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OPEN BALKAN INITIATIVE: A CONTESTED ISSUE IN THE EU MEMBERSHIP PERSPECTIVE

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Abstract: *The Open Balkan is the latest regional initiative in the Western Balkans (WB), firstly named as Mini-Schengen and then changed to Open Balkan Initiative (OBI), which aims to increase the regional economic cooperation among the WBs by going beyond the mere objective of creating a Common Regional Market (CRM). This paper using an analytical approach, taking into account data and information, has identified and highlighted the openly declared objectives of the OBI while comparing it with the previous Berlin Process. Also, the paper has shown that the disputes among the WB countries most inherited from the unresolved issues of the past are still present and hinder the progress towards a common future and EU membership perspective. The reactions to the OBI proved that even the creation of mere economic cooperation is hardly achieved in the case of other existing unresolved issues of the past and continues to remain open. This paper has highlighted the existence of mistrust among the WBs, the importance of increasing regional cooperation, and the role that the EU should inevitably play. The paper has concluded that to achieve the targets defined in the OBI, the WBs should enhance regional cooperation and overcome the challenges they have been facing.*

Keywords: *Mini-Schengen; Open Balkan; Berlin Process; Western Balkans; Regional Cooperation; Common Regional Market*

INTRODUCTION

The Open Balkan Initiative (OBI) represents the latest initiative among Western Balkan (WB)[1] countries to increase their overall cooperation by removing the barriers hindering economic development in the region.

Although this initiative, initially known as "Mini-Schengen",[2] was not jointly taken by all the Western Balkans (WB) but only by Serbia, Albania, and North Macedonia in 2019, aiming to include all the Western Balkan countries (WBC). Therefore other WB countries Montenegro, Bosnia and Herzegovina, and Kosovo, have also been invited to join. In the beginning, this initiative aimed to go further than merely providing a free movement of citizens; as such, it aimed to make a total removal of all existing trade barriers and to make possible the creation of a Common Regional Market (CRM) among the WB countries similar to the EU Internal Market. Hence, the initiative's name was changed to "Open Balkan".[3]

[1]The term Western Balkans is used for the following group of countries: Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia and Serbia.
[2]The name "Mini-Schengen" symbolically refers to the Schengen Area.
[3]The "Mini-Schengen" initiative leaders met in a Business Forum in Skopje in July 29, 2021, and changed its name to "Open Balkan Initiative".

Regarding the EU integration, each of the WB countries - including the existing and potential EU candidate countries of the Open Balkan has already signed a Stabilization and Association Agreement (SAA) with the EU as an integration agreement. Therefore all the WB countries are in the EU accession process. The EU membership has been the final desired destination and the openly declared longstanding target of all the WBs.

In this regard, it is to be said that the halt of the EU integration process with the Western Balkans and the general prospect of slow-motion developments ahead made the political leaders and the public opinion of the WBs to be disappointed with the EU. The "credibility of the enlargement process - a crucial instrument of EU foreign policy - has lost momentum" (Hajdini 2020, 1). It is exactly for the same reason that in 2014 the countries of the WB region launched the Berlin Process as an intergovernmental non-EU initiative led by Germany which aimed to keep alive the EU integration perspective of the region.

Therefore, and as it is already made clear, because of a distant EU membership, the initiators of the OBI did launch this initiative in order to establish the same model of "EU freedoms" for their citizens and neither aiming to substitute the EU integration process of the WB nor to underestimate the importance of the Berlin Process and the other regional initiatives already in place. In this regard, it is worth mentioning that in the Skopje Business Forum (held in Skopje on 29 July 2021), the initiators of the "Mini-Schengen" - the political leaders of Albania, Serbia, and North Macedonia on the occasion of changing the initiative's name to "Open Balkan" did also use the event to launch the campaign "Open Balkan" for easier business in the region and simultaneously signed the three first agreements and memorandums serving to this purpose.[4]

CONTEXT AND BACKGROUND: COMING TO THE OPEN BALKAN

The halt in the EU integration process, namely the stopping of EU enlargement with the WB countries, made the EU policy-makers, especially Germany, "think about" keeping the WB countries closer to the EU and, therefore, the "spirit" of integration alive. Thus, with the support of some other EU Member States, Germany initiated and led the Berlin Process launch. "During the launch of the Berlin Process (Berlin Declaration 2014), two bilateral disputes were emphasized as central: Kosovo-Serbia and Greece-Macedonia. The latter managed to be solved due to the finalization of the historic Prespa Agreement in June 2018. However, the Kosovo-Serbia dispute continues to be a major challenge for the two countries and beyond" (Xhambazi 2019, 5)

