

Western Balkan Summit in the Berlin Process framework

Progress in developing good - neighbourly relations, as provided by

Joint Declaration on Regional cooperation signed in London

1. Introduction

At the **Vienna Summit 2015**, the governments of the Western Balkans committed to report annually at the Summit on progress made in bilateral relations and resolving outstanding bilateral questions. At the **London Summit 2018**, in signing the Joint Declaration on Good Neighbourly Relations, the governments of the Western Balkans re-committed to make further progress in developing good neighbourly relations and to report annually to the Berlin Process Summit on progress made in strengthening good neighbourly relations and resolving outstanding bilateral issues. The Heads of State and Government of the Berlin Process participants also acknowledged the benefits and importance of regular stocktake meetings between Berlin Process Summits.

It is worth recalling that the **European Commission in its Communication "A credible enlargement perspective for and enhanced EU engagement with the Western Balkans"** of February 2018 stated, inter alia, that regional cooperation and good neighbourly relations are essential for progress on the countries' respective European paths and that leaders of the region must take full ownership. The EU cannot and will not import bilateral disputes. At the **EU Western Balkans Summit held in Sofia in May 2018**, the EU supported the Western Balkans partners pledge to continue strengthening good neighbourly relations, regional stability and mutual cooperation. This includes in particular finding and implementing definitive, inclusive and binding solutions for unresolved bilateral issues and disputes rooted in the legacy of the past and devoting additional efforts to reconciliation.

The purpose of this report is to outline steps undertaken since the last Berlin Process Summit in London in July 2018 and to report on progress achieved in strengthening good neighbourly relations and resolving outstanding bilateral issues since then. The individual reports were submitted by Western Balkan partners.

2. Results of two stocktaking seminars

Two seminars took place, one in **Vienna in November 2018** and one in **Skopje in March 2019**. They provided an opportunity to present and to discuss steps taken and progress made, including best practices identified.

In order to facilitate reporting and information exchange, Berlin Process participants agreed on a **reporting procedure and reporting template** as annexed to this report, as well as a **focal point** system. The European Commission agreed to serve as the **central focal point** to facilitate such information exchange, store documents centrally and to monitor progress. It was agreed that **information exchange** should be conducted in a **spirit of transparency**, as long as there are **no data protection or other legal impediments**. This flow of information is yet to start.

Berlin Process participants saw the benefit of a more **structured sharing of information with affected populations and civil society organisations** to ensure transparency and inclusiveness. They will **initiate more structured contacts** between MFAs and/or PM Offices of the Western Balkans partners and CSOs. The **usefulness of international organisations** such as RCC, Council of Europe, OSCE (including the High Commissioner on National Minorities) to support ongoing efforts with expertise and knowledge was underlined and merits further discussion.

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It was also agreed to focus in the future on the **improvement of border procedures**, to which European Union funding is often linked.

3. Progress since London Summit

The **agreement on the border signed by representatives from Podgorica and Pristina** at the Vienna Berlin Process Summit in 2015 entered into force on 4 June 2018. Thereafter, the organisation of the meeting of both border commissions was initiated with the aim of demarcating the borderline within two years of the entry into force of the Agreement, as foreseen therein.

The **agreement on the border signed by representatives from Podgorica and Sarajevo** at the Vienna Berlin Process Summit in 2015 entered into force on 20 April 2016. Two meetings of the relevant commissions and one at expert level has taken place since the London Summit. The aim is to complete all necessary preparatory actions regarding the state border design project between both by the end of 2019.

