

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

POLICY BRIEF

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1. INTRODUCTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. CONCLUSIONS AND POLICY RECOMMENDATIONS

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

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

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

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

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

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

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

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

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

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

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

How can the role of CSOs be further enhanced?

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

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

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

Regional Youth Cooperation: how can it be made sustainable?

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

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

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



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THE BERLIN PROCESS: CRYSTALLISATION POINT FOR THE WESTERN BALKANS

A REGIONAL STUDY ON THE IMPLEMENTATION OF THE COMMITMENTS
FROM THE 2015 VIENNA WESTERN BALKANS SUMMIT

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1. INTRODUCTION

The diplomatic initiative known as the *Berlin Process* was born in 2014, after the German Chancellor Ms Angela Merkel and Foreign Minister Mr Frank-Walter Steinmeier initiated the conference on the Western Balkans. This conference took place in Berlin and gathered the heads of states, foreign ministers and ministers of economy of the Western Balkan countries – Albania, Bosnia and Herzegovina, Croatia, Kosovo, Macedonia, Montenegro, Serbia and Slovenia – and representatives of Austria, France and Germany and the European Commission.¹ In the Final Declaration by the Chair of this 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]”.² 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.”³

All those issues included in the *Berlin Process* are of the special importance for the region of the Western Balkans, particularly in the light of the 2015 European Union (EU) Enlargement Strategy that highlights good neighbourly relations and regional cooperation as essential elements for the integration of the these countries to the EU.

Moreover, the *Berlin Process* came as a comfort to the region after the statement made by the European Commission President, Mr Jean-Claude Juncker – that there will be no enlargement over the next five years.⁴ Additionally, it came after Croatia’s accession to the EU, with no further enlargement prospects on the horizon in the foreseeable future. Against such a background, Chancellor Merkel’s statement confirming that the Balkan countries have a “clear prospect” of joining the EU was of special significance.⁵

On the other hand, the motivation behind the *Berlin Process* could be traced back to security, one of the core issues the EU has been facing in recent times. It could reflect Berlin’s fears over democratic setbacks in the region and Russia’s recently renewed interest in the Balkans. Furthermore, the weaker role of the European Commission in its enlargement portfolio due to the much diversified interests of the 28 member states in the light of the on-going economic and migrant crisis has to be also taken into account.⁶

It is also important to note that the *Berlin Process* is built on two existing and mutually complementary processes involving the countries of the Western Balkans and the EU. The first one is the *Brdo-Brijuni Process* initiated by Slovenia and Croatia to serve as a venue for informal cooperation/political dialogue aimed at strengthening relations between the countries of the region under the framework of the

1 See Final Declaration by the Chair of the Conference on the Western Balkans, Berlin, 28 August 2014, <https://www.bundesregierung.de/Content/EN/Pressemitteilungen/BPA/2014/2014-08-28-balkan.html> (accessed 10/6/2016).

2 Ibid.

3 Ibid.

4 See European Commission, “The Juncker Commission: A strong and experienced team standing for change”, *Press Release*, 10 September 2014, http://europa.eu/rapid/press-release_IP-14-984_en.htm (accessed 10/6/2016).

5 See “Balkan states face long EU process: Merkel”, *The Local*, 8 June 2014, <http://www.thelocal.de/20140608/balkan-states-have-clear-prospect-of-joining-eu-merkel> (accessed 10/6/2016).

6 The consequence of this situation is the re-nationalisation of the EU enlargement policy. See A. Despot, D. Reljić and G. Seufert, *Ten Years of Solitude – Turkey and the Western Balkans Require Practical Integration Measures to Bridge the Hiatus in the European Union Enlargement Process*, German Institute for International and Security Affairs, May 2012, https://www.swp-berlin.org/fileadmin/contents/products/comments/2012C16_despot_rić_srt.pdf (accessed 10/6/2016).

enlargement process.⁷ The second process is the *Western Balkans Six (WB6)*. It was officially launched by the current front-runner in the enlargement process, Montenegro, with the support of the then European Commissioner for Enlargement and European Neighbourhood Policy, Mr Stefan Füle,⁸ in 2013.⁹ Through *WB6 Process*, the participating states wanted to demonstrate their commitment to the regional cooperation and ownership of this process.

After the initiation of the *Berlin Process* at the 2014 Berlin Conference, the Vienna Summit was organized in 2015, also to include Italy as an additional EU member state joining the initiative.¹⁰ This Summit witnessed the adoption of the Final Declaration¹¹ and the signing of the Joint Declaration on the Establishment of the Regional Youth Cooperation Office of the Western Balkans (RYCO)¹² and the Declaration on the Regional Cooperation and Solution of Bilateral Disputes.¹³ Besides these two declarations, a document pertaining to the connectivity agenda was also adopted.¹⁴ Furthermore, the hosts for future meetings were designated as France and Italy,¹⁵ so the summits that follow would be taking place in Paris (in 2016) and Rome (in 2017).

Today the *Berlin Process* includes twelve states: six Western Balkan states which are at the different stages of their EU membership bid (Albania, Serbia, Bosnia and Herzegovina, Montenegro, Macedonia and Kosovo) and six EU members states (Austria, Croatia, France, Germany, Italy and Slovenia) with two of them coming from the region (Croatia and Slovenia).

1.1. Objectives, research methodology and structure

This study analyses the extent to which the governments of the Western Balkan countries, i.e. Bosnia and Herzegovina, Macedonia and Serbia, are fulfilling their commitments under the *Berlin Process* with respect to the two declarations adopted at the 2015 Vienna Summit, in the field of regional cooperation and resolution of bilateral disputes and the establishment of the Regional Youth Cooperation Office. Specifically, the implementation of the Joint Declaration on the Establishment of the Regional Youth Cooperation Office¹⁶ and the Declaration on the Regional Cooperation and the Solution of Bilateral Disputes¹⁷ in these countries will be scrutinized. The study also places a special emphasis on the role of civil society in relation to these topics. Moreover, the study aims to provide general findings and recommendations on the *Berlin Process* as a whole.

7 See "Southeast Europe prospects supported", *EUROPOST*, 18 July 2014, <http://www.europost.bg/article?id=11172> (accessed 10/6/2016). France was closely involved in this process since the leaders' first summit in Brdo, in July 2013. On this occasion, President Hollande reaffirmed France's determination, in light of the Croatian membership, to see the countries of the Western Balkans join the EU.

8 On WB6 see more on the web portal European Western Balkans, <https://europeanwesternbalkans.com/tag/western-balkans-6/> (accessed 10/6/2016).

9 See *Ibid.* <http://www.gov.me/en/search/129848/Budva-Initiative-Western-Balkans-Six-1-is-coming-in-the-right-time.html> (accessed 10/6/2016).

10 See "Western Balkans Summit Vienna 2015", August 2015, <https://www.bmeia.gv.at/en/european-foreign-policy/foreign-policy/western-balkans-summit/> (accessed 10/6/2016).

11 See Western Balkans Summit Vienna 2015, Final Declaration by the Chair of the Vienna Western Balkans Summit, 27 August 2015, https://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Chairman_s_Conclusions_Western_Balkans_Summit.pdf (accessed 10/6/2016).

12 See Western Balkans Summit Vienna 2015, Addendum, Annex 2, http://ec.europa.eu/enlargement/pdf/policy-highlights/regional-cooperation/20150828_addendum_western_balkans_summit.pdf (accessed 10/6/2016).

13 See Western Balkans Summit Vienna 2015, Addendum, Annex 3, http://ec.europa.eu/enlargement/pdf/policy-highlights/regional-cooperation/20150828_addendum_western_balkans_summit.pdf (accessed 10/6/2016).

14 See Western Balkans Summit Vienna 2015, Annex 1, http://ec.europa.eu/enlargement/pdf/policy-highlights/regional-cooperation/20150828_addendum_western_balkans_summit.pdf (accessed 10/6/2016).

15 See *supra* n. 11.

16 See *supra* n. 12.

17 See *supra* n. 13.

The research was conducted in the period from January until May 2016. Its methodology employed a combination of the desk and field research aimed at collecting primary and secondary data.

The *primary data* were collected by the field research, concretely by conducting a survey involving relevant stakeholders. These included representatives of state institutions and civil society organisations and independent experts in each respective country. Moreover, representatives of regional organisations and initiatives also took part in the survey. The survey was primarily based on the semi-structured questionnaires on the topics chosen that were sent electronically to relevant stakeholders. To complement the questionnaires, follow up face-to-face interviews were conducted. A total of 40 respondents participated in this survey.

The *secondary data* were collected and analysed through desk research, which involved the analysis of relevant documents and previous studies that addressed the issues covered by this study.

The research focused on three Western Balkan countries and two topical issues from the *Berlin Process* due to the constraints in respect to the time frame, limited human and financial resources. Nevertheless, the research provides sufficient data to offer some general findings and recommendations on the *Berlin Process* as a whole.

This study has six chapters. Following this first introductory chapter, the second chapter includes the discussion on the role of the civil society organisations (CSOs) in the *Berlin Process*. The third chapter deals with the issues of regional cooperation and resolution of bilateral disputes. Firstly, it provides an overview of the major challenges in these fields in the Western Balkans. Secondly, it assesses the implementation of the commitments – in general and in respect to the each country studied – and highlights the challenges in respect to the implementation. Moreover, this chapter explores the role of the CSOs in the field of the regional cooperation and resolution of bilateral disputes. The fourth chapter deals with the issue of the establishment of the Regional Youth Cooperation Office (RYCO). It provides an overview of the common major problems of youth in the respective counties and explores the extent to which their governments are fulfilling commitments in respect to the establishment of the RYCO. It also explores the challenges the implementation of the commitments faces and the role of the CSOs in the field of youth cooperation. The fifth chapter offers conclusions in respect to the implementation of the Joint Declaration on the Establishment of the Regional Youth Cooperation Office and the Declaration on the Regional Cooperation and the Solution of Bilateral Disputes adopted at the 2015 Vienna Summit. On the basis of these, in the sixth chapter, the recommendations on the improvement of the effectiveness of the *Berlin Process* are provided directed towards the governments of the Western Balkan countries, European Commission and EU member states, and CSOs.