However, regarding EU integration, the Berlin Process was not considered promising enough by the WB countries, nor was it an EU initiative. The WB countries always have counted on the EU accession and therefore have been found in a longstanding process of fulfilling

[4]"The Memorandum of Understanding for Free Access to the Labour Market (aiming to facilitate the obtaining and use of work permits for citizens of Serbia, North Macedonia and Albania), Agreement on Cooperation in Protection against Disasters in the Western Balkans (aiming to help the three countries in case of disasters by increasing cooperation, providing mutual notification of threats, occurrence and consequesnces of disasters, providing mutual assistance in rescuing, education and trainings, etc.), The Memorandum of Understanding on Cooperation on Facilitation of Imports, Exports and Movements of Goods in the Western Balkans (with reference to simplification of formalities concerning import, export and movement of goods).

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criteria. Even "though the Western Balkans in principle are not yet ready to become Member States, the need to keep them 'anchored' to the EU goes beyond particular political parties or Member States' interests and is firmly linked to the overall security and stability of the European continent" (Hajdini 2020, 2). On the other hand, "there is also a powerful argument that the roots are mainly founded on the EU's lack of appetite to play a more proactive role in the Balkans" (Kamberi 2021, 65). Consequently, the WBs might have been expecting the EU to play a more crucial role in the region in terms of overpassing the challenges and keeping the course of EU integration on track by unlocking the EU enlargement process. The reasons behind this

> are mainly related to Albania and North Macedonia; they had been waiting to begin the process of accession negotiations with the EU for years but were left on hold despite strong efforts both at the domestic level and regional cooperation. Also, the relations between Kosovo and Serbia fell almost into a 'frozen conflict', with no progress in EU-facilitated dialogue; Serbia started the campaign of withdrawing recognition of Kosovo, also blocking Kosovo from joining Interpol, and as a counter-response, Kosovo imposed a 100% tariff on Serbian goods (Kamberi 2021, 64-65).

The Open Balkan Initiative was launched as "Mini-Schengen", a model based on the free movement of goods, capital, services, and people. The "initiative is conceived as an economic zone of the Western Balkan countries that would strengthen mutual economic cooperation and trade, facilitate border crossings for citizens of Member States, but also contribute to faster integration of these countries into the EU" (Dora and Botić 2021, 15). The signature of a "Mini-Schengen" declaration (in Novi Sad, 10 October 2019) by the leaders of the three Western Balkan countries (mentioned above) "on regional economic cooperation, including free movement of goods and people, while they await progress on EU enlargement" (Zivanovic 2019).

THE FOCUS OF THE OPEN BALKAN

The Open Balkan as a regional cooperation initiative is focused on the creation of a single market similar to that of the EU when the free movement of citizens, goods, capital, and services among the EU Member States will be provided, aiming

> to strengthen regional economic cooperation and to extend the freedom of movement of people and goods. At the same time, the initiative has to provide certain benefits to the citizens and businesses through increased opportunities in the field of trade, joint investments, the development of tourism, and the appearance of third markets, and it also has to encourage the integration of the Open Balkan countries into the European Union. Moreover, the Open Balkans will promote regional market development to attract investments (Miteva-Kacarski, Panova, Gjorgieva-Trajkovska 2022, 40-41).

Taking into account that the EU single market is gradually created through a set of measures taken at the level of EU institutions and of the EU Member States to remove any barriers to trade and to provide into the EU internal/single market the free movement of workers, goods, services, and capital - otherwise known as the basic freedoms, the same logic would be used to create the Open Balkan where the parties would jointly take a set of successive measures.The "focus of the 'Open Balkan' and accompanying investment efforts is to increase the efficiency of the SME sector through technological innovation, reduce the cost of movement of goods and services, and ensure the mobility of factors of production, especially labor, and knowledge" (Avlijš 2022, 56). The Open Balkan Initiative will be gradually accomplished by signing agreements and measures taken by the respective countries which are parties to the initiative, beginning from:

- responding together to natural and other disasters;
- allowing citizens to work in one another's countries; and
- helping goods move without delays (Skopje Business Forum 2021).

