

THE BERLIN PROCESS FOR THE WESTERN BALKANS: GAINS AND CHALLENGES FOR KOSOVO

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Author: Balkans Policy Research Group (BPRG)

LIST OF ABBREVIATIONS

BiH	Bosnia and Herzegovina
CEB	Corporate Executive Board
CEFTA	Central European Free Trade Agreement
CSO	Civil Society Organisation
DG NEAR	Directorate-General for Neighbourhood and Enlargement Negotiations
EEAS	European External Action Service
ECB	European Central Bank
EBRD	European Bank for Reconstruction and Development
EC	European Commission
EEA	European Economic Area
EFTA	European Free Trade Association
EIB	European Investment Bank
ENTSO-E	European Network of Transmission System of Operators for Electricity
ERP	Economic Reform Programmes
EU	European Union
FI	Financial Institutions
FGYO	French-German Youth Office
IPA	Instrument for Pre-Accession Assistance
KOSTT	Kosovo Electricity Transmission, System and Market Operator
MARRI	Migration, Asylum, Refugees Regional Initiative
MoU	Memorandum of Understanding
NIC	National Investment Committee
PECI	Projects of Energy Community Interest
RCC	Regional Cooperation Council
REA	Regional Economic Area
RYCO	Regional Youth Cooperation Office
SAA	Stabilisation Association Agreement
SEECF	South-East European Cooperation Process
SEETO	South-East Europe Transport Observatory
TCT	Transport Community Treaty
TEN-T	Trans-European Transport Network
WB6	The Western Balkans Six
WBIF	Western Balkans Investment Framework

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EXECUTIVE SUMMARY

The Berlin Process is a German-led European initiative whose goal is to facilitate regional cooperation between the Western Balkans Six (WB6) countries – Albania, Bosnia and Herzegovina (BiH), Kosovo, Macedonia, Montenegro and Serbia – with a view to help them fulfill criteria to join the European Union (EU). Launched by German Chancellor Angela Merkel in 2014, its most important component is the so-called “Connectivity Agenda”, which first aimed to link the WB6 together in the fields of transport and energy, and later expanded into youth exchanges and economic connections. Summits in Germany, Austria, France and Italy helped establish communication between Balkans leaders, and design several infrastructure projects and new regional initiatives. Yet, ahead of the next 2018 Berlin Process Summit in London, many pressing issues remain intact, and cooperation between WB6 governments has not improved much.

Projects approved for each WB6 country are funded partly by EU funding mechanisms and partly by individual countries. The Connectivity Agenda combines policy and infrastructure, connecting the WB6 with each other and with the EU: governments established core and comprehensive regional infrastructure networks making the Western Balkans part of the Trans-European Transport Network (TEN-T). Likewise, the Berlin Process generated regional connectivity initiatives such as cooperation on energy, a Regional Youth Cooperation Office (RYCO), the creation of a Regional Economic Area (REA) and the signature of the Transport Community Treaty (TCT).

Success of the initiatives launched in the Berlin Process, however, is dependent on the improvement of relations between the WB6. Governments approved a Declaration on Regional Cooperation and the Solution of Bilateral Issues in 2015; yet relations remain tense. Unresolved disputes will hamper the implementation of regional initiatives, which in turn would reflect badly on WB6 citizens’ assessment of the Berlin Process and of the EU’s role in the region. By involving civil society in the policy agenda and encouraging regional cooperation since the 2015 Vienna Summit, Berlin Process participants are attempting to make the initiative more inclusive, representative and transparent. Yet, large segments of civil society are not adequately represented, and the Civil Society Forum is only run by a few organisations and donors.

Kosovo’s path to the EU is more challenging in many ways: five EU Member States do not recognise its independence, making it impossible for the EU to offer a clear membership perspective; unresolved disputes with Serbia and poor relations with BiH hamper Kosovo’s regional integration. Progress on the dialogue for the normalisation of relations with Serbia has not ended Belgrade’s blockade of Kosovo’s membership of many regional and international organisations. Yet, for Prishtina, the process has brought considerable benefits; the country became part of a large EU initiative, and stands on an equal footing with the European Union and with its neighbours regarding projects and participation in the Berlin Process. Kosovo gained a project on transport, and endorsed larger regional initiatives such as TEN-T, RYCO, REA, and TCT. Despite considerable progress, political instability, weak institutions, and a lack of coordination between government institutions are dragging down Kosovo’s performance elsewhere and in the Berlin Process.

Along with domestic reforms, Kosovo should step up its involvement in regional initiatives, and advocate robustly for improved relations with neighbours. For the next summit in 2018, London would prefer to push a bigger agenda, focusing on bilateral disputes, implementation monitoring, and security. Bilateral issues, rule of law and good governance should relate to the connectivity projects and regional cooperation, keeping in mind that good neighbourly relations underpin the success of any policy or project. The UK should particularly insist on the resolution of bilateral disputes, and on implementing existing projects and policies rather than opening too many new topics.

The Berlin Process will likely continue after the London Summit. It should go back to Berlin for a review and reload with power and agenda. To reach its objectives, it should continue to be EU-driven. At the same time, the Process should generate more regional ownership: bilateral cooperation and fair geographic distribution of regional initiatives is important. Fears that the Berlin Process was an attempt by the EU to delay EU membership have begun to allay. Four years after its debut, the European Union has initiated its plans to integrate the Western Balkans into the EU. Four years is a short period to assess the results of the Berlin Agenda; with many positive and negative hypotheses, the full success of this process remains to be seen.

To ensure success, the Berlin Process should be included in the EU Enlargement strategy for the Western Balkans, scheduled to be published in February 2018. The Berlin Agenda should also play a role in the 2018 Sofia EU-Western Balkans summit. Complementary to the membership negotiations, it should help the countries resolve all bilateral disputes with priority. By empowering “integration of the Western Balkans Six”, the Berlin Process can put the political weight of the key member states into the EU enlargement agenda. Equally, the agenda can contribute with regional and development projects.

RECOMMENDATIONS

TO THE EU, BERLIN PROCESS EU MEMBERS (AND THE WESTERN BALKANS)

- Brussels and EU members of the Berlin Process should insist on full implementation of the projects and commitments.
- Establish and ensure regular progress reporting. Monitoring mechanisms should become functional and include non-governmental sectors, i.e. civil society.
- Prioritise resolution of bilateral issues: implementation of projects depends on healthy relations between countries in the region. Appoint a coordinator at the EU level or within the instruments of the Berlin Process to monitor and report on the progress of bilateral relations.
- Enhance the Berlin Agenda with other EU integration sectorial topics and fundamentals: Rule of law, good governance, education and vocational training, reconciliation and regional cooperation.
- Increase funds for infrastructure projects, energy, environment, water supply and waste management.
- Increase financial support for the Civil Society Forum and invite the CSF to be part of the summits. CSF shall restructure to ensure equal representation and inputs from each of the Western Balkans Six; hubs in each country should be established.

TO KOSOVO

- The government should work toward and advocate for the resolution of bilateral disputes, enhance dialogue with the EU and other key partners to ensure Serbia's compliance with agreements.
- A senior official in the Cabinet of the Prime Minister shall be given the power to coordinate and prepare the agendas, projects and initiatives with other government sectors: this official should work closely with the Ministry of EU Integration, Ministry of Finance, Ministry of Infrastructure and other relevant ministries.
- The agenda of the Berlin Process should be enshrined in Kosovo's government agenda. The government must be transparent in all preparations, projects and working papers in relation to the Berlin Agenda and share progress with the public; civil society could be a good partner for this.
- Ministries should appoint skilled and competent officials to ensure advanced preparation and planning for projects.
- Kosovo must engage more proactively with non-governmental actors to develop new projects and ideas. The government should engage and mobilise youth, IT community, start-up businesses and vocational training institutions to secure funding and support from the Berlin Agenda financial institutions and upcoming agendas of the Berlin Plus.

- Kosovo should enhance cooperation with other neighbours to prepare more feasible projects and secure support.
- The government should prioritise the implementation of the Stabilisation Association Agreement (SAA) and other EU related reforms. It will improve the image and performance of Kosovo vis-à-vis the EU and members of the Berlin Process.
- Kosovo's civil society should mobilise to help the government on projects and regional cooperation.

Equally, civil society should become more proactive in the upcoming summits, regional meetings and the civil society forum to advocate for the topics of their interests. Civil society should take a more active role and establish a pool of representatives. It should consider developing mechanisms for fundraising. This should be taken into account before the London Summit. Also, there should be a bigger focus and discussion on the Rule of Law and Good Governance in addition to the issue of bilateral relations in the region and EU integration for Kosovo.

INTRODUCTION

The Berlin Process, launched in 2014, aims to enhance cooperation between, and development of the Western Balkans countries. A German-led initiative by Chancellor Angela Merkel and Foreign Minister Frank-Walter Steinmeier, it works toward facilitating development in “reconstruction, stabilisation, energy sector, rule of law, market economy and state building” among Western Balkans Six (WB6) countries.¹ The Connectivity Agenda, which includes developing of transport and energy infrastructure, improving regional connections, and simplifying the movement of goods and people, makes the backbone of the Berlin Process.² The European Union (EU) presented the Berlin Process as a way to facilitate the WB6’s integration into the EU. In the Western Balkans, the initial perception was that the Berlin Process was a substitute for EU integration.³ The success of the Berlin Agenda is highly debatable in the region and in Kosovo in particular. Among the main obstacles to the Berlin Process are the overshadowing of bilateral issues and the government’s lack of transparency throughout the process.

