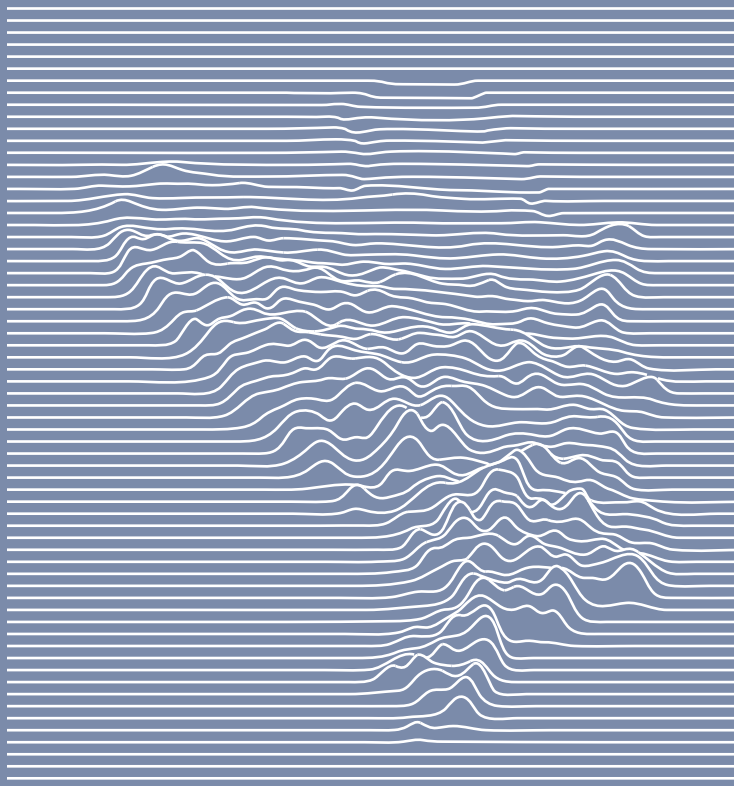


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**Fundamentals and the
regional cooperation in the
Western Balkans**



by Jovana Marović and Ana Novak

May 2021

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Acknowledgements: *The project is co-financed by the Governments of Czechia, Hungary, Poland and Slovakia through Visegrad Grants from International Visegrad Fund. The mission of the fund is to advance ideas for sustainable regional cooperation in Central Europe.*

This project No. 22020042 was made possible through Visegrad+ Grant from the International Visegrad Fund.

Disclaimer: *All views expressed in this research paper are those of the authors and do not necessarily represent the views of International Visegrad Fund.*



Impressum

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Title: Fundamentals and the regional cooperation
in the Western Balkans

Publisher: Institute for Democracy
"Societas Civilis" – Skopje

Authors: Jovana Marović and Ana Novak

Design: Dejan Kuzmanovski

This publication is available at:

<https://idscs.org.mk/en/portfolio/short-term-analysis-on-the-fundamentals-and-the-regional-cooperation-in-the-wb/>

Introduction

With the term ‘enlargement fatigue’ being easily thrown around following the accession of Croatia in July 2013, the integration of the Western Balkan region has been beset by challenges, with the migration crisis, the economic crisis and now the COVID-19 pandemic slowing the process, with the progress of reforms remaining gradual and uneven, often experiencing reversals. Various reports dealing with the state of democracy in the Western Balkans, from year to year, record setbacks in key parameters that affect the rule of law, from the state of the judiciary and the independence of institutions in general to media freedom.¹ The reasons for this are various but can be largely reduced to the insufficient commitment of the Western Balkans political elites in power to implement key reforms and tackle pervasive corruption, and the EU,

especially the Council where the strength rests, to reward this efforts. Thus, the is no longer such an incentive to accelerate and nurture structural, and politically difficult, reforms. And while there is not much reason for optimism when it comes to these factors, what is encouraging on the path to democratic consolidation and strengthening the rule of law in this part of Europe is, after the change of government in some countries, the growing awareness of citizens that they can influence change despite uneven playing field and unfair political competition. This may then encourage collective action as well.² However, the removal of regimes with authoritarian tendencies is only the initial step in eliminating undemocratic practices and does not mean much if it is not accompanied by a strong push in the implementation of reforms.