The aims of the OBI's countries can be summarized as removing the existing barriers among the WB countries, remaining committed to the EU integration process and Berlin Process, and remaining open for the other countries from the WB to join the OBI. The OBI will get committed to the implementation of the four freedoms and the Common Regional Market (CRM) as agreed on at the Berlin Summit:

> We are European, and our future is in Europe. We remain committed to the Berlin Process and our European perspective. Our governments have committed themselves to implement the four freedoms of the Common Regional Market, most recently at the Berlin Summit on July 5th. Open Balkan builds on the same vision as the Common Regional Market, and we invite other parties in the region to join us in accelerating, implementing, and meeting our regional commitments (Skopje Business Forum 2021).

Many agreements in this regard were signed at the OBI summits. As a result, the following agreements were signed as part of the OBI at the Tirana Summit (21 December 2021):

- The agreement ensures free access to the labor market in the three signatory countries within the framework of Open Balkan;
- The agreement for the electronic identification of citizens;
- The agreement on cooperation in the field of veterinary, food and feed safety, and phytosanitary in the Western Balkan;
- The agreement on mutual recognition of authorized economic operator - security and safety (AEOS) authorizations between Albania and Serbia and North Macedonia and Albania (DW 2021).

At the Ohrid Summit (7-8 June 2022), the OBI concluded with the signing of the four following agreements and memorandums:

- The agreement on tackling tax evasion;

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- Memorandum on recognition of university diplomas;
- Memorandum on cultural cooperation; and
- Memorandum on cooperation in the tourism sector (Euronews 2022).

At the Belgrade Summit (1-2 September 2022), the OBI concluded with the signing of the following important agreements and memorandums of understanding (MoU):

- Agreement on food security mechanisms in the Western Balkans;
- Memorandum of understanding in cinematography and audiovisual activities in the Western Balkans;
- Agreement on energy and mining cooperation; and
- The operational plan on civil protection between the Republic of Serbia, the Republic of North Macedonia, and the Republic of Albania (Gov. of Albania 2022).

Nevertheless, the OBI is not yet completed. In addition to implementing the agreements and MoUs already achieved in this endeavor, there are other developments, such as meetings, summits, and joint commitments, which may be taking place upon the will of the parties.

THE CONTROVERSIES ABOUT THE OPEN BALKAN INITIATIVE

The different initiatives of cooperation that over the years have been launched in the Western Balkans, regardless of whether at the initiative of the EU, any of the EU Member States, or the WB countries by itself, have always been welcomed by the respective countries. However, as already mentioned, this is not the case with the OBI, even though it is a regional development initiative supporting regional cooperation and which is openly declared in support of the EU perspective and integration and has also enjoyed the EU support by itself.

Unlike "other previous regional initiatives, which included all six countries from the very beginning, the 'Mini-Schengen' did not have the same consensus. It failed to build its case and attract political support as an initiative on its own" (Balkans Policy Research Group 2021, 26). The three WB countries, Kosovo, Montenegro, Bosnia and Herzegovina, appeared to be very doubtful about the idea of the OBI. When the project was jointly launched by their neighbors (Albania, Serbia, and North Macedonia) and they were invited to participate, they were hesitant to do so immediately. At the same time, the expectations about the OBI were to go beyond the Common Regional Market (CRM). While

> the CRM aimed to significantly reduce the border waiting times for goods and citizens traveling with only IDs, the Open Balkan Initiative would completely abolish the border controls, reducing waiting time to zero for citizens, goods, and commercial inter-state activities and service providers. Although the OBI shares the same goals as the CRM, it provides a more in-depth integration and increases economic and social connections (Ristić 2021).

