

The Berlin Process: Prospects and Deliverables

Jeremy Cripps

Abstract

The Berlin Process provides a framework for “resolving outstanding bilateral and internal issues” (Fouere and Blockmans. 2017) in the Western Balkans. The initiative was seen as a series of pre-emptive requirements for these states, prior to the enlargement of, and their inclusion in, the European Union (Jozwiak, 2014). These “prospects” were recently restated (Radosavljevic, 2017) by European Commission chief Jean-Claude Juncker. The nature of the issues that are in the process of resolution is not easily identified. Details are far from transparent. This paper considers the issues of the deliverables. The prospects for satisfying the accession requirements are part of the review. This analysis of the ongoing process should provide encouragement to those who see a promising future for the current population of the Western Balkans. Continuous efforts at judicial reform by the UNDP (United Nations Development Program) and the Norwegian Courts Administration (Reuters, 2018) are noted as they come to fruition in May 2018. The International Monetary Fund (IMF) identifies the need to reform bankruptcy and insolvency laws (Reuters, 2017). The United States Agency for International Development continues to sponsor commercial reform (USAID, 2018). Other non-government agencies like Friedrich Ebert Stiftung are also active in embracing the Western Balkans (Weber 2018) as future members of the European Union. Some concerns are considered. Depopulation “is ravaging much of Eastern Europe” (Charlemagne, 2018). Certainly, Western Balkan countries still “share problems related to widespread corruption” and the presence of organized crime (Lange 2016). Indeed, the demographics in the Western Balkans suggest “a rich-country problem, but we’re not rich countries” (Angelov, 2017). The Balkans do have unusually “diverse and attractive” tourist resources” (Vasileva, 2017). Transport improvements are on track as are prospects for a future integrated energy market for energy renewables (BEO, 2017). The Berlin Process has focused attention on progress made and the coming individual approaches and accession to the European Union.

Keywords: The Berlin Process, stabilization and association, expansion of the European Union.

Introduction

“None of our republics would be anything if we were not all together; we have to create our own history also, in the future.” (Tito, 1950)

The Berlin Process is “an initiative to boost regional cooperation among the Western Balkan countries” (CSF, 2014.). The Berlin Process initiative is ascribed to Chancellor Angela Merkel, who hosted the 2014 Conference of Western Balkan States in Berlin, recognizing the centenary of the start of the First World War and the prospect of expanding the European Union to include the member states of the Western Balkans (see Appendix A).

The Berlin Process provides for a framework for “resolving outstanding bilateral and internal issues” (Fouere and Blockmans. 2014) in the Western Balkans. The initiative is seen as a series of meetings to monitor continuous activity to follow the rules for European membership (see Appendix B) prior to the enlargement of, and their inclusion in, the European Union (Jozwiak, 2014). The Final declaration by the Chair of the 2014 conference on the Western Balkans reported:

We agree that today’s conference should provide a framework for a period of four years, during which we will further our endeavors 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 (Aug 29, 2014)

The “prospects” of “a credible enlargement perspective for an enhanced EU engagement with the Western Balkans” were recently restated (Radosavljevic, 2017) by European Commission chief Jean-Claude Juncker. The strategy “clearly spells out” the fact that the European Union is open to further expansion “when – and only when – the individual countries have met the criteria” for membership (EU Commission, 2018).

The purpose of this paper is to review literature on the Berlin Process and to consider the instruments that need to be in place in the Western Balkan nations to successfully secure full membership of the European Union. The paper considers the prospects and the deliverables in general, recognizing that the Western Balkan nations are at different stages in the compliance process, but noting the path to success that has been trodden by the people of Croatia.

