

Towards the more visible, efficient and effective:

BERLIN PROCESS 2.0



November 2017

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Authors: *Zoran Nechev, Gentiola Madhi,
Adnan Ćerimagić and Jovan Nicić*

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Authors: Zoran Nechev, Gentiola Madhi, Adnan
Ćerimagić and Jovan Nicić

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Introduction

Preceding the Western Balkans Summit in Trieste in July 2017, HR/VP Federica Mogherini stated that “the Berlin Process is meant to accompany the Balkans’ path towards the European Union [...] it is not a substitute, not a competitor, but on the contrary a facilitator of our common work”. And this was the idea behind the Berlin Process initiated in 2014 by the German chancellor Angela Merkel. In addition, it came at a time when the engagement of the EU looked even more distant, following the announcement of a five-year break from enlargement by the newly elected European Commission President Jean-Claude Juncker.

Today, the region is faced with a different reality portrayed by the incumbent European Commission President. In his latest State of the Union Speech in the European Parliament, delivered on 13 September 2017, President Juncker revealed a new vision - prospects for EU accession of the current frontrunners from the Western Balkans by 2025. Thus, he leaves a legacy to the next European Commission to move forward with the enlargement agenda. Two weeks later, French President Emmanuel Macron gave his ‘Initiative for Europe’ speech, outlining a French proposal for reforming the Union. Among many proposals he gave in that speech, one related to enlargement, and that was that the EU will “open up to the Balkans once they fully respect the EU *acquis* and democratic requirements”. This is important, as France is part of the Berlin Process and is also involved in the Brdo-Brijuni Process including the countries of the Western Balkans and the EU.

The Western Balkan countries, the EU and the member states involved in the process share a common understanding for the positive climate of cooperation the Berlin Process has

brought to the region. This is essential for the continuation and evolutionary advancement leading towards the creation of Berlin Process 2.0.

This concludes the scene with which the countries involved in the Berlin Process are currently faced, and this should be the starting point of discussions for the future of the Process. The prevailing assumption in this brief is that the time has come for the Western Balkan countries to show maturity and express willingness to enhance local ownership of the Berlin Process, thus boosting visibility, efficiency and effectiveness in view of achieving better, sustainable and long-term results.

1. Visibility

The Berlin Process has managed to create positive momentum in terms of regional political cooperation and reconciliation. However, an embedded deficiency of this regional intergovernmental process is its lack of visibility, and therefore wider societal recognition of the achieved results. The Berlin Process has not been characterized as transparent, either in terms of preparation of the annual summits or in the implementation of the undertaken governments' commitments. Even those issues which are made public, such as the final declarations or joint statements, are not actually visible and communicated to the general public in a sufficiently transparent and accessible manner. To this point, the Berlin Process has been in the media spotlight both nationally and internationally mostly during the annual summit days. In order to increase visibility, the governments of the Western Balkans need to put much more efforts into promoting the benefits of the Berlin Process, making them more visible by involving other societal actors and political institutions in an open and transparent way.

1.1. Agents of change (youth, parliaments and civil society)

Regional youth cooperation has been in the spotlight of Berlin Process since early 2015. The establishment of the Regional Youth Cooperation Office (RYCO) marks the first tangible outcome of the Berlin Process. As the Berlin Declaration stressed the need to expand youth transnational exchanges in the Western Balkans, both participating countries and civil society actors saw a window of opportunity for regional reconciliation, in view of the European integration process. RYCO has been the paramount achievement of two consecutive annual summits, respectively in Paris and in Trieste. Both the process of establishing this Office and the related objectives provide strong potential for increasing youth exchange, learning mobility in the region and their hands-on engagement in the countries' democratic processes. And thus, it has the objective, through these activities, to further increase the visibility of the Berlin Process and the results it has achieved.

This experience served as a model to the European Commission to initiate the 'EU Scheme for Young Professionals in the Western Balkans', which aims to enable cross-border connections and experience-sharing among young civil servants working in the public administrations of the countries of the region. Launched at the Paris Summit, this EU scheme has been assessed quite positively by the beneficiaries. Although the number of beneficiaries is still rather limited, this scheme provides a platform for promoting the exchange of public administration officials, technical knowledge and know-how. In a wider perspective, these people-to-people contacts constitute a suitable instrument to increase visibility, reduce prejudices and promote the Berlin Process's goals – a tangible outcome for the societies and citizens in the Western Balkans.

The involvement of the national parliaments in the Berlin Process has been quite limited. None of the final declarations of the annual summits makes any reference to their inclusion and/or contribution to conveying the message to the local communities on the importance of regional cooperation. The former chair of the Albanian National Council for European Integration made an attempt, unsuccessfully, to include the parliamentary dimension during the Paris Summit. Although this initiative was backed by the national parliaments of the Western Balkans, the Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union and the European Parliament, due to political reasons, it did not manage to succeed. The European Parliament has not taken any visible stances in this regard; some of its MEPs, however, have been quite vocal advocates for the broader involvement of the national parliaments along with civil society in the Berlin Process.