The 2003 Western Balkans Summit in Thessaloniki promised deepening of relations between the EU and the Western Balkans.⁴ Yet, the prospect of EU membership did not advance; in reality it stagnated. The failure of the Thessaloniki Summit led Germany to bring a new initiative to the region.⁵ The momentum was right, precisely when the enlargement policy was critically challenged by the EU halting accession to other new members. The EU’s unprecedented domestic crisis, rise of populist movements, migration barriers, the ongoing economic crisis and the rise of terrorism absorbed all its policy capacities.⁶ Germany, having strong bilateral relations with each individual country of the WB6 took the lead to initiate the Berlin process. In the words of a German diplomat “Western Balkans Six are our garden, we feel the necessity to help.”⁷ “The initiative is more successful than any other regional initiative; largely because it is a Berlin-driven agenda. The WB6 leaders cooperate only when Germans speak at the table.”⁸

Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia– the “Western Balkan Six” and six EU member states, Germany, Austria, France, Croatia, Italy, and Slovenia are the main participating states of the Berlin Process.⁹ Prime ministers meet annually and in between summits; advisors of prime ministers meet quarterly; ministers of energy, transport, trade and foreign affairs meet once or twice in between summits; technical meetings take place throughout the year and are led by various mechanisms including the

¹ Press release of the Foreign Minister Steinmeier on the meeting with Foreign Ministers from the Western Balkan states, July 2016, available at: <https://goo.gl/U7paZj>

² Balkans Group Interview with EU official, Prishtina, August 2017

³ B92, “Berlin Process must not be substitute for EU integration”, January 2017, available at: <https://goo.gl/dFNXwD>

⁴ Press release of the European Council, “The Thessaloniki Summit: a milestone in the European Union’s relations with the Western Balkans”, June 2003, available at: <https://goo.gl/hBBkvY>

⁵ Balkans Group interview, Prishtina, July 2017

⁶ Cooperation and Development Institute/ShtetiWeb, “Monitoring the Berlin Process from Berlin to Trieste”, January 2017, available at: <https://goo.gl/dVGkSm>

⁷ Balkans Group interview, Prishtina,, July 2017

⁸ Balkans Group interview with Kosovo government minister, Prishtina, July 2017

⁹ Kosovo Center for Security Studies, “Berlin Process: Path to Europe or to nowhere?”, July 2016, available at: <https://goo.gl/sJosvg>

Central European Free Trade Association (CEFTA) and the Western Balkans Investment Forum (WBIF).¹⁰

The Final Declaration of the Berlin Summit defines the Berlin Process initiative as a framework for a period of four years.¹¹ Discussions for the initiative to continue after 2018 are underway.¹²

In 2014, the candidate for President of the European Commission Jean-Claude Juncker, declared that there will be no new enlargement in the next five years.¹³ His statement echoed pessimism among Western Balkan countries, provoking instability, tensions and disloyalty toward the EU. The region was moving further away from EU values. The Berlin initiative aimed to reverse trends, projecting more EU perspective for the region. For the WB6, the process helped keep hopes alive in a situation where realistically none of the WB6 were ready to join the EU. In light of this, other EU member states were reluctant to welcome in the new countries. The Berlin Process put the onus on individual countries to work together and fulfil the Copenhagen criteria for accession¹⁴.

In practice, the Berlin Process Agenda is an overarching umbrella uniting multiple mechanisms to strengthen cooperation and economic development in the WB6. The EU initiated current regional thematic initiatives, such as the Regional Cooperation Council (RCC), the South-East European Transport Observatory (SEETO), the South-East European Cooperation Process (SEECPP), the Migration, Asylum Refugees Regional Initiative (MARRI), the EU-WB Ministerial Forum, and the Slovenia Croatia-led Brdo-Brijuni process, which overlap with or complement some of the points stated in the Berlin Agenda. The National Investment Committees (NIC) are responsible for defining and managing Single Project Pipelines, and programming financing sources from national or international donors.¹⁵ The European Commission, via the Western Balkans Investment Framework (WBIF), co-finances mature energy and transport projects from the list of Projects of Energy Community Interest (PECI) and Trans-European Transport Network (TEN-T).¹⁶ Loans from international financial institutions, such as the European Bank for Reconstruction and Development (EBRD), the European Investment Bank (EIB), the World Bank, and the WBIF play an important role in financing as well.

¹⁰ Balkans Group Interview with EU official, Prishtina, August 2017

¹¹ Final Declaration by the Chair of the Conference on the Western Balkans, August 2014, available at: <https://goo.gl/p7dBoz>

¹² Balkans Group interview with a senior Western diplomat, Prishtina, July 2017

¹³ Jean Claude Juncker opening statement in the European Parliament plenary session, "A New Start for Europe", July 2014, available at: <https://goo.gl/Ci5LZH>

¹⁴ Balkans Group Interview with Balkan Analyst, November 2017

¹⁵ Connectivity Agenda, Co-financing of Investment Projects in the Western Balkans 2015, Connectivity Agenda- Joint Partnerships; Improving connectivity within the Western Balkans, as well as between the Western Balkans and the European Union, is a key factor for growth and jobs and will bring clear benefits for the region's economies and citizens, available at: <https://goo.gl/nUP71e>

¹⁶ Ibid.

1. THE BERLIN PLUS

The Berlin Process programmes and initiatives seem to be slow and difficult to implement. As always, governments of the region are inconsistent and largely underperforming. Governments' incompetency impeded all other early initiatives, and is likely to result in low levels of commitment to the Berlin Agenda and other integration processes. No EU-led process provides quick enough results to satisfy Western Balkans leaders; governments remain hopeless and impatient for EU integration. The EU failed to show Western Balkans countries more robust promises for membership.¹⁷ There is a high level of distrust by regional governments toward the European Commission.¹⁸ The Berlin Agenda's attractive regional projects and good intentions failed to engage reluctant governments into speedy reforms, more cooperation and development.¹⁹

With the aim to broaden the Berlin Agenda, the German Foreign Minister, Sigmar Gabriel, on 31 May 2017, stated that the Berlin Process should not stop in 2018, but rather be "reloaded."²⁰ In the Western Balkans this was quickly labelled as "The Berlin Plus Agenda".²¹ Gabriel emphasised the issues of political divisions, corruption, economic stagnation, political instability and youth unemployment in WB countries. He stated that the region needs a new agenda to target different levels of issues.²² The WB6 and the EU should be more ambitious and be included in more EU programs.²³ Gabriel also emphasised that the citizens of the WB6 lacked information on EU support. He claimed that if WB6 citizens are not fully aware of the EU's support, it is not surprising that their interest in the accession process is limited. The EU and WB6 together should improve positively on this matter.²⁴ The Berlin Plus Agenda would allocate funds for start-up businesses, vocational training and IT-infrastructure development. EU member states, the European Free Trade Association (EFTA) and the European Economic Area (EEA) would contribute to these funds. Germany foresees initiating instruments for regional needs. New funds, once available, should help speeding up projects and link less-connected countries in the Balkans.²⁵

¹⁷ Balkans Group interview with senior Western diplomat, Prishtina, August 2017

¹⁸ Balkans Group interview with government official, Prishtina, July 2017

¹⁹ Balkans Group interview with a senior Western diplomat, Prishtina, July 2017

²⁰ Speech by Foreign Minister Sigmar Gabriel at the 8th Aspen Southeast Europe Foreign Ministers' Conference, "We Need a Berlin Process Reloaded!", May 2017, available at: <https://goo.gl/BM2Zhk>

²¹ Balkans Group interview with senior Western diplomat, Prishtina, July 2017

²² Speech by foreign Minister Sigmar Gabriel at the 8th Aspen Southeast Europe Foreign Ministers' Conference, "We Need a Berlin Process Reloaded!", May 2017, available at: <https://goo.gl/BM2Zhk>

²³ Ibid.

²⁴ Addressing the issue of transparency in WB6 is of crucial importance. The gap between government and citizens toward EU integration and the Berlin Process is wide.

Speech by Foreign Minister Sigmar Gabriel at the 8th Aspen Southeast Europe Foreign Ministers' Conference, "We Need a Berlin Process Reloaded!", May 2017, available at: <https://goo.gl/KRuJ7V>

²⁵ Ibid.

IN-BETWEEN SUMMITS

Prime ministers meet at annual summits and in-between summits. Advisors of prime ministers meet quarterly in Brussels, at EU DG NEAR to coordinate agendas.²⁶ Ministers of energy, transport, trade and foreign affairs meet once or twice in between summits. Some of those meetings have become very informal and frivolous.²⁷ Advisers of government leaders are not fully mandated to negotiate agendas, while prime ministers delegate junior members to attend meetings.²⁸ Ministers do not show up every time, or their discussions are caught up in bilateral disputes.²⁹ Preparations are largely done at the last minute before summits. Also, both within the government and with the public, little is known or shared on what happens between summits.