The study was finalized on 17 June 2016.

2. CIVIL SOCIETY ORGANISATIONS AND THE *BERLIN PROCESS*

The 2015 Vienna Summit introduced a novelty – the increased inclusion of civil society – through the Civil Society Forum that was organised as a side event. This was a strong signal that the integration process, and thus the *Berlin Process*, should envisage the inclusion of civil society. Altogether, more than 120 representatives of civil society, think-tanks, and media from the Western Balkans contributed to the three topics discussed at the Vienna Civil Society Forum – the culture of regional cooperation,

freedom of expression, and the creation of jobs.¹⁸ Moreover, in the Final Declaration of the Vienna Summit, the participating states have welcomed civil society's substantial contribution to the main topics of the Summit, stating that "it is a voice which needs to be nurtured and present in the EU integration process of the Western Balkan countries."¹⁹ The expressed will of the participating countries at the Vienna Summit was translated into a proposal to make civil society an additional important element of the *Berlin Process*. Their involvement can make the EU accession process more apparent and break the notion that this is a project reserved for political elites and limited to the public administration.

Namely, the comparative experiences strongly suggest that civil society consultations on government policies greatly enhance the chances that a specific policy will eventually be adopted and appropriately implemented.²⁰ The active, consistent, and effective involvement of civil society and CSOs in the overall policy-making process is an imperative for any full-fledged democracy. From the standpoint of EU membership, CSOs can also contribute to deepening citizens' understanding of the reforms required for the country to qualify and eventually become a member state of the EU.

Therefore, the recognition of the role of civil society by participating states in the *Berlin Process* serves as a valuable impetus for establishing sustainable platform for civil society to influence the agenda of future summits and develop monitoring tools for assessing the implementation of the commitments made by officials of the Western Balkan countries.

On these lines, the second Civil Society Forum was held in May 2016 in Belgrade.²¹ It managed to gather over 100 representatives of civil society organisations, think-tanks, policy institutes, from all of the countries of the Western Balkans. Moreover, there was the active participation of members of the European Parliament (represented by the Deputy Speaker), diplomats, members of regional and international organisations and foundations, as well as local and regional media in the event.

Undoubtedly, this Forum contributed to securing greater visibility of the civil society in the *Berlin Process*. As stated in the final event document, "the prevailing objective is to establish a sustainable and relevant second-track process as a common WB-EU platform dedicated to the challenges in the Western Balkans, but first and foremost to broader European cohesion, which has to be co-shaped by the civil society, policy community, media and other relevant stakeholders."²²

From the perspective of the representatives of the CSOs that participated at the Forum, CSOs can contribute to the *Berlin Process* in a wide range of areas, from the highly sensitive issue of solving bilateral disputes to regional and youth cooperation. These organisations have previously shown that they can contribute to galvanizing political will for reconciliation through their initiatives (such as the *Igman Initiative*), which help rebuild trust in former Yugoslavia. Similarly, CSOs can ensure the sustainability of the *Berlin Process* by monitoring and advocating for governments' implementation of the agreements reached at the different summits.²³

18 See M. Kmezić, F. Bieber, *Western Balkans and the EU: Beyond the Autopilot Mode*, Balkans in Europe Policy Advisory Group (BIEPAG), November 2015, <http://balkanfund.org/wp-content/uploads/2015/11/BIEPAG-Western-Balkans-and-the-EU-Beyond-the-Autopilot-Mode.pdf> (accessed 12/6/2016).

19 See *supra* n. 11.

20 See OECD, *Partnering with Civil Society – 12 Lessons from DAC Peer Reviews*, 2012, <https://www.oecd.org/dac/peer-reviews/12%20Lessons%20Partnering%20with%20Civil%20Society.pdf> (accessed 12/6/2016).

21 The Civil Society Forum in Belgrade was created as a joint initiative of the European Fund for the Balkans and ERSTE Foundation, supported by the Regional Cooperation Council, Info Point Novi Sad, the Delegation of the EU to the Republic of Serbia, the Secretariat for Science and Technological Development of Vojvodina, and in a close cooperation with the European Movement in Serbia –Novi Sad branch, and the Centre for Regionalism.

22 See European Fund for the Balkans, Civil Society Forum Belgrade, May 2016, <http://balkanfund.org/2016/04/civil-society-forum-of-the-western-balkan-summit-series-civil-society-forum-belgrade-may-12th-13th-2016/> (accessed 12/6/2016).

23 See Civil Society Forum Belgrade of the Western Balkan Summit Series 11 – 13 May, 2016, *Conclusions and Recommendations*, Center for Democracy and Reconciliation in Southeast Europe, June 2016, http://cdrsee.org/pdf/CSFBg_Conclusions_Recommendations.pdf (accessed 12/6/2016).

Having this in mind, the participation of CSOs in the creation and implementation of national policies, based on the Vienna Summit declarations, should be of great importance. The continuation of the Civil Society Forum, as a side event, is also envisaged for the 2016 Paris Summit. However, this time the Forum is not included in the official agenda for the Paris Summit, whereas the other two side events – RYCO and Business Forum – are, which can be interpreted as a step back from the practice established at the previous summit in Vienna.

3. REGIONAL COOPERATION AND RESOLUTION OF BILATERAL DISPUTES

Regional cooperation is one of the conditions the Western Balkan countries must meet on their path towards integration with the EU and it is a prerequisite for ensuring stability. In that sense, one of the most important outputs of the 2015 Vienna Western Balkans Summit was the decision of the Western Balkans countries to adopt the Declaration on the Regional Cooperation and the Solution of Bilateral Disputes. Specifically, the governments of Albania, Serbia, Bosnia and Herzegovina, Montenegro, Macedonia and Kosovo – in the presence of Austria, France, Germany and Italy, representatives of the European Commission and European External Action Service – committed themselves:

to a resolution all open questions in the spirit of good neighbourly relations and commitment to European integration. The governments agree that they will not block, or encourage others to block, the progress of neighbours on their respective EU path. The governments of the Western Balkans commit themselves to resolve any open questions through bilateral negotiations or other means of peaceful settlement of disputes, including international arbitration, in accordance with international law [...] and to report annually at the Western Balkans Summit on the progress made in regard to bilateral relations and outstanding bilateral questions.²⁴

Finally, the governments of the Western Balkans invited the governments of neighbouring EU member states to join this commitment.²⁵

In the context of the *Berlin Process*, the question arises as to how regional cooperation is defined and whether the principles and commitments arising from the process should also include the countries of South East Europe that are already members of the EU. In fact, it is clear that the stability and regional cooperation trends are affected both by bilateral disputes between Western Balkans countries, as well as those between the Western Balkan countries and countries in the region that are members of the EU. For example, the name dispute between Macedonia and Greece, with Bulgaria joining Greece in blocking the candidates' accession prospects of Macedonia. Another example is Croatia's hindering of the opening of accession negotiations on Chapter 23 (Judiciary and Fundamental Rights) between Serbia and the EU.

It should be stressed that none of the EU member states, bordering the Western Balkan states aspiring to the EU membership, joined the commitments from the Declaration on Regional Cooperation and the Solution of Bilateral Disputes. Consequently, the balance of powers in these disputes tilts in favour of the EU member states that are not included in the *Berlin Process* that have a more favourable position than the countries aspiring to the EU membership. Namely, when it comes to disputes involving two countries aspiring to the EU membership, pressure through existing international frameworks – and

24 See *supra* n. 13.

25 See *supra* n. 13.

most importantly the EU accession negotiations – holds great potential for contributing to their resolution. On the other hand, disputes involving an EU member state are more complicated to be dealt with. Here, in the majority of cases, the EU itself is institutionally restrained from mediating a settlement. An example was the border dispute between Slovenia and Croatia, which escalated further with Slovenia blocking Croatia's EU accession and subsequently negotiation progress from December 2008 until November 2009. Furthermore, by default member states avoid taking sides, rather than pushing their peers into reaching a negotiated settlement. Concerted action at the EU level is therefore likely to be less prominent at best, and absent at worst. This is the most evident in the case of the name dispute between Greece and Macedonia.²⁶

3.1. Major regional challenges for the Western Balkans

According to the data collected through the research on the problem sources and possibilities for joint action, the most important challenging regional issues fall into two categories: (1) external challenges, which are not provoked by the countries, but do have consequences on their relations, and (2) regional challenges – bilateral disputes among the Western Balkan countries and with the neighbouring EU member states.

(1) External challenges to the region

A typical example of external challenges is the migrant crisis triggered by armed conflicts in the Middle East. This crisis calls for a particular form of regional coordination and cooperation, which may be the subject of some future regional initiative. It culminated in summer of 2015 and seriously stirred the relations between Croatia and Serbia in September that year. Namely, after around 50,000 migrant arrivals in a week, Croatia tried to persuade Serbia to direct the flow of migrants by using its border controls as leverage: it blocked cargo trucks coming from Serbia. Serbia responded reciprocally. This was followed by Croatia's move to bar any Serbian-plated vehicles from entering on its territory.²⁷

Another example of the external challenges is a change in the EU's stance towards the region due to its own internal challenges. Namely, the EU faces a range of political and economic pressures, including slow growth and persistently high unemployment rate in many EU countries, as well as the rise of far-right populist parties, which tend to cherish anti-EU or "Eurosceptic" sentiments. These factors complicate the EU's ability to deal with a multitude of unprecedented internal and external challenges. Among the most prominent are: the Greek debt crisis; the UK referendum on EU membership, and a heightened terrorism threat.²⁸ Even though the EU's position on enlargement formally has not changed, a significant contextual shift has in fact taken place. Such circumstances reduce the likelihood that the EU will have a positive impact on the resolution of open issues in the region and be the bearer of a "positive" agenda. On the other hand, these challenges might contribute to the united approach of the Western Balkan countries in the case they recognize new joint interests *vis-a-vis* the EU, and thus ensure a continuation of their European integration in the new context.