The **Treaty on friendship, good-neighbourliness and cooperation between Skopje and Sofia** demonstrates the clear commitment by both countries to strengthening and promoting bilateral ties and good-neighbourly relations. The Treaty sets a positive example for the whole region. It opened the door to the signing of the agreement that followed between Skopje and Athens and cleared the way to NATO membership and the advancement of the Republic of North Macedonia on the EU path. Now the implementation of the Treaty is of utmost importance. After the Treaty's entry into force in 2018, the new and positive dynamics between the countries became visible, in particular, through Bulgaria's clear support of Skopje's EU and NATO ambitions. Bulgaria was among the first to ratify the Protocol for Skopje's accession to NATO and remained a vocal supporter of opening EU accession negotiations with the Republic of North Macedonia in June 2019. The period has been marked by high-level visits, newly signed bilateral agreements, moderate growth of bilateral trade, increased number of tourists visiting both countries, more intensive people-to-people contacts, raise in the projects financed through the Bulgarian official development assistance (ODA), and other various initiatives. However, no cooperation has been established between the media institutions, as provided for by Art. 9 of the Treaty. Further efforts are needed to build the strategic infrastructure between both countries. The implementation of all components of the Pan-European Corridor 8 (including rail link, expressway, energy connectivity, etc.) remains top priority. The improved political dialogue and sectoral cooperation now need to be translated into sustainable and irreversible policies and actions that promote the spirit of cooperation and good-neighbourly relations.

In this vein, on 10 June 2019 the Ministers of Foreign Affairs convened the first session of the Intergovernmental Committee under Art. 12 of the Treaty. They signed a Protocol, by which both sides committed to implement effectively and in good faith, the letter and the spirit of the Treaty, in its entirety. The Republic of North Macedonia committed to adhering fully to the good neighbourly relations requirement as it advanced on the path towards EU accession. On this basis, Bulgaria will continue to support the European integration of the Republic of North Macedonia. The Joint Multidisciplinary Expert's Commission on historical and educational issues, established under Art. 8. (2) of the Treaty, has been tasked to interpret the events of the common history on the basis of authentic historical sources. Both sides differ in their views about the progress and the outcomes achieved so far. At the first session of the Intergovernmental Committee held in Sofia on 10 June 2019 both Governments urged the Commission to accelerate its activity, in order to invest efforts for achieving tangible results until the end of 2019 on significant subjects of the common history. Both sides committed to communicate to their societies the agreed texts on historical personalities and events. Celebrating together the common history and introducing the relevant changes in the textbooks is a main task to be achieved as soon as possible. Teaching the truth to the young

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generations, and putting an effective end to any claims based on political misinterpretation of history, will establish the solid base, on which Republic of Bulgaria and the Republic of North Macedonia will build an even closer longstanding bilateral relationship to endure the challenges of time.

The **Prespa Agreement**, which entered into force on 12 February, is a historic achievement, and gives new impetus to the bilateral relations between Skopje and Athens. Since the London Summit, many steps took place to enable its entry into force, including constitutional changes in Skopje, as well as ratification of the Agreement by the two Parliaments. Upon entry into force of the Agreement, Skopje notified the international community about the Constitutional changes, and Athens ratified the NATO accession protocol. There is a strong commitment for full implementation of the Prespa Agreement on both sides. The complex process of implementation is ongoing and significant number of activities have been undertaken. The name Republic of North Macedonia is in full use by all public authorities, the plates on border crossing points have been adapted with the new name, names of relevant public institutions have been changed accordingly, and preparations have started for issuance of new travel documents, identification documents and license plates. In the meantime, interim measures have been put in place regarding existing travel documents and license plates. The Joint Interdisciplinary Committee of experts for historic, archaeological and educational issues between North Macedonia and Greece is meeting regularly. The first ever bilateral visit of Greek Prime Minister to the Republic of North Macedonia took place on 2 April, where a number of bilateral agreements were signed, and the High Level Cooperation Council inaugurated. This historic visit further represents the commitment on both sides to embark on closer and richer cooperation in many areas of joint interest, thus promoting the good neighbourly relations and stability in the Region.

With regard to **border issues discussed between Belgrade and Sarajevo**, an agreement on local border traffic has been discussed between experts and awaits formal negotiations and conclusions. Key aims include the facilitation of movements of local populations, improved economic cooperation as well as cooperation in other areas. The negotiation delegation for Sarajevo has been formed, while Serbia is currently internally processing the necessary steps. An agreement on joint border locations has also been discussed by experts and awaits formal negotiation and conclusion. The negotiation delegation for Sarajevo has been formed, while Belgrade is currently internally processing the necessary steps. The demarcation of the border between both Western Balkans partners remains subject to negotiation and will be continued.

