

Current state of play – WB6 and EU enlargement process – elements of reconciliation

Ass. Prof. Dr Fjorda Shqarri

Faculty of Law, University of Tirana

I. Evolution of relation between EU and Western Balkans

The European integration of the countries of the region of Southeast Europe, or the so-called countries of the Western Balkans, has been the focus of the political agenda of each of these countries for a very long time now. The EU enlargement policy accompanied by the conditionality or fulfilment of certain conditions has made this journey have its own specifics for each of the countries in the region. The integration of these states which had emerged mainly from the disintegration of the former Yugoslavia, countries which had inherited the conflicts of the past, was a necessity first to heal the wounds of the past but also to achieve stability in the region.

EU enlargement to Eastern European countries created a new impulse in the Western Balkans, raising the hope that these countries, having a similar historical experience, could soon be integrated. Relations between the EU and the Western Balkans actually date back to the late 80s at a time when some of these countries had begun the path of democratization, but later problems and conflicts forced the EU to design the Regional Approach, an approach which included all the countries of the region in a program divided into two parts, each state's relations with the EU and regional cooperation, but also set it in motion to seek new mechanisms to accelerate the integration of this region.

In this context, the European Union later adopted the process of stabilizing its association with the Western Balkans. In May 1999, the European Commission

proposed the Stabilization and Association Process as a long-term commitment of the European Union to the countries of the Western Balkans region to sustain them in political, economic and human development with the prospect of future membership for these countries. This process, that we will discuss below, in its beginnings included 5 countries in the region and later Kosovo, is a bilateral process through which the EU and the associated countries establish cooperation to promote progress. This progressive partnership, in addition to being adapted to the conditions of each of the Western Balkan countries to promote regional cooperation, also enables the EU to offer a series of concessions and projects in the economic, financial, contractual, social, education areas.

The first major initiatives in this direction is the Stability Pact adopted on 10 June 1999, which brought together around 40 countries and international organizations to help strengthen peace, democracy, human rights and the economic recovery of the Western Balkans. The Stability Pact is a comprehensive and long-term strategy in conflict prevention in the region and from an organizational point of view had a special Coordinator and his team and functioned in three regional roundtables: a) roundtable on democracy and human rights b) roundtable on development, economic cooperation and reconstruction and c) roundtable on security issues. Over the years, the Stability Pact roundtable meetings have marked important achievements in terms of the cooperation of the countries of the region in important areas such as trade or the fight against corruption and organized crime. In 2006 it was decided that this structure would be replaced by the Regional Cooperation Council, which is chaired by the Secretary General and supports regional cooperation and coordinates all thematic cooperation processes.

The main objectives of the Stabilization and Association Process are: stabilization and rapid transformation of the market economy, the promotion of regional cooperation, the prospect of EU membership. In this context, the participating countries undertake the obligation to promote concrete objectives and initiatives in the field of trade liberalization, visa-free movement in the region, creation of regional markets, infrastructure, telecommunications, cross-border cooperation, etc. The first phase of this process consists of various steps that enable the establishment of contractual relations between each country and the EU in the form of a Stabilization and Association Agreement.

The Stabilization and Association Process began in June 1999, and the Feira Council a year later stressed that all Western Balkan countries have prospects for EU integration and membership. This Council recognized the countries of the Western Balkans participating in the Stabilization and Association process as "Potential Candidates" for EU membership. The Zagreb Summit in November 2000 marked a further step towards reaching regional agreements on the terms and objectives of the Stabilization and Association Process. At this Summit, it was stated that democracy, reconciliation, regional cooperation and rapprochement with the EU are a common goal for the EU and the countries of the region.

On this basis, the first Stabilization and Association Agreements began to be concluded between the EU and the countries of the Western Balkans. The main elements of a Stabilization and Association Agreement are: political dialogue, asymmetric trade liberalization in favour of the country in line with the prospect of creating a free trade area with the EU after a transitional period, regional cooperation, harmonization of legislation with the *acquis*, especially in the areas of the internal market and cooperation in justice and security.

The European perspective of these events was further confirmed by the Thessaloniki European Council on 21 June 2003, which adopted the "Thessaloniki Agenda for the Western Balkans: Moving towards European Integration", which became the cornerstone of the EU's enlargement policy towards the region. At this Summit, the member states came out with two important conclusions: 1- The perspective of the membership of the Western Balkan countries in the EU is real and the EU map will not be seen as complete until the Western Balkan is included. In this context, the EU undertook to provide the necessary financial and technical assistance for these countries to undertake the necessary reforms and 2- Membership will be on individual basis and must be on merit bases and for this requires a lot of work and political will from the governments of the Western Balkan countries. In the meantime, it will continuously monitor their progress in this regard.