Literature Review

Literature on the Berlin Process, in the English language, reflects the varied and complex nature on the ongoing negotiation and activities. To date neither Amazon nor Barnes & Noble offer published books on the Berlin Process. There are several major websites which provide updates on progress related to the individual elements of the Berlin Process. These include:

- The European Commission main website (https://ec.europa.eu/commission/index_en) and then in particular subsidiary special websites such as (https://ec.europa.eu/neighbourhood-enlargement/policy/glossary/terms/potential-candidate-countries_en) which describes the European Neighborhood Policy and Enlargement Negotiations. The website provides updates on potential candidates and summary details of the stabilization and Association process.
- The Berlin Process Information and Resource Centre (<https://wb-csf.eu>) which again has several sub sites such as the CSF of the Western Balkans Summit Series (<http://wb-csf.eu/civil-society-forum-of-the-western-balkan-summit-series-in-2018/>)
- The European Western Balkans website (<https://europeanwesternbalkans.com>) which provides a number of subsidiary sites such as (<https://europeanwesternbalkans.com/2018/01/08/eu-western-balkans-berlin-process/>) which looks to the relationship between the EU and the Western Balkans after the Berlin Process.
- The CEPS website (<https://www.ceps.eu>) a leading think tank and forum for debate on EU affairs including the Berlin Process. Last July the think tank raised the question of whether the Berlin Process is delivering?" (Fouere and Blockmans. 2017).

Then, as might be expected in the context of the ongoing process of compliance with membership requirements for the six Western Balkan nations, there are a significant number of relevant and reliable websites which report progress on activities which catch the imagination of their publisher. It is from amongst these many commentaries that this paper tries to put together an idea of the progress being made towards the completion of the Berlin Process. A brief selection of other websites with their particular contributions on specific topics is included at Appendix C.

How then are we to understand the details and the specifics of the criteria for membership of the European Union. These are very generally defined in three documents.

- The 1992 Treaty of Maastricht, as amended – Lisbon Treaty Article 49
- The Declaration of the European Council 1993 in Copenhagen (known as the Copenhagen criteria – see Appendix B)
- The specific framework for negotiations with applicant nation(s).

Procedures for identifying the political, economic, and monetary union changes needed are in process. Four Civil Society Forums, organized conferences to assess progress on establishing the frameworks for accession (Berlin, 2014; Vienna, 2015; Paris, 2016; Trieste, 2017) have

been held. A fifth conference is scheduled for London this year, after a scheduled preparatory meeting this March in Sarajevo (CSF, 2018).

There have been some 33 CSF publications contributing to the partial recognition of the changes that are required before the application process can go forward. Then there are many websites sponsored by disparate sources which provide reports on the ongoing deliberations which are said to be taking place in the context of the pursuit of the Berlin Process.

Perhaps understandably, the clarity of direction that might be expected from a European Union, or at least an Angela Merkel initiative, appears rudder restricted if not rudderless. The Civil Society Forum (Civilsocietyforum.com) looks for a unified Berlin Process for the enlargement of the European Union to include the six Western Balkans nations. Other organizations, reflecting on the fact that each of the 6 Western Balkan nations are at different stages in the process towards joining the European Union, expect a bi-lateral process. Then European wide concerns on important political and cultural issues (immigration and security, among the 6 key issues seen to shape the EU in 2017 (Bildt, 2017) for example) have certainly delayed the Berlin Process.

At present, “On the path to integration” (Europa, 2018) there are 4 candidate countries: Albania, Montenegro, Macedonia, and Serbia: and two potential candidates: Bosnia Herzegovina, and Kosovo. Their well-trodden path to integration may be seen in the context of the successful completion of negotiations by Croatia on July 1, 2013 (Europeanwesternbalkans.com).

The Key Reforms

It is true that the lack of clarity in terms of identifying detailed specific criteria for progress has led to a “growing disillusionment with the enlargement process in the region” and even the question of whether the European Union might “still have appeal in the Balkans?” (Chatham, 2018). In this complex and confused context on 6 February 2018, the European Commission launched the new “Strategy for the Western Balkans” (EU, Commission, 2018).

This document identifies the key reforms required:

- Rule of Law
- Establishing Fundamental Rights
- Tackling corruption and organized crime,
- Improving democratic institutions, public administration, and the economy
- Fostering good neighbor relations
- Solving bilateral disputes.

This document also indicated a likely two (or multi) tier approach to European expansion as a separate strategy for Montenegro and Serbia was identified.

Criteria for EU Membership

The nature of the key reforms required for all the Western Balkans are now somewhat clearly identified, but the exact nature of the deliverables needs clarity. The next steps in the process may be seen in a separate set of “next steps” which are specified for Montenegro and Serbia. Note also that the 2014 past 4-year time line is now extended with a 2025 perspective.

