

THE BERLIN PROCESS AND REGIONAL COOPERATION IN THE WESTERN BALKANS: HOW TO MAKE AGREEMENTS MORE EFFECTIVE AND EFFICIENT?

POLICY BRIEF

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1. INTRODUCTION

The Berlin Process is a platform for enhancing regional cooperation in the Western Balkans, boosting EU-related reforms and accelerating the EU enlargement process. Since the Western Balkans states are at different stages in the accession process, the Berlin Process also plays a role in bridging the gaps between them.

Areas covered by the Berlin Process include, *inter alia*, resolution of bilateral disputes and improvement of youth cooperation in the Western Balkans Region. In particular, after the Berlin Process was initiated in 2014 at the Berlin Conference,¹ in 2015, the Vienna Summit² witnessed the signing of the Joint Declaration on the Establishment of the Regional Youth Cooperation Office of the Western Balkans (RYCO)³ and the Declaration on the Regional Cooperation and Solution of Bilateral Disputes.⁴ With the Paris Summit (4 July 2016), the process has officially entered its third year of implementation. At this summit, the Joint Declaration on the Establishment of the RYCO was further operationalized, with the signing of the Agreement on the Establishment of the Regional Youth Cooperation Office.⁵ The next Western Balkans Summit is envisaged to take place in Trieste, Italy, in 2017.

This policy brief analyses the extent to which three of the WB6 governments, Bosnia and Herzegovina, Macedonia and Serbia, are fulfilling the commitments which they have adopted at the Vienna Summit in declarations about regional cooperation, the resolution of bilateral disputes and the establishment of the RYCO.⁶ Furthermore, this paper represents a continuation of the Regional study published in June 2016.⁷ It scrutinises the outcomes and the state of affairs following the Paris Summit in the aforementioned policy areas by the governments of these countries. Additionally, the paper places a special emphasis on the role of civil society in these areas.

2. THE RESULTS OF THE PARIS SUMMIT: NEW IMPETUS OR “BUSINESS AS USUAL”?

The Paris Summit did not bring significant advancement in majority of the areas covered by the Berlin Process, with the notable exception of the process of establishing the RYCO. The post-Paris period attributed to the further deterioration of relations both among the WB6, and with their neighbouring EU member states. Nevertheless, the Western Balkans Summits Series remains one of the few remaining high-level platforms where the integration of the WB6 in the EU is the exclusive focus.

The most important positive results and effects of the Paris Summit are:

1. **An inter-governmental agreement on the establishment of the RYCO.**⁸ This agreement represents a very concrete step in improving and, crucially, institutionalising, regional cooperation of young people. This should ensure sustainability and continuity, as well as the inclusion of a larger number of youth in regional exchange programmes.
2. **Additional confirmation and clear repetition of the message that “the future of Western Balkans lies in the European integration”.**⁹ This message was emphasised both by the representatives of the European Union and by officials of the WB6. It was very important that – despite the additional events contributing to the crisis in the EU (i.e. “Brexit”) – such a message was sent. It indicated that the WB6’s EU integration process may be slowed down, but not abandoned or questioned at this moment.
3. **Further strengthening of economic cooperation** (mostly through the Business Forum, held on margins of the summit). This was done through agreements about transport, infrastructure and the energy sector. These could serve as a platform for bringing the WB6 countries closer to each other.

It should be noted that the Paris Summit, unfortunately, had only minor effects in the area of resolving bilateral disputes in the region, although readiness for solving these disputes was affirmed: the Final Declaration by the Chair of the Paris Western Balkans Summit “recalled the importance of regional cooperation for the settlement of outstanding bilateral issues, as a follow-up to the Vienna summit”, but it failed to add any new input regarding this issue.¹⁰

3. BILATERAL DISPUTES AMONG THE WB6 AND WITH NEIGHBOURING EU MEMBER STATES THAT (STILL) HAVE TO BE ADDRESSED

The resolution of the numerous bilateral disputes between the WB6, and with their neighbouring EU member states is an important precondition of the WB6 countries’ EU accession. These bilateral disputes primarily emerged from the violent dissolution of former Yugoslavia,¹¹ and their causes may be divided into the following categories:

1. Precise demarcation of borders between countries. This category of disputes is especially important when their resolution is set as a precondition for other processes or for general stabilisation of the countries involved.
2. The status of national minorities in all countries in the region, which often has a strong political dimension and is thus highly sensitive. This regional issue can be solved through country-specific action plans for improving the position of national minorities, which should be adopted and implemented in cooperation with councils or bodies representing national minorities.
3. The issue of missing persons from the armed conflicts in 1990’s.