The European Union to financially support the Stabilization and Association process provided for the years 2000-2006 a financial instrument - CARDS - from which benefited all the countries of the region and with the completion of this instrument developed 2 important instruments of pre-accession. IPA -I which started to be

implemented on January 1, 2007 until 2013, includes assistance in several components: a) assistance for the transition and institution building; b) regional and cross-border cooperation; c) development of human resources; d) regional development; e) rural development. For the period 2014 - 2020 the main assistance instrument is IPA-II which includes regional cooperation, Prosecutor's network, Environmental issues, education and employment platforms.

II. Recent developments in the Western Balkans European path

The Western Balkans, as a geographically integral part of Europe, has long seeking to join the European Union, but as discussed above, the journey of the countries of this region towards the EU has not been so easy and in fact the perception of the EU in relation to enlargement has changed constantly in recent years, so much so that sometimes if we see it from an external point of view it seems like a process that the more it advances the more new components are added. After the 2009 Eurozone crisis, enlargement seemed to be a distant EU perspective and was not seen as a priority. Despite this, in 2013, from the countries of the region, Croatia joined the EU.

However, in 2014, the then incoming President Jean Claude Juncker announced that there would not be ne enlargement and no new memberships in the Union for the next 5 years (which was later confirmed taking in consideration that Serbia and Montenegro that had started negotiation at the time are still in process). This statement reduced public confidence in the path to the EU, but more importantly, was accompanied by a decrease in EU visibility towards the region, reducing the enlargement portfolio, including good neighbourly policies. After this moment, the EU's attention to the region turned more to border security and security issues in general, especially during the refugee crisis in 2015, but not to the enlargement and membership of these countries.

During this time there was a slowdown in reforms to achieve future membership by the governments of the region and especially negative indicator was the ignoring of the warnings of civil society and the media about the establishment of authoritarianism in these countries. The Brexit vote was a turning point in the EU enlargement strategy towards the Western Balkans. The visit of High Representative Federica Mogherini to the region in 2017, signalled the deterioration of the situation in the region and the

subsequent European Council expressed the EU's position to support reforms at all levels as the Western Balkans is of particular importance for the union. In these conditions, the Commission drafted a proper strategy for the problems of the region and the mechanisms on the basis of which they could be overcome and enable the membership of these countries in the future.

In February 2018, the Commission presented the new enlargement strategy towards the countries of the Western Balkans called “Credible Enlargement Perspective for an Enhanced EU Enlargement with the Western Balkans Strategy”, considering the region as an important investment not only in a geostrategic aspect, but also as a new development direction for the whole union. The new enlargement strategy sets out for the western Balkan countries 6 flagship areas and each of them constitutes an area where, in cooperation with governments, joint strategies and plans will be put in place, to achieve adverse results that could lead these countries to membership.

The six flagship initiatives mentioned in the EU strategy are :

- (1) the rule of law- Strengthening the rule of law, fundamental rights and good governance is one of the most important flagship initiatives proposed in the enlargement strategy, which requires not only institutional reform but also a social transformation. According to this strategy, the countries of the region must work to reform the judicial system in order to have an independent, high-quality and efficient judiciary to ensure the check and balance principle. The fight against corruption and the creation of efficient anti-corruption institutional structures will contribute in the improvement of the rule of law. As part of the package of reforms towards the rule of law is also considered the reform in the public administration to achieve politicization and to increase efficiency, strengthening democratic institutions, the fight against organized crime and improving the protection of fundamental rights and freedoms, especially freedom of expression of the media, guaranteeing the rights of minorities, the fight against discrimination, etc.
- (2) security and migration- Enhanced strategic and operational cooperation between the EU and the Western Balkans on security, including through relevant agencies, is pivotal to addressing effectively and efficiently the existing security

and terrorism threats that affect the Union and the Western Balkan region. Much work is already under way at EU level to help build capacities in the Western Balkans and facilitate international police and judicial cooperation to counter threats originating from organised crime and terrorism, including radicalisation leading to violent extremism, the challenge of foreign terrorist fighters and the trafficking of firearms and explosives. This engagement should be further reinforced, based on successful initiatives in the field of security and counterterrorism and be underpinned by the ongoing security policy dialogue between the Union and the Western Balkans. At the same time it is essential to further step up strategic and operational cooperation with the Western Balkans on migration and border management. This includes ensuring access to international protection, sharing of relevant information (such as risk analyses), enhancing border control, ensuring the effective implementation of readmission and return policies and the fight against irregular migration and migrant smuggling. Strengthening international and regional cooperation (including with EU agencies⁵ and the respective liaison officers in the region), and further consolidating border and migration management capacities is also necessary. In order to ensure cooperation in these sectors, the EU suggests increasing the role of the EU Agency and on the other hand intends to create an EU inter-agency Task Force to coordinate the activity of these structures towards the Western Balkans.

