

Is Inclusivity Necessary for the Legitimacy of New Regionalism?

Unpacking the Open Balkan Initiative Negotiations

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Introduction and Methodology

STRONG IDENTITY cleavages, which culminated in violent inter-ethnic conflicts, have profoundly marked Balkan societies. The new geopolitical realities, associated with a process of national-identity emancipation, have led to the redrawing of political maps in the Balkan space. Competition and mutual distrust marked the first two decades after the fall of communism. Slowly, these societies matured and the injuries of the past began to heal. Even though there are still many open wounds, a reconciliation process has begun at the level of public discourse, at the political level and even at the level of identity. This dialogue, nevertheless, is not obvious everywhere and it is by no means irreversible. Proof of this are the complicated realities in Bosnia and Herzegovina, then Serbia's disputes with Kosovo or, in some matters, with Montenegro.

The process of European integration seemed to be the solution in the context of the widespread aspirations of the populations of these states towards EU accession. However, the process of European integration is not a simple one and requires, in addition to the EU's openness to make this integration (the numerous internal crises of the EU in the last decade, but also the need for institutional reform have slowed down/stopped the enlargement process), an integrating realignment of all identity communities within these states. Even if in the past years the process was promising, the actual situation shows that this is a highly contested and unfinished project.¹ The European Union always proclaims the idea of an open door for the Western Balkans, but at almost all times adjoined by "not yet." This indecision has led to disappointment at both the political and societal levels.

Some states seem resigned in this continuous antechamber. Some, like Serbia, are looking to find geopolitical alternatives to justify their policy. Thus, the Balkan space has once again become the theater of complicated geopolitical realities involving first-rate global actors. The European Union, the USA, the Russian Federation and China are developing a competition here, rather than a collaboration for smoothing out old identity conflicts.

The Open Balkan Initiative has emerged precisely in this context. An initiative that promises a lot, with even more ambitions from some political leaders, but also provokes the opposition of some states in the region.

Methodologically, the emphasis of our analysis primarily falls on the legitimacy of this regional cooperation initiative. In this regard, we use the arguments for and against

of the states that want the initiative (Serbia, North Macedonia and Albania), but also of the ones that challenge it (Kosovo, Montenegro and Bosnia and Herzegovina). Last but not least, special attention is paid to the EU's perspective, in the context of its official position through the Berlin Process.

The purpose of this research is to analyze the unfolding of the negotiations regarding the operationalization of the Open Balkan Initiative. The paper proposes the following objectives:

- carrying out a conceptual analysis, with concrete references to the realities of the Western Balkans, regarding new forms of cooperation and regionalism;
- identifying the role of the deadlock over the uncertain prospects of EU accession for the emergence of the Open Balkan Initiative;
- analysis of the arguments for and against within the Open Balkan Initiative negotiation process;
- analysis of the role of inclusivity in legitimizing the Open Balkan Initiative.

The main question is stated in the title of the paper: Is inclusivity necessary for the legitimacy of new regionalism in Balkan space? Other research questions are: Does the Open Balkan Initiative represent another step towards European integration, or does it show that everyone is tired of the ups and downs of the European integration process and they want to replace it with something else? Does the absence of all six Western Balkan countries endanger the legitimacy of the Open Balkan? To what extent does the legitimacy of a regional arrangement depend on inclusiveness in terms of membership? What are the requirements of legitimacy for regional institutions? How can the factors of legitimacy be explained in the circumstances surrounding the Open Balkan? How did the Open Balkan come about?

Context, Historical Elements and Background to Regional Cooperation

The Idea of Regional Cooperation and New Regionalism

THE IDEA of regional cooperation or regionalism, seen as policy cooperation in different areas among geographically proximate neighbors,² has been a main tendency in the foreign policies of countries, particularly in Europe, starting from early 20th century. The initial ideas of regionalism were concerned with the ambition of achieving coherence among the countries within a specific region, as with the establishment of the European Communities in the 1950s. In this initial phase, the concept of regionalism also featured aspects of regional fragmentation and competition, arising in particular as a result of the rivalry between the West and East in the Cold War circumstances.³