4. The status, repatriation and integration of refugees and displaced persons, as well as prosecution of war crimes.
5. Property restitution and succession issues in the former Yugoslavia pertaining to property and other areas defined in the UN-brokered Agreement on Succession Issues of the SFRY from 2001.¹²
6. Challenges of a bilateral or internal nature, which may affect the stability of the entire region. Such *bilateral challenges* include: 1) the dispute between Greece and Macedonia pertaining to the use of the name 'Macedonia', in which no progress was made (even though there were several meetings between the countries' ministers of foreign affairs, in which it was agreed that it is crucial to address the lack of confidence between the parties);¹³ and 2) the normalisation of the relations between Belgrade and Pristina – this process was initiated by the EU in 2011, as one of the major political challenges within the framework of the EU Common Foreign and Security Policy mechanism. Under these EU-led negotiations, in April 2013, Serbia's Prime Minister and Kosovo's Prime Minister reached a landmark agreement, the First Agreement on Principles Governing the Normalisation of Relations, also known as the "Brussels Agreement". However, the negotiation process is still on-going, with its ups and downs.¹⁴ *Internal challenges* include the dysfunctionality of state organisations, constant political tensions and disputed statehood – i.e the lack of political consensus within Bosnia and Herzegovina on foreign policy towards neighbouring countries, which was (additionally) loaded with the issue of the referendum on the National Day of Republika Srpska. Where such challenges exist, all other countries in the region should refrain from reaction, explosive rhetoric or comments that might deepen such internal conflicts. If this state of affairs remains unchanged in the future, it may not only dramatically slow down the process of resolving outstanding bilateral issues, but also jeopardise the fulfilment of joint regional and European obligations.

4. REGIONAL YOUTH COOPERATION: THE MOST TANGIBLE OUTCOME OF THE BERLIN PROCESS

The most tangible outcome of the Berlin Process so far is its innovative contribution to youth cooperation in the Western Balkan region. The Agreement on the Establishment of the RYCO of the Western Balkans was officially signed during the Paris Summit, and it is envisaged that the office will become operational from March 2017. As stated in the Final Declaration by the Chair of the Paris Western Balkans Summit, all participants expressed their conviction that the RYCO would provide a major contribution to the reconciliation and to the European future of the region by strengthening exchanges and learning mobility for education of youth.¹⁵

The establishment of the RYCO is the only outcome of the Berlin Process that envisages inclusion of civil society organizations (CSOs).¹⁶ The Paris Summit also included them, as it provided a platform for engaging youth civil society from each Western Balkan country: on the margins of the summit, the “Connecting Youth-Western Balkans Youth Conference” was organised, with the participation of around 150 youth CSOs representatives. This event gave momentum to further engagement of regional youth CSOs in the process, and significantly raised awareness of the RYCO, and of the Berlin Process in general.

However, the process of establishing the RYCO faced challenges in terms of transparency. It was agreed that the Governing Board of the RYCO would be composed of one government representative who was directly responsible for youth policy, and one youth representative from each RYCO signatory. The selection process of the youth representatives lacked transparency in some of the WB6, and, as a result, civil society representatives from these countries publicly expressed their concerns about the process.¹⁷

Although the regional youth cooperation is one of the most successful areas of the Berlin Process, it should be noted that the

process of establishing the RYCO is not yet finished. Currently, the RYCO Agreement and Statute is in the implementation phase, which involves nominating members of the RYCO Governing Board, designating the General Secretary, hiring employees of the Secretariat, and opening the central office in Tirana and local branches in the five other countries.¹⁸

Moreover, after March 2017, when the RYCO is expected to start functioning, it will be crucial to keep the institution accountable, in order to optimise its performance. This is where CSOs can play a significant role.

