

Topic 4:

BILATERAL ISSUES

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STATE OF PLAY

The Western Balkans Vienna Summit in August 2015 created a major momentum towards resolving outstanding bilateral disputes in the region. By signing the 'Declaration on Regional Cooperation and the Solution of Bilateral Disputes', the Western Balkans countries committed:

- ✓ **not to block, or encourage others to block, the progress of neighbours on their respective EU paths;**
- ✓ **to resolve any open questions through bilateral negotiations or other means of peaceful settlement of conflict;**
- ✓ **to report annually at the Western Balkans Summit on the progress made in this regard.**

They also invited the governments of neighbouring EU member states to join this commitment, which still remains a remote prospect.

In addition, Serbia and Kosovo signed the general principles on the Association of Serb majority municipalities in Kosovo on August 25, just before the Summit. The border agreements between Montenegro and Bosnia and Herzegovina and between Kosovo and Montenegro were signed on the margins of the Summit.

The conference and workshops "Western Balkans: Energizing the Enlargement Process by Solving Bilateral Disputes" in April 2016 have built on these conclusions, elaborating upon the commitments of the Vienna Summit and setting the next steps.

The Final Declaration of the Paris Western Balkans Summit in July 2016 recalled the importance of the settlement of outstanding bilateral issues. In Paris, the countries from the region reaffirmed their commitment to continue to work together in the spirit of the Vienna Declaration and to abstain from misusing outstanding bilateral issues in the EU accession process.

While there is not enough clarity or transparency on the precise status of the annual reports on the progress made in accordance with the undertaken commitments, the French MFA has been working on a joint report focused on outstanding border issues with a view to facilitate their resolution and adequately inform Italy - the 2017 host country.

There have been no new deliverables or settlements of bilateral issues since the Vienna Summit. Moreover, growing tensions and the complex political situation in the region have in some cases challenged the progress achieved. Kosovo still hasn't ratified its border agreement with Montenegro, a key precondition to finalize the visa liberalization process with the European Union. The dialogue with Belgrade has been under pressure in a highly complex domestic and regional political environment. The Kosovo Assembly adopted a resolution suspending the Brussels-mediated dialogue until the release of Ramush Haradinaj, a leader of the parliamentary group Alliance for the Future of Kosovo, who was detained in France on a Serbian-issued Interpol warrant from 2004. The facilitation of a meeting between Albanian political parties from Macedonia in Tirana, as well as certain statements of the Albanian and Kosovo leadership, have added an additional layer of complexity in the Macedonian protracted post-electoral crisis.

The fragile situation prompted the European Council to refocus on the Western Balkans in March, reiterating its European perspective and stressing "the importance of continuing on the reform path, good neighbourly relations and inclusive regional cooperation initiatives." The risk of renewed instability posed by the persistence of outstanding bilateral issues between the Western Balkan countries is twofold. First, it directly undermines regional cooperation and good-neighbourly relations, one of the conditions for European integration. Second, it disrupts the EU accession process, weakening its credibility as well as the EU's leverage, and distracts from domestic reforms. For the long-term stability and European integration of the region, it is therefore crucial to prevent this potentially vicious cycle and intensify the efforts to resolving bilateral issues, both in their own right and in view of removing potential obstacles in the countries' path towards the Union.

TOPICS FOR DISCUSSION

- ✓ How to prevent further deterioration of bilateral issues and good neighbourly relations in the region and reverse the negative trends;

- ✓ Regional cooperation and good-neighbourly relations are both one of the criteria for EU accession, as well as an important goal of the European integration of the region. Can the EU and its member states do more to assist in resolving outstanding bilateral issues and improve regional cooperation and good-neighbourly relations, while acknowledging that the primary responsibility lies with the countries of the Western Balkans;

- ✓ Monitoring mechanisms of the implementation of the commitments undertaken with the Vienna Declaration on Regional Cooperation and the Solution of Bilateral Disputes;

- ✓ What should be the role of the civil society in this process? Can the civil society contribute toward creating a more positive environment and public opinion to settle bilateral issues?

- ✓ Within the Berlin process, should there be a prioritization of particular types of disputes/issues, both in terms of substance and actor constellation? What types of bilateral issues are best dealt with using the Berlin Process as a platform?

POTENTIAL RECOMMENDATIONS:

- ✓ Call upon the WB countries to reaffirm their commitment to continue to work together in the spirit of the Vienna Declaration and to abstain from misusing outstanding bilateral issues in the EU accession process, as well as to reiterate their invitation to neighbouring EU member states to join this commitment at the Trieste Summit;

- ✓ Call upon the WB countries to intensify their efforts to resolve bilateral issues and the work of the respective Inter-State Diplomatic Commissions dealing with border demarcation, as well as to regularly follow up on their commitment to deliver annual reports on progress made, with a view to maintain the momentum created in Vienna;

- ✓ Call upon Italy, the host country of the Berlin Process/other participating EU member states/the EC to prioritize tackling outstanding bilateral issues in its engagement with the region;

- ✓ Recommend setting up a pool of international law experts in sovereignty issues, territorial disputes and Law of the Sea, as well as facilitators and mediators, recruited among EU and Western Balkans countries specialists, to provide expertise, technical support and facilitation upon request;

- ✓ Call upon the countries of the Western Balkans to increase their cooperation with the (Office of the) High Commissioner on National Minorities of the OSCE and make use of its expertise and good offices regarding minority rights and the relations of the kin state with its kin in neighbouring countries;

- ✓ Call for transparency of the process through an increased involvement of local populations and civil society in the process of resolving bilateral issues;

- ✓ The CSO should set up a mechanism for monitoring the commitments undertaken in the Vienna Declaration.
