrealistic expectations for Poland and the Czech Republic after their communist regimes capitulated in 1989. However one evaluates the current situation, it is remarkable that these two societies have proceeded from authoritarianism to the European Union in less than fifteen years without any significant social unrest. It is extremely difficult to say where these young democracies will go next. Democratization has been disrupted but at the same time reinforced or expedited by EU membership. The state is still a power actor yet at times besieged by European and international lobbyists, institutions and NGOs. The examples, case studies and survey results indicate contradictory developments. NGOs feel marginalized, underappreciated and mistrusted though are working collaboratively with other NGOs (mainly in Europe), exerting pressure on both national and European lawmakers, and realizing impressive policy victories in two of three sectors examined.

Any future research into the form and scope of contentious politics and political mobilization in post communist Europe will have to at the very least acknowledge the increased role of external actors and institutions. Additionally, researchers should be encouraged to use the language and conceptual tools of social movement scholarship

when exploring NGO activity in post communist Europe because it is well suited to explaining collective action during periods of comprehensive institutional change. Finally, the political opportunities that came with EU accession may only be temporary, the result of Czech and Polish lawmakers adapting to European laws and norms. Once this honeymoon period is over, NGOs may find that collective action is best carried out at the local and national levels.

APPENDIX A

POLAND LAW ON PUBIC BENEFIT ACTIVITY AND VOLUNTEERISM¹²⁰ **Article 4**

1. The domain of public tasks mentioned in the Law covers tasks in the following fields:

- 1) Social care, including assisting families and individuals in difficult life situations, and providing equal opportunities to such families and individuals;
- 2) Charitable activities;
- 3) Sustaining national tradition, cultivating Polishness, and the development of national, civil, and cultural identity;
- 4) Activities for the sake of national minorities;
- 5) Protection and promotion of health;
- 6) Activities for the sake of the handicapped;
- 7) Promotion of employment and job-related motivation of individuals who are unemployed or who are threatened with redundancies;
- 8) Protection and promotion of women's rights and activities for the sake of equal rights for men and women;
- 9) Activities that support economic development, including the development of entrepreneurship;
- 10) Activities supporting the development of communions and local communities;
- 11) Science and humanities, education and upbringing;
- 12) Tourism and leisure of children and adolescents;
- 13) Culture, arts, protection of national heritage and tradition;
- 14) Promotion of sports;
- 15) Natural environment and animal welfare and the protection of environmental heritage;
- 16) Public order and social safety and prevention of social pathologies;
- 17) Promotion of knowledge and skills for the State defense;
- 18) Protection and promotion of human rights and freedoms, as well as activities supporting the development of democracy;
- 19) Protection of people and emergency rescuing;
- 20) Assistance to the victims of catastrophes, natural disasters, military conflicts and wars in the territory of the State and abroad;
- 21) Protection and promotion of consumer rights;
- 22) Activities for the sake of the European Integration and development of relations and co-operation among nations;
- 23) Promotion and organization of volunteerism;
- 24) Activities that provide technical support, training, information and/or financial assistance to non-governmental organizations and units mentioned in art. 3 par. 3, within the scope of points 1–23.

¹²⁰ An English translation of Article 4 of the Law on Public Benefit Activity and Volunteerism is provided by the U.S. International Grantmaking. The full document can be found at : <http://www.usig.org/countryinfo/laws/Poland/Poland%20PBA%20Article%204.pdf>

APPENDIX B
QUESTIONNAIRES IN ENGLISH



SCHOOL OF INTERNATIONAL RELATIONS
UNIVERSITY OF ST ANDREWS

Survey of Polish and Czech NGOs

Dear NGO Director/Member:

My name is Neil Cruickshank and I am a PhD student at the University of St. Andrews. My research concerns the development of Non-Governmental Organizations (NGOs) in Poland and the Czech Republic. I am especially interested in government-NGO interaction and policy development. As part of this research project, I am distributing a questionnaire designed to gather input from groups such as yours on issues pertaining to policy development and political activism.

In completing the questionnaire, I encourage you include as much information as you can. I feel it is important to consult directly with people like you, who have first hand knowledge of the NGO sector and its development. Feedback gathered from the responses to the questionnaire will be incorporated into my PhD dissertation. I am happy to provide you with a summary of my findings as soon as they become available. Without your participation it would be impossible to accurately analyze NGO activity and influence in Central Europe. Thank you for taking the time to answer the enclosed survey.

If possible, please return the questionnaire within two weeks of receipt. For further information on the issues contained in the questionnaire, please feel free to contact me directly at the email address provided. Although the questionnaire is designed for NGOs, responses will be accepted from other groups and associations interested in changing, challenging or augmenting government policy through activism and/or lobbying.

You can submit the completed questionnaire by e-mail, fax or mail (a postage paid envelope has been provided) to my university of employment. Please return your response to:

Mr. Neil Cruickshank
Department of Political Studies
University of Prince Edward Island
Charlottetown, PE
C1A 4P3
CANADA

...Or by email at nac3@st-andrews.ac.uk or by fax to 00 + 1 + 902 566 0339.

Thank you for your participation in this process. I look forward to receiving your feedback.

Sincerely,

Neil A. Cruickshank, BA MA MSc

Questionnaire (Czech Republic)

Thank you for taking time to complete this questionnaire. It should take you 20 - 25 minutes to complete. The results of this survey will appear in my PhD dissertation, *Power, Civil Society and Interest Articulation in Post Communist Europe*, and separately, in two conference papers.

I will be happy to supply you and your organization with the amalgamated results as soon as they become available. This survey is being sent to a variety of NGOs in both the Czech Republic and Poland and should yield very useful data.

Please tick (check) the box which best reflects your answer. You are encouraged to expand upon your answer when prompted. Space has been provided at the end of this survey for any additional comments you may wish to convey. Your assistance is greatly appreciated.

1. Name of Organization _____

2. Address and email: _____

The information gathered from this survey is for my personal use only. Only aggregated data will be publicly disclosed. **The data that is collected through this survey will be kept private to the extent allowed by law.** Data will be kept for personal use only. Association and Organization information will be kept in a secure, limited access location. Respondent identities will not be revealed in any publication or presentation of the results of this survey. There are no foreseeable risks by participating in this study.

* If you **DO NOT** want to be mentioned by name in my dissertation, please mark this box: [].

3. How long has your organization been in operation?

Less than 1 year

2 – 5 years

6 – 10 years

10 + years

4. Please indicate your position:

- Director
- Assistant director
- Staff (paid)
- Staff (volunteer)
- Other: _____ (please specify)

5.

- a) Does your organization have a permanent administrator? YES NO
- b) Does your organization have more volunteers than paid staff? YES NO
- c) Does your organization have an on-site resource centre? YES NO
- d) Does your organization receive draft government policy? YES NO
- e) Is your organization registered as an 'Obecně prospěšná společnost' (Public Benefit Corporation)? YES NO

6. How would you classify your organization? *You may select more than one category.*

- Pressure group
- Interest group
- Non-governmental organization
- Civil society organization
- Other _____ (please specify)

7. Is your organization the result of a merger between two or more associations/organizations?

- YES
- NO

If YES, please list below which organizations have merged to form your organization?

- a. _____
- b. _____

c. _____

d. _____

8. How does your organization meet its operating costs? *You may select more than one source.*

- Donations from private individuals
- Donations from private organizations or corporations
- European Union
- Direct government funding
- International funding bodies
- Other _____ (please specify)

9. Would you say your organization needs additional funding?

- Entirely
- Mostly
- Partly
- Not at all

10. Has your organization applied to any of these sources for funding?

- European Union
- Czech Government
- Other Government _____ (Please specify)
- Private philanthropist (i.e. Open Society Fund)
- International NGOs
- Other _____ (please specify)

11. Do you consider your organization knowledgeable enough to offer valuable policy advice to government?

- Definitely yes
- Most of the time, yes
- Undecided
- Not always
- Never

Please elaborate on your answer below:

12. How many regular members does your organization have? _____

a) How many irregular (i.e. part-time) members does your organization have? _____

b) How many members do you need to perform all necessary tasks? _____

13. Would you say the majority of your membership consists of:

- Full-time Students
- Full-time professionals
- Part-time professionals
- Retired people (pensioners)
- Other _____(please specify)

14. Rate the government's performance (to date) in your policy area

Very good

Good

Neither good nor poor

Poor

Very poor

15. How regularly does your organization meet with ministry representatives?

Weekly

Bi-monthly (twice a month)

Monthly

Never

Other _____ (please specify)

16. Government encourages groups like mine to participate in the policy making process

1 _____ 2 _____ 3 _____ 4 _____ 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10

Strongly Disagree

Strongly Agree

17. Government is eager to hear what my organization has to say about pending policy:

1 _____ 2 _____ 3 _____ 4 _____ 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10

Strongly Disagree

Strongly Agree

18. Democracy is further enhanced with the presence of organizations like mine:

1 _____ 2 _____ 3 _____ 4 _____ 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10

Strongly Disagree

Strongly Agree

19. Political Parties are better able to translate the needs of the population than non-governmental organizations:

1 _____ 2 _____ 3 _____ 4 _____ 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10