The Next Steps identified are:

- Completion of Interim Benchmarks for the rule of law. This includes the normalization of relations between neighbors (specifically relations between Serbia and Kosovo).
- Definition of EU common positions in key policy areas (specifically free movement of workers and implementation of normalization between Serbia and Kosovo)
- The closing negotiations recognizing “credible and sustainable track record” of reform regimentation.
- Then signature to an accession Treaty.

Nature of the Deliverables

This paper therefore examines the nature of the deliverables which might be expected to meet the established Interim Benchmarks which are prerequisite to continuing the accession process.

Deliverables: The Rule of Law

There has been a recent shift in the European Union’s approach towards the promotion of accession related reforms (Strelkov, 2016). Recognition that agreements with Bulgaria and Romania have not proved as sustainable as planned, have led to this shift. The hope is that by recognizing the role of national parliaments in shaping the content of reforms especially in the rule of law sector, real implementation of legal reform will take place (Reuters, 2017).

Expedition of judicial reform for existing legal frameworks for dealing with commercial activity need attention. The International Monetary Fund (IMF) identifies an appropriate legal framework which is needed to deal with bad loans and specifically to improve bankruptcy and insolvency laws to facilitate commercial economic interaction with the European Union and the rest of the world. (Atoyan et al, 2017).

An example of law reform being put in place may be taken from the US AID role in Albania. Here the Financial Services Volunteer Corps (FSVC) has been supporting a series of workshops and support to meet international standards in Albania in the areas of:

- Strengthening Public Financial Management
- Setting-up a Supreme Audit Institution
- Assisting Parliamentary Budget oversight
- Implementing a Bank supervision process
- Design and implementation of Open Government Data
- Campaign against the Informal Sector (FSVC, 2018).

The IMF report noted “shortages of public infrastructure” specifically identifying

- Inadequate transport networks (roads and railways)
- Insufficient provision of utilities (unstable electricity supply)
- Underdeveloped communication networks (Internet penetration below 50%)
- Underinvestment in health and education (higher education)

In the absence, to date, of practical improvement in these areas by government administration, the IMF joined those advocating attention to parliamentary reform noting that “weak institutions, inefficient governments, and widespread corruption” are linked to “the misallocation of scarce public resources to project with low economic viability.”

Continuing efforts at judicial reform in the Western Balkans are also being led by the UNDP (United Nations Development Program) and the Norwegian Courts Administration (Norway, 2018). This 3-year project has made some progress and is expected to be extended past the 1 May 2018 project date. Here the emphasis has been on the court management system and, because of improvement, counteracting the negative public image of the judiciary. There is also some encouragement to improve necessary cooperation between Western Balkan institutions.

The United States Agency for International Development continues to sponsor commercial reform (USAID, 2018). Other non-government agencies like Friedrich Ebert Stiftung are also active in embracing the Western Balkans (Weber 2018) as future members of the European Union. The emphasis here has been on improving the banking system and the audit functions for commercial activity.

Deliverables: Stabilization and Association Process

The Stabilization and Association Process is the European Union’s specific policy towards the Western Balkans. Launched in June 1999 the process requires

- Contractual relationships (bilateral agreements)

- Trade relations (autonomous trade measures)
- Financial assistance
- Regional cooperation.

One specific focus has been on the Serbia Kosovo relationship. “There are plenty of unsolved issues between Kosovo and Serbia” (Mulla, 2017), not least the sovereignty issue. Similar issues including civil registration, border crossings, and post-war citizenship remain to be resolved.

In addition to the Copenhagen criteria items mentioned above, the accession of the Western Balkans is specifically required to comply with the Stabilization and Association process set out by the European Union (EU Commission, 2018)

Three lessons are seen to have been learnt as the EU works to engage the Western Balkan governments in the Stabilization and Association process.