Podgorica and Tirana have agreed to intensify activities in order to conclude an **agreement on the state border** between the two Western Balkan partners. Podgorica has delivered a draft Agreement on the state border to Tirana; the latter is considering this document. In the meantime, the meetings of Joint Commission for restoration, recovery and maintaining the border marks are held regularly; three meetings took place since the last Summit.

Technical discussions between Tirana and Athens led to progress on some bilateral issues. This included the mutual recognition of driving licences as well as progress in the implementation of the Agreement on the Search, Exhumation, Identification and Burial of the Greek Soldiers Fallen in the Albanian Territory during the Italian-Greek War 1940-1941.

With regard to **missing persons**, Berlin Process participants discussed the possibility of accessing aerial images that might help identify mass grave, possibly through NATO or the International Residual Mechanism for Criminal Tribunals (IRMCT) archives. Pristina – in acknowledging the importance of EULEX KOSOVO's role in this field – issued a written invitation to the Mission with regard to support in the area of forensic medicine.

A **Regional Framework Plan (FWP)** to address the approximately 12.000 remaining missing person cases from the conflicts of the 1990s on the territory of former Yugoslavia was signed by relevant Berlin Process participants in The Hague on 6 November 2018. In the first meeting of the Missing

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Persons Group (MPG) which comprises heads of domestic institutions responsible for missing persons from five Berlin Process participants) on 5 December 2018, a 24 month work plan was agreed and working rules and procedures adopted. The MPG has been working on the launch of a public and interactive regional database on live missing persons cases. This has been in the pipeline for several years, and has not yet been launched.

An Operational Group has also been established to focus on no name (NN) or unidentified cases. This Group has committed to review information about the origin of no name cases from selected locations. The MPG is confident that by exchanging experiences on efforts to date, and by jointly reviewing nominated NN cases, experts will be able to determine next steps in resolving the remaining NN cases from the conflicts of the 1990s.

MPG members have also discussed exchanging information on locations of potential gravesites which may be of joint interest. To date, MPG members have nominated 16 potential locations for further examination and, if mutually agreed by interested parties, excavation.

The MPG also committed, under the FWP, to provide accurate and up-to-date information to families of the missing and to participate in a series of information-sharing meetings with them. To date one such meeting has taken place, and others are planned. The Centre for Democracy and Reconciliation in Southeast Europe (CDRSEE) prepared over the last decade a **joint supplementary teaching material concerning history**. Its potential of supporting reconciliation efforts was recognised, as was the **need for clear political guidance** to use this material to be issued to the teachers. The Western Balkans Fund has approved a new project to support such joint teaching material.

An appropriate future role of RYCO in these endeavours could bring a new impetus to the reconciliation process. Germany and Poland provided information on the **Braunschweig Commission** that could help identify best practices in this field.

Best practices identified

While recognising that there **can't be one size fits all approach**, Berlin Process participants identified the following **best practices**, derived mainly from the negotiations of the Friendship Treaty between Skopje and Sofia, the resolution of the name issue between Skopje and Athens and other bilateral issues addressed in recent years:

- Establishing structures and holding regular meetings to work on the issue, assuring continuous high-level political support;
- confidence building measures and regular, formal and informal communication between all stakeholders, including on a political level;
- efforts to understand the other side's viewpoint and to take their interests into consideration; approach counterparts in negotiations as partners in a process; readiness to reassess all previously held assumptions and options for solution;
- building an open and inclusive process to create a constructive atmosphere, outreach to CSOs and experts who can help to do research, get new ideas outside the box;
- outreach activities/information sharing with the goal of involving all stakeholders directly affected by the dispute;
- acknowledging interests of third parties, reaching out to and also sharing information with the wider international community as this will help partners to better understand the issue at hand and to support an ongoing process;
- Keeping the wider political calendar in mind (e.g. EU, NATO calendar offering windows of opportunity) and to secure support and good offices of key supportive external actors as well as their acknowledgement of positive resolution of bilateral issues;

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5. Summary and way forward

The **structured follow-up of the Vienna and London Declarations** in form of bi-annual stocktaking seminars has proved its **added value, as it allows for a structured process that ensures substantive reporting and information exchange, as agreed at the Vienna and London summits.**

The resolution of bilateral issues and the improvement of good-neighbourly relations need to be owned by the partners in the region. The seminars allowed for a framework in which information exchange, transparency and work on the identification of best practices has increased.