Strongly Disagree

Strongly Agree

20. Since joining the European Union in 2004, I have noticed government representatives taking more effort to consult non-governmental organizations like mine:

1 _____ 2 _____ 3 _____ 4 _____ 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10

Strongly Disagree

Strongly Agree

21. My organization has issued a press release (please circle): YES NO

If YES, please indicate how many: _____

22. My organization has participated in a public demonstration: YES NO

If YES, please indicate how many: _____

23. My organization is a member of a larger European NGO network: YES NO

24. If you answered YES for question # 22, please name this network below:

25. My organization is a member of a larger international NGO network: YES NO

26. If you answered YES for question #24, please name this network below:

27. Rate the following list of prime ministers according to their commitment to your policy area (i.e. environment, women's rights and equity):

1 = excellent 2 = very good 3 = good 4 = fair 5 = poor

a) Petr Pithart 1 2 3 4 5

b) Václav Klaus 1 2 3 4 5

c) Josef Tošovský 1 2 3 4 5

d) Miloš Zeman 1 2 3 4 5

e) Vladimír Špidla	1	2	3	4	5
f) Stanislav Gross	1	2	3	4	5
g) Jiří Paroubek	1	2	3	4	5
h) Mirek Topolánek	1	2	3	4	5

28. Please circle the level of importance you attach to each task or undertaking (*note the scoring key below*):

1 = extremely important 2 = very important 3 = somewhat important
 4 = not very important 5 = not at all important

a) Being able to comment on government policy:	1	2	3	4	5
b) Increasing membership:	1	2	3	4	5
c) Developing a relationship with the 'grassroots':	1	2	3	4	5
d) Developing closer ties with European NGOs:	1	2	3	4	5
e) Learning how to more effectively lobby:	1	2	3	4	5
f) Educating others about environmental problems:	1	2	3	4	5
g) Working directly with the European Union:	1	2	3	4	5
h) Developing closer ties with international NGOs:	1	2	3	4	5
i) Securing more financial support:	1	2	3	4	5

29. Is your organization provided time to read draft governmental policy? YES NO

30. Does your organization provide written feedback directly to government about proposed policy?

YES NO

31. Does your organization employ the use of:

a) Policy experts	YES	NO
b) Media Consultants	YES	NO
c) Professional lobbyists	YES	NO

d) Scientists or academics YES NO

32. Is the policy process transparent? YES NO

33. Does the policy process occur in a predictable way? YES NO

34. Please indicate what percentage of your operating budget goes toward:

_____ Advertising

_____ Daily operating costs (i.e. rent, heat and hydro)

_____ Lawyers or legal advisors

_____ Consultancy

_____ Staffing costs

_____ Other _____ (please specify)

35. The policy process more consultative (interactive) today than it was 10 years ago.

Definitely yes..... - --- Not at all

36. Democracy is better today than it was 10 years ago.

Definitely yes..... - --- Not at all

37. The current government ignores NGOs.

Always.....-.....-.....-.....-.....Never

38. The media report on issues important to NGOs.

Always.....-.....-.....-.....-.....Never

39. Political parties and NGOs work collaboratively on public policy.

Always.....-.....-.....-.....-.....Never

40. Government thinks they know best.

1 _____ 2 _____ 3 _____ 4 _____ 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10

Strongly Disagree

Strongly Agree

41. The policy process is controlled by political elites:

1 _____ 2 _____ 3 _____ 4 _____ 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10

Strongly Disagree

Strongly Agree

42. Please comment on what could be done to improve links between NGOs and other voluntary association and policy makers?

43. How important have international donors and philanthropists been for the development of organization like yours?

44. Does government favour certain types of organizations over others?

A large, empty rectangular box with a thin black border, occupying the upper half of the page. It is intended for the respondent to provide additional comments or anecdotes related to their organization and government policy.

45. Please use this page to include any additional comments or anecdotes relating to your organization and government policy. You may continue on the back of this sheet.

Thank you for taking the time to complete this questionnaire. Your assistance is greatly appreciated.

Questionnaire (POLAND)

Thank you for taking time to complete this questionnaire. It should take you 20 - 25 minutes to complete. The results of this survey will appear in my PhD dissertation, *Power, Civil Society and Interest Articulation in Post Communist Europe*, and separately, in two conference papers.

I will be happy to supply you and your organization with the amalgamated results in four to five months. This survey is being sent to a variety of NGOs in both the Czech Republic and Poland and should yield very useful data.

Please tick (check) the box which best reflects your answer. You are encouraged to expand upon your answer when prompted. Space has been provided at the end of this survey for any additional comments you may wish to convey. Your assistance is greatly appreciated.

1. Name of Organization _____

2. Address and email: _____

The information gathered from this survey is for my personal use only. Only aggregated data will be publicly disclosed. **The data that is collected through this survey will be kept private to the extent allowed by law.** Data will be kept for personal use only. Association and Organization information will be kept in a secure, limited access location. Respondent identities will not be revealed in any publication or presentation of the results of this survey. There are no foreseeable risks by participating in this study.

* If you **DO NOT** want to be mentioned by name in my dissertation, please mark this box: [].

3. How long has your organization been in operation?

Less than 1 year

2 – 5 years

6 – 10 years

10 + years

4. Please indicate your position:

- Director
- Assistant director
- Staff (paid)
- Staff (volunteer)
- Other: _____ (please specify)

- 5.
- a) Does your organization have a permanent administrator? YES NO
- b) Does your organization have more volunteers than paid staff? YES NO
- c) Does your organization have an on-site resource centre? YES NO
- d) Does your organization receive draft government policy? YES NO
- e) Is your organization registered as a 'Public Benefit Organization'?
(Organizacje pożytku publicznego) YES NO

6. How would you classify your organization? *You may select more than one category.*

- Pressure group
- Interest group
- Non-governmental organization
- Civil society organization
- Other _____ (please specify)

7. Is your organization the result of a merger between two or more associations/organizations?

- YES
- NO

If YES, please list below which organizations have merged to form your organization?

a. _____

b. _____

c. _____

d. _____

8. How does your organization meet its operating costs? *You may select more than one source.*

- Donations from private individuals
- Donations from private organizations or corporations
- European Union
- Direct government funding
- International funding bodies
- Other _____ (please specify)

9. Would you say your organization needs additional funding?

- Entirely
- Mostly
- Partly
- Not at all

10. Has your organization applied to any of these sources for funding?

- European Union
- Czech Government
- Other Government _____ (Please specify)
- Private philanthropist (i.e. Open Society Fund)
- International NGOs
- Other _____ (please specify)

11. Do you consider your organization knowledgeable enough to offer valuable policy advice to government?

- Definitely yes
- Most of the time, yes
- Undecided
- Not always
- Never

Please elaborate on your answer below:

12. How many regular members does your organization have? _____

a) How many irregular (i.e. part-time) members does your organization have? _____

b) How many members do you need to perform all necessary tasks? _____

13. Would you say the majority of your membership consists of:

- Full-time Students
- Full-time professionals
- Part-time professionals
- Retired people (pensioners)

Other _____ (please specify)

14. Rate the government's performance (to date) in your policy area

Very good

Good

Neither good nor poor

Poor

Very poor

15. How regularly does your organization meet with ministry representatives?

Weekly

Bi-monthly (twice a month)

Monthly

Never

Other _____ (please specify)

16. Government encourages groups like mine to participate in the policy making process

1 _____ 2 _____ 3 _____ 4 _____ 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10

Strongly Disagree

Strongly Agree

17. Government is eager to hear what my organization has to say about pending policy:

1 _____ 2 _____ 3 _____ 4 _____ 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10

Strongly Disagree

Strongly Agree

18. Democracy is further enhanced with the presence of organizations like mine:

1 _____ 2 _____ 3 _____ 4 _____ 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10

Strongly Disagree

Strongly Agree

19. Political Parties are better able to translate the needs of the population than non-governmental organizations:

1 _____ 2 _____ 3 _____ 4 _____ 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10

Strongly Disagree

Strongly Agree

20. Since joining the European Union in 2004, I have noticed government representatives taking more effort to consult non-governmental organizations like mine:

1 _____ 2 _____ 3 _____ 4 _____ 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10

Strongly Disagree

Strongly Agree

21. My organization has issued a press release (please circle): YES NO

If YES, please indicate how many: _____

22. My organization has participated in a public demonstration: YES NO

If YES, please indicate how many: _____

23. My organization is a member of a larger European NGO network: YES NO

24. If you answered YES for question # 22, please name this network below:

25. My organization is a member of a larger international NGO network: YES NO

26. If you answered YES for question #24, please name this network below:

27. Rate the following list of prime ministers according to their commitment to your policy area (environment/women's rights):