- First there is a need for “a stronger engagement in the reform process” providing clear benchmarks for the process so that Western Balkan leaders do not use the EU card for their own political ends.
- Then, secondly, there is a need to “eliminate the sense of fatigue,” the ‘wait and see policy’ which is leading to failure in achieving stabilization and association goals.
- The third lesson is the need for formal institutional structures. Existing stabilization and association policies do not recognize the realities of ethnic and other social divides and the lack of resources available for resolution of these differences.

Deliverables: Credible and Sustainable Track Record

A good example of establishing a credible and sustainable track record can be found with the agreement on air-control in the Western Balkans. The 6 Western Balkan nations became parties to the European Common Aviation Area (ECAA, 2018) in 2007. There is in place a reform Agenda which is being met on a timely basis. The safety rules for air traffic have been adopted but there is still a need to work on implementing European rules on noise, slot allocations, and other parts of the national aviation codes.

Common positions on transport extend to the potential for Cargo 10, a recovery of the pan-European road and rail corridor that once linked central and south-eastern Europe. Cargo 10 (short for Corridor 10) aims to exploit the cost benefits available for freight movements on modern rail services from Salzburg to Istanbul, Igoumenitsa, and Thesaloniki. Now the talk is of a rail service “the Berlin-Beijing express” linking Europe to China (Economist, 2010).

The importance of the road corridors and the need for highway improvements also needs mention. The economic importance of improved infrastructure and particularly improved auto routes is identified as a way of reducing unemployment as well as increasing per capita income (Dabrowski and Myachenkova, 2018).

Deliverables: Signature to the Accession Treaty

Kaplan has written that Macedonia, the inspiration for the French word “macedoine” (mixed salad) defines “the principal illness” of the Western Balkans, continuing “conflicting dreams of lost imperial glory” (Kaplan, 2005). A recent report (Doyle and Martinez, 2017) confirmed a wealth of progress on the way to Treaty accession but noted that progress was still “not very promising” in the area of government restrictions and interference in citizen’s lives and the failure of government to challenge “the informal economy” (World Bank Group, 2017). This seems extraordinary “since the ethnic mix of the Balkans has been remarkably unchanged for centuries” (Mazower, 2002). The report also noted that, in the area of social hostilities, a measure of “concrete, hostile actions that effectively hinder the religious activities of the targeted individuals or groups” (Pew Forum, 2009) the situation is “outright alarming.”

Current Events

Seen from a Western perspective, there are three crisis areas in the Western Balkans (Bego, 2017). Democracy appears to be failing to deliver healthy political competition in the Balkans. Commitment to the European Union sometimes is seen as superficial lip service. Appropriate actions are approved but are not taken. Advice is welcomed and then ignored. Second there is some evidence of Russian interference which undermines support for the socio-economic changes that are required by the EU. Then thirdly the commitment by the EU to the Western Balkans, their attempts to understand the workings of the Western Balkan states, are seen in the context of the success of European economic recovery and as Shelly put it: “Heaven smiles, and faiths and empires gleam” while the nations of the Western Balkans are “like wrecks of a dissolving dream.” (Shelley, 1822).

Meanwhile in the Western Balkans depopulation “is ravaging much of Eastern Europe” (Charlemagne, 2018). Depopulation “is evident on the whole territory” of the Western Balkans (Lukic, 2015), it is “a sign of a vicious circle of economic and social decline” where young people emigrate when they can, leaving an ageing population with limited ability to slow the process of decline. The EU extension of the timeline for accession by Western Balkan states and the turmoil generated by Brexit and other local demands for independence (Scotland, Catalonia, Northern Italy for example) hardly encourages the Berlin Process to move to the front burner.

Then quite certainly, Western Balkan countries “share problems related to widespread corruption” and fail to discourage the presence of organized crime (Lange 2016). Indeed, the demographics in the Western Balkans suggest “a rich-country problem, but we’re not rich countries” (Angelov, 2017).

Yet the Balkans have unusually “diverse and attractive” tourist resources” (Vasileva, 2017). Extraordinary potential synergies offer prospects of a future integrated energy market for energy renewables (BEO, 2017).

Conclusion

Much progress is being made. This paper contributes to students of the Berlin Process having a better understanding of the complexity of the process.