With the end of the Cold War, the idea of regionalism gave way to what became known as New Regionalism (NR). The end of bipolarity fostered a more decentralized international system with the countries and the regions increasingly enjoying more freedoms in their foreign policy choices. Thus, the New Regionalism has seen regionalization in the direction of the establishment of a multipolar world,⁴ as a source for

the achievement of regionness, with the capacity of a region to articulate its interests through relevant institutions.⁵

The above external explanations of regional cooperation are particularly important in cases of conflictual or post-conflict, developing and aid-dependent societies like the Western Balkans.⁶ These external sources are not necessarily the only factors, however. It is also possible that the regional relations are derived from the internal economic and political dynamics of a region or of a country. In reality, the intra-regional factors probably interact and thus shape each other. All regions have their characteristic paths of economic and political development that impact on intra-regional politics. Regionalism can be also market-driven, for instance as a reaction against challenges imposed by globalization, either to protect against the competitive pressures or to benefit from them.⁷ Regionalism has been further encouraged by democratization and the new attitudes towards international cooperation in which absolute rather than relative gains have come to dominate.⁸ In addition, authoritarian leaders can exploit regionalism to boost their domestic regimes.⁹ Thus, the New Regionalism features a diverse and multi-dimensional cooperation as it has come to involve many actors, including both state and non-state actors. Cooperation is exercised in the fields of both high and low politics¹⁰ and with both external and internal incentives in play that have kept the regional cooperation alive.

The regional cooperation initiatives, deriving from the neorealist explanation that considers regions as defined by the physical boundaries of their members, are heavily defined by the relative material power of the member states and their respective national interests. In this way, the regional cooperation boils down to a movement between the desire for domination, on the one hand, and of emancipation in the struggle for core and peripheral positions, on the other.¹¹ In these circumstances, tensions occur between large and small member states that may both try to augment regional cooperation to strengthen their economic and political positions, respectively. Their struggle is for relative gains and regional cooperation is pursued to establish a regional industrial base, enhance bargaining power, lock in domestic political reforms, or avoid national isolation.¹² There are also critical political attitudes towards regionalism in play that are also often shaped by the negative historical experiences.¹³

The History and Practice of Regional Cooperation in the Western Balkans

THE NEW Regionalism has been an emerging pattern all around the world, but it has been particularly evident and dominant in Europe, where existing regional cooperation institutions such as the European Communities/European Union, NATO and the CSCE/OSCE were strengthened and new regional and sub-regional arrangements emerged in various parts of Europe,¹⁴ including in the Balkans, the southeast corner of the European continent. The Western Balkans, a geo-political term coined starting with the early years of the 21st century, is a sub-region that refers to the six Balkan countries located in the western side of the Balkan Peninsula that have not yet been

able to achieve membership in the European Union. These include Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, and Serbia.

The region of the Western Balkans has displayed interesting features as regards regional cooperation. In the thirty years since the end of the Cold War, this region has seen changes in its name from Balkans to Southeast Europe to Western Balkans, for re-branding purposes.¹⁵ It has not been a permanent fixture; its political-territorial shape has changed, and has moved from one zone of economic and political development to another. Its shape has been dynamic, with a constant reproduction. The intra-regional economic integration has been limited. The trade and economic relations among the countries of the region is minimal. For all countries of the region, trade with the EU is far more significant.¹⁶ Thus, the Western Balkans is an emerging region rather than a full-fledged regional arrangement as it has not yet fully developed its economic and political potential. However, increasingly, this region has faced the new challenges in the direction of marketisation and democratization, and there are emerging regional preferences.

A question arises on whether Western Balkans region has a center either within itself or outside the region. Responses to this question reveal whether this region has autonomy in relation to major powers and core economies or not.¹⁷ Conventional wisdom says that this region's economies and politics are in transition to dependence on the EU. The alternative vision however, formulated by the founders of the Open Balkan Initiative, which is the case of this study, suggests that, while the external orientation to the EU remains a dominant trend, in the absence of EU membership there is place for an alternative vision, which searches for regional self-organization and limited dependence on the outside world.