Nevertheless, Kosovo refused to join the OBI for the above reasons, mostly "due to its non-recognition by Serbia and Bosnia and Herzegovina and the concerns that the Serbia market

would dominate its economy" (Balkans Policy Research Group 2021, 25). It is worth mentioning that with the signature of the economic normalization agreements[5], among other commitments, Kosovo also agreed to join the Mini-Schengen Initiative but has not yet joined it. Still, the tense political relations with Serbia and continuing disputes over a set of issues have not yet created the conditions for such a step to be taken by Kosovo, while the other opened and unresolved issues have overloaded the relations between Serbia and Kosovo.[6] On the other hand, Bosnia and Herzegovina and Montenegro have sent mixed signals, mostly comparing the OBI to the CRM. Both governments have said in their official statements that they do not see any added value in the Open Balkan Initiative, as all aspects of economic integration are already covered by the CRM, rendering the Open Balkan redundant (Ristić 2021).

THE INTERNATIONAL REACTIONS TO THE OPEN BALKAN

The Open Balkan Initiative aims to increase regional cooperation among the WB countries by vitalizing the EU principles of four basic freedoms to go beyond the mere creation of a Common Regional Market (RCM). On the other hand, the parties to the OBI remain committed to the EU perspective and the Berlin Process. The initiative was widely supported by the main actors committed to the region, namely the EU and the US, as in the following statements:

- The EU supports regional cooperation and invites other countries, Bosnia-Herzegovina, Montenegro, and Kosovo, to join the Open Balkan Initiative; their economic benefit would be great (The speech of the EU Commissioner 2021).
- The Open Balkan Initiative could change the reality of the Western Balkans and speed up the path to the EU, adding that it is important because the countries of the region came up with the idea on their own (The speech of the EU Commissioner 2022).
- Washington supports OBI but wants it to remain an important economic initiative, not a political project, and that it should remain focused on creating opportunities for the people of the region, adding that the initiative needs to remain open for all six countries of the region (The speech of US envoy 2022).
- I have supported the Open Balkans Initiative since the beginning, as regional cooperation is the anchor of peace, stability, and prosperity for the people in the region and beyond. This is much needed, especially in times of crisis (The statement of EU Commissioner 2022).

[5] Signed by Kosovo and Serbia at the White House Summit in Washington D.C. USA on 4 September 2022.

[6] Currently the most concerning issues are: the EU pressure on Kosovo to establish the Association of the Serbian majority Municipalities and to implement the Decision of the Kosovo Constitutional Court on Decan Monastery Case (Judgment in Case No. KI132/15) as well as the resistance the Kosovo Government is facing by the Kosovo Serbs resident in Kosovo northern municipalities supported by Government of Serbia against the Kosovo's efforts to exercise the state authority in the northern part of country by implementing the Kosovo GoV. Decision to replace the Serbian old vehicle license plates with Kosovo's ones. There are more issues which are permanently raised by Kosovo authorities as of immediate importance to be discussed with Serbia such as: clarifying the issue of persons forcibly disappeared in the war, reparations of the war, the stopping of the aggressive campaign against the state of Kosovo; the stopping of the campaign against the Kosovo's membership efforts in international organizations, and stopping of the campaign for the removal of the recognitions of Kosovo's independence.

Nevertheless, when the OBI was launched, three countries considered this initiative distrustful and divisive (Kosovo, Bosnia and Herzegovina, and Montenegro - former members of the ex-Yugoslavia), which were reluctant to join it immediately. Consequently, the debates in political and analytical circles about the benefits of joining this initiative became the most political issue on the WBs; at the same time, this initiative was perhaps the most contested ever in the region. The WBC got in a *pro et contra* campaign, including politics, media, and public opinion debates raised to high levels arguing the advantages and disadvantages of becoming part of the OBI. Apart from Albania and Serbia:

> [OBI] was reluctantly accepted by North Macedonia, while in other countries, the acceptance of the initiative was more complicated, especially in the case of Kosovo, which at that time started an economic war with Serbia over taxes on imports from this country. In addition, Kosovo opposes any closer ties with Serbia before any final agreement centered on mutual recognition, especially due to the fear that this initiative potentially represents the establishment of a new creation on the territory of the former Yugoslavia under the domination of Serbia. As a country that has come significantly closer to the EU on its candidate path, Montenegro fears that this initiative could be an alternative to membership in the Union and slow down the achievement of full membership in that organization (Dora and Botić 2021, 15).