5. ROLE OF THE CIVIL SOCIETY FORUM IN THE 2016 PARIS SUMMIT

The 2015 Vienna Summit introduced a novelty: civil society was included through the organisation of a side event, the Civil Society Forum. This was the first strong signal that the integration process, and thus the Berlin Process, should also incorporate civil society. In the Final Declaration of the Vienna Summit, the participating states welcomed civil society's substantial contribution to the main topics of the summit, stating that "it is a voice which needs to be nurtured and present in the EU integration process of the Western Balkan countries."¹⁹

The continuation of the Civil Society Forum, as a side event, was also envisaged for the 2016 Paris Summit.²⁰ The following topics were subject of the Paris Civil Society Forum and were discussed also by the political leaders: migration, climate change and green growth, bilateral disputes and youth cooperation.²¹ The Civil Society Forum in Paris brought together CSOs activists from the European Union and the Western Balkans in order to discuss policy proposals and push for actions to tackle the main challenges Europe faces today.²² However, the inclusion of CSOs was less comprehensive in Paris than

in Vienna, as there was less engagement between states and CSOs representatives. Unlike the Vienna Civil Society Forum, in Paris there were no sessions for CSOs actors to interact directly with the WB6 state representatives. As a result, there was no new and qualitative impetus for including CSOs in monitoring the implementation of commitments undertaken at the Paris Summit. The only exception was made in respect to the RYCO establishment, in which, as already described, CSOs were able to participate in the process at events on the margins of the summit.

Nevertheless, CSOs received strong encouragement and recognition for their role at the Paris Summit from the French Secretary of State for European Affairs, and from the Austrian minister for Europe, Integration and Foreign Affairs, who both stressed the importance of CSOs involvement in matters concerning migration, climate change, resolving bilateral disputes, youth cooperation and democratic governance.²³

6. CONCLUSIONS AND POLICY RECOMMENDATIONS

The Berlin Process is one of the few high level platforms where the EU integration of the WB6 remains the exclusive focus. This is particularly important considering the overall decline of enthusiasm about the integration process both in the EU and in the Western Balkans. In such an environment, a platform such as the Berlin Process that brings together leaders both from the EU and from the Western Balkans can reiterate all parties' commitment to the EU accession process.

The establishment of the RYCO is the most important achievement of the Berlin Process. The process establishing the RYCO was designed to incorporate CSOs in each phase so as to increase its accountability and overall transparency. However, in some of these phases, the inclusion of CSOs reflected the usual

lack of capacity for structural dialogue in the WB6. Besides these shortcomings, the example of the RYCO shows that, with sufficient political will, the countries in the region can overcome their individual differences and cooperate effectively in the spirit of the Berlin Process.

Overall inclusion of CSOs in the Berlin Process (and related activities) is sporadic, and lacks consistency. This is evident from the inconsistent inclusion of CSOs in the Vienna Summit and the Paris Summit. The inclusion of CSOs is important for increasing the overall efficiency of the Berlin Process and its transparency. Furthermore, CSOs can push for faster implementation of reforms, offer their capacities and regional networks, and act as a reliable partner to the state authorities. Therefore, the Berlin Process may be substantially improved by structural inclusion of CSOs, which would enrich the policy-making process.

How to overcome the discrepancy between the proclaimed intention to resolve bilateral disputes and disagreements in practice?

1. Countries in the region should adopt and implement bilateral agreements on resolving bilateral disputes. Such declarations require two major components: a symbolic expression of willingness to cooperate and create a space for dialogue, as well as operational substance, outlining concrete steps that must be taken to achieve the aim.
2. The European Union should use its mechanisms to insist on achieving concrete results in the field of resolution of bilateral disputes. The European Commission should also focus on dispute resolution incentives and available mechanisms, particularly for the settlement of border disputes and minority rights issues. Appointing a coordinator/body for monitoring country-specific bilateral disputes could further facilitate this process. Monitoring mechanisms of the EU are evidently essential, especially given the lack of sufficient communication between national governments.

3. The public in all countries (CSOs, media) should put additional pressure on governments for the implementation of commitments made within the Berlin Process.

How to monitor the implementation of the commitments made as part of the Berlin Process?