For more than 30 years since the end of the Cold War and the disintegration of Yugoslavia in 1991, the region of the Western Balkans has witnessed series of external and internal efforts to foster regional cooperation. There is no major regional initiative that has been inherited from communist times. All the existing and functional regional cooperation initiatives have been established in the post-Cold War era, and with few exceptions, have mainly been initiated with the assistance of actors external to the region, including the EU, NATO and the US. The dominant international actors engaged in the region have been experimenting with alternative regional strategies and approaches which have not always been consistent and have had limited or unsuccessful results.¹⁸ While the initiatives that concern the wider region of Balkans or of Southeast Europe include many countries and have a longer history, such as the Regional Cooperation Council (RCC) or the Southeast Europe Cooperation Process (SEECD), the initiatives that are limited to the six Western Balkan countries have only recently been established and they include initiatives such as the Regional Youth Cooperation Office (RYCO), Open Balkan, the Western Balkans Fund and a few others.

Due to historical differences, the legacy of the Yugoslav wars of 1990s and the ethnic cleavages, the region does not fulfil the qualifications for a security community where there is a shared sense of belonging combined with the development of common political and foreign policy practices and behavior.¹⁹ National identities in the Western Balkans have been defined and have operated in opposition to each other.²⁰ The disintegration process still continues in the region. The definition of borders is still unclear. All in all,

the region of the Western Balkans is diversified and composed of a variety of countries and governmental authorities. Such a regional context limits the capacity of its actors to define regional objectives and pursue regional cooperation. There has been also a limited economic ability to initiate and sustain regional initiatives. Something is clear and that is that the countries of the region have not been able to deal with the trans-border threats without the support of external actors such as the EU, NATO and the US. Nevertheless, there is a widespread conviction that the issues and problems—economic, political and security—in the Western Balkans cannot be resolved on a national basis alone. They are regional in character and therefore require additional regional measures.²¹

Despite the fact that it is not yet a security community, the idea of a genuine regional cooperation stems from the fact that regional cooperation is a relations-related matter. Inter-state relations are about how states relate to each other not only in terms of common objectives, but also in terms of dangers and risks. The Western Balkans is enmeshed in a web of interdependence in terms of problems and desires. In the Western Balkans we have an indivisibility situation, where a set of states have major problems so interlinked that these problems cannot reasonably be resolved apart from one another. Aware of this situation, the commitment for regional cooperation has been the dominant feature of the foreign policies of the countries of the region. It is seen as an important point in the entire process of European integration, as the source of stability, security, democracy and prosperity, and as an important confidence-building measure among the countries.²² The snowball effects of regional cooperation coming from northern Europe also have enhanced the agenda for regional cooperation in the Western Balkans. The benefits seen by countries of Central Europe from initiatives such as Visegrad Group or Central European Free Trade Agreement have encouraged the countries of the region to follow suit.²³ These countries have thus started to demonstrate a considerable readiness to pledge and commit substantial effort for regional cooperation. The Regional Youth Cooperation Office, Open Balkan and the Western Balkans Fund are the results of this emerging trend.

Our study has focused on assessing the Open Balkan Initiative, shaped by Albania, North Macedonia and Serbia. This initiative has been chosen as it has become an issue around which major recent discussions have been held in connection to regional cooperation in the Western Balkans. Two issues have mainly guided these discussions. The first discussion has focused on the assumption that the Open Balkan has been initiated due to the impasse in the EU membership prospects for the countries of the Western Balkans. The second concern has been whether the Open Balkan has proper legitimacy considering that it is not inclusive as not all six countries of the region are part of it.

Impasse in the EU Membership Prospects As Causality for the Formation of a New Regional Cooperation Initiative

THE REGION of the Western Balkans, despite the fact that it is a major sub-region of Europe and is surrounded by EU member states, has remained outside the EU borders. The European integration process has moved forward, but very slowly.