- (3) socio-economic development- The socio-economic development of the region is also an important point of the strategy, according to which investments can be increased only if governance and reforms are strengthened in order to increase competition. The strategy describes as an essential element the regional economic zone that will increase the role of the regional market and on the other hand supports the development of programs that increase trade cooperation between the EU and the region as well as with other international institutions. The European Pillar of Social Rights reflects principles and rights that are essential for fair and well-functioning labour markets and welfare systems. Through a new reinforced social dimension for the Western Balkans, the Commission will work to support employment and social policy in the region, encouraging appropriate engagement from all levels of government, social

partners and civil society. This will include an increased focus on employment and social reforms through greater monitoring of relevant policies, including in the context of the economic reform programmes. The Commission proposes an annual EU-Western Balkans Ministerial meeting on social and employment issues to exchange views. This flagship initiative includes investment and programs in the education field, such as Erasmus + which will help young citizens of Western Balkans to study and gain experience in the EU thereby furthering economic development and promoting common values.

- (4) transport and energy connectivity- This objective covers the establishment of communication and transport bridges between the countries of the region, but on the other hand aims to connect the EU infrastructure with the Western Balkans in order to create a trans-European network in terms of transport, energy and digital services.
- (5) the digital agenda- This initiative focuses on creating a unique digital market in order to facilitate the services received by the citizen, but also to develop the business and the transformation of public services in the era of digitalization. This initiative is supported by the Digital Agenda for the Western Balkans.
- (6) reconciliation and good neighbourly relations – this objective is largely discussed in the second part of this lesson, but in a general this flagship will include supporting transitional justice, missing persons and increased cooperation in education, culture, youth and sport, and expanding the scope of the Regional Youth Cooperation Office.

III. Current status of the Western Balkans countries in the pre-accession phase, according to the European Commission progress- reports

Serbia - submitted its application for EU membership in December 2009 and was granted candidate status in March 2012 after Belgrade and Pristina reached an agreement on Kosovo's regional representation. Accession negotiations were formally opened on 21 January 2014. The first two chapters, including the one on normalisation of relations with Kosovo, were opened in December 2015. The key rule of law

Chapters 23 and 24 were opened on 18 July 2016. By November 2020, Serbia had opened 18 negotiating chapters (most recently the chapter on free movement of capital, in December 2019) and provisionally closed two of them. In 2021, Serbia agreed to follow the revised methodology and is actually following initiatives to fulfil with the requests of cluster 3 and 4.

In its Western Balkans Strategy, published in February 2018, the Commission stated that Serbia (and Montenegro) could join the EU by 2025, albeit acknowledging that this perspective was ‘extremely ambitious’. Serbia’s future EU integration — like Kosovo’s — remains closely linked to the EU-facilitated high-level dialogue between Serbia and Kosovo, which should lead to a legally binding comprehensive agreement on the normalisation of their relations. In July 2020, the dialogue resumed after a stalemate of almost two years.

Bosnia and Herzegovina

Bosnia and Herzegovina (BiH) is a potential candidate country. An SAA was negotiated and signed in June 2008 but its entry into force had been frozen, mainly owing to the country’s failure to implement a key ruling of the European Court of Human Rights. The EU’s ‘renewed approach’ to the country, which put more focus on economic governance, allowed the long overdue entry into force of the SAA on 1 June 2015. The country submitted its membership application on 15 February 2016.

In May 2019, the Commission published its opinion, including a list of 14 key priorities for BiH, on the basis of BiH’s replies to a comprehensive questionnaire. One of the 14 key priorities is ensuring the proper functioning of the Stabilisation and Association Parliamentary Committee (SAPC), the parliamentary dimension of the SAA. In July 2020, almost five years after the first and, so far, only SAPC meeting in November 2015, the BiH Parliament voted on the SAPC’s Rules of Procedure, thereby paving the way for their formal adoption by the SAPC in the near future.

Montenegro

Montenegro declared independence in 2006, applied for EU membership in December 2008. It was granted candidate status in December 2010 and accession negotiations were opened in June 2012.

In line with the EU's 'new approach' to the accession process, the crucial rule of law chapters — Chapter 23 on judicial reform and fundamental rights and Chapter 24 on freedom, security and justice — were opened at an early stage in the negotiations, in December 2013.

By November 2020, Montenegro had opened 33 negotiating chapters, but provisionally closed only three of them. The last remaining key chapter (on competition policy) was opened in June 2020. In its Western Balkans Strategy, published in February 2018, the Commission stated that Montenegro (and Serbia) could join the EU by 2025, albeit acknowledging that this perspective was 'extremely ambitious'. In 2021 Montenegro agreed to follow the revised methodology of negotiations, trying to conclude the clusters.