Additional very important external challenge to the Western Balkan region is the relations between the EU and Russia, which could be seen to affect the stability of the region. Russia is intensively

26 See N. Dimitrov, M. Djolai, N. Wunsch, *Removing obstacles to EU accession: Bilateral disputes in the Western Balkans*, BIEPAG, August 2015, <http://balkanfund.org/removing-obstacles-to-eu-accession-bilateral-disputes-in-the-western-balkans/> (accessed 13/6/2016).

27 G. Delauney, "Migrant crisis stirs historical Croatia-Serbia enmity", *BBC News*, 24 September 2015, <http://www.bbc.com/news/blogs-eu-34350800> (accessed 13/6/2016).

28 K. Archick, "The European Union: Current Challenges and Future Prospects", *Congressional Research Service*, 15 February 2016, <https://www.fas.org/sgp/crs/row/R44249.pdf> (accessed 13/6/2016).

penetrating the region; spreading its sphere of interest thus creating a constellation of circumstances in which it can effectively project its power and interests while subjected to the EU sanctions.

Finally, there are also challenges instigated by the economic crisis that have led to an increase in the unemployment rate and a drop in the living standards in the entire region.

(2) Regional challenges – bilateral disputes among the Western Balkan countries and with neighbouring EU member states

The bilateral disputes in the Western Balkans primarily emerged from the violent dissolution of former Yugoslavia. Specifically, one can frame these disputes in six groups: (a) the border disputes mainly related to the precise demarcation of borders between countries²⁹; (b) the missing persons issue; (c) the status, repatriation and integration of refugees and displaced persons; (d) status-related and legal disputes (restitution and succession); (e) the prosecution of war crimes, and (f) the position and status of national minorities, which often has a strong political dimension and is therefore highly sensitive.

This group of challenges also includes those of a bilateral or internal nature, the consequences of which may affect the stability of the entire region. Specifically, the dispute between Greece and Macedonia pertaining to the use of the name of Macedonia; the political strife in Bosnia and Herzegovina, the mitigation of which is not sufficiently aided by the countries of the region; and the normalisation of the relations between Belgrade and Pristina. In addition, a special obstacle in the improvement of regional cooperation among the Western Balkan countries lies in the strengthening of right-wing political options. This trend, not exclusive to this region, may have more serious effects in the region than elsewhere.

All Western Balkans countries are dealing with more than one dispute, which are all politicized in different ways. This becomes particularly challenging when a specific bilateral dispute starts to dominate relations between the countries. All processes related to the resolution of bilateral disputes are very fragile and often rather reversible. The causes of these can be traced in both the complexity of mutual relations and the inconsistency of political elites. Namely, political elites tend to send different messages depending whether they are meant for the international/regional or for the domestic use.

3.2. Assessment of the implementation of the commitments

In the short time frame between Vienna Summit and Paris Summit, it is rather difficult to assess the effect the Declaration on Regional Cooperation and the Solution of Bilateral Disputes has had. Namely, it is very hard to establish whether some of the activities, undertaken by Western Balkan countries after the adoption of the Declaration, have been indeed influenced by the Declaration or are the consequences of some other impulses and developments. On the other hand, one must note that the commitments from this Declaration are drafted in very general terms, leaving broad possibilities for different interpretations. Consequently, there is an absence of the clear indicators for monitoring and evaluating of their implementation. It should be stressed that the former Austrian and the incumbent French EU presidency in this process established a mechanism for reporting on the status and progress in the resolution of only open bilateral disputes pertaining to demarcation (in the form of a short questionnaire). The first reporting will take place at the upcoming Paris Summit on 4 July 2016.

Having in mind all of mentioned, it is clear why the analysis of collected data indicates that respondents have exercised a certain degree of caution in assessing the implementation of the commitments by Bosnia and Herzegovina, Macedonia, and Serbia in the field of regional cooperation and resolution of the bilateral disputes.

²⁹ To this day, Serbia and Macedonia, Montenegro and Bosnia and Herzegovina, Kosovo and Montenegro, as well as Kosovo and Macedonia remain the only ones to have agreed on their mutual borders.

The state institutions assert that, taking into consideration clear EU prospects, the Western Balkan countries are fully committed to their obligations, which is also attested by their attendance at the frequent meetings at different levels. Clearly, as respondents indicate, “certain moves” and “certain activities” have been undertaken prompted by the Declaration and have aimed at the strengthening regional cooperation and resolving regional and bilateral issues. On the other hand, there are examples of activities of the Western Balkan countries that are contrary to the principles proclaimed in the Declaration on Regional Cooperation and the Solution of Bilateral Disputes mentioned by the respondents. The following were named as such: the blocking of the opening of accession negotiations between Serbia and the EU on Chapter 23 by Croatia (which is not a signatory to the Declaration, but one of the participating states at the Vienna Summit), and Serbia’s lobbying against Kosovo membership bid to the UNESCO. These examples raise concerns whether the Western Balkan countries and neighbouring EU member states are not fully committed to the principles arising from the Declaration.

In all of the Western Balkan countries there is general awareness of the necessity and importance of stabilising the situation and improving relations in the region. However, regional cooperation is sacrificed whenever some other issues are at stake. Thus, political commitments to the processes of regional cooperation cannot be viewed in isolation from other events, which cause setbacks. This is the case with the outstanding issues between Belgrade and Pristina, especially in terms of the implementation of agreements they have signed and the settlement of disputes related to the political strife in Bosnia-Herzegovina. In that sense, it can be concluded that the recognition of a common interest and European perspective is of the great importance for the compliance with the commitments made in different spheres of regional cooperation. In this context, the position of the EU has significant implications. The EU accession negotiations could be used as a mechanism for further strengthening and improving regional cooperation in the Western Balkans.

3.3. Obstacles in the implementation of the commitments

Based on the collected data, it could be concluded that there are two kinds of obstacles in the implementation of commitments in the field of regional cooperation and resolution of bilateral disputes made within the framework of the *Berlin Process*.

The first level of obstacles relates to the fact that the root cause of the problem does not lie with the countries of the region themselves but in the consequences of the economic crisis and economic devastation of the region; the migrant crisis, and a change in the EU’s stance towards the region due to its own challenges.

A second level of obstacles relates to the lack of “political will”; insufficient public support for stronger regional cooperation; lack of realistic administrative capacities for the implementation of the commitments, and the passivity of the states in resolving certain disputes. These are hurdles that the institutions of the countries in the region must remove, or at least recognize and proceed to work on their removal.

On the other hand, a few respondents also stated that there are actually no objective obstacles to the implementation of the commitments arising from the *Berlin Process*.

3.4. The role of CSOs in the implementation of the commitments

The collected data indicate that there are three different perceptions on the role of CSOs in Bosnia and Herzegovina, Macedonia and Serbia in the implementation of the commitments in the field of regional cooperation and resolution of bilateral disputes. These are: (a) no role of CSOs due to the

lack of capacity to play an active part in social or political processes; (b) positive role of CSOs but “no significant expansion of the CSOs’ influence has taken place after the initiation of the *Berlin Process*”; and (c) very affirmative role of CSOs with efforts of a state to involve civil society in the implementation of the commitments made at the Vienna Summit.

Regardless of differences in their views on the role of CSOs in regional cooperation, the respondents in the survey failed to name initiatives or activities that emerged as a direct outcome of agreements reached in Berlin and Vienna. The ensuing conclusion is either that there were no such activities at all, or that the respondents have not been informed on such activities.

On numerous occasions in the past, CSOs from the Western Balkans have shown its potential and capacity in the area of regional cooperation and resolution of bilateral issues. One of the lessons learnt from their engagement was that bilateral issues cannot be resolved without public support. Majority of the respondents stated that the promotion of regional cooperation is precisely the field where the CSOs can help. Namely, in this specific area, CSOs can act in a capacity of a remedial factor, particularly in exchanging good practices and experiences, and applying mechanisms for the promotion of reconciliation and cooperation.³⁰ In addition, CSOs could provide valuable input in supervising and monitoring the fulfilment of the commitments made by the governments in regards to regional cooperation, or even more, propose certain ideas which could work in the direction of resolution of bilateral issues. Finally, CSO networks can also contribute in designing the agenda for the summits by providing valuable information to the host countries about the development in the individual countries.

The signatory states need to take a more active role in securing sources of financing for this kind of activities. Namely, if the Western Balkan governments want to demonstrate ownership over the process of resolution of bilateral issues and real commitment and willingness to include the CSOs, than they should secure additional funds for which CSOs with a proven track record could compete under the standard terms and criteria with their proposals. This kind of support could be established at regional level too, by setting up a regional fund for financing CSO projects and programmes in the region. Regardless of the financial support, the CSOs must maintain their independence and impartiality, primarily in conducting activities related to monitoring of the implementation of commitments under the Declaration.

3.5. Survey by Country

In this part, the opinions expressed in the survey will be presented by country and will include specific points in respect to the issues of regional cooperation and dispute settlement resolutions.

3.5.1. Bosnia and Herzegovina

The opinions from the survey show a general impression that, in the context of the EU integration of Bosnia and Herzegovina, the *Berlin Process* has brought a positive shift, focusing on criteria that can be more feasibly met, rather than on highly politicized processes (such as the implementation of the European Court of Human Rights’ *Sejdić and Finci* judgment).³¹

30 The example of this would be a campaign to affirm the importance and benefits of regional cooperation and resolution of bilateral disputes for the purpose of securing greater public support for these processes.