More than twenty years have passed since the EU made the promise for their membership in 1999. At the time of writing this study, two of the six countries hold accession talks (Montenegro, Serbia), two others are candidate states (Albania, North Macedonia) and the remaining two have not yet achieved candidate status (Bosnia and Herzegovina, Kosovo). A region where the EU defined its foreign and security policy in the post-Cold War era has remained a grey area at the heart of Europe. Culprits can be found both in the EU and in the region. The process has recently been burdened with the persistence of old disputes, but also with the emergence of new quarrels, such as the one imposed by the EU member Bulgaria on North Macedonia, over the issues of history, identity and language.²⁴

EU membership has been a vital goal for the six Western Balkan states. The EU's condition-setting approach made a huge impact on the design of the democratization reforms in the region. Also, through its wider political, economic and security presence in the region, the EU provided an incentive for the development of European integration-oriented strategies. It also played a significant role in the resolution of the political turmoil happening constantly in these countries. However, the integration process of these countries fell into trap as they emerged as crisis management countries for the EU rather than as countries to which the EU should enlarge, which damaged their integration prospects. This legacy has continued to harm their European integration prospects. Once the countries are recipients of the EU crisis management, it is difficult to expect a change in the paradigm from a crisis to a member.

Parallel to the absence of the EU membership prospects, the Western Balkans have experienced an economic crisis following the COVID-19 pandemic that engulfed the region starting from March 2020 onwards. For two years these countries have experienced high rates of infection and world record deaths arising from the pandemic, with implications for investments, energy resources, remittances, industrial production, employment and growth. In these circumstances, corruption as a phenomenon has leapt to the top of voters' concerns.²⁵ Overall the public is scared and uncertain. And the implications of the failures on the economic side, with the absence of the European integration leverage, have forced the region's governments to be more pragmatic and less value-driven.

The wider perception, in both the EU and the Western Balkans, is that EU membership is unlikely to happen in the near future or in the medium term.²⁶ And it may not happen at all, considering the offer made by the EU leaders to the Western Balkans to join the European Economic Area rather than the EU, an offer which has been rejected by the Western Balkan leaders.²⁷ The absence of EU membership progress both in reality and in the perceptions of the public has decreased the credibility and leverage of the EU in the region, laying the basis for criticism of the EU's role and for emergence of alternative thinking in the minds of the Western Balkan leaders. For the three leaders of the Open Balkan, Prime Minister Edi Rama of Albania, President Aleksandar Vučić of Serbia and former Prime Minister Zoran Zaev of North Macedonia, the intra-regional economic integration can be considered as a substitute to European integration.²⁸

History has taught the Western Balkan nations to be suspicious, especially of their neighbors. Some of that suspicion has re-emerged recently considering the Bulgaria's veto on North Macedonia's EU membership talks. The EU, with some exceptions, has fallen silent on the case of the veto by Bulgaria.²⁹ In the absence of the EU membership,

the countries of the region are asked to do more for their own reforms on their own. For the countries of the region, this has meant that they will need to solve their problems by themselves. However, it is impossible for the countries of the region, so much dependent on the outside world, experiencing constant crises with the neighboring states, to sustain their internal economic and political stability. Thus, the emerging foreign policy context and culture can be characterized as Hobbesian, which has a deep mistrust of the international system and relies on self-help for solving problems. Signing up to the Open Balkan Initiative by Albania, North Macedonia and Serbia seems to be a reflection of this emerging context and culture.

The Legitimacy of Regional Cooperation Initiatives and the Factor of Inclusivity

DUE TO the fact that the Open Balkan Initiative for now includes only three out of the total six countries of the Western Balkans, it has been labelled as flawed and not inclusive and thus lacking the legitimacy to be a representative regional cooperation initiative for the Western Balkans region. The exclusiveness of the Open Balkan has been contested continuously since the very beginning by Bosnia and Herzegovina, Kosovo and Montenegro, but also by important stakeholders within Albania, North Macedonia and Serbia.³⁰

Is the inclusivity a factor for the legitimacy of a regional cooperation arrangement? Does the absence of all the six Western Balkan countries endanger the legitimacy of the Open Balkan? To what extent does the legitimacy of a regional arrangement depend on its inclusiveness in terms of membership? The legitimacy of the regional cooperation arrangements and institutions has increasingly received attention in recent years in the literature. Different factors have been discussed on legitimacy in regional cooperation,³¹ but the aspect of inclusivity has been dealt with in limited ways.³² Nevertheless, representation or inclusiveness has emerged as one of the factors of legitimacy in the discussions for the efforts to reform regional and international institutions.³³ It is the argument of this study that a legitimate regional cooperation is possible when it is accepted by a majority of key regional stakeholders.