It is evident that since the OBI was increasing its support among the western allies of the WBs, the other Western Balkan countries were also advised and encouraged to join the OBI. In this regard, it is to be mentioned that in the OBI summits, except Kosovo, which continuously refused the invitation to become part of the initiative[7], the other WB countries did not initially join or support the initiative but gradually modified their attitude towards the OBI. As such, in the subsequent OBI summits held in Ohrid and Belgrade, Montenegro and Bosnia and Herzegovina joined the OBI in the capacity of observers.

THE OPEN BALKAN *VS.* THE BERLIN PROCESS

Regional cooperation is one of the pillars of both the Berlin Process (2014) and the Open Balkan (2019), so it is clear that the two initiatives are converging. In addition, since the Open Balkan Initiative encourages regional cooperation that advances its values, it is also clear that the Open Balkan should be considered a part of the Berlin Process. While "it remains a local initiative, Open Balkan comes under the umbrella of the Berlin Process. This implies that the initiative is not a replacement for enlargement, but it might serve only as an intermediate step that provides politicians and citizens with tangible goals and benefits while instilling local responsibility" (Semenov 2022, 25).

When it comes to concerns of coming together to discuss and decide on common interests and determining factors for their shared future, the OBI itself demonstrated that there

[7]On Open Balkan, Kosovo's official position has always been that it will support the Berlin Process going forward since it believes that it is the only route leading the region to the EU at the moment.

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is still a lack of trust among the WB countries. For this reason, the WB countries may keep objecting to joint projects that appear to "threaten" or "impose" the dominance of one country over the others. Due to the violent dissolution of the former Yugoslavia in the Western Balkans' past, it is obvious that the WB countries only consider such "movements" when they are part of larger initiatives (such as the Berlin Process) in which the EU or major EU Member States are directly involved and which are expressly related to the EU integration. This is especially true regarding several components of regional integration, such as CRM.

As a regional initiative, it is often considered that the OBI does not enjoy a visible and strong EU integration capacity. However, beyond the political disagreements, there is no doubt that the OBI is visionary, and its goals benefit the region. On the other hand, as the ultimate goal of the region is EU integration, the Open Balkan is a regional integration initiative as it promotes regional cooperation and good neighborhood relations as one of the EU values and criteria for EU membership. Therefore, the OBI goes on the same line and works towards achieving the same objectives and priorities as those of the previously launched Berlin Process. The Berlin Process reaffirmed the EU values and commitments of the WB countries to continue work for their EU common perspective, and thus:

> At the Berlin Conference, the Balkan leaders promised to step up reforms for good governance, for the rule of law, and to facilitate active participation by civil society as well as the pluralism of the media. They also spoke in support of settling bilateral issues, promoting reconciliation, and developing regional cooperation, notably in terms of transport and energy (Mirel 2018, 12).

THE PERSPECTIVE OF THE OPEN BALKAN

The readiness and degree of the countries taking part in the initiative's perspective are to be assessed, as well as the outcomes the OBI will produce on the relevant concerns. However, remember that the OBI in its current configuration would be incomplete and unlikely to meet the stated full aims if none of the WB countries were included. Without going back to the large number of initiatives that over the years have been taken in the Western Balkan, it is worth mentioning that almost all of them have had in focus regional cooperation and EU integration, although their success remains arguable. Many "regional initiatives have been built up in the Western Balkans over the past years, and they continue to pop up every few years. However, their structures remain weak, vulnerable to shocks and occasional breakdowns, and they bring very limited change to regional cooperation and benefits for the citizens of all countries" (Balkan Policy Research Group 2020, 1).

In this context, it must be made clear that the Open Balkans Initiative encourages regional cooperation despite its lack of immediate promise and does not serve as a substitute for EU integration. As mentioned, the OBI is focused on openly declared objectives which consist of removing barriers and borders to citizens and businesses with identic features to those of the EU internal market. The "document also reiterated the importance of the free movement of goods, services, capital, and labor, with tangible targets, such as traveling with IDs and recognition of qualifications across the region. Finally, the document mentions the Thessaloniki

Summit (2003), Trieste Summit (2017), and EU Strategy for the WB (2018), implying that Open Balkan is not a replacement for the EU membership" (Semenov 2022, 28). The OBI clearly states, "Open Balkan is a demonstration of the progress we can make for ourselves. While the EU accession perspective remains the catalyst of our regional cooperation" (Skopje Business Forum 2021). The Open Balkan must be clearly understood as an initiative backed by economic reasons.