1 = excellent 2 = very good 3 = good 4 = fair 5 = poor

a) Tadeusz Mazowiecki 1 2 3 4 5

b) Jan Krzysztof Bielecki 1 2 3 4 5

c) Jan Olszewski	1	2	3	4	5
d) Waldemar Pawlak	1	2	3	4	5
e) Hanna Suchocka	1	2	3	4	5
f) Józef Oleksy	1	2	3	4	5
g) Włodzimierz Cimoszewicz	1	2	3	4	5
h) Jerzy Buzek	1	2	3	4	5
i) Leszek Miller	1	2	3	4	5
j) Mark Belka	1	2	3	4	5
k) Kazimierz Marcinkiewicz	1	2	3	4	5
l) Jarosław Kaczyński	1	2	3	4	5

28. Please circle the level of importance you attach to each task or undertaking (*note the scoring key below*):

1 = extremely important 2 = very important 3 = somewhat important
4 = not very important 5 = not at all important

a) Being able to comment on government policy:	1	2	3	4	5
b) Increasing membership:	1	2	3	4	5
c) Developing a relationship with the 'grassroots':	1	2	3	4	5
d) Developing closer ties with European NGOs:	1	2	3	4	5
e) Learning how to more effectively lobby:	1	2	3	4	5
f) Educating others about environmental problems:	1	2	3	4	5
g) Working directly with the European Union:	1	2	3	4	5
h) Developing closer ties with international NGOs:	1	2	3	4	5
i) Securing more financial support:	1	2	3	4	5

29. Is your organization provided time to read draft governmental policy? YES NO

30. Does your organization provide written feedback directly to government about proposed policy?
YES NO

31. Does your organization employ the use of:

a) Policy experts YES NO

b) Media Consultants YES NO

c) Professional lobbyists YES NO

d) Scientists or academics YES NO

32. Is the policy process transparent? YES NO

33. Does the policy process occur in a predictable way? YES NO

34. Please indicate what percentage of your operating budget goes toward:

_____ Advertising

_____ Daily operating costs (i.e. rent, heat and hydro)

_____ Lawyers or legal advisors

_____ Consultancy

_____ Staffing costs

_____ Other _____(please specify)

35. The policy process more consultative (interactive) today than it was 10 years ago.

Definitely yes..... - --- Not at all

36. Democracy is better today than it was 10 years ago.

Definitely yes..... - --- Not at all

37. The current government ignores NGOs.

Always.....-.....-.....-.....-.....Never

38. The media report on issues important to NGOs.

Always.....-.....-.....-.....-.....Never

39. Political parties and NGOs work collaboratively on public policy.

Always.....-.....-.....-.....-.....Never

40. Government thinks they know best.

1 _____ 2 _____ 3 _____ 4 _____ 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10

Strongly Disagree

Strongly Agree

41. The policy process is controlled by political elites:

1 _____ 2 _____ 3 _____ 4 _____ 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10

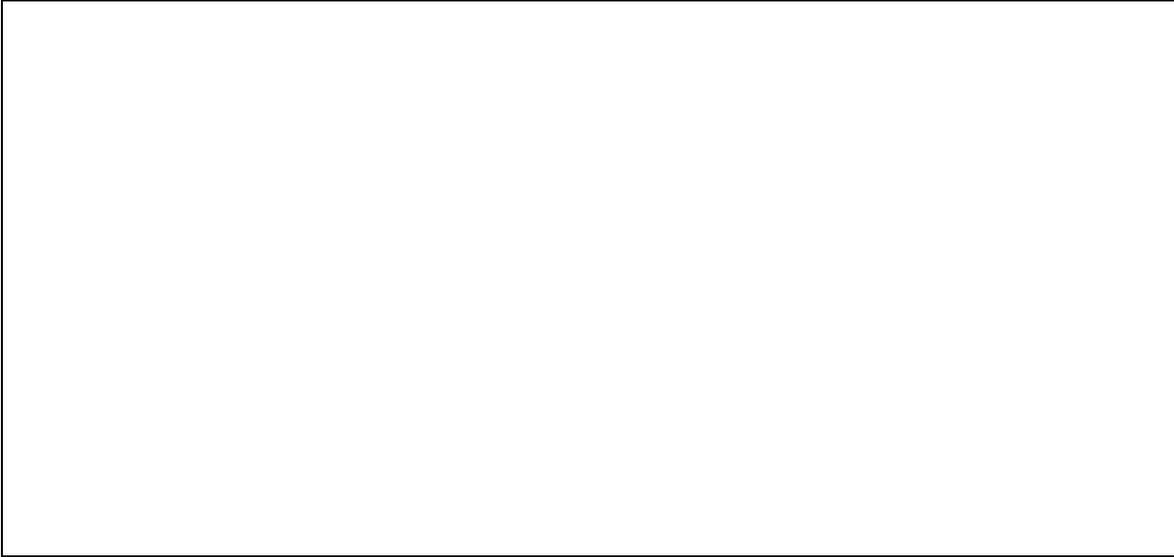
Strongly Disagree

Strongly Agree

42. Please comment on what could be done to improve links between NGOs and other voluntary association and policy makers?

43. How important have international donors and philanthropists been for the development of organization like yours?

44. Does government favour certain types of organizations over others?



45. Please use this page to include any additional comments or anecdotes relating to your organization and government policy. You may continue on the back of this sheet.

Thank you for taking the time to complete this questionnaire. Your assistance is greatly appreciated.

APPENDIX C: QUESTIONNAIRE IN POLISH



SCHOOL OF INTERNATIONAL RELATIONS UNIVERSITY OF ST ANDREWS

SONDAZ polskich i czeskich niezaleznych organizacji poza-rzadowych:

Drogi Prezesie/ Czlonku Niezaleznej Organizacji Poza-rzadowej:

Mam na imie Neil Cruickshank i jestem doktorantem na Uniwersytecie St. Andrews w Szkocji. Moja praca naukowo-badawcza dotyczy rozwoju Niezaleznych Organizacji Poza-rzadowych w Polsce i Republice Czeskiej. Moje szczegolne zainteresowanie skupia sie na stosunkach pomiedzy organizacjami poza-rzadowymi a rzadem oraz ich wplywie na ksztaltowanie polityki rządu. Czescia moich badan jest rozprowadzenie do organizacji podobnych Pana/Pani organizacji, kwestionariusza z pytaniami na temat ich politycznego zaangażowania w ksztaltowaniu polityki rządu.

Zachecam Pana/Pania mocno, aby podczas wypelnianie kwestionariusza, włączyl/a Pan/Pani jak najwiecej informacji w poruszanych kwestiach. Wierze, ze opinia czlonkow organizacji jest bardzo wazna i cenna, albowiem oni maja bezposredni kontakt, doswiadczenie i wiedze w dziedzinie dzialalnosci organizacji. Wszystkie dane z sondazu beda zawarte w mojej pracy doktorskiej. Z przyjemnoscia udostepnie Panu/Pani wyniki sondazu, wktotce po tym, jak zostana one przeze mnie opracowane. Dokladna analiza i ocena dzialalnosci Niezaleznych Organizacji Poza-rzadowych i ich wplywow w Centralnej Europie bylyby niemozliwe bez Pana/Pani udzialu.

W miare mozliwosci, uprzejmie prosze o zwrot wypelnionego kwestionariusza w ciagu dwoch tygodniu od daty jego otrzymania. Jesli potrzebuje Pan/Pani dodatkowych wyjasnien w kwestiach zawartych w sondazu, prosze o bezposredni kontakt ze mna na podany adres internetowy. Pomimo, ze sondaz jest zaprojektowany glownie dla Niezaleznych Organizacji Poza-rzadowych, to jednak z zadowoleniem przyjme odpowiedzi od wszelkich grup i stowarzyszen zainteresowanych zmiana, wyzwaniem lub wzmocnieniem polityki rzadowej poprzez dzialalnosc polityczna i nacisk (lobbying).

Ma Pan/Pani mozliwosc przeslania wypelnionego kwestionariusza droga pocztowa, faxem lub emailem do Uniwersitetu, w ktorym jestem zatrudniony. Prosze zauwazyc, ze wraz z kwestionariuszem otrzymal/a Pan/Pani zaadresowana zwrotna koperte wraz z oplata pocztowa. Prosze o zwrot wypelnionego kwestionariusza na ponizszy adres:

Mr. Neil Cruickshank
Department of Political Studies
University of Prince Edward Island
Charlottetown, PE CANADA C1A 4P3

lub na moj email: nac3@st-andrews.ac.uk lub na fax: 00-1-902 566 0339. Uprzejmie dziekuje za Pana/Pani udzial w moim projekcie naukowym. Bede wdzieczny za udostepnienie mi Pana/Pani opinii.

Z powazaniem Neil A. Cruickshank BA MA MSc

Kwestionariusz (PL)

Dziękuję Panu/Pani za poświęcenie czasu na odpowiedzi na pytania zawarte w tym kwestionariuszu, co nie powinno zająć więcej niż 25 minut. Wyniki tego sondażu zostaną opublikowane w mojej pracy doktorskiej, zatytuowanej "Władza, Społeczeństwo oraz Sposoby Określania Dążeń w Po-Komunistycznej Europie", oraz niezależnie w dwóch publikacjach seminaryjnych.