¹ See: Zselyke Csaky, “The Antidemocratic Turn”, Nations in Transit, Freedom House, April 2021, <https://freedomhouse.org/report/nations-transit/2021/antidemocratic-turn>

² Tena Prelec and Jovana Marović „No longer voting for the devil you know? - Why the Balkans’ collective action problem might be easier to break than we think”, BIEPAG, January 2021, <https://biepag.eu/wp-content/uploads/2021/01/Elections-No-longer-voting-for-the-devil-you-know.pdf>

Can the new European Commission's approach bring the necessary turn in reforms?

-

With the new enlargement methodology, launched in February 2020 in a Communication with a proposal for "Enhancing the accession process - a credible EU perspective for the Western Balkans"³, the European Commission was right to try and bring back the credibility of the process by setting out concrete proposals of the process. However, this needs to be focus not only on maintaining the credibility in the Western Balkans, but also in the EU member states. On one hand, there is a need for better strategic communication (mentioned briefly in the Communication) from the EU and more political ownership by both EU and WB states that would 'break the cycle' of doubt. Communication aimed at WB

communities elaborating that required EU-related reforms are designed to help serve their interest, thus, securing, in the long run, continuous public interest for enlargement. On the other hand, it would ensure that it is communicated to EU citizens that completing the enlargement process with the WB countries is a process that would provide them greater stability and prosperity. Mainly, the elite driven process of enlargement has led to the lack of trust in the enlargement in the Western Balkans region questioning its success⁴ and the 'enlargement fatigue'.

The new methodology aims to bring stricter requirements to start the accession negotiations, but also aims at producing strong and irreversible reforms. The main novelty of the new methodology is the clustering of all 33 negotiating chapters into six clusters which will be opened as a whole, focus on the rule of law and fundamental values of the EU through instruments, more involvement of the individual EU member states in the process, gradual integration

³ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, *Enhancing the accession process - A credible EU perspective for the Western Balkans*, 2 February 2020. Link: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/enlargement-methodology_en.pdf

⁴ Despite the great success of the enlargement, the shift in communication turned a story of success into a hesitant tale.

of the candidates in various EU policies if the reforms are duly implemented, or sanctioning the lack of progress with the reversal of the process. But turning back to the new methodology⁵ - more specifically the cluster on Fundamentals⁶ which includes so far named Chapters 23 and 24, with chapters 23 and 24 focusing on Judiciary and Fundamental Rights (Chapter 23) and Justice, Freedom and Security (Chapter 24). The cluster includes also Chapter 5, 18, 32 and Economic criteria, functioning of democratic institutions and Public administration reform. This cluster remains the most complex one. According to the new rules, this cluster is especially emphasized and will be the first to be opened and the last to be closed as sufficient time is needed for preparation and adjustment to complex reforms (needing the adjustment of technical aspects for the implementation of the reforms, capacity building and legislative alignment). These chapters and areas remain the most important ones due to their connection to the basic values

of the EU.⁷ The benchmarks needed to be reached remain the same: interim benchmarks for Chapters 23 and 24 and rules are provided to better monitor the progress of reforms, at least for Montenegro and Serbia.

In its February 2020 Communication the European Commission mentions also the provision of clearer guidance on specific reform priorities and alignment criteria as well as expectations for next steps in the process and provision of clear and tangible incentives of direct interest to citizens. The guidance would ensure that expectations of countries in regards to what needs to be done are clear and would provide incentives and thus renew interest in political will for enlargement but despite that mention, the measures and priorities should be better defined with avoidance of benchmarks that require the adoption of new strategies and adoption of benchmarks that clearly define the key objectives of the required actions. Additionally, the new

⁵ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, *Enhancing the accession process - A credible EU perspective for the Western Balkans*, 2 February 2020. Link: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/enlargement-methodology_en.pdf

⁶ Rule of law, economic criteria and public administration reform

⁷ Aleksandar Ivković, "Application of the new methodology to Montenegro and Serbia: Principles remain the same, more emphasis on interim benchmarks", European Western Balkans, 24 March 2021. Link: <https://europeanwesternbalkans.com/2021/03/24/application-of-the-new-methodology-to-montenegro-and-serbia-principles-remain-the-same-more-ephasis-on-interim-benchmarks/>

- ▶ methodology also opens doors for 'phasing-in' to individual EU policies, the EU market and EU programmes⁸, with the hope that these changes will provide impetus to the stalled enlargement process and help in overcoming skepticism and frustration on both, the EU (at least in some EU MS) and Western Balkan sides.