After the 2014 Berlin Conference, prime ministers and ministers met seven times between the Vienna and Paris summits to discuss other topics including the management of the migration crisis.³⁰ The involvement of the EBRD and integration of the Brdo-Brijuni process into the Berlin Process were important steps. Ahead of the Trieste Summit, country representatives met in Sarajevo and Berlin. Two informal prime ministers meetings took place in Sarajevo and Durrës. In Sarajevo, hostility arose between Kosovo and Serbian Prime Ministers Isa Mustafa and Aleksandar Vučić, reflecting the political tensions between the two countries.³¹ Difficult discussions on regional economic cooperation were held. Kosovo and Montenegro stood against Vučić's proposal for a WB6 custom union.³² The prime ministers' meeting in Durrës, in 2017, however, went smoothly and leaders affirmed their commitment toward the Regional Economic Area (REA) approved at the Trieste Summit.³³ Due to unresolved state-to-state issues, tension and anger was felt at these meetings.

²⁶ Cooperation and Development Institute/ShtetiWeb, "Monitoring the Berlin Process: From Paris to Trieste", January 2017, available at: <https://goo.gl/hBgdy3>

²⁷ Balkans Group interview with Government official, Prishtina, July 2017

²⁸ Ibid.

²⁹ Kosovo and Serbian ministers of infrastructure met rarely between summits. Balkans Group interviews, government and EU officials, July 2017. Often, Serbian ministers do not attend ministerial meetings when their Kosovo counterparts are present.

³⁰ Follow-up meetings 2015-2016: "Economy – Linking Basis for Western Balkan" in Budva, 24 September 2014; "Economic Governance and Connectivity" in Belgrade, 23 October 2014; Ministerial: "Improved connectivity and a Strong Core Network" in Prishtina, 25 March 2015; WB6 Summit: "Building Networks, connecting People" in Brussels, 21 April 2015; Ministerial: "Positive Agenda for Youth in the Western Balkans" in Brdo, 23 April 2015, Meeting at TEN-T Forum in Riga, 22 June 2015; Ministerial: "Connecting Systems, connecting Markets" in Vienna, 02 July 2015. Follow-up meetings 2015-2016: High Level Conference on the Eastern Mediterranean - Western Balkans route Home Affairs and Foreign Affairs, 28 October 2015; Leaders meeting on the WB migration route, Home Affairs and Foreign Affairs, 25 October 2015; WB Investment Summit, Economy and Trade, 22 February 2016; WB6 meeting in Brussels, Transport and Energy, 1 March 2016; WB6 Ministerial in Durrës, Foreign Affairs, 30-31 March 2016; Business conference: Connectivity for Commerce and Investment, Economy and Trade, 18-19 May 2016; Ministerial Conference in Paris, Foreign Affairs, 24 May 2016.

³¹ B92, "'Tense dinner' in Sarajevo as Vučić 'yells at Mustafa'", March 2017, available at <https://goo.gl/6tr5zo>

³² Some leaders were angered at the EU commissioner Johannes Hahn who eventually supported Serbia's proposal. Hahn presented the Regional Economic Area, based on Vučić's idea. Balkans Group interview with Government official, Prishtina, July 2017

³³ EU DG NEAR, "Johannes Hahn attends informal Western Balkans Prime Ministers' meeting in Durrës, Albania", August 2017, available at: <https://goo.gl/fQHkHh>

THE CONNECTIVITY AGENDA

The Connectivity Agenda aims to improve links between Western Balkans countries, and with EU countries. Improving infrastructure links brings significant benefits to the region's economies and citizens.³⁴ Connecting transport and energy systems is at the core of the Berlin Agenda.³⁵ The Berlin Process distinguishes between hard measures, which include regional or national infrastructure projects, and soft measures, which include border-crossing procedures, railway reforms, information systems, road safety, maintenance schemes, unbundling and third-party access, and other policy measures.³⁶ The aim of these policies is to eliminate barriers and facilitate regional integration.³⁷ The complementarity of investments in infrastructure or hard measures is highly dependent on the implementation of the soft measures, including adapting existing legislation.³⁸ There can be no full implementation of hard measures when soft measures are not implemented.³⁹ The EU has set aside up to €1 billion for investment projects and technical assistance for the period 2014-2020. These funds add to the Instrument for Pre-Accession Assistance (IPA) funds for Western Balkan countries.⁴⁰ Governments are very unhappy with this commitment, claiming that it offers very little compared to what the region needs. The Connecta initiative will support setting up and reinforcing the regulatory and institutional framework that will enable the WB to reap the full benefits of infrastructure investments.⁴¹ Yet, not much progress has been made. Governments have failed to live up to the agendas they committed to; they are largely ineffective and prone to internal struggles. Bilateral relations remain another key obstacle. As a result, the EU pledged to help countries deal with and implement those basic policy issues.⁴²

THE 2015 VIENNA SUMMIT

The first summit following the 2014 Berlin declaration was held in Vienna on 27 August 2015. Key objectives were to foster regional cooperation and resolve bilateral disputes.⁴³ The summit pushed the agenda of reconciliation and connectivity. Among stated goals by participating states in Vienna Western Balkans Summit were:

- Good governance and rule of law
- Fight against extremism and radicalism
- Migration
- Economic prosperity and connectivity

³⁴ Connectivity Agenda, Co-financing of Investment Projects in the Western Balkans by the European Commission.

³⁵ Balkans Group Interview with EU official, Prishtina, August 2017

³⁶ Connectivity Agenda, Co-financing of Investment Projects in the Western Balkans 2015; The Western Balkans Six have made the connectivity agenda one of their highest priorities, with a special emphasis on the implementation of technical standards and soft measures as well, available at: <https://goo.gl/nUP71e>

³⁷ Balkans Group interview with EU official, Prishtina, August 2017

³⁸ Cooperation and Development Institute/ShtetiWeb, Monitoring the Berlin Process: From Paris to Trieste, January 2017, available at: <https://goo.gl/hBgdY3>

³⁹ Balkans Group interview with EU official, Prishtina, August 2017

⁴⁰ Institute for Democracy "Societas Civilis" Open Society Foundation for Albania EU Policy Hub, "The Berlin Process: What worked and what did not work? And why?", 2017, available at: <https://goo.gl/aaJkkU>

⁴¹ Ibid.

⁴² Balkans Group interview with EU official, Prishtina, August 2017. Brussels has to engage in every detail of Kosovo-Serbia issues, implementation of the agreements, react and mediate in any spoiling effect. The EU engages inside Bosnia and Herzegovina and with nitty-gritty issues inside the countries and between neighbours. If Western Balkan countries had better bilateral relations, they would have been able to resolve issues by themselves.

⁴³ Underlined in the Final Declaration of Vienna Western Balkans Summit held in August 2015

- Market integration, trade facilitation, mobility and Joint Growth Initiative
- Youth, education, science and research
- Civil society⁴⁴

Western Balkans leaders approved the Declaration on Regional Cooperation and the Solution of Bilateral Disputes, in which countries pledged to foster good neighbourly relations and resolve bilateral issues.⁴⁵ The objective of this statement was to encourage Western Balkans Countries to prioritise resolving bilateral disputes in the early stages of their accession process. Solving bilateral issues is key to any regional cooperation initiative, including the Berlin process. Civil society contributed to the statement and advocated for more concrete steps: they recommended appointing a coordinator at the European External Action Service (EAAS) to monitor progress.⁴⁶ Little was achieved; political disputes and growing tension have been more frequent in the years of the Berlin Process. The summit did not produce any specific agenda on solving state-to-state issues. No monitoring instruments were designed, and the EU remained reluctant to pressure countries to live up to their commitments. The efforts fell on deaf ears in European and WB governments. The goal remains to be 'stated words' rather than the practice of individual countries. Despite the achievements of the Berlin Process, lack of progress on bilateral disputes impedes progress in other components of the Berlin Agenda.

Vienna approved six projects on transport infrastructure and four in the area of energy.⁴⁷ The European Commission pledged €822.2 million in investments and grants.⁴⁸ Vienna accepted Kosovo's railway project, Orient/East-Med Corridor (R10), which connects Kosovo with Macedonia and Serbia. The EU pledged around €46 million in investments and grants altogether for the first phase of the project.⁴⁹ The R10 is highlighted as the Core Network Corridor of the TEN-T.

The Western Balkans countries committed to implement several legal and regulatory measures to help create electricity-based trade. These commitments included the developing of spot trading, coupling of the regional market, regional balancing and capacity allocation.⁵⁰ Members acknowledged the need for structural reforms to increase industrial structures, human and physical capital and trade integration to boost competitiveness in the region.⁵¹ Members also emphasised the importance of economic measures for prosperity, but did not discuss specific reforms or programmes. Serbian and Albanian Prime Ministers Aleksandar

⁴⁴ Final Declaration by the Chair of the Vienna Western Balkans Summit, August 2015, available at: <https://goo.gl/dsvkuE>

⁴⁵ Ibid.