The inclusion of national parliaments from the Western Balkans in the next round of the Berlin Process is considered to be a key pillar to increased visibility, as these institutions represent the interest of their citizens. In this regards, the engagement of the MPs is perceived as two-fold: they can bring in the voice of the citizens on different initiatives under the Berlin Process, while at the same time, Members of Parliaments can bring the Berlin Process closer to their citizens. This is why presidents of the national parliaments should be invited to attend the next summit, taking place in the UK. They should be informed about commitments their governments have taken on and discuss parliaments' monitoring role in making sure governments deliver on their commitments.

Civil society inclusion in the Berlin Process was vaguely mentioned in the Berlin Declaration in 2014. In time, with numerous advocacy activities, civil society managed to develop to the extent that nowadays it organizes regular Western Balkans

Civil Society Forums (CSF) as side events on each of the Summits, and it is officially recognised in the final declaration of the Chair. In the latest Forum in Trieste, more than 200 representatives from the Western Balkans were present; initiated, for the first time, as a segment on the margins of the Vienna Summit, CSF developed in the following two years into a regional multi-track bottom-up initiative, which brought together civil society, experts and media representatives in online and offline discussion forums. It served as a venue to articulate constructive criticism, suggestions and recommendations and to increase the impact of organised civil society in achieving the ambitious goals of the Berlin Process.

Civil societies from the region ensured considerable visibility to the Berlin Process. However, civil society goes beyond the representatives that have joint CSF events and it is essential to consider their engagement in an even broader perspective. In principle, civil society organisations can actively contribute in cultural bridging, in the fight against prejudices as well as in the resolution of practical everyday problems in the Balkans. In this regard, a good example would be the resolution of bilateral disputes. The authoring of the Declaration on Regional Cooperation and the Solution of the Bilateral Disputes, done with involvement of the BiEPAG, and its placement as a topic on the agenda is one of the practical examples. The wider inclusion of these societal actors and political institutions would ensure greater visibility of the Berlin process; would further increase the trust in the EU enlargement-related processes and wider societal participation and recognition.

Overall, in terms of visibility, there is a void that needs to be filled by building upon the established youth cooperation mechanism, public administration exchange schemes as well as more structured inclusion of the civil society and a fresh start with national parliaments from the Western Balkans. Expanding

the number of actors involved in projecting and promoting key EU policies, investments and core values will have a positive impact on Western Balkans societies at large.

2. Effectiveness

The main responsibility for the success of the Berlin Process lies with the national governments in the region. The results therefore depend on the level of motivation governments have to invest resources in delivering on commitments they made. Since consistent top-down pressure on national governments is needed, the question is, what has been done so far and what more could be done to motivate governments to deliver better results? Transparency and a clear division of responsibilities in commitments made by governments, but also credible and clear monitoring combined with a proactive role of the civil sector and interest groups could hold an answer.

2.1. Processes of change: Monitoring and Institutionalisation

All governments (politicians and civil servants) want recognition for their work and success. At the same time, when success is absent, they fear shaming and naming. To be effective, both the recognition and shaming and naming have to be done by a credible actor and in a clear way. A photo opportunity with high-level EU politicians - such as Merkel or Macron - is perceived as a reward for the Western Balkans' politicians. Same goes for financial support which governments receive for their infrastructure projects through the Connectivity Agenda. Their motivation to take part in annual summits is evident but

also expected, as is their work on fulfilling conditions to access funds. The success of RYCO showed that governments could deliver even in areas where financial or political benefit is not self-evident. Instrumental for the success were the clarity of what was expected from the governments, concrete and targeted external (French-German) support and a push by the youth organizations and civil society groups in the region.

And while some areas delivered concrete results, in many areas these were absent. Bilateral issues are just one example. Many rightfully argue that in areas considered to have delivered results (such as infrastructure and youth policy), more could have been done. The Berlin Process so far has been remiss in providing a full and transparent overview of commitments and results made by governments at summits. An easily accessible and detailed catalogue of commitments is not available. Interviews conducted as part of the research for this brief showed that even public servants could not explain what concretely is expected of them. The list of areas discussed at summits is very long. And will become even longer. With no clear overview, an increasing number of topics, and rudimentary monitoring efforts, the danger exists that either governments' motivation to deliver results on their commitments will decrease or that governments will start using the cherry-picking *modus operandi* in the process.