31 Under the *Sejdić and Finci* judgment of the European Court of Human Rights, Bosnia and Herzegovina is obliged to revise its Constitution and electoral legislation in order to enable national minorities, i.e. non-constitutional nationalities to run for the office of the President and the Parliamentary Assembly of Bosnia and Herzegovina. Although the European Union has made clear demands regarding implementation of the judgment as a precondition for further progress of Bosnia and Herzegovina to EU integration, any significant progress has not been achieved since 2009. See ECtHR, *Sejdic and Finci v. Bosnia and Herzegovina*, App. No. 27996/06 and 34836/06 (2009). Moreover, there were two additional judgments on the same issue delivered by the Court against Bosnia and Herzegovina. See *Zornić v. Bosnia and Herzegovina*, App. No. 3681/06 (2014) and *Pilav v. Bosnia and Herzegovina*, App. No. 41939/07 (2016).

The survey exposed some of the specific issues that are relevant in the context of regional cooperation and dispute settlement.

As to the border disputes involving Bosnia and Herzegovina, there was no major breakthrough in the period covered by the survey. These disputed include territories in the vicinity of the hydropower plants Zvornik 1, Zvornik 2 and Bajina Bašta and in addition 400 meters of border with Serbia, or on the Neum border dispute with Croatia. However, respondents pointed out that border issues should not be considered as bilateral disputes but rather as an open question with its own dynamics, to be resolved through Inter Ministerial Working Groups. The possible obstacles at stake are technical challenges rather than disputes between the countries.

Kosovo introduced visa requirements for citizens of Bosnia and Herzegovina in 2014 as a reciprocal measure to restrictions imposed to Kosovars by the Government of Bosnia and Herzegovina. No additional steps were taken to resolve this issue since that time. On the other hand, several CSOs from Bosnia and Herzegovina and Kosovo launched a noteworthy initiative in February 2016, demanding that both governments abolish the visa regime.

One of the interviewees pointed out that the EU's decision to suspend trade preferences from January 2016 has had an impact on relations between Croatia and Bosnia and Herzegovina. Croatia, although being the EU member state, still has an inevitable influence on cooperation and stability in the region. The revision of the Stabilization and Association Agreement (SAA) demanded by Brussels entails updating economic quotas included in the SAA according to economic relations between the two countries under the Central European Free Trade Agreement (CEFTA), which would put Bosnian products at a serious disadvantage as more resources are available to Croatia through European agricultural subsidies. The latest development on this issue is that the SAA is currently being revised, and a solution is likely to be found.

As to the perceptions of the role of CSOs in the implementation of the commitments, opinions differ depending on the affiliation of the respondents. The CSOs believe they have the capacity to make an impact on the resolution of bilateral issues, but that they lack significant resources to do so. On the other hand, government representatives are of the opinion that CSOs do not have the expertise and skills to contribute to resolving regional issues. The general impression of CSOs is that the government has not been promoting their participation in the *Berlin Process* or has done minor changes to make the process more inclusive in the period following the Vienna summit.

3.5.2. Macedonia

Firstly, it is important to note that the on-going political/institutional crisis in Macedonia has absorbed a major part of the Government capacities to focus on improving regional cooperation thus preventing state institutions from taking a more active role in resolving outstanding bilateral issues and boosting EU integration efforts. The country's capacities are also being exhausted and stretched to the limits by the on-going refugee crisis in Europe. In a nutshell, being in the grip of the worst political crisis ever is not conducive to any significant progress in resolving bilateral disputes.

The country's most important open bilateral issue is the one with Greece over the constitutional name of Macedonia. However, Greece as an EU Member State is not included in the *Berlin Process*. The privileged position of Greece as an EU member state sets the balance of power disproportionately and asymmetrically in its favour, and consequently prevents the use of conventional methods and tools for the resolution of the dispute within the enlargement process. This problem has caused a slowdown in Macedonia's EU integration process, which is of a strategic importance for its further overall (democratic) development. Moreover, this dispute is widely perceived as a destabilising factor for the country and the region as a whole.

In recent times, the Macedonian and Greek Ministries of Foreign Affairs held a number of meetings, both in Skopje and Athens, of which the most important have been those focusing on confidence building measures. The content of these meetings is not publicly available (with the exception of the area of cooperation). So far, three meetings have been held on confidence building measures and the next one is scheduled for June 2016.³² The outcome of these meetings will be reported at the Paris Summit, as progress made in regard to bilateral relations and outstanding bilateral questions on the side of Macedonia.

As a Government institution responsible for the *Berlin Process*, the Ministry of Foreign Affairs did not organise official stakeholder consultations regarding actions within the framework of this process. The potentials of civil society within the *Berlin Process* and its follow-up activities remain underutilised. This is also true for the Macedonia's EU integration in general, which is still perceived as a restricted and elitist process.

Nevertheless, the analysis of the interviews reveals the potentially constructive role of the civil sector in the creating a positive atmosphere for resolving issues related to the *Berlin Process* in general, and regional cooperation and resolution of bilateral disputes more specifically. In contrast to many other EU-related processes where the civil society has expressed the willingness to actively participate and contribute, the same high level of civil society interest has not been noted in respect to the *Berlin Process*, perhaps due to the novelty of this process.

Although Macedonian CSOs do not have vast experience in dealing with the regional and bilateral issues, there are some examples, such as the RECOM initiative for regional reconciliation in which Macedonian civil society participated. More recently, representatives from the Macedonian civil society took part in the Civil Society Forum at the 2015 Western Balkans Summit in Vienna. However, the lack of sustainable and structured follow-up activities envisaged in the framework of the *Berlin Process*, prevented the full engagement of CSOs in the process. This could be another area where efforts are needed by the initiators of the *Berlin Process* to fully harness the potentials of this process. On the other hand, Macedonian CSOs are actively participating and are represented at regional civil society events related to the *Berlin Process*.

3.5.3. Serbia

After a decade of frictions and upheavals, the relations between Serbia and the EU have been constantly improving in recent years. Their rapprochement, marked by the opening of accession negotiations in 2014, has accelerated. Serbia's relations with neighbouring countries are also perceived as a determinant of regional security.³³

On the other hand, it is clear that the stability and regional cooperation trends are affected by the bilateral issues between Croatia and Serbia, which also had repercussions on the timely opening of accession negotiations between Serbia and the EU on Chapter 23 on Judiciary and Fundamental Rights, as well as by outstanding issues between Belgrade and Pristina.

The most important bilateral issues between Serbia and the Western Balkan countries are related to border determination (Serbia has only managed to resolve this issue with Macedonia), and the position of national minorities, primarily in relations with Croatia. Another important challenge in this field is related to the dialogue between the authorities in Belgrade and Pristina. This process was initiated by the EU in 2011,³⁴ as one of the major political challenges within the framework of the EU

32 The basis for these meetings is the agreement reached by the two Ministries on 24 June 2015, on the occasion of the visit of Greek Minister of Foreign Affairs Mr Kotzias to Skopje.

33 See "Conference Serbia and the European Integration of the Western Balkans: Exchange of Views in the Run-Up to Paris Summit", *European Fund for the Balkans*, 15 March 2016, <http://balkanfund.org/2016/03/conference-serbia-and-the-european-integration-of-the-western-balkans-exchange-of-views-in-the-run-up-to-paris-summit/> (accessed 14/6/2016).

34 See more in T. Papić, "The Political Aftermath of the ICJ's Kosovo Opinion," in M. Milanović and M. Wood (eds), *The Law and Politics of the Kosovo Advisory Opinion*, Oxford University Press 2015, 240, 254–265.

Common Foreign and Security Policy mechanism. The negotiation process was dealing with a variety of areas and topics, such as: regional cooperation (representation of Kosovo in regional integration processes and forums), freedom of movement (vehicle registration and insurance, diving licences), civil registries, customs, cadastre records, mutual recognition of university degrees, Integrated Border Management, integration of four majority-Serb municipalities, telecommunications and energy.³⁵

Under these EU led negotiations a number of agreements have been reached. In April 2013, the EU High Representative, announced that Serbia's Prime Minister and Kosovo's Prime Minister had reached a landmark agreement, First agreement on principles governing the normalisation of relations, also known as the "Brussels Agreement".³⁶ This agreement secured the opening of the negotiation on EU accession and the SAA with the EU to Serbia and Kosovo, respectively.³⁷ The negotiation process is still on-going, with its ups and downs.

Finally, according to the collected data, there are other highly sensitive bilateral issues, such as the missing persons issue; the status, repatriation and integration of refugees and displaced persons, and war crimes trials.

It seems that the respondents exercised a certain degree of caution in assessing Serbia's commitment to regional cooperation and resolution of the bilateral disputes. Thus, while one respondent believes that there has been no commitment whatsoever, another one believes that the commitment is complete. The reasoning behind such assessments varies: some believe that the region is no longer in the limelight of the domestic, politically-minded public due to internal issues (e.g. elections or economic difficulties), others suggests that, in words and actions, Serbia has demonstrated its full commitment to promoting good relations in the region, i.e. that it is committed to strengthening economic and political ties, stability and security in the Western Balkans and Europe. However, the prevailing view is the moderate one – that commitment only exists in spheres with no strict political implications (e.g. education, youth cooperation, economic and commercial cooperation).

The respondents claim that it is clear that Serbia has made "certain moves" and undertook "certain activities" after the adoption of the Declaration on the Regional Cooperation and the Solution of Bilateral Disputes, for the purpose of strengthening regional cooperation and resolving regional and bilateral issues. As an example of this, the respondents mentioned the allocation of financial means from the budget of the Republic of Serbia to Srebrenica.³⁸ As opposed to that, some respondents said they had no knowledge of whether Serbia had in any way initiated the resolution of any bilateral problem, outstanding issue or dispute with some other Western Balkan country following the adoption of the said Declaration.