Z przyjemnością dostarczę Panu/Pani i Państwu organizacji połączone rezultaty badań w ciągu następných czterech do pięciu miesięcy. Pytania, na które Pan/Pani odpowiada, zostały rozesłane do wielu różnych niezależnych organizacji pozarządowych w Polsce oraz Republice Czeskiej. Spodziewam się, że przyniosą one wiele użytecznych danych naukowych.

Proszę o zaznaczenie wersji odpowiedzi, która według Pana/Pani najlepiej oddaje kwestię, o którą pytam. Zachęcam Pana/Pani do wpisania dodatkowych uwag, wyjaśnień i obserwacji we wskazanych miejscach, jak i na końcu kwestionariusza. Z góry dziękuję za okazaną mi pomoc.

1. Nazwa Pani/Pana Organizacji: _____

2. Adres oraz kontakt mailowy : _____

Informacje zebrane za pomocą tego kwestionariusza są wyłącznie do mojego użytku. Tylko opracowane zbiorcze rezultaty zostaną opublikowane. Poszczególne odpowiedzi uzyskane za pomocą tego kwestionariusza nie będą udostępnione publicznie, respektując zasady prywatności nakreślone przez prawo. Nazwy związku czy też organizacji będą przechowywane w trudno-dostępnym zabezpieczonym miejscu. Dane osobowe odpowiadających na te pytania nie będą ujawnione w żadnej publikacji, jak też w opracowanym połączonym wyniku tych badań. Uczestnicząc w tej ankiecie nie jest Pan/Pani narażony/a na żadne ryzyko.

* Jeżeli **NIE WYRAZA Pan/Pani ZGODY** na ujawnienie swojego nazwiska w mojej pracy doktorskiej proszę zaznaczyć to pole: []

3. Jak długo działa Pana/Pani Organizacja?

Mniej niż 1 rok.

2 – 5 lat

6 – 10 lat

10 + lat

4. Proszę o określenie swojej pozycji w organizacji :

Dyrektor/Prezes

Zastępca Dyrektora/Prezesa

Pracownik (zatrudniony na etacie)

Pracownik (wolontariusz)

Inna: _____ (proszę określić)

5.

a) Czy Pana/Pani organizacja ma stałego administratora? TAK NIE

b) Czy Pani/Pana organizacja ma więcej wolontariuszy niż opłacanych pracowników?

TAK NIE

c) Czy Pana/Pani organizacja ma na miejscu (w waszej siedzibie) dostęp do materiałów informacyjnych , naukowych oraz potrzebnego wsparcia w waszej działalności?

TAK NIE

d) Czy Pana/Pani organizacja otrzymuje zarys projektu polityki (polisy) rządu .

TAK NIE

e) Czy Pana/Pani organizacja jest zarejestrowana jako Organizacja Pożytku Publicznego 'Public Benefit Organization'?

TAK NIE

6. Jak może Pan/Pani sklasyfikować swoją Organizację ? Można wybrać więcej niż jedną z klasyfikacji.

Grupa nacisku (Pressure group)

Grupa Zjednoczonych Celów (Interest group)

Organizacja poza - rządowa

Organizacja społeczna

Inne _____ (proszę określić)

7. Czy Pana/Pani organizacja powstała na skutek połączenia się dwóch lub więcej związków lub organizacji .

TAK NIE

Jeżeli tak, proszę wymienić organizacje, które się połączyły formując Pana/Pani organizację?

a. _____

b. _____

c. _____

d. _____

8. Z jakich źródeł Pana/Pani organizacja czerpie fundusze na jej utrzymanie? Można wybrać więcej niż jedno źródło.

Wsparcie od osób prywatnych

Wsparcie od organizacji prywatnych lub korporacji

Unia Europejska

Bezpośrednie finansowanie przez rząd

Międzynarodowy Fundusz

Inne _____ (proszę określić)

9. Czy uważasz, że Pana/Pani organizacja potrzebuje dodatkowego wsparcia (funduszy)?

W całości

W większości

Częściowo

Zupełnie nie

10. Czy Pana/Pani organizacja występowała już do poniżej wymienionych źródeł o wsparcie finansowe?

- Unii Europejskiej
- Rządu Polskiego
- Rządu Innego kraju _____ (proszę o wymienienie którego)
- Prywatnego filantropisty (dla przykładu prywatny fundusz filantropijny)
- Międzynarodowej Organizacji poza - rządowej
- Innej _____ (proszę określić jakiej)

11. Czy uważasz, że Pana/Pani organizacja ma wystarczająco wiedzy, aby zaoferować znaczącą pomoc w kształtowaniu polityki rządu?

- Definitywnie tak
- W większości tak
- Nie jestem zdecydowany
- Nie zawsze
- Nigdy

Proszę o rozszerzenie swojej odpowiedzi poniżej:

12. Ilu stałych członków liczy Pana/Pani organizacja?

a) Ilu członków nieregularnie uczestniczy w pracach Pana/Pani organizacji (np w niepełnym wymiarze godzin)?

b) Ilu członków potrzebuje Pana/Pani organizacja aby wykonać stojące przed nią zadania?

13. Proszę określić, kto stanowi większość członków Pana/Pani organizacji:

- Studenci uczący się w pełnym wymiarze godzin
- Profesjonaliści zatrudnieni w pełnym wymiarze godzin
- Profesjonaliści zatrudnieni w niepełnym wymiarze godzin
- Renciści
- Inni _____ (proszę określić)

14. Proszę ocenić pracę rządu w sferze działania Pana/Pani organizacji

- Bardzo dobra
- Dobra
- Ani dobra ani zła
- Zła
- Bardzo zła

15. Jak często Pana/Pani organizacja spotyka się z przedstawicielami ministerstwa:

- Raz w tygodniu
- Dwa razy w miesiącu
- Raz w miesiącu
- Nigdy
- Inne _____ (proszę określić)

16. Rząd zachęca grupy podobne do Pana/Pani organizacji do uczestnictwa w procesie kształtowania jego polityki:

1 _____ 2 _____ 3 _____ 4 _____ 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10

Absolutnie się niezgadzam

Absolutnie się zgadzam

17. Rząd jest skłonny do poznania stanowiska Pana/Pani organizacji wobec kierunku obecnej jego (rządu) polityki:

1 _____ 2 _____ 3 _____ 4 _____ 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10

Absolutnie się nie zgadzam

Absolutnie się zgadzam

18. Demokracja jest bardziej wzbogacona poprzez obecność organizacji takiej, jak Pana/Pani organizacja:

1 _____ 2 _____ 3 _____ 4 _____ 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10

Absolutnie się nie zgadzam

Absolutnie się zgadzam

19. Partie polityczne potrafią lepiej odczytać potrzeby społeczeństwa niż organizacje poza-rządowe :

1 _____ 2 _____ 3 _____ 4 _____ 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10

Absolutnie się nie zgadzam

Absolutnie się zgadzam

20. Od czasu wejścia Polski do Unii Europejskiej w 2004 roku przedstawiciele rządu wykazują więcej zainteresowania wobec konsultacji z organizacjami poza-rządowymi takimi, jak Pana/Pani organizacja :

1 _____ 2 _____ 3 _____ 4 _____ 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10

Absolutnie się nie zgadzam

Absolutnie się zgadzam

21. Pana/Pani organizacja opublikowała informacje w prasie (proszę zakreśli):

TAK NIE

Jeżeli tak, to jak często: _____

22. Pana/Pani organizacja uczestniczyła w publicznych demonstracjach: TAK NIE

Jeżeli tak , to jak często: _____

23. Pana/Pani organizacja jest członkiem większej sieci europejskich organizacji poza - rządowych:

TAK NIE

24. Jeżeli odpowiedź na pytanie 23 brzmi “ tak “ - proszę o podanie nazwy europejskiej sieci organizacji poza-rządowych (NGO) poniżej:

25. Pana/Pani organizacja jest członkiem większej międzynarodowej sieci organizacji poza-rządowych :

TAK NIE

26. Jeżeli odpowiedź na pytanie 25 brzmi “ tak” - proszę o podanie nazwy sieci:

27. Proszę ocenić działalność polskich premierów z poniższej listy - w odniesieniu do ich zaangażowania w dziedzinę działalności, jaką prowadzi Pana/Pani organizacja (środowisko naturalne / prawa kobiet itp.):

1 = Wspaniała 2 = Bardzo dobra 3 = Dobra 4 = Taka sobie 5 = Zła

a) Tadeusz Mazowiecki 1 2 3 4 5

b) Jan Krzysztof Bielecki 1 2 3 4 5

c) Jan Olszewski 1 2 3 4 5

d) Waldemar Pawlak 1 2 3 4 5

e) Hanna Suchocka 1 2 3 4 5

f) Józef Oleksy 1 2 3 4 5

g) Włodzimierz Cimoszewicz 1 2 3 4 5

h) Jerzy Buzek 1 2 3 4 5

i) Leszek Miller 1 2 3 4 5

j) Marek Belka 1 2 3 4 5

k) Kazimierz Marcinkiewicz 1 2 3 4 5

l) Jarosław Kaczyński 1 2 3 4 5

28. Proszę określić poziom ważności poniżej wymienionych przedsięwzięć/ działalności wg Pana/Pani opinii (proszę użyć skale ocen umieszczoną poniżej):

1 = Ogromnie ważne 2 = Bardzo ważne 3 = Nieco ważne 4 = Niewiele ważne
5 = Zupełnie nieważne

a) Możliwość komentowania polityki rządu: 1 2 3 4 5

b) Zwiększenie liczby członków organizacji:	1	2	3	4	5
c) Rozwinięcie więzi z szeregowymi członkami organizacji:	1	2	3	4	5
d) Stworzenie silniejszych związków z Europejskimi organizacjami poza – rządowymi:	1	2	3	4	5
e) Uczenie się jak bardziej efektywnie wywierać nacisk (lobbying):	1	2	3	4	5
f) Nauczanie innych o problemach środowiska naturalnego:	1	2	3	4	5
g) Bezpośrednia współpraca z Unią Europejską:	1	2	4	4	5
h) Stworzenie mocniejszych powiązań z międzynarodowymi organizacjami poza – rządowymi:	1	2	3	4	5
i) Zabezpieczenie większego dopływu poparcia finansowego dla organizacji :	1	2	3	4	5

29. Czy Pana/Pani organizacja otrzymuje wystarczającą ilość czasu na przestudiowanie zarysu projektu polityki (polisy) rządu?