Over the years, civil society in the region and the EU alike has provided its own assessment of results of Berlin Process. But due to low transparency of the process, absence of regular consultations, the effects of the monitoring efforts by civil society have been limited, if not lacking. Predominantly they focused on certain issues or areas, which is far from the shadow reports they could offer. The European Commission has discussed certain achievements of the Berlin Process in its two previous rounds of annual reports on the enlargement countries (in 2015 and

2016).¹ The Commission’s assessment was, however, regularly provided in a single paragraph and in many cases only very briefly. Regional organisations, such as the Regional Cooperation Council (RCC) or Central European Free Trade Agreement (CEFTA), did not engage in public assessment of achievements, although many issues covered by the Berlin Process overlap with the scopes of their work. Even the latest annual public opinion survey, the Balkan Barometer, produced by the RCC, did not include a single question on Berlin Process.² Self-assessments by regional governments are also absent from the public domain, as well as regular (and comprehensive) assessments by national parliaments in the region. This all affected the effectiveness of the Berlin Process and should be explored and utilized in future.

In terms of institutionalisation, experience from the previous summits reveals that national governments missed or did not express any significant interest in putting in the effort to further institutionalise the Berlin Process. Further institutionalisation would contribute towards achieving better results, and thus would increase the effectiveness of the process itself.

The commitment made by governments in the region to work on the establishment of a Regional Economic Area (REA) provided an opportunity for much-needed institutionalisation in this specific segment of the Berlin Process. In July 2017, the RCC published a “Multi-Annual Action Plan for a Regional Economic Area in the Western Balkans Six” that was embraced by governments.³ This 18-page document provides a detailed list

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- 1 European Commission, “Strategy and Reports”, 2015 and 2016, available at: https://ec.europa.eu/neighbourhood-enlargement/countries/package_en
 - 2 RCC, “Public Opinion Survey: Balkan Barometer 2017”, 2017, available at: http://www.rcc.int/seeds/files/RCC_BalkanBarometer_PublicOpinion_2017.pdf
 - 3 RCC, “Multi-Annual Action Plan for a Regional Economic Area in the Western Balkans six”, 12 July 2017, available at: http://rcc.int/docs_archive#page2

of commitments that governments have made, and is available to the public.

It is not clear, however, if, when and how the RCC plans to monitor the implementation of this action plan. Past experience with monitoring the SEE 2020 Strategy shows that the RCC has the capacity and experience to develop a methodology for monitoring the implementation of the REA Action Plan. However, RCC's institutional set-up does not allow the organisation to go further and publically criticise the work and engagements of its founding members. Therefore, in achieving better results in influencing governments to deliver on their commitments, and sensitising the Western Balkans' societies regarding the state of play, RCC can and should reach out and engage with the civil sector and interested parties of the REA. Combining their input, knowledge and strength could lead towards repeating the success of the establishment of RYCO and the role that youth organisations played in this regard.

There is a similar situation in regards to the connectivity agenda. The countries in the region have committed to implement several policy measures by 2020, with sectorial Action Plans, containing sub-actions to be realised, expected results and milestones. Ever since the adoption of the plans, the regional organisations have carried out a continuous monitoring of their implementation, which included close and intensive liaising with various national authorities, the European Commission and international stakeholders, periodic reporting and alerting. South East European Transport Observatory (SEETO), Energy Community Secretariat and CEFTA contributed significantly, each in its sector-specific fields, to the overall facilitation of the connectivity measures' implementation. The signing of the Transport Community Treaty is the most emblematic achievement thus far on a political level, as it confirms the needed political commitment for profound sectorial reforms.

However, it is only the beginning of a process that should deliver upon those reforms, making the results more visible and more tangible for the entire society.

More specifically, SEETO brought closer coordination among all mentioned stakeholders through the establishment of the Transport Facilitation Working Group, thus enabling a dialogue among the countries in the region and between them and the European Commission, as well as with some key international players on policy reform issues. The mechanism that was established for monitoring the progress of the implementation of Connectivity Reform Measures is based on the agreed approach and common criteria used for tracking, assessing and scoring. SEETO Steering Committee and the European Commission also endorse this approach. Most importantly, the progress report prepared by this regional organisation serve as a basis for the European Commission's co-financing decision on the infrastructure investments under the Berlin Process.

3. Efficiency

Since the Berlin Process was launched, a series of projects in a number of different areas has been initiated. Each hosting country gave a personal 'touch' to the Summit's agenda, adding one or more topic/policy areas. In regards to efficiency, the capacity of national administrations to digest and implement the commitments made during the annual Summits, is rather limited. This, coupled with the practice of constant shifts of topics on the agenda, means that over time, efficiency will become even more difficult to achieve. The Berlin Process is risking a significant overlapping with activities associated with the EU integration process.