Regarding the obligation of introducing an internal mechanism for annual reporting on progress made in promoting regional and bilateral cooperation, in line with the obligations arising from the Declaration, the Ministry of Foreign Affairs, as the bearer of this obligation in Serbia, provides updated information in the framework of monitoring the implementation of the National Programme for the Adoption of *Acquis Communautaire* of the EU (prepared and adopted by the Serbian Government). This document, among other, provides information about the status of regional and bilateral cooperation, which, in a broader context, is part of the obligations under the Declaration on Regional Cooperation and Solution of Bilateral Disputes. This is a clear indication that regional cooperation is monitored through the technical process of the EU accession negotiations.

35 Papić, *supra* n. 34, 256.

36 See European Union, Remarks by High Representative Catherine Ashton on the EU-facilitated dialogue, A 216/13, 19 April 2013, http://eeas.europa.eu/archives/ashton/media/www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/foraff/136875.pdf (accessed 14/6/2016).

37 See more Papić, *supra* n. 34, 264.

38 In November 2015, the Government of Serbia donated about \$5.4 million to foster economic development in the Bosnian town of Srebrenica. Serbian Prime Minister characterised the donation as a gesture of reconciliation. See D. Bilefsky, "Serbia to Give \$5.4 Million to Bosnian Town, Site of 1995 Massacre", *New York Times*, 11 November 2015, <http://www.nytimes.com/2015/11/12/world/europe/serbia-to-give-5-4-million-to-bosnian-town-site-of-95-massacre.html> (accessed 15/6/2016).

The collected data indicate that Serbian CSOs are actively participating and are represented at regional civil society events related to the *Berlin Process*. On the other hand, although there are CSOs in Serbia with relevant experience in dealing with the regional and bilateral issues, the majority of respondents believe that “no significant expansion of these organisations’ influence has taken place after the initiation of the *Berlin Process*”.

4. ESTABLISHMENT OF THE REGIONAL YOUTH COOPERATION OFFICE

At the Vienna Summit, the governments of Albania, Serbia, Bosnia and Herzegovina, Montenegro, Macedonia and Kosovo signed the Joint Declaration on the Establishment of the Regional Youth Cooperation Office of the Western Balkans – as a regionally-owned structure tasked with leading and coordinating youth cooperation in the region. Specifically, the prime ministers of these countries have agreed to

- (a) support the regional exchange of youth, and their sharing of ideas, as a ground for future cooperation prospects in our region, based on the values of co-existence, tolerance and respect of human rights and diversity, as well as commitment to inclusion and security;
- (b) further step up regional cooperation among youth and youth-dedicated institutions and ensure implementation of joint programs for young people with the focus on the principles of democratic governance, sustainable economic development, education and innovation; (c) create the Regional Youth Cooperation Office of the Western Balkans, as a regionally-owned structure that leads and coordinates youth cooperation in our region;
- (d) task relevant institutions of the participants to develop, in close collaboration with the Working Group on regional youth cooperation³⁹ concrete proposals for the mission, structure, activities and financing of the Regional Youth Cooperation Office, to be finalized by 1 March 2016;
- (e) financially contribute to the establishment and functioning of the Regional Youth Cooperation Office;
- (f) support the active participation of civil society in the work of the Regional Youth Cooperation Office; and
- (g) seek funding from the EU and its member states, as well as from regional and international organisations and donors to provide additional support through existing funding mechanisms.⁴⁰

The adoption of this Declaration is of exceptional importance, having in mind that the conflicts of the past decades have given rise to different forms of prejudice and intolerance, while one of its after-effects has been a lack of opportunities for youth resulting in massive youth unemployment figures and a heavy brain-drain across the region.⁴¹ In that sense, the regional cooperation between the Western Balkan countries can significantly contribute to the improvement of the position of young people and the resolution of their problems.

The Declaration is focused on the establishment of the Regional Youth Cooperation Office (RYCO), as an international organisation, with the aim to create the conditions and support activities that

39 Parties to the Working Group shall have two representatives each: one representative from the Youth Ministry/Directorate for Youth/National Youth Agency and one representative from youth organisations. The Franco-German Youth Office will provide the Working Group with technical assistance.

40 See *supra* n 12.

41 See “The Regional Cooperation Office of the Western Balkans”, <https://rycowesternbalkans.org/> (accessed 15/6/2016).

promote reconciliation, mobility, diversity, democratic values, participation, active citizenship and intercultural learning, with the spirit of the European integration process of the region in mind.⁴² Civil society organisations of the Western Balkans countries also play a significant role in this sphere. In view of this, it is important to stress that the representatives of civil society organisations of the Western Balkan countries also participated in the activities of the Working Group on regional youth cooperation for the preparation of the founding documents of the RYCO. In fact, each state designated one civil society representative who, together with a government representative, participated in the activities of the Working Group on behalf of that state. Unfortunately, the selection process of CSOs representatives in Bosnia and Herzegovina, Macedonia, and Serbia lacked complete transparency, which also raises an issue of their legitimacy.

After four meetings held in the period November 2015 –February 2016, the Working Group developed a proposal for the mission, structure, and activities of the RYCO. It should be noted that no agreement could be found within the Working Group regarding the question of the financing of the RYCO, and more specifically about the calculation of the share of the individual financial contributions to the annual budget and the ratio between the share provided by the Western Balkans countries, on the one hand, and by international donors, on the other.⁴³ However, two additional meetings were arranged on the governmental level in order to settle questions regarding the finances and ensure the signature of founding documents during the Paris Summit.⁴⁴ As stated, an agreement could be found on all financial aspects.⁴⁵ The total amount of the annual RYCO-budget will be 2 million Euros; the financial contributions of each the signatory state will be based on its GDP and population, while the overall contribution of the signatory states to the annual budget will be 50% + 1 Euro.⁴⁶

The draft of the founding documents stipulates that RYCO will be composed of a Governing Board; a Secretariat; an Advisory Board, and Working Groups.⁴⁷ The seat of the RYCO will be in Tirana.

The Governing Board will be RYCO's highest authority, and will be composed of one government representative of the RYCO signatory who is directly responsible for youth policy from each RYCO signatory, and one youth representative for each RYCO signatory. Each signatory will select a youth representative using its own mechanisms in a transparent, inclusive and democratic manner and in close cooperation with civil society dealing with youth issues.⁴⁸

According to the draft founding documents, the RYCO will support youth projects that aim and contribute to the promotion of diversity and democratic values; enhancing sustainable regional cooperation, and establishing new relations amongst youth in the Western Balkan region; fostering reconciliation and constructive approaches to remembrance; intercultural learning; increasing regional mobility; social inclusion and promotion of employability of young people; promoting the European spirit of cooperation, understanding, and tolerance; active citizenship and participation in decision-making processes by young people.⁴⁹

A shortcoming of the Declaration is that the countries of the region that are members of the EU did not take part in the process of adoption of the Declaration. On the other hand, it is important that

42 See Draft Overview of the Regional Youth Cooperation Office, 1 March 2016, <https://rycowesternbalkans.org/2016/03/16/proposals-of-the-working-group-conveyed-to-the-western-balkans-6-governments/> (accessed 15/6/2016).

43 See Financials - Proposal for the Regional Youth Cooperation Office, 1 March 2016, <https://rycowesternbalkans.org/2016/03/16/proposals-of-the-working-group-conveyed-to-the-western-balkans-6-governments/> (accessed 15/6/2016).

44 The meetings took place in Belgrade (27 April 2016) and Tirana (23 May 2016). See RYCO, "Preparing for the Western Balkan Summit in Paris: The Finalization of the RYCO-Agreement and its Statute", 8 June 2016, <https://rycowesternbalkans.org/2016/06/07/finalizing-the-ryco-agreement-and-the-ryco-statute-and-preparing-the-paris-summit-4th-july-2016/> (accessed 15/6/2016).

45 Ibid.

46 Ibid.

47 See Draft Statute of the Regional Youth Cooperation Office, 1 March 2016, <https://rycowesternbalkans.org/2016/03/16/proposals-of-the-working-group-conveyed-to-the-western-balkans-6-governments/> (accessed 15/6/2016).

48 Ibid.

49 See Draft Activities of the Regional Youth Cooperation Office, 1 March 2016, <https://rycowesternbalkans.org/2016/03/16/proposals-of-the-working-group-conveyed-to-the-western-balkans-6-governments/> (accessed 15/6/2016).

the Working Group proposed in the Draft Statute that “RYCO does not exclude membership of other participants, and especially membership of Croatia and Slovenia [...]”.⁵⁰

It should be noted that the RYCO-Agreement and the RYCO-Statute are planned to be signed by the Prime Ministers of the Western Balkan countries during the Paris Summit on 4 July 2016. The other documents which had been prepared by the Working Group will be handed over to the Secretary General and the Governing Board once those will have been established.⁵¹

4.1. Major common problems of youth in the Western Balkans

Currently, the major common problems of youth in the Western Balkans include a high unemployment rate, the poor quality of the education system, lack of mobility and absence of dialogue and information, which gives rise to prejudice and stereotypes. Specifically, the unemployment rate in the region is: 18% in Albania, 27.5% in Bosnia and Herzegovina, 30% in Kosovo, 28% in Macedonia, 19% in Montenegro, and 17.6% in Serbia.⁵² Statistics are even more worrisome when it comes to unemployment rates among young people, aged between 15 and 24, as they show that in Bosnia and Herzegovina (57%), Macedonia (54%), and Serbia (51%), more than half of the youth population is unemployed.⁵³ In the majority of the countries, all of the foregoing problems were referred to in the strategic documents in the sphere of policies and studies on youth issues.

A special problem is the lack of active participation of young people in the decision-making process. It is noteworthy that national strategic documents dealing with youth issues and relevant laws on youth (if any) in all countries in the region recognise, in different ways, the insufficient influence of youth on public policy development and implementation. Also, most of these documents propose activities that are related to empowering youth organisations (at national, regional and local level) for adequate and comprehensive participation in youth policy development. This problem, identified in relevant national documents, is evidently also one of the common youth problems in the region that can be addressed through common regional actions.