Kosovo

Kosovo is a potential candidate for EU accession. It unilaterally declared its independence in February 2008.

Five EU Member States (Cyprus, Greece, Romania, Slovakia and Spain) and two countries in the region (Serbia and Bosnia and Herzegovina) have not recognised Kosovo's independence. In July 2018, six years after a visa liberalisation roadmap was issued, the Commission confirmed that Kosovo had fulfilled all the criteria.

The European Parliament immediately followed suit and entered into interinstitutional negotiations, which are ongoing. In the region, only Kosovo remains excluded from visa liberalisation.

After a landmark agreement on normalising relations was reached in April 2013 by Belgrade and Pristina (the 'Brussels Agreement'), the European Council decided in June 2013 to open negotiations on an SAA with Kosovo, which entered into force on 1 April 2016.

Kosovo's future EU integration — like Serbia's — remains closely linked to the EU-facilitated high-level dialogue between Kosovo and Serbia, which should lead to a legally binding comprehensive agreement on the normalisation of their relations. In July 2020, the dialogue resumed after a stalemate of almost two years

Republic of North Macedonia

The former Yugoslav Republic of Macedonia (now the Republic of North Macedonia) applied for EU membership in March 2004 and was granted EU candidate status in December 2005. However, the country was unable to open accession negotiations for many years, mainly owing to the dispute with Greece over the country's use of the name 'Macedonia'.

This dispute was successfully resolved through the 'Prespa Agreement' on the country's new name — Republic of North Macedonia or North Macedonia — which entered into force in February 2019. Since 2009, the Commission, with the unwavering support of Parliament, had invariably recommended that accession negotiations be opened.

In June 2018, the Council agreed to the possible opening of accession negotiations with North Macedonia in June 2019, considering that the necessary conditions were fulfilled. However, both in June 2019 and October 2019, the Council didn't approve the opening of accession negotiations.

In March 2020, the Council finally decided to open accession negotiations without additional conditionality. In July 2020, the Commission presented the draft negotiating framework — the first to take into account the 'revised methodology for enlargement to the Western Balkans' that was published in February 2020 — to the Member States. The adoption of this framework by the Council (and consensus of all member states including Bulgaria) is a precondition to held the first Intergovernmental Conference with North Macedonia.

Albania

Albania applied for EU membership on 28 April 2009. In 2012, the Commission recommended that the country be granted candidate status, subject to the adoption of pending reforms.

In October 2013, the Commission unequivocally recommended granting Albania the status of candidate for EU membership, which it obtained in June 2014. In light of the country's progress, the Commission recommended opening accession negotiations with Albania in 2016, 2018 and 2019.

In June 2018, the Council agreed to the possible opening of accession negotiations with Albania in June 2019, provided the necessary conditions had been fulfilled. However, both in June 2019 and October 2019 the Council failed to approve the opening of accession negotiations. In March 2020, it finally decided to open accession negotiations, pending the fulfilment of a set of conditions. In July 2020, the Commission presented the draft negotiating framework — the first to take into account the ‘revised methodology for enlargement to the Western Balkans’ that was published in February 2020 — to the Member States. The adoption of this framework by the Council is a precondition for convening the first Intergovernmental Conference with Albania. This country is actually waiting for the fulfilment of the preconditions the EU has put as key for opening negotiations.

New negotiations framework methodology

As mentioned above, Northern Macedonia and Albania are two countries awaiting the official opening of negotiations with the European Union. By the time the Commission declared that both of these countries were ready to open negotiations, as we have already mentioned, the structure of the negotiations was led by the commission and developed on the basis of certain chapters, a method which was followed for Serbia and Montenegro.

In October 2019, at a time when both countries were waiting for the good news, France blocked the process of opening negotiations with these countries, claiming that the EU policies and institutions need to strengthen before enlargement and that the structure of negotiations does not guarantee that the new member states will continue to apply the Copenhagen criteria after the accession. In other words, the french concern seemed to be the fact that within the institutional structure of the EU there are no appropriate mechanisms to measure the implementation of these criteria after accession and even further sanctions for non-implementation or exclusion of these states.

French decision and was criticized for damaging the image of the EU as an influential actor in the Balkans, at a time when other powerful states were making serious efforts to extend their influence and investments in these region. Despite the criticism, France proposed a new mechanism for conducting membership negotiations between these countries and the EU, according to which negotiations should not be conducted on the

basis of opening and closing chapters but should be organized in seven phases which will constitute policy blocks. The conclusion of each of these phases would enable the membership of the state in one of the EU agencies as a form of motivation to continue further reforms towards integration.