There is good reason, as the contents of the paper have shown, to expect, eventually, a unified approach to meeting the issues identified by the European Union as needed prior to attaining membership. Recently at a Chatham House meeting, Iztok Mirošič, Foreign Minister of Slovenia provided outlined hopes for the future ahead of the next Berlin Process in Summit in July 2018. His analysis indicates a positive prospect which will be of interest to students of the progress being made by the Berlin Process.

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Appendix A - States of the Western Balkans

The Western Balkans is a neologism coined to describe the former member countries of Yugoslavia, minus Slovenia (already a member of the European Union) and with the addition of Albania. The Western Balkans therefore include Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro, and Serbia.

	Population 000s	GDP US \$ billions
Albania	2,876	12
Bosnia and Herzegovina	3,571	17
Kosovo	1,816	7
Macedonia	2,081	11
Montenegro	628	4
Serbia	7,075	38
	-----	-----
	18,047	89
	=====	=====
	Millions	
European Union	508	18,000
Germany	83	4,211
France	67	2,925
United Kingdom	66	2,936
Italy	61	2,182
Spain	47	1,506
Poland	38	614
Remaining 22 countries (each under US \$20 billion)	146	3,626

Appendix B - The Copenhagen Agreement

Conditions for European Union membership

The EU operates comprehensive approval procedures that ensure new members are admitted only when they can demonstrate they will be able to play their part fully as members, namely by:

- complying with all the EU's standards and rules
- having the consent of the EU institutions and EU member states
- having the consent of their citizens – as expressed through approval in their national parliament or by referendum.

Membership criteria - Who can join?

The Treaty on the European Union states that any European country may apply for membership if it respects the democratic values of the EU and is committed to promoting them.

The first step is for the country to meet the key criteria for accession. These were mainly defined at the European Council in Copenhagen in 1993 and are hence referred to as 'Copenhagen criteria'. Countries wishing to join need to have:

- stable institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
- a functioning market economy and the capacity to cope with competition and market forces in the EU;
- the ability to take on and implement effectively the obligations of membership, including adherence to the aims of political, economic and monetary union.

The EU also needs to be able to integrate new members.

In the case of the countries of the Western Balkans additional conditions for membership, were set out in the so-called 'Stabilization and Association process', mostly relating to regional cooperation and good neighbor relations.

What is negotiated?

The conditions and timing of the candidate's adoption, implementation and enforcement of all current EU rules (the "acquis").

These rules are divided into 35 different policy fields (chapters), such as transport, energy, environment, etc., each of which is negotiated separately.

Other issues discussed:

- **financial arrangements** – such as how much the new member is likely to pay into and receive from the EU budget (in the form of transfers)

- **transitional arrangements** – sometimes certain rules are phased in gradually, to give the new member or existing members time to adapt.

Source: https://ec.europa.eu/neighbourhood-enlargement/policy/conditions-membership_en

Appendix C – Additional website re Deliverables

https://ec.europa.eu/transport/themes/international/enlargement/westernbalkans_en

The “Connectivity Agenda” in the context of the WB6 and the extension and modernization of the Trans-European Transport Network (TENT-T) noting the EU support through the Western Balkans Investment Framework (WBIF) and the Connecting Europe Facility (CEF).

<http://www.seetoint.org/projects/soft-measures/western-balkan-6-summits/>

The “Connectivity Reform Measures monitoring Progress Report (March 2018) by the South East Europe Transport Observatory (SEETO). Includes all plans and monitoring reports from 2016 through the Sofia Summit in 2018.

<http://wb-csf.eu/>

The Berlin Process, Information and Resource Center (already reference in the paper) but useful as it covers a wide range of issues.

<http://www.seetoint.org/>

The South East Europe Transport Observatory (SEETO) website which includes a list of specific projects in process.

<http://www.rycowb.org/>

The Regional Youth Cooperation Office, an independently functioning institutional mechanism founded by the Western Balkan nations.

<http://www.mfa.gov.rs/en/foreign-policy/eu/regional-initiatives/berlin-process>

Serbian Foreign Ministry website (in English) with details of Regional initiatives.

<https://www.euractiv.com/section/enlargement/opinion/the-berlin-process-in-the-new-enlargement-strategy/>

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