It also provides EU Berlin Process partners and EU institutions with an opportunity to report on their own experiences with similar issues and to offer support, where desired by the partners in the region. The involvement and expertise of civil society and experts working on the region proved to be a particular asset.

Foreign Ministers discussed progress at their **meeting in Warsaw on 12 April 2019.** Best practices that made the Prespa agreement possible were shared by Skopje and Athens. Experience from the negotiations of *Treaty on Friendship, Cooperation and Good Neighbourly Relations between Sofia and Skopje* were presented by Skopje and Sofia. Participants welcomed progress on regional cooperation and commended the signature of Regional Roaming Agreement at the Digital Summit in Belgrade. Participants welcomed the fact that the reporting procedure on bilateral issues was established by means of stocktaking seminars, and that draft individual reports on progress regarding outstanding bilateral issues were submitted, and recalled the three declarations signed by 14 Leaders at the Western Balkans Summit in London. Chair's communiqué was issued

It needs to be underlined that the **process is still in its initial phase** and will need continued follow-up after the Poznan Summit and the Summits thereafter.

To support this number of encouraging steps were agreed:

To reaffirm our commitment to work together to achieve further progress on the basis of the Vienna and London declarations

To encourage all partners to keep engaging actively and constructively in this process, including through the submission of reports at annual Berlin Process Summits on general improvement of good neighbourly relations as well as on progress on specific outstanding bilateral issues

To accept with gratitude the offers by the respective partners to organize the next autumn stocktaking seminar in Sarajevo and the next spring stocktaking seminar in Pristina.

To invite all partners to consider extending invitations to further stocktaking seminars

Most importantly, while progress in resolving a number of outstanding issues has been reported, the ultimate goal must be to find **acceptable, binding and durable solutions** for all sides involved, including the populations and civil society. The momentum created ahead of the London Summit 2018 by the Friendship Treaty between Sofia and Skopje as well as the resolution of the long-standing name dispute between Athens and Skopje carries full potential that will be further developed.

In this context, it is particularly welcomed that the "enlargement package" published by the EU Commission adequately reflected the importance of good neighbourliness and the resolution of outstanding bilateral questions in the larger context of the region's European perspective and acknowledged their efforts in this field.

Annex A

Reporting Procedure on good neighbourly relations and outstanding bilateral issues in the framework of the Berlin Process

Context:

At the Vienna Summit 2015, the governments of the Western Balkans committed to report annually at the Summit on the progress made in regard to bilateral relations and outstanding bilateral questions.

The Commission's Communication "A credible enlargement perspective for and enhanced EU engagement with the Western Balkans" of February 2018 states, inter alia, that regional cooperation and good neighbourly relations are essential for progress on the countries' respective European paths and that leaders of the region must take full ownership. The EU cannot and will not import bilateral disputes. They must be solved as a matter of urgency by the responsible parties.

At the EU Western Balkans Summit in May 2018, the EU supported the Western Balkans partners pledge to continue strengthening good neighbourly relations, regional stability and mutual cooperation. This includes in particular finding and implementing definitive, inclusive and binding solutions for their bilateral disputes rooted in the legacy of the past and devoting additional efforts to reconciliation.

In the Joint Declaration signed at the London Summit 2018, the governments of the Western Balkans re-committed to make further progress in developing good neighbourly relations and to report annually to the Berlin Process Summit on progress made in strengthening good neighbourly relations and resolving outstanding bilateral issues.

The Heads of State and Government of the Berlin Process also acknowledged the benefits and importance of regular stocktakes between Berlin Process Summits and welcomed the offer of Vienna to host the first stocktaking exercise and the offer of Skopje to host the second stocktake in advance to the next Berlin Process Summit in 2019.