On the other hand, according to this proposal, member states would have a direct impact on the negotiations and could decide to cancel them if they saw regress in the rule of law and other fundamental values of the EU by the candidate state. On the basis of the French proposal, the EU Commission revised the accession talks framework and on February 2020 published the “New methodology for the accession negotiations”, which was adopted by the Council in March 2020. According to this new methodology, the negotiations will take place with six thematic clusters, namely 1) fundamentals, 2) Internal market, 3) Competitiveness and Inclusive Growth 4) Green Agenda and Sustainable Connectivity 5) Resources, Agriculture and Cohesion 6) External Relations.

Passing any of these phases will enable the candidate country to gradually join various EU agencies until it achieves full membership. However, this methodology has many gaps and unknowns in itself. It is not yet known what will be the mechanism that will measure the progress of these countries in terms of fulfilling these phases set out in the negotiation framework or what will be the satisfactory level of achievement of these objectives that will serve as a benchmark for the passage of each phase. On the other hand, it seems that the integration of the region is gaining two different speeds, given that the previous methodology is partially used for Serbia and Montenegro.

Anyway, according to the Commission *“The accession process is equally difficult for any candidate, but in different ways, since challenges differ. Negotiating frameworks are never identical. They take into account the context of each candidate and spell out the way negotiations are conducted. The speed of progress towards accession to the EU does not depend on the negotiations frameworks but on the political will of the country to implement the necessary reforms so the country meets the EU’s accession criteria. The conditions to join the EU are the same for all countries and the speed depends on the time they take to meet the criteria. But by proposing today adjustments to the methodology we aim at better supporting their reform process: through the clustering*

of chapters, clearer criteria, and stronger political steer, our objective is to help the countries to move faster on reforms.”

However, based on this new methodology, EU member states express their readiness to start negotiations with Northern Macedonia and Albania, but still at this time there were new developments as member states refused to open negotiations with Albania for deadlines defined in the new methodology without initially meeting certain preconditions.

This moment makes Albania's path towards EU membership “a *sui generis* case”, because it was decided that Albania will go through a two-stage preliminary process to meet the 15 preconditions proposed by the German government, France, Greece, Denmark and the Netherlands then officially open the negotiations. According to this new structure, in the first intergovernmental conference between the EU and Albania will be discussed the fulfilment of the six preconditions, while in the second conference the other 9 preconditions will be discussed.

EU support for reconciliation in the Western Balkans

I. General considerations about the EU support and initiatives for reconciliation in Western Balkans

The countries of the Western Balkans, which have long expressed their desire to join the European Union, as expressed before, are still awaiting important decisions from this union to determine their progress on this path. The Western Balkans, as it is already known from the point of view of historical evolution, is a region which has had problems and conflicts, both of an interstate nature and of an internal nature. In this context, the Western Balkans as a region has its own peculiarities and marked differences in relation to other EU member states, which has made its path to the EU difficult and on the other hand has presented constant challenges.

Being the countries of the Western Balkans, countries that have faced the war of their conflict, the wounds of which have not yet closed, one of its objectives towards them

today has been precisely the stabilization of the region, the promotion of peace and cooperation between these countries, based on previous experiences of the after the Second World War. In this problematic context in interstate and interpersonal relations, the European Union has set as one of the conditions for membership precisely the reconciliation in the Western Balkans.

II. Why reconciliation according to EU?

The founding members of the European Communities came from a post-World War II situation and their social situation and interstate relations were very complicated. The wounds of the past were still present and the hostilities were still visible. Without wanting to go back once again to the history of the creation of communities, I want to mention here that one of the reasons why cooperation between European countries was initially on an economic basis and gradually developed in other areas, was precisely the fact that it would take time and appropriate structures to achieve institutional and social peace and stability.

Under these conditions, the European experience showed that by engaging in the peace-building process and policy-making, actors of all levels and fields, the history of conflicts can gradually be left behind. Europe showed that the involvement of civil society, cooperation in the arts, education, and social fields could more easily achieve cooperation and reconciliation and facilitate the implementation of institutional and political initiatives and measures.

The EU found itself in the same situation in the case of Northern Ireland where violence and conflict resulted in the loss of civilian lives. In an extremely turbulent social situation, at a time when both Ireland and the United Kingdom were part of the EU, the European Union used a range of mechanisms to ensure stability. Simultaneously with the implementation of the Belfast Agreement on the status of Northern Ireland, the EU extended its influence in this situation not only to economic cooperation but also funded a number of projects aimed at building institutional structures to support social cooperation in support of ethnic diversity, as well as projects that supported conflict victims and survivors.

An important issue to keep in mind when talking about the membership of countries coming from previous conflicts, is the fact that due to previous experiences, the EU itself does not intend to import through new memberships internal conflicts in this area. Therefore its position seems clear, if these countries will join, they should previously solve internal problems, should solve problems between them, and then join as countries completely free from the legacy of the past, in order for the EU to be a solution and not a future part of the problem.

