



BALKANS ON THIN ICE



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COMMENT

**Why the meeting in
Berlin didn't fail?**

WHY THE MEETING IN BERLIN DIDN'T FAIL?



Photo: Vijesti



By: Vladan Zucic

Some analysts claim that US President, **Donald Trump**, does not care if and what kind of wall he will make on the border with Mexico as that issue is directed to suppress, by great emotional story, debate about the future and everyday life of that state in the Congress, Senate and generally within the public sphere. Something similar is with the ideas of Serbian president, **Aleksandar Vucic**, and his sparring partner from Kosovo, **Hashim Thaci**, about the exchange of territory along ethnic lines, demarcation or any other variations of this idea.

It seems that now in Berlin is driven a stake through the heart of this inflammable idea which has become seductive to some in US and Europe. Therefore, the conclusions about the failure of the meeting of **Angela Merkel** and **Emanuel Macron** with the Heads of State and WB Governments in Berlin seems wrong.

To recall, Serbian and Kosovo officials sat for the first time in Berlin, at the same table after a half year and unsuccessful initiative of EU's chief diplomat **Federica Mogherini**, and the decision of Kosovo authorities to impose tax of 100 percent on imports of Serbian products.

First, Thaci, right after the meeting said that the borders of Serbia and Kosovo would not move even a centimeter and exchanges of territory has never been on the negotiating table, although simple search on the Internet can easily demonstrate that he did not talk so a few months earlier. Vucic said the following day that his views on separation on Kosovo had failed because "both our people and most of the world thought differently".

Putting an end to the story of partition of territory can be seen as success of German Chancellor given that she was the only one, compared to other major actors on the world stage, that firmly and explicitly was against that idea.

Germany had to make a cut because in its public there is still occasionally debate about the justification of participation in NATO intervention in the FRY in 1999, when German soldiers for the first time since 1945, without UN mandate, participated in an action.

Another reason why the Berlin summit cannot be declared

unsuccessful is the fact that Germany and France are again focusing to the Balkans. Just at the time when it is left in mercy to the domestic autocrats, Russia and China as the EU attention directed on elections for the European Parliament.

Another meeting is agreed in Paris in two months, but in the "narrower format", as Vucic announced. Soon after that meeting, there will be another one - on 4 and 5 July in Polish Poznan. There is planned new meeting within the framework of the now already old „Berlin Process“, with the participation of more or less the same officials from the "wider" guests list.

One should be aware that neither the EU, nor Germany, nor France, in the current geopolitical context, have a magic wand to untie the Balkan nodes overnight. After all, Merkel just before the meeting said that "this meeting is a step on a very long road, and not necessarily everything should be results-oriented immediately".

Therefore, we in the Balkans hope that Merkel and Macron with these meetings and initiatives do not making "Mexico border wall" essentially more needed to the Balkan leaders than to the European and Balkan public.

Finally, media reported that Macron was on the verge of losing his temper at some point and that he sharply told the Kosovo Prime Minister, **Ramush Haradinaj** that "he is not in a position to ask for anything" since he previously tried unsuccessfully to convince him to give up the taxes on the import of Serbian goods to Kosovo.

French President **Jacques Chirac** did not have to lose his temper and to raise voice to any of the ten leaders of the current EU member states before their accession in 2004. Leaders of Slovenia, Czech Republic, Poland ... have been fulfilling their European tasks diligently as opposed to most of the Balkan countries who are always ready to fake quarrel, slowing down reforms or flirting with Russia or China.

That is why Merkel and Macron should have been clear that the democratization of the Balkans, instead of maintaining stability is the way to untie all the Balkan nodes. And to relax, let them drink a glass of beer or cognac before new meeting with a part of the Balkan elite before the meeting in Paris and Poznan.

ELECTIONS FOR THE EUROPEAN
PARLIAMENT AND ENLARGEMENT POLICY

BALKANS ON THIN ICE



Photo: Private archive



By: Samir Kajosevic

The author is journalist of the independent daily Vijesti

The Western Balkans enlargement of the European Union (EU) will not be the priority of Brussels administration after the elections for the European Parliament (EP) in May. That could significantly slow down already low pace of reforms in the region. Experts in European affairs expect that European officials will have to first deal with issues within the Union before discussing future members.