4.2. Assessment of the implementation of the commitments

The initiative for setting up the youth exchange structure was launched by the Serbian and Albanian governments in cooperation with the Youth Initiative for Human Rights and several other youth CSOs, back in 2014.⁵⁴ At the 2014 Berlin Summit, the governments of Serbia and Albania formulated a bilateral memorandum of understanding to establish a youth exchange structure. At the 2015 Vienna Summit there was a consensus on the necessity of a regional approach. The governments of Bosnia and Herzegovina, Montenegro, Kosovo, and Macedonia have joined the initiative of Albania and Serbia, with Slovenia and Croatia joining as observers.⁵⁵ With this in mind, it is clear why Albania and Serbia also demonstrated a higher degree of commitment to the implementation of the Declaration

50 See Article 6, Draft Statute of the Regional Youth Cooperation Office, 1 March 2016, <https://rycoblog.files.wordpress.com/2016/03/ryco-draft-statute.pdf> (accessed 15/6/2016).

51 See *supra* n. 45.

52 See A. Goglio, “Jobs for Youth: How the Balkan countries compare?”, OECD, October 2013, <http://wiiw.ac.at/jobs-for-youth-how-the-balkan-countries-compare--dlp-2999.pdf> (accessed 15/6/2016).

53 Ibid.

54 See Youth Initiative for Human Rights, “Regional youth exchange program in the Western Balkans countries”, 22 October 2014, <http://www.yihr.rs/en/regional-youth-exchange-program-in-the-western-balkans-countries/> (accessed 16/6/2016).

55 See German Marshall Fund of the United States, “Western Balkan Youth Cooperation”, <http://www.gmfus.org/initiatives/western-balkan-youth-cooperation> (accessed 16/6/2016).

than other Western Balkan countries, primarily in terms of the promotion of regional youth exchange and activities related to the establishment of the RYCO.

While the Western Balkan countries approached the setting up of the RYCO seriously, it should be stressed that there is a lack of initiatives and other activities designed to improve the position of youth, in accordance with the principles outlined in the Declaration. Most of the respondents noted that there is a serious discrepancy between the defined programmes and the concrete activities. Besides, the respondents stressed that the support should be concretised through a wide range of specific activities, programmes and projects, with the aim of resolving the problems and improving the position of young people, and that increased participation of young people in decision-making should be supported.

4.3. Obstacles in the implementation of the commitments

The analysis of collected data shows that the major obstacles to the implementation of the commitments in the field of youth cooperation by the Western Balkan countries lie in the economic situation in the region and the non-systematic approach to problem resolution.

The respondents' most frequently quoted obstacle to the establishment of an efficient, functioning RYCO, is the lack of initiative and coordination in diplomatic correspondence between the signatories to the Declaration and compliance with the set deadline – 1 January 2017 – for the commencement of the activities of this office. In this regard, one of the recommendations made by the Working Group that has prepared the draft founding documents of the RYCO is to draw up an annex to the Draft Agreement on the Establishment of the RYCO and establish a coordination mechanism to ensure that the agreement is fulfilled. During the meetings in Belgrade and Tirana, in April and May 2016,⁵⁶ this recommendation was adopted. Namely, it was decided to create a Joint Coordination Team in order to coordinate the steps before and after the Paris Summit, until the official opening of the RYCO. The Joint Coordination Team will meet at the end of June 2016 in Belgrade, together with the Working Group, in order to elaborate a concrete road map for the establishment of the RYCO.⁵⁷

The obligation of the signatory states to take part in the funding of the activities of the RYCO is of crucial importance for its sustainability. It is clear that without financial contributions of the signatory states, the RYCO will not be in the position to implement these activities. In that sense, the activities of signatory states in the forthcoming period, after an agreement on all financial aspects, will provide an answer to the question whether they are willing to demonstrate ownership over the process of establishment of the RYCO. If that will be the case, they must ensure long-term financial commitments for the sustainability of RYCO. On the other hand, the European Union and the CSOs should establish adequate supervision and monitoring on the implementation of financial commitments for the sustainability of RYCO.

It will be of crucial importance to ensure that the procedure for the appointment of both civil society and government representatives to the bodies of the RYCO will be based on pre-defined, transparent criteria, especially having in mind negative experiences with the appointment of CSO representatives to the Working Group, as well as that there is no regulated procedure for the appointment of government representatives to these bodies.

4.4. The role of CSOs in the implementation of the commitments

Civil society organisations may assist state institutions in resolving youth issues in the region by conveying their experiences and through joint programmes. The fact that the CSOs will take part in the

⁵⁶ See *supra* n. 45.

⁵⁷ *Ibid.*

management of the RYCO is very important, as it will provide them with an opportunity to contribute to strategic decisions and the design and implementation of programmes. However, bearing in mind the experiences in the appointment of members to the Working Group for the preparation of the draft founding documents, primarily in Macedonia and Bosnia and Herzegovina, there are founded fears that this process may not be sufficiently transparent and objective.

The respondents believe that the CSOs have sufficient knowledge and experience in dealing with youth issues at the regional level, but often have insufficient capacities to tackle them in a systematic and sustainable manner. Given that the situation in all of the countries in the region is similar, the draft founding documents provide that the strengthening of minor organisations should be set as one of the objectives of the RYCO activity of local offices.⁵⁸

4.5. Survey by Country

In this part, the opinions expressed in the survey will be presented by country and will include specific points in respect to the issues of youth cooperation.

4.5.1. Bosnia and Herzegovina

One of the greatest challenges faced by the youth in Bosnia and Herzegovina is social exclusion and poverty. According to available data, a quarter of young people between the age of 16 and 24 lives in households whose overall monthly income is below EUR 215, i.e. 60% of the average income of the population.⁵⁹ Any program that aims to promote youth mobility and cooperation should take social exclusion and low rates of civil participation into consideration and mould its activities according to these circumstances. Having in mind that no systematic data are collected on a regular basis to demonstrate current needs and challenges of youth, and that the government does not have primary legislation or coordinated institutional networks to deal with the youth issues on state level. Thus, the RYCO will have to adopt an autonomous approach to reach its beneficiaries and meet its objectives.

Bosnia and Herzegovina had three members in the Working Group on regional youth cooperation for the preparation of the founding documents of the RYCO: two government representatives (assistant minister for education in the Ministry of Civil Affairs of Bosnia and Herzegovina and assistant minister for youth in the Ministry of Family, Youth and Sport of Republika Srpska) and one representative from civil society. All three representatives are members of the Commission for Coordination of Youth Issues in Bosnia and Herzegovina, established within the state Ministry of Civil Affairs, which is comprised of nine members: four from the state and entity ministries and five civil organisation representatives.

Since its foundation in 2005, this Commission was not perceived as a successful working body of the Council of Ministers, especially in the first four years since its foundation, but rather as an inaccessible and inefficient instance, as recognised by some civil society representatives. The Commission, in its present formation, was restructured in 2009, current government representatives were appointed in 2013 and civil society organisation representatives in 2015. The civil society representatives were selected through a public call and approved by government representatives. However, this procedure was not implemented for the civil society representative in the Working Group for the preparation of the founding documents of the RYCO, which raised an issue of his legitimacy. This should be also

58 See Draft documents of the Regional Youth Cooperation Office, 1 March 2016, <https://rycowesternbalkans.org/2016/03/16/proposals-of-the-working-group-conveyed-to-the-western-balkans-6-governments/> (accessed 16/6/2016).

59 See Commission for Coordination of Youth Issues and GZT, *Research on position of youth in Bosnia and Herzegovina*, 2008, http://pjp-eu.coe.int/documents/1017981/3084937/Analiza_mladi_BiH_2008.pdf/5aeb233f-2dd1-4b7b-9b25-c70b49f2db05 (accessed 16/6/2016).

viewed against the background of the fact that, according to research, only 5% of youth in Bosnia and Herzegovina are members of a youth association.⁶⁰ On the positive side, the representative of Bosnia and Herzegovina in the Working Group was a member of one of the most active civil society organisations engaged in youth issues – the KULT Institute for Youth Development,⁶¹ which indicated that the governments recognise youth CSOs as partners.

Low rates of youth membership in the NGO sector demonstrate the need for employing more direct methods in recruiting and selecting youth representatives, if the aim is to secure youth ownership of the process. Such an approach is necessary to avoid scarce demand for future services offered by RYCO.⁶²

The majority of the civil society organisations that participated in the research were familiar with Erasmus Plus and other programs that promote regional cooperation⁶³, but generally not many CSOs in Bosnia and Herzegovina participate in these programs. This brings us to the low visibility of programmes and initiatives that aim to promote regional youth exchange and cooperation. Aside from the official websites of competent institutions/organisations, there were no widespread campaigns or beneficiary-oriented campaigns that would boost interest for any of the programmes at stake. Additionally, the RYCO activities were promoted at two occasions – at the conference organized by the Federal Ministry of Culture and Sports⁶⁴ and during Franco-German Friendship Days.⁶⁵ The only regular venues of promotion are press releases and information disseminated through the official RYCO website. Thus, there is a need to work on the promotion inside CSO community or youth networks.

A positive lesson can be learned from the Youth Employment and Retention Program (YERP) which managed to reach out to a significant number of young persons and provided first employment experiences for 4,000 young persons.⁶⁶ Although the context and objectives of YERP and RYCO are different, the mechanism that YERP employed managed to attract the target population. According to our source, the key is to use a combination of approaches: high presence in media, a receptive and intense social media campaign, dissemination of positive/successful stories and direct engagement in local communities as much as possible.