Reconciliation and co-operation of the Western Balkan countries has long been in the focus of the European Union on the path of these countries to membership, which is shown by the EU commitment itself to create appropriate structures and mechanisms to support this process in the Balkans (as we will explain below the Berlin process), however in some moments reconciliation has been emphasized as a priority more than in other cases during this interval of time (in the 2015 EU' enlargement strategy was mentioned only the regional cooperation, while in the 2018 EU enlargement strategy reconciliation is specifically emphasized).

Reconciliation in terms of its complexity as a process, but also because it is a somewhat ambivalent and ambiguous concept, does not have any clear or precise formula that you can follow. This depends on a number of factors, as of a political, social nature but also on the historical context in which it takes place. Certainly this process would not be easy in the case of the Western Balkans and would even be very challenging, as in this case the reconciliation process is combined with the objective of these countries to achieve membership in the European Union, creating a vicious circle as reconciliation itself has already become part of the membership agenda but on the other hand membership cannot come without reconciliation.

Given the experience of the EU countries, they overcame this challenge as they came together to balance a growing factor at the time, the Soviet Union. In the same way, it is claimed that the Western Balkans will join in the common goal of membership, overcoming the obstacles inherited as a result of previous conflicts after the break-up of the former Yugoslavia.

Of course, it would be useless to say that this process has gone smoothly because there are constant problems and obstacles. If we refer to the EU progress reports made for the

candidate and potential candidate countries, we will see that in terms of reconciliation there are issues such as delays in criminal proceedings for war crimes, access to justice for victims, polarized political and ethnic climate, unresolved situations for persons forcibly displaced, that are still present.

So far it can be said that these countries in the region are on the right track, however it remains to be assessed in the future how effective this process will be in terms of reconciliation and on the other hand it remains to be seen in future progress reports of each country the EU's position on the progress of these states towards reconciliation.

III. Relation between EU, Copenhagen Criteria and transitional justice in Western Balkans.

We must keep in mind that reconciliation as a condition for EU membership is a process that can be analysed on two levels. Firstly as a social process within the Western Balkan countries, as a process aimed at uniting in peace certain groups of the population who have different ethnicities or who have been involved in conflicts in different or opposing parties, to extinguish hostilities and grudges between them and secondly as an inter-state and regional process between the Balkan states which have been in previous conflicts or have been formed as a result of the disintegration of the former Yugoslavia.

Other topics of this course mention the conditions set for new EU memberships where we have described the Copenhagen Criteria as fundamental. All these criteria related to democracy or the rule of law and the protection of fundamental rights and freedoms, rights of minorities, in fact come together at a point which is precisely the process of reconciliation and transitional justice, so we can say that through the fulfilment of this criteria, one of the final goals is to reach an reconciliation, which is supposed to bring stabilization of the region and cooperation between the Balkan states.

In this context, the European Union has supported the role of civil society in accordance with the Instrument for Pre-Accession II, and we can also mention The EU's Policy Framework on support for transitional justice, which is part of the EU Action Plan on Human Rights and Democracy 2015-2019 and inevitably linked to reconciliation.

In 2017, the EU once again turned its attention to the Western Balkans, giving a new impetus to the integration process, a position which was later supported by the EU High Representative, in 2018, according to whom had come the moment to close the wounds of the past and look to the future to guarantee stability throughout Europe. On the basis of this approach, the European Union later published the new enlargement strategy for the Western Balkans, which considered reconciliation not only as a condition for membership but also as an area where the countries of the Western Balkans had to take many initiatives.

IV. EU documents and strategies to support reconciliation

A – Enlargement Strategy of 2018 and reconciliation

The new enlargement strategy presented by the European Commission in February 2018, explains that reconciliation and good neighbourly relations are essential on the road to Europe and the structures and activities developed in this context have shown a good will of the states which should be further developed. This strategy emphasizes that all the Western Balkans states must leave behind the past and focus on the common future of EU membership.

The strategy in question sets out some key points which should be the focus of improvement in the future. Specifically, the countries of the Western Balkans need to work harder towards:

- transitional justice, as the prosecution of war crimes, the clarification of the fate of missing persons during conflicts, misplaced persons, cooperation with tribunals and relevant judicial structures for war crimes, should be the main focus of the political class as well as the avoidance of tensions and rhetorics
- Education should be a priority in terms of promoting European tolerance and values, as well as investing in the new generation of citizens and in intercultural and interregional cooperation in this regard.

- resolving disputes before states join the EU, promoting co-operation and good neighbourly relations, a solution that can be bilateral or by specific bodies which can provide an adequate solution accepted by the parties
- normalization of dialogue between the parties to the dispute, especially between Belgrade and Pristina

This Strategy expresses also the strong commitment of EU commission to support the cooperation.