TAK NIE

30. Czy Pana/Pani organizacja dostarcza pisemne uwagi bezpośrednio do rządu w sprawie proponowanego przez rząd stanowiska(polisy) ?

TAK NIE

31. Czy Pana/Pani organizacja korzysta w swojej pracy z:

a) Expertów polityki TAK NIE

b) Konsultantów medialnych TAK NIE

c) Profesjonalnych lobbystów TAK NIE

d) Naukowców i Akademików TAK NIE

32. Czy proces ustalania polityki (polisy) jest przejrzysty? TAK NIE

33. Czy proces ustalania polityki (polisy) przebiega w sposób spodziewany, łatwy do przewidzenia?

TAK NIE

34. Proszę wskazać, jaki procent budżetu przeznaczony jest w Pana/Pani organizacji na :

_____ Reklamę

_____ Codzienny koszt działalności (dla przykładu czynsz, ogrzewanie, prąd)

_____ Adwokatów i doradców prawnych

_____ Konsultacje

_____ Koszty pracownicze

_____ Inne _____ (proszę o określenie)

35. Czy proces tworzenia polityki (polisy) przebiega obecnie w atmosferze większej konsultacji niż 10 lat temu .

Definitywnie tak..... - --- Absolutnie nie

36. Demokracja jest większa niż 10 lat temu.

Definitywnie tak..... - --- Absolutnie nie

37. Obecny rząd ignoruje organizacje poza - rządowe.

Zawsze.....-.....-.....-.....-.....Nigdy

38. Środki masowego przekazu informują o wydarzeniach ważnych dla organizacji poza - rządowych.

Zawsze.....-.....-.....-.....-.....Nigdy

39. Partie polityczne wspólnie z organizacjami poza-rządowymi pracują wspólnie nad programem społecznym (polisą).

Zawsze.....-.....-.....-.....-.....Nigdy

40. Rząd myśli, że wie wszystko najlepiej.

1 _____ 2 _____ 3 _____ 4 _____ 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10

Absolutnie się nie zgadzam

Absolutnie się zgadzam

41. Proces kształtowania polityki (polisy) jest kontrolowany przez polityczne elity :

1 _____ 2 _____ 3 _____ 4 _____ 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10

Absolutnie się nie zgadzam

Absolutnie się zgadzam

42. Proszę o wypowiedzenie się, co należy zrobić, aby poprawić powiązania pomiędzy organizacjami poza-rządowymi i innymi organizacjami wolontariuszowskimi a tymi, którzy opracowują rządowe plany działania ?

43. Jak ważną rolę spełnili międzynarodowi dawcy oraz filantropiści w rozwoju organizacji podobnych do Pana/Pani organizacji?

44. Czy rząd faworyzuje specyficzne typy organizacji ponad inne?

45. Proszę użyć następną stronę na ewentualne dodatkowe uwagi i obserwacje, jak również anegdoty wiążące się z Pana/Pani organizacją oraz polityką rządu i kształtowaniem polisy.

*Dziękuję serdecznie za poświęcenie czasu i odpowiedzi na moje pytania.
Jestem wdzięczny za Pana/Pani pomoc.*

QUESTIONNAIRE IN CZECH



SCHOOL OF INTERNATIONAL RELATIONS UNIVERSITY OF ST ANDREWS

Průzkum polských a českých mimovládních organizací (MO).

Vážený pane/ vážená paní/ vážený pane řediteli mimovládní organizace,

jmenuji se Neil Cruickshank a studuji doktorát na Universitě St. Andrews. Můj průzkum se zabývá vývojem mimo-vládních organizací (MO) v Polsku a České republice. Zvláště mne zajímá spolupráce mezi vládou a MO a vytváření politiky. Jako součást tohoto průzkumu rozesílám dotazník navrhnutý k získání informací od skupin jako jest ta Vaše týkající se vytváření politiky a politického aktivismu.

Při vyplňování dotazníku neváhejte připojit co nejvíce informací. Věřím, že je důležité zkontaktovat přímo osoby jako jste Vy, protože máte zkušenosti v sektoru MO a jeho vývoje. Získané údaje budou včleněny do mé dizertační práce. Rád Vám a Vaší organizaci poskytnu souhrnné výsledky hned jakmile mi budou k dispozici. Bez Vaší pomoci by bylo nemožné přesně analyzovat aktivity a vliv MO ve střední Evropě. Děkuji Vám za Váš čas strávený vyplněním tohoto dotazníku.

Zašlete, prosím, dotazník zpět během dvou týdnů, když to bude možné. Další informace týkající se otázek v dotazníku můžete dostat přímo ode mne přes e-mailovou adresu níže uvedenou. Ačkoliv je dotazník navrhnut pro MO, odpovědi budou přijaty i od jiných skupin a organizací, které mají zájem změnit, vyzývat nebo umocnit vládní politiku cestou aktivismu a/nebo agitace.

Vyplněný dotazník můžete zaslat e-mailem, faxem nebo poštou (předplacená obálka jest přiložena) na moji universitu. Zašlete, prosím, odpověď na adresu:

Mr. Neil Cruickshank
Department of Political Studies
University of Prince Edward Island
Charlottetown. PE C1A 3P3
Canada

nebo na e-mail nac3@st-andrews.ac.uk nebo faxem na c. 00 1 902 566 0339. Děkuji Vám za Vaši spolupráci. Teším se na Vaši odpověď.

S pozdravem,

Neil A. Cruickshank, BA MA MSc

Dotazník

Děkuji vám za Váš čas strávený vyplněním tohoto dotazníku. Mělo by Vám to zabrat asi 20-25 minut. Výsledky tohoto průzkumu se objeví v mé dizertační práci: *Moc, občanská společnost a vyjadřování zájmů v post-komunistické Evropě, (Power, Civil Society and Interest Articulation in Post Communist Europe)* a dále ve dvou konferenčních přednáškách.

Rád Vám a Vaší organizaci poskytnu získané údaje hned jakmile mi budou k dispozici. Tento průzkum je poslán mnoha mimovládním organizacím (dále jen "MO") v České republice a Polsku a měl by přinést spoustu užitečných informací.

Zaškrtněte, prosím, nejlepší z možných odpovědí. Můžete rozvinout svoji odpověď tam kde je k tomu pobídka. Na konci dotazníku je možno uvést další připomínky a komentáře. Vaše spolupráce je velmi ceněna.

1. Jméno organizace _____

2. Adresa a email _____

Informace získané tímto průzkumem jsou pouze pro mé vlastní použití. Pouze souhrnné výsledky budou publikovány. Informace získané tímto průzkumem budou drženy tajné v mezích zákona. Informace o společnostech a organizacích budou drženy na bezpečném místě s omezeným přístupem. Totožnost odpovídačů nebude zveřejněna při žádné publikaci nebo prezentaci výsledků tohoto průzkumu. Neexistuje žádný předvídaný risk zúčastnit se tohoto průzkumu.

* Jestliže **nechcete** být jmenováni v mé dizertační práci, zaškrtněte tuto kolonku.

[]

3. Jak dlouho existuje vaše organizace?

méně než rok

2-5 let

6-10 let

více než 10 let

4. Vaše pracovní pozice:

- ředitel
- pomocný ředitel
- zaměstnanec (placený)
- zaměstnanec (dobrovolník)
- jiná (popište): _____

5.