4.5.2. Macedonia

The Macedonian youth deals with similar challenges as their peers in other countries in the Western Balkans, such as unemployment, poverty and insecurity in the workplace. Furthermore, a recent survey by the Institute for Sociological, Political and Legal Studies shows that 71% of the Macedonian youth describe the economic situation in the country as unfavourable; 53% are considering or have

60 See *supra* n. 60.

61 This CSO is implementing projects (mostly supported by international donors such as USAID in cooperation with the government. For example, their project Strengthening Governing Institutions and Processes in Bosnia and Herzegovina aims to strengthen the government's capacities and processes, such as the policy making process in several fields, including youth issues. Through this and several other projects they closely work with the government in planning, budgeting and monitoring processes, including those related to the alignment with the EU *acquis*.

62 For example, data from the survey conducted for the purposes of this study show that from the launching of Erasmus Plus in Bosnia and Herzegovina only 31 applications were submitted and nine were approved, which demonstrates that youth have a low general interest in exchange and mobility.

63 Programs such as *Europe for Citizens*, *Horizon 2020*, and *EU Programme for Employment and Social Innovation (EaSI)* which promote regional cooperation through accession to funds for employment and promotion of European Integrations.

64 The conference "Dialogue for Strengthening Youth Sector in FB&H" was organized on 1st and 2nd February 2016 by the Federal Ministry of Culture and Sports with the support of UNDP, UNICEF and UNESCO, and Institute for Youth Development KULT and was attended by CSO representative of Bosnia and Herzegovina in the RYCO working group. See <https://rycowesternbalkans.org/2016/02/02/dialogue-on-the-future-informs-about-ryco/> (accessed 16/6/2016).

65 See RYCO, "Presenting RYCO at the Franco-German Friendship Days", 27 January 2016, <https://rycowesternbalkans.org/2016/01/27/presenting-ryco-at-the-german-french-friendship-days/> (Access: 16/6/2016)

66 See United Nations Development Programme in Bosnia and Herzegovina, "Final Conference of UN programme Youth Employability and Retention", 19 June 2013, http://www.ba.undp.org/content/bosnia_and_herzegovina/en/home/presscenter/articles/2013/06/19/final-conference-of-un-programme-youth-employability-and-retention.html (accessed 16/6/2016).

already decided to emigrate; 65% worry that they will not be able to find a job after they complete their education, while only 13% think that they will be able to find a job immediately.⁶⁷ Overall, the data indicates that the perceptions of Macedonian youth of their opportunities are unfavourable.

Despite the prevailing pessimistic outlook of the youth, civil society organisations working with youth issues have had some success in participating in the policy- and decision-making processes. This has been the case with the making of the Law on Youth, where several CSOs succeeded in exerting their influence, so that their policy recommendations and remarks have been taken into account in the final legislative act. Furthermore, youth CSOs in Macedonia have also been successful in their networking activities on national level. One such example is the National Youth Council, established in 2013, as an umbrella organisation representing 67 youth CSOs.

Despite some successful activities, youth CSOs face numerous external and internal challenges and obstacles in their daily functioning.⁶⁸ For instance, youth CSOs often find it difficult to approach state institutions, which remain relatively disinclined to cooperate and communicate with them. However, this problem is not exclusive to youth CSOs, and most CSOs in Macedonia are affected by it. This is the result of a lack of mutual trust between CSOs and government institutions and their understanding of their respective roles in society.⁶⁹

Macedonia participated in the Working Group on regional youth cooperation for the preparation of the founding documents of the RYCO with two representatives, one representing the state and the other one the civil society. The selection process of a Macedonian CSO representative for the Working group lacked transparency, since there was no competitive call for the position. Furthermore, there was no consultative process with the majority of the established youth CSOs and umbrella organisations, they were effectively by-passed. This state of play was acknowledged on the national consultative conference on the RYCO, where youth CSOs expressed public disagreement with such practices.⁷⁰ At the initiative of the National Youth Council of Macedonia, the conference witnessed the establishment of a working group consisting of representatives of youth CSOs whose main role is to formulate recommendations and pass remarks to the Macedonian CSO representative in the RYCO Process. The members of this working group were selected through a public call for participation, made in January 2016.⁷¹

On the other hand in time, it was revealed that the selected CSO representative for the Working Group for the preparation of the founding documents of the RYCO working group was employed as a civil servant.⁷² Furthermore, several months later, the Parliament appointed him Deputy Minister for Transport and Communications, at the proposal of the minority partner in the Government coalition.⁷³

Subsequent action to create a working group to support the two selected representatives was taken by the Macedonian Youth and Sport Agency as well. However, many established youth CSOs, mainly the members of the umbrella organisation the National Youth Council of Macedonia, boycotted this initiative. Their decision was due to inconsistencies and lack of transparency in the process of selection of the CSO representative for the Working Group on the preparation of the founding documents of the RYCO, and the initiative for the establishment of a working group by civil society organisations.

67 See M. Topuzovska Latković et al., *Youth Study Macedonia 2013*, Institute for Sociological, Political and Legal Studies, 2013, <http://pjp-eu.coe.int/documents/1017981/8586048/Ex-rep-yug-Macedoine-FES.pdf/6525abd1-f1db-4848-9a5b-a29ee884edb9> (accessed 16/6/2016).

68 Youth CSOs are also burdened by unsustainable and inconsistent funding, and consequently by frequent staff changes.

69 See "Организирана првата национална консултативна конференција за РИКО" [The first National Consultative Conference on RYCO was organized], *ИЗЛЕЗ*, December 2015, <http://www.izlez.mk/?p=21572> (accessed 16/6/2016).

70 See "Повик за вклучување во работна група за RYCO" [Call for participation in Working Group on RYCO], National Youth Council of Macedonia, 15 January 2016, <http://www.nms.org.mk/mk/2016/01/15/повик-за-вклучување-во-работна-група-з/> (accessed 16/6/2016).

71 Ibid.

72 See "ДУИ ги објави замените за своите досегашни министри" [DUI has announced the replacements for its previous ministers], *Kapital*, 3 April 2016, <http://kapital.mk/dui-gi-objavi-zamenite-za-svoite-dosegashni-ministri/> (accessed 16/6/2016).

73 Ibid.

In addition, some of the youth CSOs criticised Macedonian Youth and Sport Agency for its failure to promote the call for applications and the short (five days) deadline for submitting applications.

In general, although the RYCO Process was structurally designed to guarantee the inclusion of CSOs and profound interest was expressed by the civil organisations, on national level in Macedonia it resulted in a partial inclusion of CSOs. Moreover, it lacked genuine communication and cooperation among key actors and was not recognised by a large number of youth CSOs.

The analysis of the interviews showed that the financial contributions required from each of the state signatories for the establishment and maintenance of the national office could be a stumbling block for the development of RYCO in Macedonia.

4.5.3. Serbia

According to the public opinion survey conducted by the Serbian Ministry of Youth and Sport in November 2015, the main issues for young people (15–30) in Serbia are: unemployment and economic problems (23.5%), crime and corruption (17.4%), poor quality of education (11.1%), lack of opportunities (10.5%) and lack of opportunities for youth to influence their society (10.3%).⁷⁴ Apart from identifying these perceptions and main issues, this survey also showed that there is a very low level of youth social and political activism in Serbia, mistrust in the institutions, and a lack of social mobility perspectives. There is a high general sense of helplessness as well – 62.1%, respondents think that young people should seek opportunities and prospects abroad.⁷⁵ According to this survey, the youth unemployment rate is very high: 57%. Other problems include lack of mobility and absence of dialogue and information, which gives rise to prejudices and stereotypes⁷⁶. All of the foregoing problems were referred to the policy documents and studies dealing with youth issues.

All respondents stressed that Serbia is fully committed to the establishment of the RYCO, especially in terms of the promotion of importance of the regional youth exchange and the establishment of the RYCO. The respondents stressed that, in order to engage civil society in Serbia in the RYCO working process, the Umbrella Youth Organisation⁷⁷ in January 2016 released an open call to interested CSOs. Forty CSOs responded and were regularly updated with all news of the process and consulted regarding all questions on the RYCO. Also, two consultative meetings were held among members of the Working group and representatives of the CSOs. Finally, two public events on future RYCO activities were organised in Belgrade in February and March 2016.

On the other hand, there is a lack of initiatives and other activities aimed at improving the position of youth, in accordance with the principles in the Declaration. Most respondents noted that there was a serious discrepancy between the defined programmes and concrete activities.

Most of the respondents stressed that CSOs could assist state institutions in resolving youth problems in the region by conveying their experiences and through joint programmes. Additionally, the respondents believe that the CSOs in Serbia have sufficient knowledge and experience in dealing with youth issues at the regional level, but often have insufficient capacities to tackle them in a systematic and sustainable manner.

74 See "Research on the position of youth in Serbia", *The Ministry of Youth and Sports*, November 2015, <http://www.mos.gov.rs/vesti/omladina/predstavljeni-rezultati-godisnjeg-istrazivanja-o-polozaju-i-potrebama-mladih/> (accessed 16/6/2016).

75 Ibid.

76 Ibid.

77 The Umbrella Youth Organisation is an alliance consisting of at least 60 registered youth organisations and their associations, with head offices in the territory of at least two-thirds of administrative districts in Serbia, which have been engaged in youth issues in several local government units over a period of at least three years, and which have at least 2,000 individual, registered members each, of whom at least two-thirds are young people. In accordance with the Law on Youth (Official Gazette of the Republic of Serbia No. 50/11), the Umbrella Youth Organisation represents and acts in the interests of its members, proposes candidates for the Youth Council, and participates in the process of development and implementation of the Strategy and other documents related to youth policy.

Serbia participated in the Working Group on regional youth cooperation for the preparation of the founding documents of the RYCO with two representatives, one representing the Government – the Ministry of Youth and Sports, and the other one the civil society. The election of Serbian representatives in this working group and related consultative process were not fully transparent, having in mind that a member of the Umbrella Youth Organisation was appointed as the civil society representative without a previous competitive call.