It is this legitimacy that provides an institution with the right to exercise its particular functions and legitimacy depends on whether a regional initiative is consistent with the function that it aims to perform. Requirements for legitimate regional arrangements vary across regional institutions. Different types of institutions of regional cooperation are judged by different criteria of legitimacy. If an initiative has as a reference in its function a territory or particular geography, for instance Arab, African, Balkan, Baltic, East Asian or European, then whether one regards an arrangement as legitimate partly depends on the question of whether the arrangement in question is representative of that particular geography or polity and whether it has the consent of the relevant states.³⁴ Regional polity organizations are in part defined by their relationships to the countries located in the geographic context to which these arrangements refer. This factor would not be valid in functional, sectoral and policy arrangements that are not related specifi-

cally to a particular geography. The concept of legitimacy as the right to function is thus sensitive to the particularities and purpose of different institutions.³⁵ Nevertheless, the legitimacy requirements progress over time in the interaction of these institutions with affected states, communities and social structures.³⁶

The literature also argues that regional and local ownership is what affords the regional cooperation initiative its legitimacy.³⁷ It also argues the opposite, that an international facilitation can occasionally help legitimize a regional initiative.³⁸ In some circumstances, the absence of international support can damage the chances of legitimacy of a regional arrangement. A great deal of scholarship has examined how regional cooperation has been implemented and what affects its likelihood of success or failure. Thus far, to a large extent the consensus in the literature is that the results of regional cooperation, at least in the Balkans, has had mixed results. The reasons for the limited success have been a reliance on a top-down style, donor-driven and imposed without any real understanding of complex regional context. Nevertheless, there have also been initiatives that have produced workable solutions to problems of the Western Balkans.³⁹ The outcomes of the regional cooperation arrangements are context-specific. The institutionalization of a regional arrangement is helpful for legitimacy.⁴⁰ Some intra-country inter-institutional consent is expected for mainstreaming the results of the regional initiatives. While it is desirable to question the functioning of a regional initiative, to challenge the very purpose of an organization can hinder its legitimacy.⁴¹ Indeed, it is by now well established that blueprint-based or off-the-shelf initiatives are met with resistance on the part of regional stakeholders. A more authentic alternative is the one which reconciles international standards with regional realities, and generates legitimacy.

The Open Balkan Initiative: An Alternative for the EU or a New Regional Approach in the EU Integration Process?

THE COUNTRIES of the Western Balkans have been burdened by numerous disagreements and open conflicts that have been a fundamental feature of their relations after the dissolution of Yugoslavia. After the armed conflicts that followed the initial proclamation of independence in several of the Balkan countries, a period of consolidation came, along with European integration as well as cooperation and reconciliation efforts.

The Balkans as a whole, and its western part in particular, is an area of marked ethnic and religious diversity. As a result of this ethno-religious mosaic, the Western Balkans is arguably the most politically-territorially fragmented part of Europe. The gradual resolution of these conflicts has relieved the public sphere of excessive ethnic nationalistic discussions, which has been conducive to the emergence of civic identities and, with the further rapprochement to Europe, offered the prospect of European non-ethnic identities.⁴²

However, all these countries publicly express their commitment to the European perspective, which they see as an opportunity to solve both internal and external problems.

On the other hand, the EU insists on good neighborly relations and regional cooperation as one of the fundamental preconditions for joining this organization.⁴³

There are numerous discussions on the position of the Western Balkans within the contemporary geopolitical image of the world and the economic dimensions of cooperation among the countries of the region. However, due to the recent formalization of the Open Balkan Initiative, it is understandable that there are still few discussions on all dimensions of this initiative and the geopolitical and economic consequences of its emergence. This issue is of particular importance in the context of the European border and security policy and its relations with the countries of the Western Balkans, as the Open Balkan Initiative also implies a higher level of border openness between member states.⁴⁴

So the question is whether the process of border opening in the region represents another step towards the European integration, or whether it shows that everyone is tired of the ups and downs of the European integration process and they want to replace it with something else.

History and Milestones of the Initiative

IN THE following, we propose to present a brief description of the Open Balkan Initiative, from the beginning of the negotiations to nowadays achievements.