- a/ Má vaše MO stálého administrátora? ANO NE
- b/ Má vaše MO více dobrovolníků než placených zaměstnanců? ANO NE
- c/ Má vaše MO středisko zdrojů přímo na pracovišti? ANO NE
- d/ Dostává vaše MO návrhy vládních postupů? ANO NE
- e/ Je vaše MO vedena jako “*Obecně prospěšná společnost*”? ANO NE

6. Jak byste charakterizoval vaši MO? *Můžete zaškrtnout více možností.*

- nátlaková
- zájmová
- mimovládní organizace
- občanská společnost
- jiná (popište): _____

7. Vznikla vaše organizace sloučením dvou nebo více organizací?

- ANO NE

Jestliže ANO, které organizace se sloučily ve vaši?

a/ _____

b/ _____

c/ _____

d/ _____

8. Z jakých zdrojů je provoz vaší MO podporován? *Můžete zaškrtnout více možností.*

- dary privátních osob
- dary privátních organizací nebo podniků
- Evropská Unie
- přímé vládní financování
- mezinárodní finanční tělesa
- jiná (popište): _____

9. Myslíte si, že vaše MO potřebuje více finanční pomoci?

- absolutně
- většinou
- částečně
- vůbec ne

10. Žádala vaše MO o finance některé tyto zdroje ?

- Evropská Unie
- vláda ČR
- jiná vláda _____
- privátní filantrop (např. Open Society Fund)
- mezinárodní mimovládní organizace
- jiná (popište): _____

11. Považujete znalosti vaší MO za dostatečné, že může vládě nabídnout užitečné rady při formování politiky?

- určitě ano
- většinou ano
- nerozhodné
- ne vždy

nikdy

Rozved'te, prosím, vaši odpověď:

12. Kolik stálých členů má vaše MO? _____

a/ Kolik nestálých členů má vaše MO? _____

b/ Kolik členů potřebujete ke splnění nutných úkolů? _____

13. Řekli byste, že většina členů vaší MO se skládá z:

studentů na plný úvazek

odborníků na plný úvazek

odborníků na částečný úvazek

důchodců

jiných osob (popište): _____

14. Ohodnoťte výsledky vaší vlády (dosud) ve sféře vaší politiky.

velmi dobré

dobré

ani dobré ani zlé

zlé

velmi zlé

15. Jak často se vaše MO stýká se zástupci ministerstev?

týdně

2x do měsíce

měsíčně

nikdy

jinak (popište): _____

16. Vláda podporuje naší a podobné skupiny zúčastnovat se formování politiky.

1 2 3 4 5 6 7 8 9 10
Silně nesouhlasím Plně souhlasím

17. Vláda si velmi přeje vyslechnout, co má moje MO říci k navržené politice.

1 2 3 4 5 6 7 8 9 10
Silně nesouhlasím Plně souhlasím

18. Demokracie je posilněna existencí organizací jako je ta naše.

1 2 3 4 5 6 7 8 9 10
Silně nesouhlasím Plně souhlasím

19. Politické strany jsou lépe schopny pochopit potřeby obyvatel než mimovládní organizace.

1 2 3 4 5 6 7 8 9 10
Silně nesouhlasím Plně souhlasím

20. Od vstupu do EU v roce 2004 se vládní zástupci snaží více konzultovat mimovládní organizace jako je naše.

1 2 3 4 5 6 7 8 9 10
Silně nesouhlasím Plně souhlasím

21. Naše organizace vydala tiskovinu/publikaci (zakroužkujte). ANO NE

Jestliže ANO, napište kolik _____

22. Naše MO se zúčastnila veřejné demonstrace ANO NE

d/ vývoj bližších vztahů s evropskými MO:	1	2	3	4	5
e/ nauka efektivněji agitovat:	1	2	3	4	5
f/ vzdělávat ostatní o životním prostředí:	1	2	3	4	5
g/ pracovat přímo s EU:	1	2	3	4	5
h/ vývoj bližších vztahů s mezinárodními MO:	1	2	3	4	5
i/ zajistit větší finanční podporu:	1	2	3	4	5

29. Dostane vaše MO dostatek času na studium navrhnuté vládní politiky/postupu?

ANO NE

30. Poskytuje vaše organizace vládě přímou písemnou odezvu k navrhnuté politice?

ANO NE

31. Používá vaše MO:

a/ politické experty:

ANO NE

b/ poradce přes sdělovací prostředky:

ANO NE

c/ profesionální lobisty:

ANO NE

d/ vědce a akademiky:

ANO NE

32. Je politický proces zřetelný?

ANO NE

33. Probíhá politický proces předpokládanou cestou?

ANO NE

34. Procentuální podíl vašeho rozpočtu jde na:

_____ reklama

_____ denní výdaje (nájem, elektřina, topení)

_____ advokáti nebo právní poradci

_____ poradenství

_____ výdaje na zaměstnance

_____ ostatní (popište) _____

35. Je politický proces více interakční než před 10 lety?

Určitě ANO _____ 1 _____ 2 _____ 3 _____ 4 _____ 5 _____ vůbec NE
36. Demokracie je lepší dnes než před 10 lety.

Určitě ANO _____ 1 _____ 2 _____ 3 _____ 4 _____ 5 _____ vůbec NE
37. Současná vláda ignoruje MO.

Stále _____ 1 _____ 2 _____ 3 _____ 4 _____ 5 _____ nikdy
38. Sdělovací prostředky informují o MO.

Stále _____ 1 _____ 2 _____ 3 _____ 4 _____ 5 _____ nikdy
39. Politické strany a MO spolupracují na vytváření veřejné politiky.

Stále _____ 1 _____ 2 _____ 3 _____ 4 _____ 5 _____ nikdy
40. Vláda si myslí, že ví vše nejlépe.

_____ 1 _____ 2 _____ 3 _____ 4 _____ 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10
Silně nesouhlasím _____ Plně souhlasím

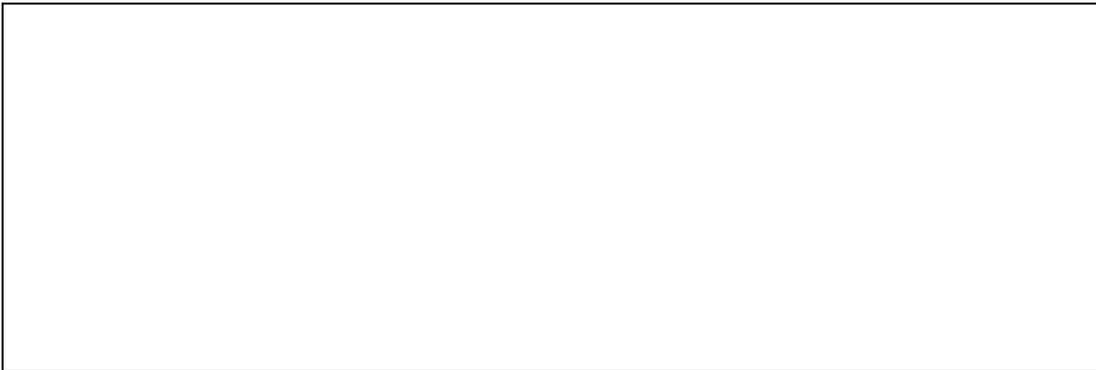
41. Politický proces je řízen politickou elitou.

_____ 1 _____ 2 _____ 3 _____ 4 _____ 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10
Silně nesouhlasím _____ Plně souhlasím

42. Popište, prosím, co lze udělat pro zlepšení vztahů mezi MO, ostatními dobrovolnými spolky a tvůrci politiky.

43. Jak důležití byli mezinárodní dárci a filantropové pro vývoj vaší a vám podobným

MO?



44. Upřednostňuje vláda jeden druh organizací před druhými?



45. Na tuto stránku uveďte, prosím, další komentáře či příběh/anekdotu vztahující se k vaší MO a vládní politice. Můžete využít i druhou stranu tohoto listu.

Děkuji vám za Váš čas strávený vyplněním tohoto dotazníku. Vaše pomoc je velmi ceněna.

MAILING LIST OF CZECH NGOs

Environmental Groups

Beskydcan Movement
Muchovice 393
Ostravice
Czech Republic
793 14
Fax: 420 658 682 439

Email: beskydcan@raz-dva.cz

Responsible person: Sarka Kostalova,
Contact person: Sarka Ksinanova,
Manager, Leo Klostal, Secretary

Association of South Bohemian Mothers
Sdruzeni Jihoceske Matky
Ceská 13
Ceske Budejovice
Czech Republic
370 01

Phone:(420-38) 27-091

Fax:(420-38) 731-2650, (420-337) 717-105

E-mail:jihoceske.matky@ecn.cz

Responsible person:Dana Kuchtova,
Contact person:Monika Wittingerova,

Hnutí Duha – Pratele Zeme Cr
Friends of the Earth Duha Movement
Bratislavská 31
Brno
Czech Republic
602 00

Fax:(420-5) 4521-4429

E-mail address:hduha@hnutiduha.cz

WWW:<http://www.hnutiduha.cz>

Responsible person:Jan Beranek,
Contact person:David Vanek

Hnutí Duha – Olomouc
Friends of the Earth Czech Republic –
Olomouc
Dolní Namesti 38
Olomouc

772 00

E-mail address:hduhaol@iol.cz

Responsible person:Jirina Koukalova,
Coordinator

Contact person:Jirina Koukalova,
Coordinator

Zelený Kruh
Green Circle (GC/ZK)
Lubná 18
Praha 2

Czech Republic
120 00

Phone:(420-2) 2251-7143

Fax:(420-2) 2251-8319

E-mail address:zk@ecn.cz

Web page

address:<http://www.ecn.cz/GreenCircle>

Responsible person:Zuzana Drhová,
Director

Contact person:Zuzana Drhová,
Director

Regional Association of Czech Nature
Conservation Union In Brno
Regionalní Sdružení Český svaz
ochránců přírody v Brně
Panská 9