⁴⁶ Balkans Group interviews, Prishtina, July 2017

⁴⁷ Final Declaration by the Chair of the Vienna Western Balkans Summit, August 2015, available at: <https://goo.gl/dsvkuE>

⁴⁸ Energy Projects: Albania – the former Yugoslav Republic of Macedonia Power Interconnection (I) Grid Section in Albania; Albania – the former Yugoslav Republic of Macedonia Power Interconnection (II): Grid Section in the former Yugoslav Republic of Macedonia; Trans-Balkan Electricity Corridor (I): Grid Section in Montenegro; Trans-Balkan Electricity Corridor (II): Grid Section in Serbia. Transport Projects: Mediterranean Corridor (CVc): Bosnia and Herzegovina – Croatia Road Interconnection; Mediterranean Corridor(R2a): Bosnia and Herzegovina – Croatia Road Interconnection; Orient/East – Med Corridor (R10): the former Yugoslav Republic of Macedonia – Kosovo – Serbia Rail Interconnection; Orient/East-Med Corridor (R4): Montenegro – Serbia Rail Interconnection; see more at: <https://goo.gl/z155wN>

⁴⁹ The corridor connects Kraljevo (Serbia), Prishtina (Kosovo), Gorce Petrov (Macedonia). The project is divided into three phases: Fushë Kosova/Kosovo Polje/- Macedonia-Border, Fushë Kosova/Kosovo Polje -Mitrovica, Mitrovica-Serbian border. The Vienna Summit only pledged funds for the first stage.

⁵⁰ Connectivity Agenda – Co-financing of Investment Projects in the Western Balkans 2016; Since the WB6 region is physically closely linked with neighbouring EU Member States, it is crucial to develop an integrated SEE trading region, including WB6 and EU countries in order to overcome the limits of the small size of isolated national markets, available at: <https://goo.gl/nUP71e>

⁵¹ Final Declaration by the Chair of the Vienna Western Balkans Summit, August 2015, available at: <https://goo.gl/dsvkuE>

Vučić and Edi Rama initiated the Regional Youth Cooperative Office (RYCO) for the Western Balkans, and the Civil Society Forum took place for the first time in Vienna. The Vienna Summit is considered the most successful and fruitful of all Berlin Process summits so far.⁵²

THE 2016 PARIS SUMMIT

Paris hosted the third summit in July 2016, focusing on four important pillars: regional cooperation, connectivity and trade, youth, and current challenges which include migration, terrorism and radicalisation.⁵³

The Paris meeting gave particular attention to the youth. Heads of governments agreed to establish the Regional Youth Cooperation Office (RYCO), and agreed that more needed to be done to tackle the high level of youth unemployment in the region. WB6 reaffirmed their will to work toward European Integration and Regional Cooperation. Both the EU and the Western Balkans identified the areas where cooperation needs to be stronger: readmission, information exchange, coordination, joint operations to fight organised crime, and cooperation between border police forces. The summit called for further progress and more efficient implementation of the projects that were launched in Vienna in 2015. It also pushed forward implementation of soft measures on integrated energy and transport networks.⁵⁴ WB6 governments endorsed the Regional Energy Efficiency Program and Green for Growth Fund on Renewable Energy Schemes for the Western Balkans. They also agreed on a roadmap for the Regional Electricity Market.⁵⁵

Paris approved three new railway projects in Serbia, Albania and Kosovo, amounting to €595.4 million.⁵⁶ The EU pledged around €100 million; the rest will be covered by financial institutions and national budgets of the beneficiary countries. For Kosovo, the EBRD and the European Investment Bank (EIB) pledged a loan of €42.3 million and a grant of €18.2 million for the R10 railway project.⁵⁷

France was reluctant to deal with and push the agenda of bilateral disputes agreed on in Vienna.⁵⁸ After a promising launch, civil society talks were less impactful in Paris.⁵⁹ The Austrian foreign minister and his French counterpart refused to engage with the civil society forum.⁶⁰ As regional initiatives expanded, and participating governments endorsed them, the implementation, as always lagged behind. Priority was given to new ideas on regional initiatives; the implementation of these initiatives remained secondary.⁶¹

⁵² Balkans Group interview with CSO representative of the CSF in Vienna, Prishtina, August 2017

⁵³ Final Declaration by the Chair of the Paris Western Balkans Summit, July 2016, available at: <https://goo.gl/fzitWg>

⁵⁴ Ibid.

⁵⁵ The six countries reaffirmed their commitment on the Energy Community Treaty made in Vienna. Yet, they lag behind in implementing the necessary institutional changes for a viable regional system of trading.

⁵⁶ Transport projects: SERBIA: Orient/East-Med Corridor: Serbia – Bulgaria CxRail Interconnection; ALBANIA: Mediterranean Corridor: Montenegro – Albania – Greece Rail Interconnection; KOSOVO: Orient/East-Med Corridor: the former Yugoslav Republic of Macedonia – Kosovo – Serbia R10 Rail Interconnection (phase 2), see more at: <https://goo.gl/nUP71e>

⁵⁷ Orient/East-Med Corridor (R10) The former Yugoslav Republic of Macedonia – Kosovo - Serbia R10 Rail Interconnection, phase two. Second phase of Kosovo's project Route 10: Fushë Kosova/Kosovo Polje – Mitrovica, see more at: <https://goo.gl/nUP71e>

⁵⁸ Balkans Group Interview with Senior French diplomat, Prishtina, Paris, 2016

⁵⁹ Balkans Group interview with CSO representative at the CSF in Paris, Prishtina, August 2017

⁶⁰ Ibid.

⁶¹ Balkans Group interview with senior Western diplomat, Prishtina, August 2017

REGIONAL YOUTH COOPERATION OFFICE (RYCO)

The 2016 Paris Western Balkans Summit established RYCO, which is an independent institution encouraging cooperation and reconciliation between youth in the region, through student exchange programmes.⁶² The inspiration comes from the French-German Youth Office (FGYO), established after WWII as a tool for Franco-German reconciliation.⁶³ The RYCO focus is to connect youth by promoting: reconciliation, cooperation, learning, democracy, friendships, understanding and inter-culturalism.

With an annual planned budget of €2 million, to be secured by Western Balkan countries and donors, the composition of RYCO consists of one government representative and one youth representative from each RYCO signatory. For some regional countries, it is a continuation of the Vučić and Rama show, made to please the EU and Chancellor Merkel.⁶⁴ The process was quite controversial. The agreement on RYCO, yet, is the most efficient and tangible output of the Berlin process and WB6. The potential is huge, and the expectations are high. Bringing youth together, build bridges, and a perspective of reconsolidation between the countries.⁶⁵ Many suggest putting more attention on this project.

Yet, the approval and selection processes faced challenges in some countries, as they were not sufficiently inclusive and transparent.⁶⁶ They involved lengthy and difficult discussion to ensure endorsement by all participating countries. To ensure equal representation, the head office of RYCO is located in Tirana, its Secretary General is from Serbia, its Deputy Secretary General from Kosovo, and other representatives are from Montenegro, Macedonia and Serbia. Branch offices are to be opened in all country capitals.

THE 2017 TRIESTE SUMMIT

Italy hosted the fourth Western Balkans Summit in July 2017. Taking place in Trieste, geographically close to the WB, Italy wanted to signal more regional ownership of the Berlin process by the WB countries. Trieste approved one project for Macedonia, two projects for Serbia and four for BiH, for which the EU pledged €535.8 million and granted €194.1 million. Kosovo and Albania did not present any projects,⁶⁷ which signals lack of preparation⁶⁸ – both governments went through severe political crises at home and election cycles.

⁶² About RYCO, Regional Youth Cooperation Office, 2017: RYCO will support both individual and group regional youth exchanges such as internships, fellowships, trainings and apprenticeships, or group exchanges such as study visits, seminars, workshops etc., available at: <https://goo.gl/EWXQKC>

⁶³ RYCO, July 2017; “the Franco-German Youth Office will provide the Working Group with technical assistance” available at: <https://www.fgyo.org/>

⁶⁴ Balkans Group interviews with civil society members, Prishtina, July 2017

⁶⁵ Balkans Group interviews, Prishtina, August 2017

⁶⁶ Ibid.

⁶⁷ Energy projects: Energy Community Interest: Serbia – Bulgaria Gas Interconnector

Transport projects: Mediterranean Corridor: Bosnia and Herzegovina – Croatia Cvc Road Interconnection I (Ponirak – Vraca/Zenica Tunnel Segment); Mediterranean Corridor: Bosnia and Herzegovina – Croatia Cvc Road Interconnection II (Tunnel Zenica – Donja Gračanica Segment); Mediterranean Corridor: Bosnia and Herzegovina – Croatia Cvc Road Interconnection III (Johovac Interchange – Rudanka Interchange); Rhine / Danube Corridor: Bosnia and Herzegovina – Serbia – Croatia Waterway Interconnection; Orient/East-Med Corridor: The former Yugoslav Republic of Macedonia – Bulgaria CVIII Rail Interconnection; Orient/East-Med Corridor: Serbia – Bulgaria CXc Rail Interconnection; see at: <https://goo.gl/uJGyLw>

⁶⁸ Balkans Group Interview with EU official, Prishtina August 2017

The Trieste Summit focused extensively on the economic and transport aspects of cooperation. The functional infrastructure and energy sector agendas remained key objectives of the Berlin Process. The summit endorsed a Regional Strategy for Sustainable Hydropower Generation in the Western Balkans. Because of the topography and the hydrologic characteristics, hydropower sector plays a major role in the contribution of renewable energy. New generating plants, desperately needed, could be built across the region.

A milestone reached at Trieste Summit is the agreement on the Regional Economic Area (REA).⁶⁹ It aims to remove barriers between the WB6 and to help them meet EU economic criteria. Parties agreed to implement EU rules on trade, investment, mobility and the digital dimension. The WB6 are left to decide the timing of the implementation of this project.⁷⁰ Also, the EU Presidency and the European Commission co-signed the Transport Community Treaty (TCT) with participating countries. It was particularly important for Kosovo as this was the first bilateral treaty signed with the EU and the Commission.