Until the Summit in Trieste, there were only a few intermediate high-level meetings of Western Balkan leaders between the annual summits devoted to the topics of the Berlin Process. Even when the meetings are organised, often they are not focused and results-oriented and have limited follow-up activities, adversely affecting the efficiency of the summits, especially in terms of adopting joint positions on projects and discussing points of interest of Western Balkan countries. This is important in regards to maximising the presence of EU and member state politicians and officials in the Summits. Based on experiences gathered during and between summits organised thus far, the limitation and prioritisation of topics/policy areas and increasing the frequency of high-level meetings with Western Balkan leaders would increase the overall efficiency of the Berlin Process.

3.1. Agenda setting (policy themes and frequency of meeting)

The preparation of the annual summits and the selection of topics within the Berlin Process primarily depended on the host country. Content-wise, the Berlin Process has been fluid and currently covers a wide range of topics. In the Final Declaration of the Berlin Conference, it was stated that the participants agreed to establish a framework for a period of four years, during which they will strive to “make additional real progress in the reform process, in resolving outstanding bilateral and internal issues, and in achieving reconciliation within and between the societies in the region [of the Western Balkans]”.⁴

4 Government of FR of Germany, “Final Declaration by the Chair of the Conference on the Western Balkans”, 28 August 2014, available at: <https://www.bundesregierung.de/Content/EN/Pressemitteilungen/BPA/2014/2014-08-28-balkan.html>

Furthermore, it was stated that the participants were “also united in the aim of enhancing regional economic cooperation and laying the foundations for sustainable growth”. The Vienna Summit witnessed the signing of the Joint Declaration on the Establishment of the Regional Youth Cooperation Office and the Declaration on the Regional Cooperation and Solution of Bilateral Disputes. Besides these two declarations, a document pertaining to the connectivity agenda was also adopted. The following 2016 Paris Summit included topics such as climate change, sustainability and further strengthening of economic cooperation. And finally, the Trieste Summit has witnessed further expansion in terms of topics covered and included establishing a Western Balkans Economic Area as well as rule of law and the prevention of and fight against corruption.

The on-going expansion of the topics covered by the process and the vagueness of tangible results that need to be achieved between Summits, leave a space that is used by Western Balkan governments to water down the obligation of the commitments made. If the trend of adding one or more new topics to the agenda by each host country continues in the future, it will be extremely difficult to maintain the current, or achieve an even greater level of efficiency and results. Therefore, it is important, for the future of the Berlin process, to limit the number of policy issues and prioritise them in accordance to the preference of the countries involved.

In regards to the frequency of meetings, in the period between the Summit in Berlin (2014) and the Summit in Paris (2016), there was, a small number of high-level meetings among Western Balkan leaders. As political commitment is necessary for breakthrough in any of the policy areas covered with the Berlin Process, it is of essential importance the Western Balkan 6 leaders meet more frequently and discuss open issues while actively seeking ways to overcome the challenges associated

with the commitments undertaken. Regular ‘half-way high-level meetings’ or ‘mini-summits’ would contribute to increasing the efficiency of the Berlin Process and the implementation of the commitments made. Such a practice has been initiated this year, prior to the Summit in Trieste, with a meeting of the Western Balkans leaders in Sarajevo in May. In addition, these meetings have greater chances of success if they are also attended by representatives from DG NEAR and technically supported by the European Commission. Important to note is that on both of these meetings, the EU Commissioner for Enlargement and Neighbourhood Policies, Johannes Hahn, was present. These gatherings would also demonstrate and emphasise the local Western Balkans’ ownership of the Berlin Process. Undoubtedly, the organisation of the main annual summits should remain reserved for EU member states, where as the mini-summits should take place in the region.

4. Looking to the future: Berlin Process 2.0

Since 2014, the Berlin Process has created positive momentum in the Western Balkans and the region’s relations with the EU. It has delivered certain results, but most importantly has created a climate where many difficult issues have been raised, discussed and some adequately addressed. The Process - initially envisaged to last for four years - should therefore be continued. However, in order to achieve its full potential, more can and should be done in increasing its visibility, in ensuring effectiveness and in achieving greater efficiency.

To increase the visibility and achieve wider societal recognition of the Berlin Process and its achieved results, stronger involvement of civil society and the national parliaments of the Western Balkans is recommended. They could play a role in bringing the process closer to the citizens, especially their

respective constituencies.

To ensure its effectiveness further institutionalisation of the Berlin Process and enhanced monitoring of the commitments made by governments are recommended. In relation to the connectivity agenda and a regional economic area, reports from regional inter-governmental organisations supported by the EU, such as RCC, SEETO and others, should serve as a basis for financing decisions of the European Commission. Establishing credible and clear monitoring with the assistance of the civil sector and interest groups completes the recipe for success in ensuring effectiveness.

To achieve greater efficiency of the Berlin Process, the practice of constantly shifting topics on the agenda should be avoided and replaced with a similar one focused on the number of topics/policy issues prioritised in accordance with participating countries' preferences. Results-oriented and policy-focused high-level mini-summits designed towards adopting joint positions on projects and points of interest should be organised between the annual summits.

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