Nowadays the situation of the European integration process of the Western Balkan countries is delayed and difficult. Despite the fact that several objectives were reached in the process of European integration we need to admit that in the Western Balkans there are still tensions and unsolved issues between the countries of the region.⁴⁵

On the other hand, the EU's internal issues, including the migration crisis and the lack of interest in enlargement prompted the leaders of the Western Balkan countries to think ahead and seek optimal solutions to the complex situation. Recognizing the situation of the Balkan countries regarding the EU enlargement to the Western Balkans, three leaders, Serbian President Aleksandar Vučić, the Prime Minister of North Macedonia, Zoran Zaev, and Albanian Prime Minister Edi Rama decided in October 2019 to initialize a new form of cooperation in the area and launched a visionary idea of establishing a "Mini-Schengen."⁴⁶

At the end of July 2021, this idea evolved into a regional Open Balkan Initiative. The initiative is not a substitute for EU accession, but a way to accelerate accession and harness existing but underutilized potential that will facilitate economic prosperity.⁴⁷

At the Economic Forum on Regional Cooperation, held in Skopje on 29 July 2021, leaders of Albania, North Macedonia and Serbia presented a new name for what was colloquially known as Mini-Schengen, which henceforth would be officially called the Open Balkan Initiative. The three political leaders signed one interstate Agreement and two Memorandums of understanding, deepening the political and economic ties between these countries.⁴⁸

According to the joint statement of the political leaders, released at the end of the Economic Forum on Regional Cooperation, the primary goal of the initiative is to make

existing regional initiatives more effective in order to achieve practical and visible results for the Western Balkans citizens.⁴⁹ The initiative leads to the establishment of a Common Regional Market, which as a transitional form, should bring the region closer to the European Union and accelerate the path to full membership.

Leaders of the Open Balkan regional cooperation initiative met also on 21 December 2021 in Tirana, Albania, to sign several agreements that will facilitate the movement of people, goods, capital and services between the three countries, as well as trade operations. They signed an agreement on work permits that will allow workers from Albania, North Macedonia and Serbia to more easily obtain the necessary work permits and documents. The agreement on integrated electronic systems should allow citizens of the three countries to submit applications in other countries from any location. In addition, the four agreements related to veterinary and phytosanitary inspections, which were also signed, will facilitate trade in livestock as well as plant and animal products.⁵⁰

A previous attempt at such a cooperation was made during the Berlin Process, a German-led cooperation initiative designed for the Western Balkan countries, which never culminated in a binding agreement. Seven years later, the region's countries are trying to prove they can do things on their own, with or without the EU's help.

The initiative has been welcomed by both the European Union and the United States. In the framework of this initiative, border controls between Serbia, Albania and North Macedonia will end on 1 January 2023.

MAP 1. TERRITORIAL ILLUSTRATION OF THE OPEN BALKAN INITIATIVE



SOURCE: Aleksandar Brezar, "As EU Membership Stalls, Balkan Countries Make Controversial Move to Create Their Own Mini-Schengen," *Euronews*, 31 Aug. 2021, accessed 9 Jan. 2021, <https://www.euronews.com/2021/08/31/as-eu-membership-stalls-balkan-countries-make-controversial-move-to-create-their-own-mini-schengen>.

The initiative would include all the countries of the Western Balkans, not just Serbia, North Macedonia and Albania, but also Kosovo, Bosnia and Herzegovina and Montenegro, but the latter were skeptical about the idea. Even though the objectives of the initiative can be considered bright and the initiative itself can represent a serious step in solving the still existing tensions and unsolved issues between countries of the region, most probably the shadows of the past and the current context have a negative impact over decision making in terms of new regional cooperation.