Srdjan Majstorovic from **Belgrade based European Policy Centre**, believes that growing nationalisms within the EU, economic challenges and issue of migration will be the priorities of the new administration. He recalls that public opinion researches have indicated that the current situation is not sustainable and that changes are necessary in the EU.

"In such circumstances, it is not realistic to expect that enlargement will be highly positioned. Such a situation is unfavorable for the Western Balkans countries, but also for the EU itself. Without questioning the necessity of redefining the Union and its adaptation

to citizens' demands, the issue of the Union's enlargement to the Western Balkans should be one of the key strategic issues for its future."

Elections for the EP will be held on 26 May and in the part of the political public these are marked as crucial for the future of the EU. Though, according to the expectations of a traditional party led by the right-wing center, they should retain the majority in the EP even after the May elections, the rise of extreme right - wing and Eurosceptic parties could disrupt debate on the future of the Union.

Surveys of the Euroactiv for April showed that the European People's Party (EPP) and the Progressive Alliance of Socialists and Democrats (SD) have no longer enough mandate to form a majority in the EP. As per expectations, they could seek allies amongst the Alliance of liberals and Democrats for Europe (ALDE) that records growth or a smaller group like the Left or the Greens. **Manfred Weber** from the EPP, currently the most prominent candidate for the president of the European Commission (EC), has increased the uncertainty how

Photo: D. Šimić



things will be arranged for the new majority in the EP, announcing readiness of the negotiations "with all the actors and even with the extreme right - wing", which caused a storm of disapprovals by the conservatives themselves also. That the power of the right-wingers will not be negligible indicated researches according to which there is potential alliance of the groups of European Conservatives and Reformists (ECR), Europe of Nations and Freedom (ENF) and Europe of Freedom and Direct Democracy (EFDD), and that could be the third largest group in the European Parliament.

Photo: CFP/CSP



Dusan Reljic from the German Institute for International and Security Affairs believes that it will be difficult to get the necessary majority to form a new European Commission.

"It is also expected that there will be more MPs from political edges in the European Parliament, hence more severe confrontations will be than before. Altogether, that can further diminish the attention that the political bodies of the Union are ready to dedicate to the opportunities in Southeast Europe and the enlargement policy. However, this is more a political noise in Brussels, and less relevant for genuine decision-making on enlargement. These decisions are made by governments of the member states," considers Reljic.

That mood for admission of new members is nowadays not present amongst some influential EU member states as recently confirmed by French Minister of European Affairs, **Nathalie Loiseau**, pointing out that "current situation in the EU does not allow further enlargement." Dutch Prime Minister, **Mark Rutte**, believes that the enlargement cannot be done before implementing internal reforms within the Union. On the other hand, the enlargement is supported by Austrian Chancellor, **Sebastian Kurz**, and Hungarian President, **Victor Orban**. The two most influential members of the leading majority in the European Parliament - EPP and SD - gave general support to enlargement, insisting on implementation of reforms and closure of all negotiation chapters. While election polls indicate that enlargement is one of the most unpopular topics amongst Europeans, there are speculations in the political public that the DG NEAR could be closed down.



Executive Director of the Centre for Civic Education (CCE), **Daliborka Uljarevic**, warns that the crisis within the EU has significantly contributed to the switch of the focus of Brussels from the Western Balkans.

Hence, she emphasizes that this May elections are important, not only for the future of the region, but also for the Union. "The EU needs more than ever strong leadership with clear vision and uncompromising commitment to European values. If we would have such structure, a new fresh approach can also come, which involves far more engagement in fostering enlargement policy. After all, exactly effective implementation of credible enlargement policy could best mitigate the Brexit effects and spark the EU. "

Although last year was announced by the current Brussels administration as "key year in the enlargement process", in practice, there was no acceleration of integration. After ambitiously

The enlargement is decided by the member states, EP and EC do not have a decisive influence

Reljic recalled that the enlargement policy is within the competence of EU member states, emphasizing that on new member states and speed of accession decide governments and parliaments of 28 countries.