Brno
Czech Republic
602 00

Phone:(420-5) 4221-8353

Fax:(420-5) 4221-0561

E-mail address:jana.drapalova@ecn.cz

Responsible person:RN Dr. Pavel
Trnka CSc.,Chairman

Contact person:Jana Drapalová,
Secretary

Children of the Earth
Deti Zeme Brno

Cejl 48/50
Brno
Czech Republic
602 00
Fax:(420-5) 4521-0393
E-mail address:dz.brno@ecn.cz
WWW:<http://www.detizeme.cz>
Responsible person:Miroslav Patrik,
Manager
Contact person:Miroslav Patrik,
Manager

Czech Forest Society
Ceska Lesnicka Spolecnost (CFS/CLS)
Novotneho Lavka 5
Praha 1
Czech Republic
116 68
Fax:(420-2) 2222-2155
Responsible person:Ing. Stepan Kalina,
President
Contact person:Ing. Karel Svoboda,
Sekretary

Greenpeace
Pluku 12/143
Praha 8
Czech Republic
186 00

Arnika Association
Chlumova 17
Prague 3
Czech Republic
130 00
Tel/fax: 420 222 781 471
arnica@arnika.org

PRO-BIO Svaz ekologických zemědělců
Nemocniční 53
787 01 Šumperk
Czech Republic
Phone/fax: 583 214 586; 583 216 609

Email: pro-bio@pro-bio.cz

(Czech Union for Nature Conservation)
ČSOP Central Executive Council Office
Uruguayská 7
Praha 2
120 00
Czech Republic
Fax: 420 222 511 496
Email: csop@ecn.cz

Nadace Partnerství
Údolní 33
602 00 Brno
Czech Republic
tel: 00420 515 903 111
fax: 00420 515 903 110
e-mail: pship@nap.cz
www.nadacepartnerstvi.cz
Miroslav Kandrata, director

Bioinstitut, o.p.s.
Křížovského 8
771 47 Olomouc
Czech Republic
Attention/Pozor: Mgr. Pavla Samsonová
tel.: +420 585 631 179,
fax : +420 585 631 178
E-mail : Bioinstitut@seznam.cz
WWW : <http://www.bioinstitut.cz>

Česká společnost ornitologická
Na Bělidle 252/34
150 00 Praha 5
Smíchov
Czech Republic
Lucie Hošková
tel.: 274 866 700
fax : 274 866 700
E-mail : cso@birdlife.cz
WWW : <http://www.birdlife.cz>

České Švýcarsko o. p. s.
Pražská 52,
407 46 Krásná Lípa
Czech Republic

tel.: 412 383 413
E-mail : informace@ceskesvycarsko.cz
WWW : <http://www.ceskesvycarsko.cz>

AUTO*MAT
Pelléova 7
Praha 6
160 00
Czech Republic
420 257 531 983
Auto-mat@auto-mat.cz

Centrum pro dopravu a energetiku
Jicínska 8
130 00
Praha 3
Czech Republic
Tel/fax: 420 274 816 571
cde@ecn.cz

GREENWAYS
Údolní 33
Brno, 602 00
Czech Republic
fax.: +420 515 903 110

GREENWAYS
Krátká 26
Praha 10
100 00
Czech Republic
tel./fax.: +420 274 816 727

Kancelář Hnutí Brontosaurus
Hvězdová 10
Brno, 602 00
Czech Republic
telefon: 544 215 585
e-mail: [hnuti\[@\]brontosaurus.cz](mailto:hnuti[@]brontosaurus.cz)

Women's Groups

proFem o.p.s.
Plzeňská 66
150 00 Prague
Czech Republic
Tel./fax: 224 917 224
info@profem.cz
www.profem.cz

ROSA
Podolská 25
147 00 Prague 4
Czech Republic
tel./ fax: 00420 241 432 466
e-mail: info@rosa-os.cz

Association of South Czech Mothers
Bedřicha Smetany 19
37001 České Budějovice
Czech Republic
Email: jihoceske.matky@ecn.cz
Telephone: +420-38-742-7091; +420-38-731-2650
Fax: +420-38-731-2650
WWW: www.jihoceskematky.cz

Forum 50%
Plzenska 846/66
150 00
Prague 5
Czech Republic
Email: bennerova@padesatprocent.cz

Slovo 21
Francouzská 2
120 00 Prague 2
Czech Republic
Telephone: (+420) 222 518 554, 222 511 434
Telephone/fax: (+420) 222 520 037
E-mail: slovo21@centrum.cz
www.slovo21.cz

Women's Forum
Husova 9
11000 Prague,

Czech Republic
Email: forumzen@seznam.cz
Telephone: +420-604 209 214
Website: www.forumzen.cz

Slovak-Czech Women's Fund, Czech Republic
Bořivojova 105
130 00 Praha 3
Czech Republic
tel./fax.: 00420 222 716 823
hronkova@womensfund.cz
www.womensfund.cz

Czech Women's Union
Panská 7
P.O. Box 457
11153 Prague
Czech Republic
Email: csz@volny.cz; cszl@seznam.cz
Telephone: +420-2-24-21-1017
Fax: +420-2-24-23-3708
Website: www.csz.cz

Association for Equal Opportunities of Men and Women
Gorazdova 20
12000 Prague 2
Czech Republic
Email: asociace_pro_rp@seznam.cz
Telephone/Fax: +420-2-24-91-5666

Gender Studies, o.p.s.
Gorazdova 20
120 00 Prague 2
Czech Republic
tel: 224 913 350, 777 910 941, 777910 933
tel./fax: 224 915 666

La Strada Czech Republic

P.O.Box 305
111 21 Praha 1
Česká Republika / Czech Republic
Phone:
Office: +420 222 721 810
Info/SOS: +420 222 717 171
E-mail: lastrada@strada.cz
Web: <http://www.strada.cz>

Bílý kruh bezpečí
civic association
U Trojice 2
150 00 Praha 5
Czech Republic
Website: www.bkb.cz

Women's Forum
Husova 9
11000 Prague
Czech Republic
Email: forumzen@seznam.cz
Telephone: +420-604 209 214
Website: www.forumzen.cz

Bliss Without Risk (Prague)
Bolzanova 1
110 00 Praha 1
Czech Republic
Fax: 420 224 236 162
Email: rozkos@rozkosbezrika.cz

Elektra - Centre of Help to Women Abused in Childhood
Michnova 1622
14900 Prague
Czech Republic
Email: elektra@brailnet.cz
Telephone/Fax: +420-2-72-1110
Website: www.centrumelektra.cz

Project Magdala – Koordinační centrumADCH Praha
Londýnská 44
120 00, Praha 2
Czech Republic

Association of Businesswomen and
Managers in the CR
Plzeňská 221/130
15000 Prague
Czech Republic
Email: info@apmcr.cz
Telephone/Fax: +420-2-57-21-8416
Website: www.apmcr.cz

HNUTÍ ZA AKTIVNÍ MATEŘSTVÍ
(Movement for Active Motherhood)
Nová 152
25225 Zbuzany
Czech Republic
Email: ham@hyperlinx.cz
Telephone: +420-603-561-609
Website: www.iham.cz

National Contact Centre - Women &
Science
Institute of Sociology of the Academy of
Sciences of the Czech Republic
Jilská 1
110 00 Prague 1
Czech Republic

Movement for Women's Equal Rights
Rimeka 4412000
Prague 2,
Czech Republic
Tel: 0042 2 627 93 98
Fax: 0042 2 531 322

Evropská kontaktní skupina v České
republice
Žitná 45
Praha 1, 110 00
Czech Republic
T/F: +420 222 211 799

Roma Organizations

Vzájemné Soužží

30. dubna 3
Ostrava
702 00
Czech Republic
tel./fax: + 420 596 130 715

Společenství Romů na Moravě o.p.s.
Francouzská 84
602 00 Brno
Czech Republic
Fax: 420 545 246 674
Email: srnm@srnm.cz

IQ Roma servis, o.s.
Cejl 49
602 00 Brno
Czech Republic
Fax: 420 549 241 250
Email: iqrs@iqrs.cz
Romodrom o.s.
Mezibranská 3
110 00 Praha 1
Czech Republic
info@romodrom.cz

Pražské matky
Lublaňská 18
Praha 2
120 00
Czech Republic

EPS Tábor
Převrátilecká 330
390 01 Tábor
Czech Republic

Liga lidských prav
Bratislavská 31
602 00 Brno
Czech Republic

APPENDIX F
MAILING LIST OF POLISH NGOs

Environmental NGOs

Instytut na rzecz Ekorozwoju
(Institute for Sustainable Development)
Ul. Nabelaka 15 lok.1
00 – 743 Warszawa
POLAND

Stowarzyszenie na rzecz Ekorozwoju
Agro
Association for Sustainable
Development Agro
ul. Ciepła 19 A
15 Białystok
podlaskie
POLAND