However, the EU's policy towards the Western Balkans has so far been based on improving the rules and approach to negotiations and integration in general, focusing on stricter criteria and providing instruments for sanctioning if the country does not make progress in those areas that affect the rule of law. So far, this has proved insufficient, as persistent insistence on the possibility of reversibility is not encouraging if not accompanied by incentives, and the most perfect rules are not helpful unless accompanied by stronger engagement in (monitoring of) reform and a fair policy of fulfilling promises if the state delivers.

Regional cooperation – the supporting element for integration

-

When further discussing the elements of the enlargement process - good neighbourly relations and regional cooperation play an essential part in the process. Although some EU member states believe that regional cooperation in the Western Balkans is slow going and at times impossible, the last two decades have clearly shown that the will to cooperate is there – shown through the establishment of various initiatives, with the commitments made already in Zagreb (2000), Thessaloniki (2003), Sofia (2018), later with regional cooperation being required under the Stabilisation and Association Agreements and in all annual country reports and strategies from the EU to the Western Balkan countries. With the establishment of

⁸ Branislav Stanicek, "A new approach to EU enlargement", EPRS - European Parliamentary Research Service, March 2020. Link: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/649332/EPRS_BRI\(2020\)649332_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/649332/EPRS_BRI(2020)649332_EN.pdf)

various regional initiatives and fora for discussions – such as the Brdo-Brijuni Process, EU-WB Ministerial Forum, Berlin Process, Regional Cooperation Council (RCC), South-East European Cooperation Mechanism (SEECM) and others – things are moving forward, and they have positively impacted the region. Even if many of the achievements of such gatherings usually take form in the signing of declarations and do not achieve a large leap towards bringing the WB region to the European Union (as unresolved disputes still affect the relations in the region⁹, and the EU hesitation is apparent as it puts strong emphasis on regional cooperation and good neighbourly relations to avoid importing bilateral conflicts¹⁰ into the EU), they do show the willingness of the region to cooperate. Events organised by the civil society have led to the renewed interest by the EU towards the region. Constructive initiatives and structures which reinforce inclusive regional cooperation (a positive

example being the RYCO, Transport Community¹¹ and the Regional Roaming Agreement¹²), including EU macro-regional strategies, are a definite step forward and reaffirm the willingness for cooperation, which could be further strengthened by annual Western Balkans summits (as mentioned in the Communication) which would provide more ownership to the process to the Western Balkan countries.

Slovenian presidency - what are the priorities and can they make a difference?

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Despite the controversial non-paper on border changes and regrouping in the Western Balkans that allegedly originated from the office of Slovenian



⁹ Additionally, new disputes affect the path towards better neighbourly relations and regional cooperation – here we speak of the Bulgarian blocking of North Macedonia from progressing towards EU membership.

¹⁰ Referring to the bilateral dispute between Slovenia and Croatia which has been carried over into the EU with both states becoming members (in 2004 and 2013 respectively).

¹¹ Transport Community. Link: <https://www.transport-community.org/>

¹² European Commission, "Entry into force of the new Western Balkans regional roaming agreement: clear drop in roaming charges", 8 March 2021. Link: <https://digital-strategy.ec.europa.eu/en/news/entry-force-new-western-balkans-regional-roaming-agreement-clear-drop-roaming-charges>

► Prime Minister Janez Janša,¹³ with the upcoming Slovenian Presidency of the EU Council beginning in July, Slovenia hopes to continue the work from its first Presidency in 2008 and speed up the process of enlargement after the adoption of the new Methodology. In 2008 the Slovenian EU presidency played a pivotal role in brokering a compromise to get to a meritocratic visa liberalisation process for the Western Balkans. This ended years of frustration and division on the issue within the EU and led to all Western Balkan citizens (with the exception of Kosovo*¹⁴) being able to travel visa-free to the EU by the end of 2010. It was a significant success of Slovenian diplomacy. Despite the current slightly altered role of the country during the Presidency of the EU¹⁵, Slovenian government has plans

for the Western Balkans and talks on the revitalization of the enlargement process¹⁶, with strong reaffirmation for the EU perspective of the Western Balkans.