The Umbrella Youth Organisation played a major part in the process. Also, relevant state institutions and the working group have maintained good cooperation in the preparation of the founding documents for the RYCO. Apart from the Ministry of Youth and Sports, there was also an involvement of the Ministry of Foreign Affairs and the Ministry of Finance.

Upon the completion of the working group task, the Ministry of Foreign Affairs is to take the coordination of this issue from the Ministry of Youth and Sports. However, this did not happen yet.

According to most of the respondents, Serbia improved to a certain extent the participation of civil society organisations in the processes related to youth issues following the Berlin Summit in August 2014. In fact, civil society organisations took part in the preparation of the National Youth Strategy in February 2015, and the process of establishing the RYCO – through the Umbrella Youth Organisation. Yet, no further progress has been made.

Finally, most of the respondents mentioned the agreement between Albania and Serbia on youth cooperation signed in 2014, and a visit by 60 students from Serbia to their Albanian fellow peers in October 2015,⁷⁸ which was the result of a youth initiative, as a good examples of exchanges of young people and their ideas.

5. CONCLUSION

Prospects of full membership remain distant for the countries of the Western Balkans; thus the EU operates in the region with decreased credibility. Furthermore, the region is faced with financial exposure and increased political influence of other countries – especially Russia, China and Turkey. In these circumstances, Germany has taken the initiative through the *Berlin Process* to reinvigorate ties with the Western Balkans countries, without the promise of accelerated EU membership. The *Berlin Process* is envisaged to encounter issues such as bilateral disputes which are difficult to tackle through the technical and bureaucratic accession process. However, the question remains whether and to what extent the governments of the Western Balkan countries are committed to substantial use opportunities created by this process.

Assessing the commitment of the Western Balkan countries to fostering youth exchange and resolving bilateral disputes would significantly contribute to the success and further development of the *Berlin Process*. Specifically, there needs to be a recognized, formal mechanism for follow-up on the implementation between summits, with an explicit place for CSOs.

In regard to the effectiveness of the process, it would be beneficial to invite other South-East EU Member States, like Bulgaria, Greece, and Romania, to join the *Berlin Process* and accept the commitments of the Declaration on the Regional Cooperation and the Solution of Bilateral Disputes,

78 See "Rama 'advises' Serb students: Speak well of Albania in Serbia", *Independent Balkan News Agency*, 8 October 2015, <http://www.balkan.eu.com/rama-advises-serb-students-speak-albania-serbia/> (accessed 16/6/2016).

particularly because of the nature of the bilateral problems and the countries involved in them. Many of these bilateral disputes include also EU member states from the South East Europe (disputes between Croatia and Serbia or Greece and Macedonia). Also, Croatia and Slovenia, which already participate in the *Berlin Process*, should be invited to accept the commitments of the Joint Declaration on the Establishment of the Regional Youth Cooperation Office of the Western Balkans.

It is noteworthy that in the field of regional cooperation and resolution of bilateral disputes all Western Balkan countries are dealing with more than one dispute, all of them politicized in different ways. Taking into account the generality of commitments in the Declaration of the Regional Cooperation and the Solution of Bilateral Disputes, which leaves scope for different interpretations, it is of crucial importance to operationalize the Declaration by narrowing it down to specific activities, designed to be implemented in one-year time span, and setting of concrete and reachable goals and very clear coordination. This will also make the assessment of the implementation of the commitments more feasible at the annual summits within the framework of the *Berlin Process*.

The primary responsibility for the resolution of disputes and for preventing any existing bilateral dispute from becoming an obstacle to EU accession lies with the parties involved in the dispute. The Declaration on the Regional Cooperation and the Solution of Bilateral Disputes is a step in the direction of resolving these challenges. Besides countries hosting the annual summits, more vivid approach is needed by the European Commission in order to secure sustainability of the process of resolution of the bilateral disputes. There should be no prioritization when resolving bilateral disputes between the Western Balkan countries, bearing in mind that all the issues are equally important. For instance, if attention is paid exclusively to the political strife in Bosnia and Herzegovina and the normalisation of relations between Belgrade and Pristina, there is a risk that problems might escalate in Macedonia.

At present, it is crucial to maintain the momentum gained at the Vienna Summit and channel it into a sustainable dispute resolution process between the Western Balkans countries.

While Bosnia and Herzegovina, Macedonia and Serbia have demonstrated serious commitment to setting up the RYCO, there is a lack of initiatives to improve the position of youth in accordance with the principles arising from the Declaration.

The obligation of the signatory states to take part in the funding of the activities of the RYCO is of crucial importance for its sustainability. The activities in the forthcoming period will show the commitment of the Western Balkan countries and their ownership over the process of establishment of the RYCO. On the other hand, the EU should establish adequate supervision and monitoring mechanisms in order to ensure long-term financial commitments for the sustainability of RYCO and explore already existing financial mechanisms and programmes. In respect to this, a specific position should be envisaged for the CSOs. Finally, the role of RYCO is to support joint projects in a number of areas, modalities of which are to be discussed and decided upon.

The Paris Summit is scheduled for 4 July 2016. There are concerns that it will not gain necessary public attention due to several events catching eyes and minds of the European public; namely, the United Kingdom EU membership referendum (23 June 2016), the Spanish general elections (26 June 2016) and the final rounds of the 2016 UEFA European Championship taking place in France at the time. The European public will be focused on the outcomes of these events. Moreover, in the times of the negative public attitudes towards further EU enlargement it is likely that the Paris Summit will end up below the radar. However, Western Balkan states should find a way to make the best of the Paris Summit and the *Berlin Process* as a whole even against such a background.

6. RECOMMENDATIONS

General recommendations

- Assess the commitment of the Western Balkan countries to youth exchange and the resolution of bilateral disputes. There needs to be a recognized, formal mechanism for follow-up of implementation between summits, with an explicit place for civil society organisations.
- Expand the scope of the *Berlin Process* with other South-East EU Member States – Bulgaria, Greece and Romania – and invite them, as well as Croatia and Slovenia, to accept the commitments of the Declaration on Regional Cooperation and Solution of Bilateral Disputes.
- Invite South-East EU Member States which already participate in the *Berlin Process* – Croatia and Slovenia – to accept the commitments of the Joint Declaration on the Establishment of the Regional Youth Cooperation Office of the Western Balkans.
- Operationalize the Declaration on Regional Cooperation and Solution of Bilateral Disputes by narrowing it down to specific activities, designed to be implemented in one-year time span, and setting of concrete and reachable goals and very clear coordination. This will make also the assessment of the commitments made on the annual summit under the framework of the Berlin Process more feasible.

Recommendations to the Governments of the Western Balkan countries

- Strengthen administrative capacities and expertise for the implementation of commitments in the field of regional cooperation and resolution of bilateral issues.
- Include CSOs in the resolution of bilateral disputes process. The politically sensitive nature of bilateral disputes demands reaching difficult compromises on the side of the Governments. The advantage of the civil society, in this specific cases, is that it can (1) generate political will for resolution of a bilateral dispute; (2) create a favourable environment to reach a compromise; and finally (3) play a role in ensuring larger public acceptance of the negotiated solution.
- Ensure unimpeded and transparent long-term operation of the RYCO. In order to reach this: (1) the appointment of both civil society and government representatives in the bodies of the RYCO must be based on pre-defined criteria and in the transparent process of selection; (2) a coordination mechanism needs to be established to ensure compliance with the set deadline – 1 January 2017 – for the commencement of the activities of the RYCO; and finally (3) long-term financial commitments for the sustainability of RYCO needs to be ensured.
- Support the participation of young people in the decision-making process at the national level through strengthening of the youth CSOs to enable their full participation in the policy-making process. In that sense, the governments should secure funds for the training of the youth CSOs and apply mechanisms for the promotion of the participation of young people in the decision-making process.

Recommendations to the EU Commission and EU Member States

- Encourage and promote regional cooperation and resolution of bilateral disputes employing available mechanisms and tools. The EU member states and EU Commission should use the advancement in the countries' accession processes as an opportunity to overcome their reluctance and/or resistance to resolution of bilateral disputes. Also, the European Commission should focus on dispute resolution incentives and available mechanisms, particularly for the settlement of border disputes and minority rights issues. Appointing a coordinator/body for monitoring country specific bilateral disputes could additionally facilitate the process.
- Support and provide financial resources for civil society initiatives which follow the general direction of the *Berlin Process*. The EU member states and EU Commission should explore pre-accession and bilateral funding that could be utilized for youth projects and financing RYCO's work as well as for supporting civil society initiatives which focus on the implementation of the commitments made by the Governments in the framework of the *Berlin Process*. This would enable CSOs to engage even further in the specific policy areas of the *Berlin Process* on national and regional level.

Recommendations to the CSOs

- Create transnational/regional civil society networks, which would focus on regional cooperation and resolution of bilateral disputes. By consolidating and concentrating civil society efforts in this specific area, the civil society organisations would maximize their potential to influence decision-makers from the region, create favourable environment for resolution of bilateral issues and advocate for regional cooperation. These networks should act as remedial factor, particularly in exchanging good practices and experiences, and applying mechanisms for the promotion of reconciliation and cooperation between CSOs and youth organisations in the region. In addition, these networks could supervise and monitor fulfilment of the commitments stipulated in the Declaration on Regional Cooperation and Solution of Bilateral Disputes. Regardless of the financial support or external pressures, the CSOs must maintain their independence and impartiality, primarily in conducting activities related to monitoring of the implementation of commitments in the field of regional cooperation and solution of bilateral disputes.
- Actively engage in the RYCO and discuss possibilities of joint projects, areas and modalities of funding. The representatives of the youth organisations in RYCO should actively take part in the management and contribute to strategic decisions and the design and implementation of programmes. On the other hand, by consolidating and concentrating civil society efforts in this specific area, the youth organisations would maximize their potential to influence the position of youth in the region. Also, CSOs should supervise and monitor fulfilment of the commitments in the field of youth cooperation.