"Therefore, possible changes in the new composition of the European Parliament the EC do not have decisive influence on the enlargement policy. The EC implements an enlargement policy agreed upon by its members, and EP debates about this policy. Finally, all EU institutions have to agree about the admission of candidate and all members have to ratify the accession treaty. In overall, both the EC and the European Parliament do not deviate significantly in their approach to the enlargement policy from guidelines established by governments of member states," stated Reljic.

conceived Summit in Sofia, whose announcement has turned into a dispute of how to have all participants from region and EU at the event, enthusiasm was further reduced by French President, **Emanuel Macron**, who pledged to postpone enlargement before the EU internal reform. Instead of timely frame commitment for membership for each Western Balkan country individually, only unequivocal support to the European perspective has arrived. Brussels officials later increasingly rare reminded of the Enlargement Strategy published by the EC in February 2018, in which the necessary steps for enlargement were precisely defined, and highlighted that the Union could get the first new member 2025 at the earliest.

The Balkans, due to the election, is likely to be out of sight of Brussels by November, when new European Commission should be known.

Majstorovic warns that potential candidates from the Balkans should continue to reform, regardless of the lack of attention from Brussels.

"The Western Balkans states should undoubtedly devote themselves to reforms, fight against corruption and organized crime, ensuring judiciary independence, punishing criminal offenses regardless of who the perpetrator is, media freedom and strengthening of democratic institutions, because by that they will be recommended as future EU members. If there is a slowdown in the already slow reforms, political leaders from the Balkans will put into question their own sincerity and intention to regulate their countries in accordance with the EU values. Such attitude and hesitation will certainly not help creating a more favorable climate for enlargement within the EU," Majstorovic claims.

Recalling earlier reactions to events within the EU, Uljarevic points out that Balkan leaders could by slowing down reforms respond to a possible reduction in Brussels's enthusiasm for enlargement.

Although, like Montenegrin President **Milo Djukanovic**, in public appearances they warned that the EU should not hand over Western Balkans to Russia, China, or to a third country, in practice

they did not demonstrate will to implement Brussel's tasks. Thus, EC non - paper on Chapters 23 and 24 in Montenegro indicated concern about state of media freedom, lack of results in the fight against corruption, preventive drug policy, human trafficking and permanent seizure of property.

"Montenegrin authorities often try to find an excuse in the EU crisis for their reluctance to carry out reforms, as well as for serious regression in many areas. This is expected because the essence of accession negotiations is to break the monopolies of power and to introduce rules that apply to everyone equally. And, those who are strongly resisting to reforms within government are struggling to retain these monopolies of power and save themselves from prosecuting. It is not a little of what they have acquired in an illegal manner and to the detriment of the public interest," Uljarevic claims, pointing out that only with track record Montenegro can be on agenda of the new EC.

"The EU itself needs successful story in region that can help dealing the reserves towards enlargement. Montenegro once had such a position, and this is the last chance in the near future to restore this position. I do not believe that the leading structure has necessary majority for this type of change because it would also mean cleaning up one's own home from those with whom EU accession cannot be possible, even at this stage, while we are still in the lobby," stated Uljarevic.

It's not the same to have a nice neighbor and one who would occasionally throw their garbage in the EU yard

Uljarevic points out that the predominance of anti-European forces after the elections would strengthen the crisis in the EU, but also left the Western Balkans to other world players.

"Even nowadays, there are already many of those in the EU who have a dose of skepticism for enlargement, and predominance of " anti-European" and right-wind populist forces would reinforce and complicate the current crisis in the EU. Also, it would make the Western Balkans even more weak for the impact of other actors who are deeply involved in the region, using insufficiently active presence and lack of consistency between the EU and the Member States. After all, by leaving the enlargement policy - the EU can get a new problem - it is not the same to have a nice neighborhood and messy and noisy one, and who would occasionally throw their garbage in the yard of the EU, " she said.

ON THE WAY TO THE EU THE SYSTEM WITH THE SAME HOUSEHOLD ELECTRICITY PRICES IN 2009 AND 2018 HAS BEEN CREATED



Photo: PR Centar



By: Nikola Vujović

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Negotiation chapter 15 - Energy was opened at the Intergovernmental Conference on 21 December 2015. At that time, Montenegro got three final benchmarks for the Chapter 15 that need to be fulfilled in order to temporarily close this chapter, as follows:

1. to complete legislative alignment with the *acquis communautaire* on compulsory petroleum reserves, to establish an administrative structure for the management of oil reserves, and to start with the establishment of reserves in accordance with the Action Plan
2. to align with the *acquis communautaire* concerning internal energy market, including separation of all energy entities in line with some of the models defined by the EU *acquis communautaire*
3. to comply with the *acquis communautaire* on energy efficiency

In the part of establishing legal framework for strategic reserves of oil and / or petroleum products, the Ministry of Economy has implemented necessary procedure for preparation of the Law on Supply of Petroleum Products in the case of a supply disruption. We have prepared the Draft Law and it is planned that it will be submitted to the Government by the end of 2019.