Bieszczadzkie Stowarzyszenie
Ekoturystyczne Baszta
“Baszta” Bieszczady Ecotourism
Association
ul. Widokowa 4
38-600 Lesko
podkarpackie
POLAND

Fundacja Kulture Ekologicznej
Foundation for Ecological Culture
ul. Strumykowa 2
58-500 Jelenia Góra
dolnośląskie
POLAND

Fundacja Wspierania Inicjatyw
Ekologicznych
Foundation for the Support of Ecological
Initiatives address
ul. Czysta 17/4
31-121 Kraków

Polskie Towarzystwo Turystyczno
Krajoznawcze (PTTK)
(Polish Touring and Touristic Society)
ul. Senatorska 11
00 – 075 Warszawa
Mazowieckie
POLAND

małopolskie POLAND

Klub Gaja - Gaya Club
ul. Parkowa 10
43-365 Wilkowice
śląskie
POLAND

nstytut Spraw Obywatelskich
The Civil Affairs Institute
ul. Więckowskiego 33/127
90-734 Łódź
łódzkie
POLAND

Liga Ochrony Przyrody
League of Nature Conservation
Tamka 37/2
00-355 Warszawa
Mazowieckie
POLAND

Stowarzyszenie na Rzecz Ekorozwoju
Ziemi Świętokrzyskiej „NATURA”
Association “NATURE”
ul. Starachowicka 9
27-400 Brody
świętokrzyskie
POLAND

undacja Pierwiosnek
Primrose Foundation

Bukwałd 45a
11-001 Dywity
warmińsko-mazurskie
POLAND

Polskie Towarzystwo Przesyłu i
Rozdziału Energii Elektrycznej
Polish Power Transmission and
Distribution Association
ul. Wołyńska 22
60-637 Poznań
wielkopolskie
POLAND

Stowarzyszenie Krajowy Ruch
Ekologiczno – Społeczny
Polish Association for Ecology and
Society
ul. Chyliczkowska 28
05-500 Piaseczno
mazowieckie
POLAND

Stowarzyszenie „Zrównoważony
Rozwój”
Association “Sustainable Development”
ul. Tetmajera 13
80-313 Gdańsk
pomorskie POLAND

Towarzystwo Badań i Ochrony Przyrody
The Wildlife Research and Conservation
Society
ul. Sienkiewicza 68
25-501 Kielce
świętokrzyskie
POLAND

WWF Polska - WWF Poland
Wiśniowa 38
02-520 Warszawa
Mazowieckie
POLAND

Greenpeace Polska - Greenpeace Poland

Włoska 10
00-777 Warszawa
Mazowieckie
POLAND

Centrum Prawa Ekologicznego
Environmental Law Center
Uniwersytecka 1
50-951 Wrocław
dolnośląskie
POLAND

Związek Stowarzyszeń Polska Zielona
Sieć
Polish Green Network
Sławkowska 26A
31-014 Kraków
Małopolskie
POLAND

Women’s Organizations:

Centrum Praw Kobiet
ul. Wilcza 60/ 19
00-670 Warszawa
POLAND
Phone: +48 22 652 01 17
E-mail: temida@cpk.org.pl

Centrum Praw Kobiet Gdańsk
ul. gen. de Gaulle'a 1B lok. 15
80-261 Gdańsk
POLAND
Phone: +48 58 341-79-15
E-mail: cpk_gdansk@cpk.org.pl

Centrum Praw Kobiet Łódź
ul. Piotrkowska 115
90-430 Łódź, lok. 205
POLAND
Phone: +48 42 633 34 11
E-mail : cpk_lodz@free.ngo.pl

Demokratyczna Unia Kobiet
ul. Rybnicka 39
52-016 Wrocław

POLAND
Phone: +48 71 342 16 93
E-mail: dukwroc@free.ngo.pl

Demokratyczna Unia Kobiet Gdańsk
ul. Miszewskiego 17 pok. 201
80-239 Gdańsk
POLAND
Phone: +48 58345 50 16
E-mail: dukgd@poczta.onet.pl

Federacja na rzecz Kobiet i Planowania
Rodziny
ul. Nowolipie 13/15
00-150 Warszawa
POLAND
Phone: +48 22 635 93 95
E-mail: federacja@federa.org.pl

Federacja Organizacji Służebnych Na
Rzecz Kobiet i Ich Rodzin "VICTORIA"
ul. Komeńskiego 42
Elbląg
POLAND
Phone: +48 55 642 98 98
E-mail: maria.rogowska@wp.pl

Fundacja Centrum Promocji Kobiet
ul. Lwowska 17 lok.3
00-660 Warszawa
POLAND
Phone: +48 22 629 92 57
E-mail: centrum@promocjakobiet.pl

Fundacja Centrum Promocji Kobiet
ul. Lwowska 17 lok.3
00-660 Warszawa
POLAND
Phone: +48 22 629 92 57
E-mail: centrum@promocjakobiet.pl

Klub "Kobieta 2000"
ul. 22 lipca 4
73-200 Choszczno

POLAND
Phone: +48 95 765 0415
E-mail: stowarzyszenie@kobieta2000.pl

Kobiety Też, grupa nieformalna
ul. Dymińska 9/38
01-519 Warszawa
POLAND
Phone: +48 22 839 11 89
E-mail: info@kobiety.pl

La Strada Foundation Poland
skrytka pocztowa 5
00-956 Warszawa 10
POLAND
Phone: +48 22 628 99 99

Liga Kobiet Polskich
ul. Bracka 5
00-501 Warszawa
POLAND
Phone: +48 22 621 29 64
E-mail: ligakobietpolskich@o2.pl

Lubuskie Stowarzyszenie na rzecz
Kobiet BABA
pl. Matejki 3a
65-001 Zielona Góra
POLAND
Phone: +48 68 454 92 32
E-mail: baba@baba.org.pl

OSKa - the National Women's
Information Center Poland
OŚKa - Ośrodek Informacji Środowisk
Kobięcych
ul. Piękna 66 a, lokal nr 11
00-672 Warszawa
POLAND

Phone: +48 22 622 78 02
E-mail: oska@oska.org.pl

Śląskie Centrum Równych Szans
Francuska 70; pok.1313
40-082 Katowice

POLAND

Phone: +48 327573916
E-mail: sc_rownieszanse@gazeta.pl

Stowarzyszenie Kobiet Polskich
po 40-ce
ul. Kościuszki 3
41-300 Dąbrowa Górnicza
POLAND

Phone: +48 32 262 59 27
E-mail: czerdziestka@post.pl

Stowarzyszenie na Rzecz Kobiet
Poszukujących Pracy VICTORIA
Adres: ul. 3-go Maja 26
35-030 Rzeszów
POLAND

Phone: +48 17 853 42 47
E-mail: victori@wp.pl

Stowarzyszenie Samopomocy "Krağ"
Ośrodek Doradźnej Pomocy dla Kobiet i
Dzieci Maltretowanych
ul. Olsztyńska 41
Gdańsk-Olszynka
POLAND
Phone: + 48 58 301 92 62

Towarzystwo Interwencji Kryzysowej
ul Krakowska 19
31-062 Kraków
POLAND
Phone: +48 12 431 15 59
E-mail: againsthate@poczta.onet.pl

Women's Foundation eFKa
Fundacja Kobięca eFKa
skrytka pocztowa 12
30-965 Kraków 45
POLAND
Phone: +48 58 422 69 73
E-mail: efka@efka.org.pl

Women's Rights Center
Wilcza 60/19
00-679 Warszawa
POLAND
tel/fax 0048-22-6520117
Contact: Urszula Nowakowska, Director
E-mail: temida@medianet.com.pl
Web site: <http://free.ngo.pl/temida>

Polish Roma Organizations:

Stowarzyszenie Romów we Wrocławiu
"Romani Bacht"
3 Maja 11 m. 11
52-119 Wrocław
POLAND

Fundacja Integracji Społecznej "Prom"
ul. Podwale 13
50-043 Wrocław
POLAND

Dolnośląskie Stowarzyszenie Romów
Prezes: Dachil Bil
ul. Odrzańska 23
50-114 Wrocław
POLAND

„Neło Drom – Nowa Droga”
Towarzystwo Dzieci i Rodziców
Romskich
prezes: Czesława Wiercińska
ul. Mościckiego 46/1
52-116 Wrocław
POLAND

Centrum Kultury Romów w Tarnowie
Romano Kulturno Center
ul. Żydowska 13
33-100 Tarnów
POLAND

Stowarzyszenie Mniejszości Narodowej
Romów "Roma - Union"
ul. Żabia 14/16 m. 11
37-800 Włocławek

POLAND

Towarzystwo Przyrodnicze Bocian
Wildlife Society "Stork"
Jagiełły 10
08-110 Siedlce
Mazowieckie
POLAND

Europejskie Towarzystwo Ekorozwoju
EUROPEAN SUSTAINABLE
DEVELOPMENT SOCIETY
ul.Piątkowska 94/3B lok. 11
61-691 Poznań
wielkopolskie
POLAND

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