This strategy does not lack the commitment of EU, made to support these countries in achieving reconciliation and good neighbourly relations. According to European Commission *“The Commission stands ready to continue to support this cooperation, whether on the connectivity agenda, through the WB6 format and initiatives which bring together heads of state and government from the region or other initiatives which strengthen their ownership of regional co-operation. The Commission will further extend support to reconciliation initiatives, including those that address transitional justice and seek to overcome the legacy of recent conflict. There will be a continuation of support for the work of Mechanism for International Criminal Tribunals, and the Kosovo Specialist Chambers. The Commission will also explore how best to further the work of International Committee for the Red Cross and the International Commission on Missing Persons in fostering regional cooperation to resolve the issue of missing persons and examine what more can be done to reduce the scourge of landmines. Supporting the education and potential of young people in the Balkans is crucial for the region's further development and a prerequisite for peaceful coexistence and reconciliation. In addition to education, cooperation will be increased in the field of culture, youth and sport. The scope and reach of the Regional Youth Cooperation Office will be widened. In addition to increasing funding under Erasmus +, the Commission will continue to foster the cultural links with the region. This will include work to protect the Western Balkans cultural heritage and promote its cultural and creative industries”*

B – Sofia Summit

Following the release of the Enlargement Strategy, the Sofia Summit for the Western Balkans was held in May 2018, attended by the Heads of State and Government of the EU member states and the leaders of the 6 Western Balkan countries, who discussed the European perspective of the Western Balkans and the determination of the EU to assist these countries in their political and socio-economic transformation.

The summit stressed the importance of good neighborly relations for the benefit of the region's stability, including efforts to find appropriate solutions to resolve disputes and reach reconciliation. An important element at the Sofia Summit was the strengthening of ties between these countries in the most important areas of state activity, mainly in the fields of energy, transport, business, security, digitalization and increasing the opportunities of young people, especially in the field of education in European countries.

The Sofia Summit concluded with a joint statement summarizing about 17 points as well as a separate annex to a priority agenda outlining the steps that the Western Balkan countries need to take towards meeting these priorities. Without wishing to repeat what we have discussed above, the Sofia agenda towards reconciliation and increasing the role of youth stipulates that socio-economic development should be supported, with a particular focus on youth, increasing investment and support in education and professional training.

On the other hand, this agenda expresses the need to increase funding for Erasmus + programs that enable youth mobility and prevent the departure of those intellectual and vital categories of the region's population to other countries. Also, according to the Sofia agenda, concrete steps should be taken towards the extension of regional youth cooperation and increasing the role of regional mechanisms in this regard, such as the Regional Office for Youth Cooperation or the further implementation of the Regional Economic Zone which will work in the region and recognition of professional qualifications.

Towards supporting reconciliation and good neighborly relations in the Western Balkans, the Sofia agenda sets several objectives such as support the fight against impunity through support to the Mechanism for the International Criminal Tribunals and to Kosovo * Specialist Chambers, through EULEX. Another important objective is

to open a space in the EU's Creative Europe Program, which is a special program developed by the European Commission in order to support and cooperate in culture, creativity and the audiovisual sector.

Involvement of the Western Balkan countries in projects of this nature would increase regional interaction in the fields of art and culture but also in architecture and journalism.

V. Berlin Process

Berlin Process came as a result of 2 previous initiatives on the collaboration of WB6 and actually has involved 12 states, 6 Western Balkans states and 6 member states of EU.

According to the Regional Study on the implementation of the commitments from 2015 Vienna Western Balkans Summit, 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. This Summit witnessed the adoption of the Final Declaration and the signing of the Joint Declaration on the Establishment of the Regional Youth Cooperation Office of the Western Balkans (RYCO) and the Declaration on the Regional Cooperation and Solution of Bilateral Disputes. Besides the two declarations, a document pertaining to the connectivity agenda was also adopted. Furthermore, the hosts for future meetings were designated as France and Italy, so the summits that follow would be taking place in Paris (in 2016) and Rome (in 2017).

The Berlin Process make a changing point toward the regional cooperation and reconciliation, because its involves civil society as a crucial point to make the European integration and accession more apparent and showed that this is not an exclusive process dedicated only to political elites.

Civil society can contribute in the integration process in various plans. Firstly it helps governments and policymakers to draft appropriate policies by giving consultations and orientations about the society perceptions of a specific issue and on the other hand it may help the government structures to adopt and implement appropriately a specific

policy. Secondly, involvement of civil society in the policy-making process increase the scale of democracy and also facilitate the public understanding and awareness of the reforms that should be taken to achieve the objective in the road toward EU. The civil society can also help in dispute resolution, and in developing monitoring tools for reforms and initiatives and also can be a very important actor in the process of reconciliation.