1. State monitoring: all states should establish new and/or strengthen existing institutional mechanisms with competences to implement and monitor the implementation of commitments made within the scope of the Berlin Process. It would be useful to adopt concrete action plan(s), with measurable indicators for success (for example, resolving bilateral disputes over state borders could be measured through number of signed agreements between states), deadlines and designation of state bodies in charge of implementing different measures. In the area of youth cooperation, responsibility for monitoring the RYCO activities and other youth programmes should be assigned to the competent ministries.
2. International monitoring: the EU institutions should consider monitoring and evaluating progress in the implementation of the commitments from the Berlin Process, both through progress reports, and through other specific reports on the Berlin Process itself.
3. CSOs monitoring: civil society organizations should monitor and evaluate the implementation of the commitments stipulated in the documents adopted so far. The WB6 governments, as well as international organisations and donors, should develop a variety of sustainable funding mechanisms in order to encourage and support CSOs in monitoring and evaluating the fulfilment of the Berlin Process commitments. Without these mechanisms, more intensive involvement of CSOs cannot be expected.
4. Media monitoring: state institutions and CSOs should keep journalists informed and encourage them to follow

the outcomes of the Berlin Process summits and the commitments which are undertaken, and to investigate the results of their implementation. The added value of such a move would be enhanced public awareness of the Berlin Process.

All the above components of monitoring are complementary – each sort of monitoring can provide useful information to give a full picture about effects and results achieved so far within the Berlin Process.

How can the role of CSOs be further enhanced?

1. CSOs in WB6 countries should continue their cooperation on different regional programmes and projects. In this way, they will send a strong message that cooperation between countries is possible and constructive. Additionally, CSOs in the WB6 should create transnational/regional civil society networks, which could focus on regional cooperation and resolution of bilateral disputes. Concretely, these networks could supervise and monitor fulfilment of the commitments stipulated in the Declaration on Regional Cooperation and Solution of Bilateral Disputes.
2. CSOs in the WB6 should be one of the main channels for formulating, articulating and communicating key messages about the importance of regional cooperation, as well as messages about the Berlin Process itself.
3. By consolidating and concentrating civil society efforts in the area of regional cooperation and resolution of bilateral disputes, CSOs in WB6 should establish an agenda of all open questions in the region; they should keep debate about these questions open as long as necessary; and they should formulate solutions and advocate for them.
4. CSO networks should enhance mutual learning, particularly through exchanging good practice and experiences. They should focus on programmes and projects related to

reconciliation, the migrant crisis, youth and reform processes in general.

5. CSOs in the WB6 should actively engage in the RYCO and discuss possibilities of joint projects, areas and modalities of accessing funding. Representatives of youth organisations in the RYCO should actively take part in its management, and contribute to strategic decisions and to the design and implementation of programmes. On the other hand, by consolidating and concentrating civil society efforts in this specific area, youth organisations may maximise their potential to influence the position of youth in the region. Finally, CSOs should supervise and monitor fulfilment of commitments in the field of youth cooperation.

Regional Youth Cooperation: how can it be made sustainable?

1. For the sustainability of the RYCO, it is critically important that the governments of the WB6 states take full responsibility for ensuring long-term political commitment and regional ownership, and at the same time respect the status of the RYCO as an independent regional institution.
2. The future decision-makers of the RYCO should establish long-term strategic partnerships and also efficient communication links with different stakeholders, which will contribute to the visibility and promotion of the RYCO and its programmes. Additionally, they should make them accessible to as many young people as possible.
3. It will be essential to ensure that the procedure for appointing both civil society and government representatives to the bodies of the RYCO is based on pre-defined, transparent criteria. This is particularly important in light of the negative experiences concerning the appointments of CSOs representatives to the Working Group, coupled with the fact that there is no procedure provided in the Statute of the RYCO for appointing government representatives to these bodies.