The work (on the Slovenian side) has already begun with the summit Brdo-Brijuni on 17 May 2021, held in Brdo pri Kranju by Slovenian President Borut Pahor. The Brdo-Brijuni Process, celebrating its 10th anniversary (after the cancellation of last year's summit due to the COVID-19 pandemic), has gathered the heads of all 6 Western Balkan states - Albania, Bosnia-Herzegovina, Kosovo, Montenegro, North Macedonia and Serbia.¹⁷

In a declaration¹⁸ signed at Brdo, the heads of all WB6 countries and the two hosts (Slovenia and Croatia) reaffirmed

¹³ Rikard Jozwiak, "The 'Phantom Papers' That No One In The Western Balkans Will Own Up To Writing", Radio Free Europe, 29 April 2021, <https://www.rferl.org/a/non-papers-phantom-brussels-kosovo-serbia-bosnia-slovenia/31229431.html>

¹⁴ This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence. This applies to any other further mentions of Kosovo in this paper

¹⁵ The EU Presidency had, until changes in 2009, assumed larger political responsibility in all areas of European integration and played a crucial role in brokering high-level political decisions.

¹⁶ Ministry of Foreign Affairs of the Republic of Slovenia, "Declaration on Activities of the Republic of Slovenia in EU Institutions for 2021–2024", 24 March 2021. Link: <https://www.gov.si/en/news/2021-03-24-declaration-on-activities-of-the-republic-of-slovenia-in-eu-institutions-for-20212024/>

¹⁷ The Brdo-Brijuni 2021 summit was hosted by H. E. Mr Borut Pahor, President of Slovenia and H. E. Mr Zoran Milanović, President of Croatia, and attended by H. E. Mr Ilir Meta, President of Albania, H. E. Mr Milorad Dodik, H. E. Mr Šefik Džaferović and H. E. Mr Željko Komšić (Presidency of Bosnia and Herzegovina), H. E. Mr Milo Đukanović, President of Montenegro, H. E. Ms Vjosa Osmani, President of Kosovo, H. E. Mr Stevo Pendarovski, President of North Macedonia and H. E. Mr Aleksandar Vučić, President of Serbia.

¹⁸ *Brdo Declaration*, Office of the President of the Republic of Slovenia, 17 May 2021. Link: <https://www.predsednik.si/up-rs/uprs-eng.nsf/pages/3F9CEC5A18F415ABC12586D900303808?OpenDocument>

the commitment to the Brdo-Brijuni Process and stressed the importance of enlargement as a strategic priority stating:

“Through a more ambitious and purposeful enlargement process, the EU should more actively engage with all Western Balkans to encourage them to meet the well-established necessary conditions for EU membership as soon as possible. With the offer of EU membership and removal of the Visa regime for the entire Western Balkans, the EU has at its disposal the most powerful transformational political tool. Each partner is aware that it has to adopt and implement necessary reforms, including in the field of rule of law, democratisation and economy, and is committed to do it faster and more efficiently (Brdo Declaration 2021).”

Slovenia hopes to break the ‘cycle of doubt’ about further enlargement during its Presidency - with the Western Balkans being one of the utmost priorities and the stability of the region and its approach to the EU is of strategic interest to both

- Slovenia and the EU. Prime Minister Mr Janša, President Mr Pahor and the Minister of Foreign Affairs Dr Logar have stated that Slovenia plans to host an informal EU-Western Balkans summit in autumn 2021¹⁹, where the countries of the EU and the Western Balkans would discuss the current situation and the steps that should be made to speed up the enlargement process.

When speaking about the EU and Western Balkan countries and their priorities it is not a problem of them not agreeing on key priorities but rather a problem of the generation of political will to implement them. And here is where the role of Slovenia during its Presidency could have an impact - firstly by ensuring sufficient political will within the EU to actually implement agreed projects (infrastructure, energy and transport) that would help in bridging the development gap between the WB and the EU and progress with the enlargement process and secondly by seeking new initiatives and proposals for closer integration between the EU and the region (including in the context of reducing the influence of third actors).

¹⁹ Aiming at organising the Summit on October 6th.

Conclusion and recommendations

None of the Western Balkan states has reached a certain level of democratization where one could clearly state equal rights for all and impartial law enforcement. This is partly due to the insufficient commitment of the Western Balkan states, i.e. the political elites in power to implement the necessary reforms, and partly to the fact that the European Union's approach is not stimulating and firm enough to motivate the necessary shift from undemocratic practices.