The Berlin Process, as a very important process for the Western Balkans, has been developed in several main panels. Initially, the objectives and strategies through which these objectives will be achieved are discussed and decided in summits held with the leaders of the participating states in this process. These meetings usually take place once a year and currently about 6 are held. The main panels where this process is focused are the increase of the role and cooperation of civil society, cooperation in the field of business, regional youth cooperation but also the resolution of disputes, where the relevant forums have been created.

- Civil Society Forum– Civil society and its role became part of the Berlin Process after the Vienna Summit in 2015. This summit marked the active involvement of civil society in the reconciliation process and clarified once again the important role it has in terms of European integration. Thus, a civil society forum was established, attended by representatives of civil society and the media, who discussed important issues related to regional cooperation, freedom of expression and thought, and the creation of new jobs. After the coming summit, yearly civil society forums were held in the framework of the Berlin process, which reinforced the idea that with its own initiatives civil society can help rebuild trust in post-conflict countries and on the other hand can guarantee the sustainability of the Berlin process by serving as a monitor of the implementation of initiatives and agreements reached in this regard. The yearly meetings, workshops, online consultations, provide opportunities for vast consultative processes and for expert- guided formulation of policy recommendations to decision-makers in the region.

- Business Forum – in 2015 in Vienna was concluded the Agreement on Establishment of the Chambers Investment Forum between the participants of the Vienna Summit, and the signatories parts agreed to establish the Western Balkans Chamber Investment Forum, whose activities shall ensure more efficient inclusion of

the business communities of the countries in the Region in the implementation of the on-going and planned infrastructure and other projects important for the economic prosperity of the Western Balkans. The key goal to be achieved by the Signatories was to put the focus on development of competitiveness of the Western Balkan Region economies, under the auspices of their umbrella organization, EUROCHAMBRES, and through the associated chamber activities, cooperation and coordinated activities. The parties of this agreement agreed to establish three Thematic Working Groups with essential importance for the region : transport and energy infrastructure and utility activities; improvement of business and investment environment; private sector development. The business forum in the context of Berlin Process is actually a forum that brings together the representatives of business and their associations from across the Western Balkans with distinguished economists and decision-makers from the region, the EU and the member states and serves as a platform for consideration of regional challenges and opportunities and for launching joint initiatives between parties.

- Regional Youth Cooperation Office – This structure aims to increase youth cooperation in the region by considering the youth as the most vital part of the population that can make an important contribution towards reconciliation, promotion of the values of democracy, diversity, active participation in politics and decision-making, Taking in consideration that due to the problems and legacy of the past, a large part of the youth of the region chose to leave due to lack of opportunities and unemployment, this Office, according to the Regional Study on the implementation of the commitments from 2015 Vienna Western Balkans Summit, supports 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 decisionmaking processes by young people.

- Regional Cooperation and Settlement of Bilateral Disputes –Vienna summit adopted the Declaration on the Regional Cooperation and the Solution of Bilateral Disputes, for which the western balkans leaders took full responsibility. Of course has faced its challenges in the western balkans, in times when when in a macro perspective

many events have flowed as a crisis of emigrants from the Middle East that brought problems even among the Western Balkan countries themselves, the increased efforts of Russia to become an influential factor in this region as well as the changes in attitudes of the EU member states in relation to the perspective of enlargement. In recent years, the resolution of disputes has also had challenges in the regional aspect, where we can mention the disputes that northern Macedonia had with Greece over the name issue, disputes related to borders, issues related to the situation of violent persons, the situation of minorities, etc.

Literature

EU Parliamentary Research Service, Reconciliation in the Western Balkans, The difficulty emulating the EU model

Adamovic.M, Gvozdanovic. A, Kovacic.M, Process of reconciliation in the Western Balkans and Turkey: A qualitative Study

Jano.D, Enlargement policy and its impact in the Western Balkan

Touquet.H, Vermeersch. P, Changing frames of reconciliation: The politics of peacebuilding in the Former Yugoslavia

Fischer.M, Petrovic-Ziemer.L, Dealing with the past in the Western Balkans, Initiatives for peacebuilding and transitional justice in Bosnia-Herzegovina, Serbia and Croatia

Sanchez.E, Rognvik.S, Building just societies: Reconciliation in transitional settings

Nicic.J, Nechev.Z, Mameledzija. S, 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

The EU's Policy Framework on support to transitional justice

Hoxhaj.A, The rule of law initiative towards the Western Balkans

Fouere. E, The EU's re-engagement with the Western Balkans: A new chapter long overdue

Mirel.P, The Western Balkans: between stabilisation and integration in the European Union

Djolai.M, Nechev.Z, Bilateral Disputes Conundrum: Accepting the Past and Finding Solutions for the Western Balkans

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions- A credible enlargement perspective for and enhanced EU engagement with the Western Balkans