- 1 See "Final Declaration by the Chair of the Conference on the Western Balkans", Berlin, 28 August 2014, <https://www.bundesregierung.de/Content/EN/Pressemitteilungen/BPA/2014/2014-08-28-balkan.html> (accessed 01/12/2016).
- 2 See "Western Balkans Summit Vienna 2015", August 2015, <https://www.bmeia.gv.at/en/european-foreign-policy/foreign-policy/western-balkans-summit-vienna-2015/> (accessed 01/12/2016).
- 3 See "Western Balkans Summit Vienna 2015", Addendum, Annex 2, http://ec.europa.eu/enlargement/pdf/policy-highlights/regional-cooperation/20150828_addendum_western_balkans_summit.pdf (accessed 01/12/2016).
- 4 See "Western Balkans Summit Vienna 2015", Addendum, Annex 3, http://ec.europa.eu/enlargement/pdf/policy-highlights/regional-cooperation/20150828_addendum_western_balkans_summit.pdf (accessed 01/12/2016).
- 5 See "Agreement on the Establishment of the Regional Youth Cooperation Office", 2016, <https://rycoblog.files.wordpress.com/2016/07/ryco-agreement-final.pdf> (accessed 01/12/2016)
- 6 Follow-up research on the results of the Paris Western Balkans Summit was conducted from July to November 2016. Its methodology employed a combination of the desk and field research aimed at collecting primary and secondary data. Primary data were collected during the field research, by conducting a survey involving relevant stakeholders. Secondary data were collected and analysed through desk research, involving the analysis of relevant documents from and after the Paris Summit.
- 7 See J. Nicić, Z. Nechev, S. Mameledžija, *The Berlin Process: Crystallisation Point for the Western Balkans*, Group for Development Policy, June 2016, <http://gdp.rs/wp-content/uploads/2016/07/GDP-Vienna-Summit-Berlin-Process-Commitments-Implementation-Study.pdf> (accessed 01/12/2016).
- 8 See "RYCO-Agreement Signed During the Western Balkans Summit in Paris on July 4th, 2016!", <https://rycowesternbalkans.org/2016/07/05/ryco-signed-at-paris-balkans-2016-conference/> (accessed 01/12/2016).
- 9 See "Final Declaration by the Chair of the Paris Western Balkans Summit", 4 July 2016, <http://www.diplomatie.gouv.fr/en/country-files/balkans/events/article/final-declaration-by-the-chair-of-the-paris-western-balkans-summit-04-06-16> (accessed 01/12/2016).
- 10 See *supra* n. 9.
- 11 See *supra* n. 7.
- 12 See "Agreement on Succession Issues of the SFRY", 25 May 2001, <https://treaties.un.org/doc/source/recenttexts/29-1.pdf> (accessed 01/12/2016).
- 13 See "Macedonia, Greece to Build Confidence First Before Settling Name Row", Macedonian Information Agency, 26 August 2016, <http://www.mia.mk/en/Inside/RenderSingleNews/315/133317502> (accessed 01/12/2016).
- 14 See *supra* n. 7.
- 15 See *supra* n. 9.

- 16 See *supra* n. 8.
- 17 More details about the selection process of youth representatives in Macedonia can be found on the following link: <https://issuu.com/nmsm/docs/> (accessed 01/12/2016).
- 18 See "The RYCO Working Group: Looking Back at a Successful Working Process in Order to Draw Lessons Learned for the Future - Report from the Evaluation Meeting of the RYCO Working Group", Berlin, September 2016, <https://rycoblog.files.wordpress.com/2016/11/report-evaluation-ryco-workinggroup-2016.pdf> (accessed 01/12/2016).
- 19 See M. Kmezić, F. Bieber, *Western Balkans and the EU: Beyond the Autopilot Mode*, Balkans in Europe Policy Advisory Group (BIEPAG), November 2015, <http://balkanfund.org/wp-content/uploads/2015/11/BIEPAG-Western-Balkans-and-the-EU-Beyond-the-Autopilot-Mode.pdf> (accessed 01/12/2016).
- 20 It followed the Civil Society Forum held in Novi Sad and Belgrade in May 2016.
- 21 These four main policy areas were identified as priorities for the Western Balkans region at the Civil Society Forum held in Novi Sad and Belgrade in May 2016.
- 22 For further information on the EU-Balkans Civil Society Forum Paris, see: <http://www.erstestiftung.org/civil-society-forum/2016/05/24/eu-balkans-civil-society-forum-paris/> (accessed 01/12/2016).
- 23 The French Secretary of State for European Affairs and Austrian Minister for Europe, Integration and Foreign Affairs presented recommendations from the Civil Society Forum, held on 3 July, at the official part of the Summit in the front of the prime ministers and presidents on 4 July 2016. These were the main key policy proposals, in which CSOs gave their recommendations at the Paris Summit.