When it comes to another benchmark, one of the most important steps that has been taken is the adoption of the Energy Law at the beginning of 2016 and the Law on Transboundary Exchange of Electricity and Natural Gas in which the key provisions of the Third Energy Package Directive are transposed. On the basis of these laws, number of bylaws have been adopted in the previous period, and we will continue to work on the adoption of other regulations, as well as harmonization with relevant EU regulations in this area, in accordance with Montenegro's Accession Program 2019-2020.

We are particularly proud of the high degree of harmonization of energy efficiency regulations with the EU legal framework, the adoption of the Law on Efficient Use of Energy and 40 by-laws. In order to further align with the EU legislation in this area,

in December 2018 the Government established the draft law amending the Law on Efficient Use of Energy, adopted by the Parliament of Montenegro on 3 April 2019. Furthermore, it is planned for this year to prepare and adopt the Energy Efficiency Action Plan for the period 2019-2021. Development of this action plan is in progress and will be supported by donors: GIZ's *Open Regional Energy Efficiency Fund* and EBRD Bank through the *Regional Energy Efficiency Programme*.

I am especially pleased with the fact that the result of the many years of work on reaching the objectives we have established is recognized by our European partners. And that is the leadership position within the Energy Community, to which we belong together with other countries that seek for the EU membership.

So, all of this is representing proof of committed work in the previous period and gives us the base to soon expect achieving of the level of compliance of the energy sector of Montenegro with the one in the EU, which is needed for the closure of Chapter 15.

However, it is even more important to point out the fact that, in the last decade, the structure of Montenegrin energy has been significantly improved. Thanks to our strategic commitment - EU membership - we have begun to improve legal and regulatory framework in the country. Nowadays, we have a system that enables the implementation of strategically important infrastructure projects, such as the submarine cable between Montenegro and Italy, system that is attractive to prominent companies from the EU energy sector and system in which, for example, the price of electricity for households is the same in 2018 as it used to be in 2009.

Thus, in this way, we have secured sustainable development of energy sector and created sector characterized by economic and energy sustainability, environmental acceptability and social responsibility. In the coming period, we expect to continue the implementation of series of activities that we have started and which will enable additional quality of the energy sector in Montenegro.

THE IDEA OF THE EU ENLARGEMENT IN 2025 IS “BURIED” IN BERLIN



Photo: FOS media



By: Rados Musovic

The author is the UK Government fellow in International and European politics

When, now leaving President of the EU Commission **Jean-Claude Juncker** declared in November 2016 that there will be no EU enlargement during his Commission's mandate, civil servants and politicians in charge for creating an image of Montenegro as a "leader in the region" have found themselves in a problem. Maintaining the image of constant progress by opening, but rarely closing chapters, and occasional praises from Brussels and eulogy from the Eastern capitals, has become favorite combination of Montenegrin politicians when it comes to the integration process.

The solution was found two years later in the Enlargement Strategy where Montenegro and Serbia were seen as countries that could finalize accession negotiations by 2025. Despite the fact that Serbia and Montenegro were labeled as "captured states", this date was the tailwind of the political elites who continued to create a picture of progress in the process that has been essentially frozen for a long time.

However, at the meeting of Heads of States and Governments of the Western Balkans with Chancellor **Merkel** and President **Macron** in Berlin, it seems that the idea of 2025 as the year of the next enlargement wave is "buried".

Whether due to poor media coverage or various political strategies, in the Western Balkans public, the role of member states is often neglected. Hence, picture that the EC is the key "player" in this process is created. The situation is in fact reversed – the role of the process administrator has been assigned to the EC while the real power lies in the members states.

Those who carefully assess previous EU enlargement waves know that any enlargement is driven by the need of members, mostly expressed in economic and political terms. In major enlargement in 2004, members allowed the Commission to create instruments that are forerunner of current progress reports, screenings and similar bureaucratic constructions. Nevertheless, behind all this was undercover need of Western members for the new market. When it comes to the Western Balkans, strong dependence on the EU market and strengths of the economies of the Balkan countries does not give the tailwind to the economic argument for quick accession.