Negotiation and Counterarguments Regarding the Open Balkan Initiative

IN ORDER to create an EU-like integrated market Western Balkan countries have to establish stronger political, economic, scientific, cultural and every other form of cooperation and act towards the EU as a group of countries with clearly defined requests and interests. The main tool in this process, where we can see also great achievements, are the bilateral and multilateral meetings organized by or with the support of the European Union and the US, where political leaders of the region gather and take common decisions that are valuable for the whole region.⁵¹

The absence of borders would be very beneficial for the Western Balkans. It would represent an initiative that really helps citizens and the economy to recover and be more competitive. The Western Balkans are in great need of economic integration. This hypothesis represented of the main drivers in the negotiation process. This type of integration can make the region more attractive to foreign capital. Nowadays we see a very small level of foreign investments in the region. However, going ahead without all six Western Balkan countries taking part might backfire and create new divisions in the region.⁵²

Based on the negotiation objectives, during the establishment of the Open Balkan Initiative the three founding countries were fully aware that it is not possible to reach economic prosperity in the region without good neighborly relations. In order to achieve mutual understanding, interconnection and cooperation in the region, peace and stability are required.

The leaders of the Open Balkan Initiative called on all six member countries of the WB to join the Open Balkan Initiative, regardless of all the differences that exist. Officials of the three other Western Balkan countries seeking to join the EU, Bosnia and Herzegovina, Kosovo, and Montenegro have expressed distrust toward the Open Balkan Initiative and rejected calls to join.

Although after the armed conflicts that followed the initial proclamation of independence in several of these countries, a period of consolidation came, along with European integration as well as cooperation and reconciliation efforts, the skeptical attitude of the other three WB countries is somehow explicable.

Nevertheless, reasons of not joining the initiative are much more complex, country specific and have multiple components. One of the main reasons why the initiative can be less efficient and functional is represented by the geographical features. It is quite dif-

difficult to imagine a borderless area without Kosovo in the partnership, as the country lies just between Albania, North Macedonia and Serbia.⁵³

In the negotiation process meant to establish any type of cooperation, the case of Kosovo is probably the hardest nut to crack. Unfortunately, tensions are still present in the region, at socio-political level. Political declarations coming from both sides are not very encouraging in terms of cooperation. Kosovo's Prime Minister Albin Kurti rejected participation in the Open Balkan Initiative on the grounds that Kosovo already has a clearly defined path to EU and NATO membership. Indeed, Kosovo officials had declared that Kosovo needs no alternative to replace European Union membership.⁵⁴

Montenegro and Bosnia and Herzegovina offered similar reasons and mixed signals regarding the refusal of the membership in the initiative. In addition, they added that there were no particular benefits from the new initiative, as easing travel and trade is already covered by the wider Central European Free Trade Agreement (CEFTA), and by bi-lateral agreements between the region's countries.⁵⁵ Particularly for Montenegro, hopes of a fast and planned accession to the EU, potentially by the set deadline of 2025, keep the country at loggerheads with any substantial regional integration endeavors. In the particular case of Bosnia and Herzegovina, the heads of different ministries in Sarajevo have sent conflicting messages in this regard, leading to a conclusion that the country's complex institutional setup might be impeding the decision along the ethnic lines, with the Bosnian leadership protesting that regional economic integration endangers Bosnia's independence.⁵⁶

Another important aspect that generated counterarguments in relation to the Open Balkan Initiative is focusing on the economic impact and dimension of the initiative in the WB region. Based on the data, we can notice that there is a great difference between the economies of the countries of the WB region and the Serbian economy.⁵⁷ This is well illustrated by the fact that of the 300 economic actors present at the Economic Forum on Regional Cooperation, held in Skopje on 29 July 2021, more than 230 were Serbian companies.⁵⁸ In fact, those who are against the initiative say that this process would strengthen the dominance of Serbian companies and would give way to the aspirations of the Serbian and Albanian economies sector to prevail even more in the region.

In order to continue the presentation of the possible counterarguments, we need to mention also the political aspects, which negatively influence the perception of the Open Balkan Initiative. Even though in the past years several meetings and agreements were organized and signed at bilateral and multilateral level between the countries of the WB, even if we can speak about the existence of a formal European framework regarding cooperation, in the context of the European integration process, we can observe that there are still so-called "regional leadership aspirations" among politicians. This type of aspirations generate animosity between political leaders and are making negotiations difficult or even impossible.⁵⁹

To continue the presentation of presumed and probable counterarguments regarding the Open Balkan Initiative, we reached the field also mentioned in the title of the chapter, which treats the initiative as an alternative to European integration. The main fear of the countries that are refusing to join the initiative is that it is an alternative to European integration. This idea can be considered well founded, as the Open Balkan initiative was set up in response to the failure of EU enlargement.