REGIONAL ECONOMIC AREA

Regional Cooperation and Economic Growth were at the centre of the discussions in Trieste. Participating states agreed on the Multi-Annual Action Plan to establish the REA.⁷¹ The Commission will aid the implementation of this initiative with a package of €7 million for the improvement of the investment climate, smart specialisation strategies and the WB Chambers Investment Forum. Also, an additional €48 million is allocated by the European Commission, for WB6 Enterprise Development and Innovation Facility.⁷²

Bilateral issues between the WB6 have always been an impediment to any regional cooperation initiative, regardless of how profitable regional initiatives sound. Kosovo government officials stated that economic cooperation in the region cannot happen without EU assistance, and results remain to be seen.⁷³ The REA's target is to encourage investment, smart growth, start-ups, and to scale up economies across the region. The Components of the REA are: trade, investment, mobility and digital integration.

- I. Trade: Flow of goods and services without barriers; harmonisation of the Central European Trade Agreement (CEFTA) principles and EU standards; lower trade costs.
- II. Investment: Boosting the region's attractiveness for investments; utilising appropriate legal instruments for implementation; monitoring investment reforms.
- III. Mobility Agenda: Offering better opportunities for skilled professionals (especially medical doctors and engineers) researchers and students through agreements on mutual interests.
- IV. Digital integration: Better connectivity with regard to digital access; security in digital services; digital economy and digital society. This agenda promotes the integration of WB6 into the European digital market.

⁶⁹ Trieste Western Balkan Summit. Declaration by the Italian Chair, July 2017, available at: <https://goo.gl/dJiKjn>

⁷⁰ European Commission, "Western Balkans: Regional Economic Area; the timeframe for the establishment of REA will depend on the region's ambition!", July 2017, available at: <https://goo.gl/EsQvWr>

⁷¹ European Commission, "Western Balkans Summit 2017: delivering for the region", July 2017, available at: <https://goo.gl/v43tfs>

⁷² Ibid.

⁷³ Balkans Group interview with strategic advisor, Kosovo Chamber of Commerce, Prishtina, July 2017

The implementation of this Multi-Annual Action Plan for the establishment of the REA requires the cooperation of national authorities and existing regional structures. Considering that the negotiations in the CEFTA did not show fruitful results, scepticism towards the REA's functionality is high.⁷⁴ The plan foresees implementation between 2017 and 2020, with some actions lasting until 2023.⁷⁵ The establishment of the REA requires the approval of individual countries. For the initiative to be functional, individual countries should resolve border disputes and lift visa barriers that remain at the centre of disagreements in the region. Assuming that a regional economic initiative would simply resolve all bilateral disputes is a false promise. Like any other regional project, REA is likely to get stuck in bilateral disputes between neighbours.

Participating states had conflicting views about this initiative. The idea for this regional economic union was pushed by Vučić who said that he had already discussed the idea with the prime ministers of Albania and BiH. He stated, "The richer all countries in the region are, the better it will be for us".⁷⁶ Others were quick to oppose the initiative; they labelled it adversely "Yugoslavia plus Albania." Montenegro being further ahead in *acquis* accession criteria was against this initiative.⁷⁷ One of the sceptics was also Kosovo's Prime Minister Isa Mustafa who wrote on his Facebook page: "We don't view this proposal with enthusiasm and we don't want past experiences under a new wrapper."⁷⁸ Kosovo doubted Belgrade's intentions for a regional common market. Instead, they engaged to negotiate a smoother form of regional economic cooperation, which satisfied all countries. For Kosovo, however, it was better to be inside than outside, said a business association official.⁷⁹ If implemented, Kosovo would benefit with regard to mobility, recognition of diplomas and trade.⁸⁰ With debates and reservations, the six countries discussed continuously and agreed on a certain form of this initiative.

THE TRANSPORT COMMUNITY TREATY

The TCT, is to a large extent a continuation of the South-East European Transport Observatory (SEETO), which it will replace in January 2018.⁸¹ SEETO is a regional transport organisation based in Belgrade, established on 11 June 2004, with the aim of integrating the TEN-T Comprehensive Network into the Western Balkans.⁸² The TCT's goal is to help WB6 countries integrate into the EU by creating closer transport ties or connections.⁸³ For the Balkans, the TCT offers increased efficiency and competitiveness of transport and tourism, reduced travel time and costs, and increased attractiveness for investments.⁸⁴ For EU Member States, it offers legal certainty, efficiency of transport systems, better safety on roads and

⁷⁴ Balkans Group interviews with government officials at the Ministry of Finance, Prishtina, July 2017

⁷⁵ Draft Consolidated Multi-Annual Action Plan for Establishing a Regional Economic Area in the Western Balkans.

⁷⁶ B92, "Serbia 'not Europe's backyard – but its living room'", February 2017, available at: <https://goo.gl/rko3Jd>

⁷⁷ Balkans Group interview with a Kosovo Government Minister, Prishtina, July 2017

⁷⁸ Intellinews, "Six Western Balkans leaders endorse plan on regional economic area", July 2017, available at:

<https://goo.gl/LFXasx>

⁷⁹ Balkans Group interview, Prishtina, July 2017

⁸⁰ Ibid.

⁸¹ Prishtina insists on hosting the seat of the TCT. No seat of regional organisations is located in Kosovo. The TCT will only include WB6 countries, unlike SEETO that included Croatia.

⁸² SEETO – South East European Transport Observatory, see more at: <https://goo.gl/PZ4aVb>

⁸³ The TCT is based on the progressive reports on transport markets of the WB6 in the EU markets, based on relevant *acquis* chapters. The initiative aims to harmonise the WB6's national legislations with the *acquis*.

⁸⁴ European Commission, "Establishing a Transport Community Between the European Union and the Western Balkans – 2017 signature of a Transport Community Treaty", 2017, available at: <https://goo.gl/ufYiAU>

better transport services for EU citizens.⁸⁵ As previous initiatives showed, solely improving border management is not enough to overcome state-to-state disputes including visa, recognition and demarcation issues.

CIVIL SOCIETY

The Vienna Summit opened the doors for civil society to join the Berlin Process.⁸⁶ The series were launched at the joint initiative of the ERSTE Foundation, the Friedrich-Ebert-Stiftung, the Karl Renner Institute and the Austrian government.⁸⁷ The incorporation of civil society organisations (CSOs) is added value to the Berlin Agenda. The Civil Society Forum consists of several components to develop and formulate proposals.⁸⁸

The Forum contributed to the establishment of RYCO, which marks a major milestone for cooperation and involvement of WB6 youth. Cooperation between civil society and politicians is imperative. CSOs compile policy recommendations on topics including: rule of law, youth cooperation, regional cooperation, bilateral issues, environment and energy, and business environment.⁸⁹ The Civil Society Forum takes place at the same time and place as the Western Balkans annual summits. They are held annually and regionally.⁹⁰

The Trieste Western Balkans Summit Declaration more robustly acknowledged the role of civil society in the Berlin Process and for regional cooperation. The statement encouraged CSOs to represent the public opinion independently from political institutions and leaders.⁹¹ The forum highlighted that civil society should have more influence over the content of European Commission reports and more participation in the monitoring and evaluation of the rule of law.⁹² The summit welcomed civil society's engagement in the areas of democracy, freedom of media, energy poverty, energy inefficiency and bilateral issues, with a specific focus on visa regime.⁹³

Without civil society's support, however, the Berlin Process cannot be successful.⁹⁴ Despite their commitment to get involved in the Berlin Process the civil society forums mostly produce broad recommendations, avoiding addressing specific and difficult issues.⁹⁵ A CSO representative from Kosovo stated "The structure of the civil forum is aberrant; it does not allow us to make recommendations about issues we are concerned about, including Kosovo's

⁸⁵ Ibid.

⁸⁶ Balkans Group interviews with civil society members, Prishtina, July 2017

⁸⁷ Ibid.

⁸⁸ The Youth Forum in Vienna focused on three main topics: building a culture of regional cooperation, freedom of expression and creation of jobs and prosperity. Novi Sad and Belgrade hosted forums after Vienna, in May 2016, priority was given to: migration, climate change, green growth, bilateral disputes and youth cooperation. In July 2016, the Civil Society Forum in Paris brought together activists from the EU and Western Balkans CSOs, to elaborate policy proposals and address the most pressing issues in Europe. In April 2017, Tirana invited WB6 representatives to offer recommendations on the environment, energy, climate change, etc. The Civil Society Forum in Trieste focused on prior recommendations and other topics, as a result of the online consultation process with CSOs from all over the Balkans.

⁸⁹ Civil Society Forum of the Western Balkan Summit Series, July 2017, available at: <https://goo.gl/8BH2nn>

⁹⁰ The annual meetings are held parallel to the summits in Berlin, Vienna, Paris and Trieste; the regional meetings are held parallel with in-between summits such as Belgrade, Skopje and Tirana.

⁹¹ Trieste Western Balkan Summit Declaration by the Italian Chair, July 2017, available at: <https://goo.gl/P3steJ>

⁹² Civil Society Forum of the Western Balkans Summit Series – Civil Society Forum recommendations as part of the Western Balkans Summit Declaration, July 2017; The Trieste Summit CSF tackled certain issues which continue to bother the Western Balkans on their path toward EU integration, available at: <https://goo.gl/EFwZCA>

⁹³ The forum's conclusion provided possible answers toward a more strategic approach of the Berlin Process, the migration management issues and the role of the United Kingdom in the Balkans in light of Brexit.