It aims to fully implement the EU's four basic freedoms to create a CRM similar to the EU internal market with economic benefits for the respective WB countries. Free movement

> through the borders should facilitate trade, the movement of citizens, and the transfer of services between the three countries. Harmonized border crossing procedures and recognized work permits and qualifications of employees between Macedonia, Serbia, and Albania are the main economic benefits enabling greater regional cooperation (Miteva-Kacarski, Panova, Gjorgieva-Trajkovska 2022, 46).

The Open Balkan Initiative will be seen as a tool within regional cooperation that benefits the whole region. If all WB countries joined it, it would be able to reinforce the region's European perspective. Nevertheless, despite that, regional cooperation indeed means more than mere economic cooperation. In addition, the OBI's full integration capacities could be developed only when settling other bilateral issues among the parties.

THE REGIONAL COOPERATION AMONG THE WESTERN BALKANS

The effectiveness of regional cooperation and, consequently, the extent to which it has increased confidence among WB countries was raised by the launch of the OBI. The OBI also emphasized that many outstanding issues within the WB affect the level of collaboration and, perhaps, even the destiny of the entire region. Such issues must be seriously considered as they are a barrier to enhancing future WB cooperation.

Taking into account several circumstances such as: at first - one of the components of the Open Balkan and the previously established Berlin Process has been the regional cooperation; second - the fact that the EU integration process where the WBs are part through the Stabilization and Association Process (SAP) and WBs have already signed the Stabilization and Association Agreements (SAAs); and at third - the fact that all the three WB countries which are the initiators of the OBI have acquired the status of the EU candidate countries[8], therefore it might be raised the issue of reliability among the WBs and that of the effectivity of the EU instruments applied to WBs when dealing with regional cooperation.

As a result, it is possible to question how successfully the EU approach has been applied to the WBs, especially when fostering greater regional cooperation among WB countries. These factors include how far the WBs truly trust one another and how successful the EU approach has

[8]Regarding the status of the other Western Balkan countries that were invited to join the OBI, Montenegro was given EU candidate status on 17 December 2010, after officially applying for EU membership on 15 December 2008. On the other hand, Bosnia and Herzegovina obtained EU candidate status on 15 December 2022, following their formal application for EU membership on 15 February 2016. Kosovo, which applied for EU membership on 14 December 2022, is still waiting to receive the status of an EU candidate country.

been in the past. It is evident that the EU's long-lasting commitment to the WBs has been met with variable success: "for years, the EU has been involved in a variety of interventions within the WB with mixed results (…) Originally, cooperation was conceived of secondary importance with respect to other EU priorities for the region, i.e., the rule of law, security, etc." (Hajdini 2020, 2-3).

Nevertheless, increasing regional cooperation remains *conditio sine qua non* for the success of every initiative, including the Open Balkan, to build a common future for the WB countries and work for their EU integration perspective. Due to its significance, regional cooperation should therefore receive the proper attention from the EU in addition to the WBs.

CONCLUSION

As a regional initiative to achieve its goal for an open and borderless Balkans, the OBI should have the participation of all WB countries and the will to make the commitments come true. As a rare case in the Balkans, this initiative was not only not widely supported, but from the very beginning, it was opposed by the other three states of the Western Balkans, which were reluctant to join it.

The opposition to OBI and the reasons behind it sent the EU a clear message that the EU still stands as the WB's only final, trustworthy destination while also serving as a reminder that the WB needs to be even more committed and that there is still much work to be done in this area.

The highlighting of the mistrust between the countries of the WB should be taken as a clear signal that regional cooperation and reconciliation is still an issue that inevitably reflects and impacts the political decision-making in the WB. As such, the issues accumulated over the years and decades raised by the countries reluctant to join the WBs should be addressed to have a common future for the WB. Consequently, any cooperation offered to the Western Balkans, regardless of welcoming signals, may remain limited, stigmatized, affected by feelings of mutual mistrust, and a "hostage" to resolving outstanding issues.

The WB countries have not always been successful in overcoming their shared problems and challenges. Therefore, the EU should take a more active role in the region by helping countries prepare for EU membership and convincing the WB to jointly and appropriately address outstanding issues, such as achieving reconciliation and viewing one another as trustworthy partners, increasing cooperation, and working toward EU integration.

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