The enlargement process has always been a matter of political elites and their interests. In contemporary EU, faced with various populist and right-wing movements, opposition of domestic public to the future enlargement is a strong message to political elites. Therefore, it is not surprising that the main term of the meeting in Berlin was stability, not enlargement. The term stability has been used several times in the German Government official announcement, while the term enlargement has been used once, and in an unfavorable context.

Stability does not always mean democratization, nor it brings enlargement. This approach is one of the most dangerous for Montenegro's chances of joining the EU in the next ten years. It changes focus of the EU from the need for substantial reform of institutions to maintaining stability and continuity. From this perspective, we can also see the need of certain members to create more regional organizations and processes that are parallel to the EC – Montenegro process, including the Berlin Process. These processes bring infrastructure investments and economic support, but have limited political significance, i.e. they offer "everything" except the enlargement.

Taking into account opposition of Paris to future enlargements, coming Merkel's resignation as Chancellor and the lack of legitimacy of the major enlargement advocates (Austria, Bulgaria, Romania and Visegrad group), it seems that Montenegro, as the country with the greatest success in negotiations, is at disadvantaged position. The authorities in Podgorica can unofficially accept this approach and continue with technical process. The Commission has improved the technique of maintaining negotiations active without substantial progress.

Other option, less likely, implies fundamental change in relation to media, civil society organizations, reform of institutions dealing with the fight against corruption... Only with the successes in these fields Montenegro can lobby for enlargement in the Western capitals and in the new leadership of the European Council and the EC.

For now, the balloon that carried the idea of 2025 is grounded. This should be honestly and straightforwardly told to the citizens.

OPEN JUSTICE FROM THE CITIZENS' PERSPECTIVE

(Non)transparency of judiciary affects (dis)trust of citizens



By: Milica Zindovic



Public attitudes towards trust in the current justice system of Montenegro are divided, but slightly higher number of respondents state that there is no trust into judiciary, as indicated by the [data of from public opinion survey on transparency of the judiciary](#) in Montenegro of the Centre for Civic Education (CCE), within the *Open Justice* project, supported by the Ministry of Justice.

The survey indicates that respondents identify three key reasons for mistrust: presence of corruption, influence of politics or politicians on the work of the judiciary and lack of justice. At the same time, length of the proceedings, poor human resources policy, selective initiation of cases by the prosecution, conflict of interest, lack of objectivity of judges and disparities of judicial practice are positioned.

Citizens trust more the courts than the prosecution, with the remark that nearly half of the citizens do not trust any judicial institution at all. It is interesting that the integrity and independence of the courts amongst the individual segments of the work is lower rated by even 51% of the respondents, while the accessibility to the citizens is negatively evaluated by 49% of respondents, followed by efficiency and equity and quality of work. It is concerning that negative grades in each category dominate compared to positive ones, which can also be concluded when assessing prosecutors' work, where citizens see integrity and independence as the most negative aspect, with 51% of negative ratings.

The CCE's research included also openness of the various components of the judicial system and citizens best position

the Notary Chamber, followed by the Bar Chamber, then courts and prosecution. At the same time, majority of citizens consider that the unconscious actions are present in the Montenegrin judiciary. Thus, corruption, political influence on courts and prosecution, and long duration of proceedings underline even two thirds of the respondents, and just a little less also point out bad personnel and inadequate penal policy, as well as conflict of interest.

Data indicate that citizens are fairly well informed about new legal institutes, and most are trying to get information through website, then through free access to information requests, while on the other hand, this is much rarely done through appeals to the authorities in the judiciary. Also, citizens see the role of the media as positive, as the research has shown.

Findings essentially recommend that the representatives of the judiciary should appear more frequently as there is 80% of those who think that judges and prosecutors have to talk far more publicly, explain their decisions and provide expert opinions.

The survey also showed that a high proportion of citizens think that the judiciary is not independent of the executive, so they mostly cite Montenegrin Government as the most responsible for raising the level of transparency of the judiciary.

Field research was conducted by Ipsos Strategic Marketing from 9 to 14 April 2019, involving 1030 respondents. A three-step random representative sample was used, within the adult population of 17 Montenegrin cities, and taking care about indicators of gender, age and regional representation.

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