⁹⁴ EcoDev, "Report from the Day 1 of the Trieste Civil Society Forum", July 2017, available at: <https://goo.gl/V3Ypzs>

⁹⁵ Balkans Group interview with CSO representative at the CSF in Trieste, Prishtina, August 2017

youth mobility, bilateral disputes with Serbia. Rather it's a pile of broad recommendations that do not benefit anyone."⁹⁶ CSO members from Macedonia and Montenegro expressed similar concerns. Civil society representatives claim that their country peers are not fairly represented, and the forum is largely run by the Belgrade-Austrian partnership of foundations.⁹⁷ Led by the European Fund for the Balkans, the Civil Society Forum invites civil society representatives through an open call. The online application process does not satisfy many influential members of civil society. Another challenge for the Civil Society Forum is funding, as very few donors are willing to fund CSO activities within the Berlin Process.⁹⁸

Kosovo's civil society is active, independent and engaged domestically. However, it failed to be more vocal in the CSF. Due to the lack of a certain structure that would stimulate accountability between political institutions and CSOs, there is a lack of cooperation between the two.⁹⁹ This is reflected in the Civil Society Forums.¹⁰⁰ By producing general policy recommendations, bilateral disputes are overshadowed. Among areas where Kosovo CSOs felt discriminated is the pillar of "Youth Mobility", including the issue of free travel by Kosovars in all WB6 countries. In Kosovo, CSOs fear that Serbia will continue blocking projects for Kosovo which remain to be discussed in the first round of RYCO projects in October 2018.¹⁰¹

It is undoubtedly a success that civil society is included in the Trieste Summit Official Declaration. However, the projects of the Civil Society Forum have become fragmented and partial with some countries being underrepresented. The main funding institutions of the Civil Society Forum are Austrian institutions. The Forum failed to include equally all actors of the civil society of each country. These barriers not only hinder cooperation between participating representatives, but also leave no room for changing the Civil Society Forum structure.

2. WHAT DOES THE BERLIN PROCESS MEAN FOR KOSOVO?

The EU's intention is to pave the way for future cooperation between the WB6 without European assistance.¹⁰² The process proves to be very slow, though with some positive remarks. For Kosovo, the Berlin Process offers a good opportunity for equal representation in summits, projects and discussions. However, unresolved bilateral disputes, Serbia's blockade and absence of relations with BiH, continue to hinder Kosovo's full participation in the region and beyond. Other challenges relate to the political instability at home and lack of coordination between government institutions. Kosovo needs to be more vocal and active in all regional initiatives, including the Berlin Process.

⁹⁶ Ibid.

⁹⁷ Ibid.

⁹⁸ Balkans Group interview, Belgrade-based civil society activist, Berlin, October 2017

⁹⁹ Balkans Group interview, Civil Society member, Prishtina, July 2017

¹⁰⁰ Ibid.

¹⁰¹ Ibid.

¹⁰² Balkans Group interview with government official at the Ministry of Finance, Prishtina, July 2017

BENEFITS

- Kosovo has the opportunity to make its voice heard and cooperate with countries of the region and the EU on an equal footing; WB6 governments are equal at the negotiation table.¹⁰³
- The flag of Kosovo is in every forum, just like flags of other neighbouring countries.¹⁰⁴
- The Berlin Process marks progress on cooperation between WB governments. For the first time, leaders are able to discuss and compromise on various issues.¹⁰⁵
- During the Berlin, Vienna and Paris summits, Kosovo was presented with the neutral-status asterisk. In Trieste, no asterisk for Kosovo was displayed, for the first time. This positive step may pave the way for becoming a practice.¹⁰⁶
- Kosovo is a part of larger initiatives of the Berlin- Brussels combo.
- Kosovo joined the TEN-T, which has a good impact on Kosovo's road network and improves connectivity. It places Kosovo into the European transport network.¹⁰⁷
- The TCT signed at the Trieste Summit as a continuation of SEETO, not only enlists Kosovo with its name but also makes it a potential candidate for TCT's regional office.¹⁰⁸ Under SEETO, a regional transport organisation signed in 2004 by WB6 and Croatia, Kosovo was enlisted under "the United Nations Mission in Kosovo."
- Kosovo is a signatory member of the Regional Youth Cooperation Office. The Deputy Secretary General of RYCO is from Kosovo.¹⁰⁹
- Kosovo would benefit if the Regional Economic Area were implemented, in particular with regard to visa requirements, recognition of Kosovo authorities, birth certificates, licenses, diplomas and exchange of professionals.
- Through the Berlin Process and other regional initiatives, Kosovo implements SAA obligations on good neighbourly relations and regional cooperation.¹¹⁰

CHALLENGES

- Kosovo faces considerable challenges in promoting its statehood and fostering regional cooperation, including the Berlin Process and EU accession agenda.
- Regional cooperation often sweeps bilateral disputes under the rug whereby Kosovo suffers the most, due to its bilateral disputes with Serbia and BiH. While there are positive remarks that emerged from the Berlin Process, the most pressing issues for Kosovo remain unresolved. Those include denial of Kosovo's statehood, demarcation of borders and full and free participation in regional initiatives and projects, largely blocked by Serbia.

¹⁰³ Balkans Group interview with Kosovo government minister, Prishtina, July 2017

¹⁰⁴ Ibid.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

¹⁰⁷ Radio Evropa e Lirë, "Bad relations threaten highways and railways projects in the region, Kosovo's Minister of Infrastructure: Kosovo is equal with other Western Balkan countries", September 2016, available at:

<https://goo.gl/YHnQ5D>

¹⁰⁸ Balkans Group interview with government official at the Ministry of Transport, Prishtina, August 2017

¹⁰⁹ RYCO – Ryco Team, available at: <https://goo.gl/XhNp6j>

¹¹⁰ Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, on the one part, and Kosovo, on the other part, October 2015, Article 8: "Kosovo commits to continue to foster cooperation and good neighbourly relations in the region, including an appropriate level of mutual concessions concerning the movement of persons, goods, capital and services as well as the development of projects of common interest in a wide range of areas, including the rule of law. This commitment constitutes a key factor in the development of relations and cooperation between the Parties, thus contributing to regional stability", available at: <https://goo.gl/x7QXoy>

- Despite long years of dialogue on normalisation of relations, unresolved bilateral disputes continue to challenge implementation of projects and Kosovo's path toward the EU.¹¹¹
- Phase three of the railway project depends on the resolution of the Kosovo-Serbia dispute. The railway segment in northern Kosovo is not funded because of Serbia's claim over the territory and property.
- There can be no real regional cooperation when the people of BiH and Kosovo cannot travel freely and when Kosovo's citizens are still afraid to travel to Serbia.¹¹² Political disputes between Kosovo, BiH and Serbia hamper regional cooperation, raising doubts for the success of the whole process, or at least heavily hindering its benefits.
- The growing partnership between Albania and Serbia provides an escape for Serb leaders from the Kosovo-Serbia dispute.¹¹³ Kosovo's government is sensitive to the substitution of the Kosovo-Serbia relations to Serbian-Albanian relations. It is evident that Serbia takes advantage of regional initiatives by downplaying the importance of improved relations with Kosovo.
- Kosovo is the only country with no seat of regional organisations. This raises doubts about equal treatment among government officials and the civil society in Kosovo.
- Kosovo has a small economy and largely relies on imports. It does not have a good trade record within the region or with the EU, and is predominantly a receiver of Serbian exports and further release of trade will damage the local economy.¹¹⁴
- Kosovo is far behind other neighbours in the accession process.
- Kosovo's internal instability has diverted focus away from policies, projects and agendas including those of the Berlin Process.¹¹⁵ Weak institutions and poor policy planning and coordination reflect badly on Kosovo's performance, i.e. preparation of the projects, secure funding and advancing good neighbourly relations, forming partnerships and gaining more support.
- Kosovo officials' lack of commitment, consistency and engagement is evident in the process. Also, lack of inclusion and transparency leaves institutions uninformed and reluctant to engage.

TRANSPORT

Participating states prioritised the Connectivity Agenda to foster regional cooperation. Regional infrastructure projects were promoted throughout the process. Different grant mechanisms including EC, WBIF, EIB, CEB, and ECB pledged investment funds and loans to beneficiary states to co-finance infrastructure projects.¹¹⁶ In 2015, WB6 and EU leaders agreed to integrate the WB6 into the EU Core Network and Corridors as part of the TEN-T.¹¹⁷ The Berlin Process Connectivity Agenda focuses on the Core Network, although some Comprehensive Network projects are funded too.¹¹⁸ Core Network projects connect WB6 countries with European Union countries.¹¹⁹ This in turn, promotes movement of goods, people and trade. SEETO calculated a total cost of roughly €7.7 billion for priority projects in

¹¹¹ Balkans Group interview with BPRG Executive Director, July 2017

¹¹² Ekonomia Online, "Bad relations threaten highways and railways projects in the region, analyst Naim Rashiti on the Berlin Process", August 2017, available at: <https://goo.gl/8ZTTrG>

¹¹³ Balkans Group interview with CSO representative at the CSF in Vienna and Paris, Prishtina, August 2017

¹¹⁴ Balkans Group Interviews with government officials at the Ministry of Finance, Prishtina, July 2017

¹¹⁵ Similar problems were noted on the implementation of SAA, European reform agenda, etc.