The awaited new enlargement methodology offers certain instruments, especially in the form of incentives if the state achieves the required results within the Fundamental cluster. Still, this part of the guidelines for implementing the methodology is the least developed and should be further worked on as a potential motivating element for strengthening the

rule of law. Additionally, the Commission should be more straightforward in naming concrete practices and actors who undermine the rule of law in the state. In addition, more active involvement of the EU Member States and the European Commission itself in monitoring reforms and providing the necessary support on the ground is more than desirable. The settlement of bilateral disputes and proper implementation of the reached bilateral agreements should be a priority for the Union itself, with the EU taking the role of a facilitator in the resolution of bilateral issues in the WB. The bilateral issues between WB countries and EU member states should be resolved on a bilateral basis.

Information about the International Visegrad Fund

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The Visegrad Fund is an international donor organization, established in 2000 by the governments of the Visegrad Group countries—Czechia, Hungary, Poland and Slovakia to promote regional cooperation in the Visegrad region (V4) as well as between the V4 region and other countries, especially in the Western Balkans and Eastern Partnership regions. The Fund does so by awarding €8 million through grants, scholarships and artist residencies provided annually by equal contributions of all the V4 countries. Other donor countries (Canada, Germany, the Netherlands, South Korea, Sweden, Switzerland, the United States) have provided another €10 million through various grant schemes run by the Fund since 2012.

Address:

Hviezdoslavovo námestie
9 811 02 Bratislava Slovakia

<https://www.visegradfund.org/>

Information about THINK BALKANS

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The 'Cooperation Instrument for the Western Balkans Think Tanks – THINK BALKANS' project is financially supported by the International Visegrad Fund and builds upon the previously established cooperation between the members of the Southeast European Think Net Network (SEE Think Net) and Think Visegrad as part of the 'Regional cooperation in the Western Balkans: The Berlin Process and Visegrad Group in comparison project'.

Following the successful past cooperation, the **Institute for Democracy "Societas Civilis" – Skopje (IDSCS)** is the project coordinator, which, in collaboration with the **European Movement in Serbia (EMinS)**, **Platforma CiviKos** from Kosovo, **Politikon Network** from Montenegro, **Albanian Institute for International Studies (AIIS)** from Albania, **Humanity in Action Bosnia and Herzegovina** from Bosnia and Herzegovina, **Centre for European Perspective (CEP)** from Slovenia, **Centre for Eastern Studies from Poland (OSW)**, **Institute for Foreign Affairs and Trade from Hungary (IFAT)**, the **Research Centre of the Slovak Foreign Policy Association (RC SFPA)** from Slovakia, and **EUROPEUM Institute for European Policy (EUROPEUM)** from the Czech Republic, will work in achieving the project's goals.

The project duration is 15 months, that is, from October 2020 to January 2022.

Modelling on the Think Visegrad – V4 Think Tank Platform and closely cooperating with it, this project aims to pilot an instrument for the permanent cooperation of Western

Balkan (WB) think tanks by 1) strengthening the cooperation of think tanks in V4 countries with WB think tanks/analytical institutions; 2) promoting V4 cooperation among experts / policy makers in the WB as a successful regional model open to experience sharing with countries wishing to join the EU; 3) offering V4 expertise on regional cooperation that can help strengthen regional cooperation in the Western Balkans, which represents a crucial aspect of the region's European integration; 4) providing a new platform for strengthening people-to-people links between analytical institutions, think tanks, government institutions from the V4 and the Western Balkans; 5) cultivating inter-regional cooperation between V4 and WB6 on issues of common strategic interest; and 6) encouraging the use of V4 know-how gained through Think Visegrad to help improve dialogue between the relevant state institutions in the WB countries (e.g. between the foreign ministries as well as between the WB think tanks and NGOs and the WB MFAs).

Information about the authors

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Jovana Marović is Executive Director of the Politikon Network, a think tank based in Podgorica. Marović 's fields of academic and professional interest are rule of law, democracy, federalism, Western Balkans, EU political system and enlargement policy.

Ana Novak is a Project Manager at the Centre for European Perspective (Slovenia). With work mostly focusing on transnational and macro regional cooperation and European geopolitics, her fields of interest also include the enlargement process and climate change mitigation.

Link

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This publication is available at:

<https://idscs.org.mk/en/portfolio/short-term-analysis-on-the-fundamentals-and-the-regional-cooperation-in-the-wb/>

*This project No. 22020042 was made possible through
Visegrad+ Grant from the International Visegrad Fund.*



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