The aim of this document is to lay out the foreseen structure and procedure for regular stocktakes based on efforts to improve neighbourly relations and resolve outstanding bilateral issues and for regular reports to be submitted to the Berlin Process Summit from 2019 on. An agreed reporting template supplements these procedures (see annex).

For the purpose of an informed discussion at the regular stocktaking, Berlin Process partners agree to share regularly relevant information.

Procedure:

Autumn stocktake:

- structured follow-up to discussion among Heads of State and Government at latest Berlin Process Summit and follow-up to guidance provided by Berlin Process Summit
- reports by the Western Balkan partners on concrete progress made in strengthening good neighbourly relations and resolving specific outstanding bilateral issues. since latest Berlin

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Process Summit and next steps foreseen in the months ahead, including – as far as possible – concrete timetables

- discussion on other open bilateral issues with a focus on commitments for next steps, including – as far as possible – concrete timetables
- exchange on best practices

Ahead of spring stocktake:

- submission of draft reports by the Western Balkan partners as per agreed template (one form for each issue) to stocktake host at least 10 working days ahead of stocktake:
 - good neighbourly relations/bilateral issue between two WB6: both partners to consult bilaterally and submit a joint draft, spelling out, if necessary, differing views in document
 - good neighbourly relations/bilateral issue between a Western Balkans partner and another country: Western Balkan partner to draft a report, including explaining the position of both sides; on this basis the host of the stocktake to reach out to the other country as appropriate to collect views, positions as well as commitments
- Host of Stocktake to distribute draft reports, including, as appropriate, further thoughts on their handling during upcoming stocktake, at least 5 working days head of stocktake

Spring stocktake:

- reports by the Western Balkan partners on concrete progress made in strengthening good neighbourly relations and resolving individual outstanding bilateral issues .achieved since the last stocktake and next steps foreseen in the months ahead, including – as far as possible – concrete timetables
- discussion on other open bilateral issues with a focus on commitments for next steps, including – as far as possible – concrete timetables
- exchange on best practices
- discussion of draft reports
- discussion on hosts for next two stocktakes to be recommended to Berlin Process Summit

After spring stocktake:

- Finalisation of individual draft reports by the Western Balkan partners based on discussion in spring stocktake and additional progress thereafter
- submission of individual draft reports by the Western Balkan partners to Berlin Process Summit host at least 10 working days ahead of Foreign Ministers meeting
- Host of Berlin Process Summit to compile reports, including a summary/assessment

Foreign Ministers' meeting in the Berlin Process:

- Discussion on progress made in strengthening good neighbourly relations and resolving outstanding bilateral issues. based on consolidated draft report and on next steps to take, including – as far as possible – concrete commitments and time tables
- adoption of draft report to be submitted to Heads of State and Government

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- as appropriate, formulation of recommendations to Heads of State and Government
- recommendation to Heads of State and Government on hosts for next stocktakes ahead of the following Berlin Process Summit

Berlin Process Summit:

- consolidated report to be discussed and adopted
- HoSG may provide further guidance based on recommendations by Foreign Ministers
- agreement on hosts of next two stocktakes ahead of next Summit

After Berlin Process Summit ahead of next stocktaking exercise:

- individual follow-up by respective parties of the Berlin Process and possible guidance provided ahead of next stocktake in autumn

Annex: Reporting Template

Good Neighbourly Relations/Bilateral issue XXX	
Category: Please choose the right category	
State of Play as of XXX	
Map(s) of the area (if applicable)	
Brief presentation of the issue	
Issue history	
Meetings taken place since last Summit	
Results achieved and decisions taken	
Status of negotiations	
Specific bodies formed	
Difficulties encountered	
Resolution perspective and future steps (commitments, timeframe), to be implemented before: <ul style="list-style-type: none">• next Summit• and beyond	
Calendar of meetings and activities (if applicable)	
Civil society involvement (both planned and undertaken) and rationale	
External expertise required	
Any other relevant issue	

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