¹¹⁶ Western Balkans Investment Framework 2016 Annual Report, 2016, available at: <https://goo.gl/tr7CbD>

¹¹⁷ A Core Network is a network connecting capital cities, economic centres and maritime ports.

¹¹⁸ Ibid.

¹¹⁹ Ibid.

the WB6.¹²⁰ The EU pledged over €1 billion for the period of 2014-2020; grant mechanisms allocated 50% for railways projects and 20% for highways.¹²¹ A set of reforms to comply with the Core Network and Corridors standards have been agreed on. The TEN-T is a network consisting of roads, railway lines, inland waterways, inland and maritime ports, airports and railroad terminals throughout the 28 EU Member States.¹²² It is comprised of the Comprehensive Network and the Core Network. The Core Network is a part of the Comprehensive Network, distinguished by its strategic importance for major European and global transport flows. The Core Transport Network for the WB was agreed in 2015,¹²³ and has to be completed by 2030.¹²⁴

Kosovo is included in both the Core and Comprehensive Networks.¹²⁵ The R10 is the TEN-T's Core Network corridor. The Government of Kosovo presented other projects including Prishtina-Hani i Elezit highway. The Berlin process and funding institutions would not support projects under implementation or contract.¹²⁶ The R10 connects Kraljevo (Serbia), Prishtina (Kosovo), and Gorce Petrov (Macedonia). The project is divided into three phases: Fushë Kosova/Kosovo Polje– Macedonia Border, Fushë Kosova/Kosovo Polje-Mitrovica, Mitrovica-Serbian border. Implementation of the first two phases has already started, while the third phase is awaiting approval due to political disputes between Serbia and Kosovo over territory and property in northern Kosovo. EU-facilitated dialogue on the normalisation of relations between Kosovo and Serbia has not secured Serbia's compliance with Kosovo law and territory: Belgrade still has claims over properties of the railway and other infrastructure in northern Kosovo. Phase three is unlikely to be implemented soon.¹²⁷ For the first segment of the project, EBRD invested €80.9 million (48%); for the second segment EBRD and EIB invested €42.3 million (43%).¹²⁸ Implementation of the project is slow, mainly due to the lack of cooperation between institutions in Kosovo.¹²⁹ To speed up the implementation phases, more efficient coordination between the Parliament, Ministry of Infrastructure, Ministry of Finance and Ministry of European Integration is required.¹³⁰

Kosovo signed the Transport Community Treaty in Trieste, which expands TENT-T in the Western Balkans. It took years to agree on the Transport Community; the government objected to maps which presented the Kosovo-Serbia border drawn with a thinner line.¹³¹ Kosovo representatives approved the TCT with three conditions. Kosovo submitted a letter of non-recognition of the maps and the border with Serbia. They also asked for countries to

¹²⁰Western Balkans Investment Framework 2016 Annual Report, 2016, available at: <https://goo.gl/tr7Cbd>

¹²¹ Balkans Group interview with Kosovo government minister, Prishtina, July 2017

¹²² See TEN-T maps at: <https://goo.gl/rvWNyr>

¹²³ For more information on SEETO, see: <https://goo.gl/zWNhJz>

¹²⁴ SEETO, Five-Year Multi-Annual Development Plan, 2016 update, available at: <https://goo.gl/uqHJCr>

¹²⁵ The Core Network for Kosovo includes: Route 6a Prishtina (KOS) – Skopje (MKD) and Route 7 Lezhe (ALB) – Prishtina (KOS) – Doljevac/Nis (SERB). The Comprehensive Network includes: Route 6a Ribarevina (MNE) – Ribarice (SERB) – Prishtina (KOS) – Skopje (MKD), Route 6b Prishtina (KOS) – Peje/Pec (KOS) – Kolasin (MNE) and Route 7 Lezhe (ALB) – Prishtina (KOS) – Doljevac (SER) see at: <https://goo.gl/uqHJCr>

¹²⁶ Balkans Group interview with CSO representative at the CSF in Vienna and Paris, Prishtina, August 2017

¹²⁷ Balkans Group interview with EU official, Prishtina, August 2017

¹²⁸ Connectivity Agenda – Co-financing of Investment Projects in the Western Balkans 2015 and 2016, available at: <https://goo.gl/z155wN>, <https://goo.gl/nUP71e>.

¹²⁹ The Ministry of Infrastructure delayed implementation, insisting on a new feasibility study that would plan new construction of the railway under the city of Ferizaj. The EU and financial institutions did not support this initiative. Ongoing debates and the inability of the government to decide quickly have delayed the implementation for one year.

¹³⁰ Balkans Group interview with government official at the Ministry of Infrastructure, Prishtina, July 2017

¹³¹ Kosovo officials demanded new maps. Yet, it is almost impossible to change the maps of TEN-T, since it requires the approval of all other 28 members and five EU states do not recognize Kosovo's independence. Balkans Group interview, Brussels, May 2017

be listed in alphabetical order, thus listing Kosovo before Serbia, and requested the seat of TCT to be placed in Prishtina.¹³²

ENERGY

The Connectivity Agenda of the Berlin Process foresees Energy Infrastructure Investments through the WBIF and loans from the International Financial Institutions.¹³³ In April 2016, the WB6 signed a Memorandum of Understanding (MoU) on regional electricity market development. Countries agreed to establish a framework for collaboration; the Energy Community Secretariat is mandated to assist the WB6 in the implementation of these measures, although little has been implemented so far.¹³⁴ Regional energy cooperation is hampered by governments' inability to meet the goals set by the cooperation framework. In Paris, another MoU on cross-border electricity trade was signed. Paris approved the roadmap for the regional electricity market.¹³⁵ WB6 governments are still moving slowly on the creation of an organised market for efficient electricity trading. Kosovo lags behind with projects in the energy sector. The agreement on energy with Serbia has not been implemented.¹³⁶ The Kosovo Electricity Transmission, System and Market Operator (KOSTT) refused to sign the MoU agreed with the WB6¹³⁷ because of Serbia's noncompliance with the Brussels-brokered agreement on energy.¹³⁸ Belgrade intentionally delays implementation of the energy agreement and is reluctant to allow Kosovo to take full control of its network. A Western diplomat admits "I am afraid Belgrade is not interested in implementing the agreement on energy."¹³⁹ The paradox is that the German government and the EU are not willing to persuade Serbia to implement the agreement, despite their heavy investments in Kosovo's energy sector.¹⁴⁰ EU DG NEAR is even more reluctant to push for the implementation of the agreement.¹⁴¹ The German government has invested around €80 million in Kosovo's energy sector, including in the new 400 MW line between Kosovo and Albania.¹⁴² Serbia's blockade of Kosovo's membership of the Vienna-based Energy Community costs millions of euros to

¹³² Balkans Group interview with Kosovo government minister, Prishtina, July 2017

¹³³ Balkan Green Foundation, "Balkan Energy Overview", June 2017, available at: <https://goo.gl/tfSfkg>

¹³⁴ Cooperation and Development Institute/ ShtetiWeb, "Monitoring the Berlin Process: From Paris to Trieste", January 2017, available at: <https://goo.gl/hBgdY3>

¹³⁵ The signing of the MoU marked a milestone, yet cross-border electricity trade remained under region's potential. The signature of the Roadmap for a Regional Electricity Indicator signed at the Paris Summit, aimed to push countries to implement previously endorsed measures. Key conditions for implementing electricity spot trading emphasised in the roadmap are: adhering to a power exchange, developing training/market coupling with one or more neighbours, participating in MoU and SEE coupling initiatives and implementing agreed measures, ensuring liquidity, and monitoring progress with indicators.

¹³⁶ Conclusions of the EU facilitator on the implementation of the 2013 Energy Agreement, September 2013, available at: <https://goo.gl/NmmHeh>

¹³⁷ WB6 Memorandum of Understanding on Strengthening Regional Electricity Market Integration.

¹³⁸ KOSTT J.S.C is the Electricity Transmission, System and Market Operator of the Republic of Kosovo, a public company, see more at: <https://goo.gl/Nyqkpc>

¹³⁹ Serbia violates the agreement on energy, by not registering two energy companies according to Kosovo laws. The implementation of the agreement between KOSTT and the European Network of Transmission System of Operators of Electricity (ENTSO-E) remains an impediment. This is due to Serbia's unwillingness to implement the energy agreement. ENTSO-E, the European Network of Transmission System Operators, represents 43 electricity transmission system operators (TSOs) from 36 countries across Europe, see at: <https://goo.gl/vpvMJx>

¹⁴⁰ Balkans Group interview with government officials, KOSTT officials, August 2017

¹⁴¹ "We are not the key players on this, EEAS and member states have to push it", Balkans Group interview with EU official, Prishtina August 2017

¹⁴² Reporter.al, "Interconnection lines Albania-Kosovo and Belgrade blocked indefinitely", March 2017, available at: <https://goo.gl/TUyT7D>

Kosovo's energy operators.¹⁴³ Kosovo authorities cannot control the transmission of energy and integrate ENTSO-E.¹⁴⁴ These issues frustrate Kosovo's government and contribute to growing resentment against the Kosovo-Serbia dialogue among Kosovo citizens.

REGIONAL ECONOMIC COOPERATION

The goal is to initiate economic reforms with EU standards. Kosovo's political leaders did not welcome the initiative for a common market. However, the government accepted to negotiate another form of regional economic cooperation. Following the summit, the prime minister of Kosovo, Isa Mustafa claimed that "Kosovo aims to be part of the European market and this is to be done only by economic cooperation with the Western Balkans. But the common market cannot function without free movement and visa liberalisation for Kosovars."¹⁴⁵ The REA was a last-minute compromise.¹⁴⁶ Participating countries had opposing views about this initiative. The new topics that the REA touches upon include removing bureaucratic documentations, recognising certificates and diplomas, and mobility of labour force (in particular engineers and doctors). The idea of a REA is positive, but its implementation is more complex than assumed.

BILATERAL DISPUTES

Heads of governments agreed to resolve bilateral disputes early in their accession process to the EU.¹⁴⁷ WB6 countries committed firmly not to block or discourage other states on their respective EU paths. Yet, very little or nothing has been achieved. Instead, in the last two years, tensions between governments and incidents within states have been unprecedentedly frequent. Summits of the Berlin Process have failed to address the lack of progress on this agenda point.

State-to-state issues remain unsolved to date, yet they still are not topping the list of priorities of the Berlin Agenda. Such disputes include poor bilateral relations, prosecution of war crimes, status of minorities, legal disputes, missing persons and repatriation and reintegration of displaced persons.¹⁴⁸ The umbrella of regional cooperation should prioritise issues of good neighbourly relations.

In practice, Kosovo suffers the most: Serbia and BiH challenge Kosovo's sovereignty and independence. Serbia's blockade remains an obstacle for Kosovo's integration into ENSTO-

¹⁴³ Balkans Group interview with KOSTT officials, Prishtina, August 2017

¹⁴⁴ Serbia has to vote on Kosovo membership of ENTSO-E. The Kosovo Minister for Dialogue and head-negotiator stated that if delays continue, Kosovo will be obligated to apply reciprocity measures against Serbia, to protect its independence in the energy system. Until both parties and the EU find a solution for these issues, further development in the energy sector will be hard to achieve. Prishtina Insight, "Kosovo refuses to sign Western Balkans energy memorandum", April 2016, available at: <https://goo.gl/gT18D7>

¹⁴⁵ Koha.net, "Kosovo doesn't accept a common market in the Western Balkans", March 2017, available at: <https://goo.gl/dpobHw>

¹⁴⁶ WB6 countries have different level of debt and economic growth. Until now, CEFTA negotiations between WB6 proved unsuccessful and chaotic. A new version of CEFTA raises doubts to Kosovo political leaders.

¹⁴⁷ Regional cooperation and tackling bilateral disputes are enshrined in the general principles of the Stabilisation Association Agreement (SAA).

¹⁴⁸ European Fund for the Balkans, "The Berlin Process and Regional Cooperation in the Western Balkans: How to Make Agreements More Effective and Efficient?", December 2016, available at: <https://goo.gl/9cEf3W>

E.¹⁴⁹ The internal political environment in BiH reflects badly on relations with WB6 countries and in particular with Kosovo. The initiative to resolve bilateral issues remains in the hands of WB governments; it is unlikely to change in the near future. EU support for regional cooperation is not enough; it should require resolution of bilateral issues to be at the forefront of regional cooperation and EU accession.¹⁵⁰

The failure of Kosovo's government to ratify the border agreement with Montenegro remains an issue that reflects political tensions inside the country and the inability to conclude agreements with neighbours. Alongside state consolidation, Kosovo should work on enhancing good neighbourly relations. In the absence of progress with Serbia, Prishtina should work with Macedonia, Albania, and Montenegro to maximise benefits from the Berlin Process.

3. AHEAD OF LONDON: WHERE DOES THE PROCESS LEAD?

In July 2018, the UK will host the last Western Balkans Summit. There is irony in having a country that is deliberately leaving the EU hosting a summit paving the way for EU integration for the WB6. With Brexit, the Western Balkans lost a strong advocate inside the EU. Together with Berlin, the British government was one of the leading EU nations to press Serbia to advance dialogue for the normalisation of relations with Kosovo.¹⁵¹ Even after Brexit, however, the UK will remain an important actor in the Western Balkans. The UK government has intensified high-level visits to the region and reframed its WB policies. The agenda for the London summit is still under preparation, but the main goal will be to ensure partnerships with and ownership of WB6 governments.¹⁵² Progress on existing agendas is vital to ensure continuity of achievements. This means not bringing new ideas to the table which would outshine existing agenda points, but rather focusing and elaborating on monitoring and carrying on the achievements of previous summits.¹⁵³ Similarly, the order of priorities in the Berlin Agenda needs to change: bilateral disputes should be the first concern. Together with the British leaders, German Chancellor Angela Merkel and EEAS High Representative Federica Mogherini should demand tangible progress on the resolution of bilateral disputes among the Western Balkan neighbours.

British officials stated that although the UK would like to address common security challenges and have expertise in security issues, the 2018 summit will not solely prioritise security issues.¹⁵⁴ Addressing the House of Commons, British Prime Minister Theresa May said that the UK is able to show once again how Britain will continue to play a leading role in Europe after Brexit. In the run-up to the summit, the UK will enhance security cooperation with WB partners. Prime minister May further asserted that the agenda would encompass a wide range

¹⁴⁹ Balkans Group interview with government official, Prishtina, July 2017

¹⁵⁰ Balkans Group interview, UK official, August 2017

¹⁵¹ UK and German government would issue frequent demarches and non-papers to the Serbian government. See Crisis Group reports, "Serbia and Kosovo: The Path to Normalization", February 2013; "Kosovo and Serbia: A Little Goodwill Could Go a Long Way", February 2012.

¹⁵² Balkans Group interview, UK official, August 2017

¹⁵³ Institute for Democracy "Societas Civilis", "Towards the more visible, efficient and effective: Berlin Process 2.0", November 2017, available at: <https://goo.gl/CSB6aW>

¹⁵⁴ Ibid.

of issues including organised crime, anti-corruption and cyber security.¹⁵⁵ Staying continuously involved in the WB is thus a strategy for the UK to find its place as an independent European country after leaving the EU.¹⁵⁶

There are expectations that after the London Summit, the Berlin Process will continue. Although it is still unknown if this hypothetical new agenda would be an extension of the process or a new mechanism, the agenda of the summits should go on to keep channels of communications open between the WB Six.

To reach the objective, relations between the Berlin Agenda and the EU Enlargement initiative for the Western Balkans should strengthen. The EU enlargement negotiations can benefit by integrating the political weight that the leaders of the Berlin Agenda carry. This can be done, by giving a role to the Berlin Agenda in the EU enlargement strategy and the 2018 EU Western Balkans Summit.¹⁵⁷ A strengthened Berlin Agenda should continue with the resolution of all bilateral disputes ahead of membership for all Western Balkans countries. By doing this, the Berlin agenda can promote the policy of integration of the Western Balkans Six into the European Union and help them implement some of the key conditions.

CONCLUSION

The Berlin process marks the first time that WB6 leaders agree to sit together, discuss and compromise. This process added a new dynamic and has the potential to improve relations between the EU and the WB6. Each annual summit puts emphasis on certain issues. Germany set the basis for fundamental rights, Austria focused on bilateral disputes, migration and civil society, France dealt with vocational training and youth exchange programmes and Italy concentrated on small and medium enterprise development.¹⁵⁸

The Connectivity Agenda and the establishment of RYCO are the greatest successes of the Berlin Process initiative. WB6 governments are equal at the Berlin Process. Each country representative is responsible to bring attention to feasible projects for potential funding. Serbia and BiH have benefited the most with regard to funding of projects. Though Kosovo gained the R10 railway project, it is not making full use of the opportunities that the process offers.

New agendas will add to the Berlin Process. The first phase (2014-2018) launched a promising set of projects, but delays and lack of implementation have failed to produce tangible results; citizens of the Western Balkans do not see the benefits yet. Among the weaknesses of the process are the absence of a monitoring mechanism and the lack of transparency by governments. Well-designed monitoring tools and reporting frames could ensure better

¹⁵⁵ Prime Minister Theresa May gave a statement to Parliament at the March EU Council meeting and next steps in preparing to trigger Article 50. British Prime Minister's Office, "PM Commons statement on European Council: 14 March 2017", available at: <https://goo.gl/ubcA8U>

¹⁵⁶ Balkans Group interview with a Kosovo government minister, July 2017, and Civil Society Forum of the Western Balkans Summit Series, "What's next? The British presidency of the Berlin Process at the time of Brexit", July 2017, available at: <https://goo.gl/G4sfjR>

¹⁵⁷ EU enlargement strategy will be published in February 2018. It will set the terms and pace for integration of each of the six Western Balkans countries into the EU. In May 2018, Sofia will host an EU-Western Balkans summit, a re-launching of the 2003 Thessaloniki summit for the EU perspective.

¹⁵⁸ OEFZ, "The European Union and the Western Balkans after the Berlin Process – Reflecting on the EU enlargement in times of uncertainty", July 2017, available at: <https://goo.gl/paCGbP>

implementation. Civil society at the regional level should get involved and develop monitoring tools and policies. The EU and the Member States that are part of the Berlin process should pay more attention to implementation reports. Progress on the new initiatives and agenda will depend on the progress made on the implementation of the current projects and initiatives.

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