The idea of the initiative itself was a reaction to the veto of the start of accession negotiations with North Macedonia for the third time in the autumn of 2019. This has caused disappointment and frustration throughout the region.

We can observe that the EU itself is moving towards a selective integration, at least in terms of the realistic integration possibilities of the Balkan countries. One of the cardinal elements of this is the economic integration, supported by the Central European Free Trade Agreement (CEFTA), covering all non-EU Balkan countries, and the Common Regional Market Initiative established in November 2020. According to the European Commission, this can speed up the accession of these countries to the EU, whatever that means.⁶⁰

In contrast with these two initiatives, the European Union is not fully behind the Open Balkan Initiative. The process is not taking place in the framework and under the EU's coordination. It was not even initiated by the EU, although the foreign ministers of the Visegrád countries have welcomed it.

Putting in balance all the arguments for and against related to the Open Balkan Initiative and knowing the recent history of the WB, we need to mention probably one of the most important factors which can influence the success on the initiative. This is represented by the external factors, in terms of international relations.⁶¹

We have already mentioned that on the side of the EU there is lukewarm support for this new regional proposal. In the case of Russia and China, we do not see any obvious support or protest against the initiative. What can be observe is that any possible presence of the abovementioned powers in the region creates growing skepticism amongst certain WB countries.

Finally, we need to mention also the US position regarding the Open Balkan Initiative. The US ambassador to Serbia stated that the goals of the Open Balkan Initiative were crucial for the European future of Serbia and the entire region.⁶² US special envoy for the Balkans, Gabriel Escobar, stated that the three countries that launched this initiative must have close negotiations with the other three skeptical partners, and their concerns should be taken into consideration. Without all six countries, the Open Balkan Initiative cannot succeed.⁶³

The Role of Inclusivity: Discussion on the Challenges to the Legitimacy of the Open Balkan Initiative

THIS ARTICLE drew on an analysis of the building and negotiation of a new regional cooperation arrangement in the Western Balkans region titled Open Balkan and on the literature debates on the legitimacy of regional cooperation arrangements. It has focused on the following questions: What are the requirements of legitimacy for regional institutions? How can the factors of legitimacy be explained in the circumstances surrounding the Open Balkan? How did the Open Balkan come about? This section aims to unpack the Open Balkan Initiative, showing how it relates to factors of legitimacy identified earlier in this article.

The very purpose of the Open Balkan has been questioned by different international, regional and national stakeholders, considering the fact that not all the Western Balkan states are part of it, at the time of writing this article. The non-member states have expressed their opposition to the initiative. While Bosnia's Republika Srpska entity has been in favor of joining the Open Balkan, there has been contestation of it by other parts of Bosnia and Herzegovina. Šefik Džaferović, a member of the Presidency of Bosnia, believes that it is necessary to implement the documents signed within the Berlin Process. "What exists in these documents is even wider than the content envisaged by the Open Balkan initiative. Therefore, I think that signing in Sofia is enough for us," Džaferović said. He said he saw no reason to launch new initiatives, but needed to implement what already existed.⁶⁴ The Chairman of the Presidency of Bosnia, Željko Komšić, stated that the difference between the Open Balkan and the Berlin Process is that "the Open Balkan is 0 euros, and the Berlin Process 30 billion euros."⁶⁵ Kosovo's President Vjosa Osmani and Prime Minister Albin Kurti have been the most vocal opponents of the Open Balkan. For Osmani,

this initiative started in Novi Sad, which has changed its name several times, is not built in accordance with the basic principles of neighborly cooperation, which is about inclusion, inclusion of all states. And, second, it does not have the principle of equality or equal treatment of the six Western Balkan states. While Serbia does not recognize Kosovo and is not ready to treat the Republic of Kosovo equally as other countries in regional initiatives, of course we see that Serbia wants to use such initiatives to expand its hegemonic interests . . . there are reservations regarding economic and security issues, and last is the intention to use it as a kind of antechamber that delays and delays the European integration process, rather than speed it up . . . We continue to see the Berlin Process as the only process in which our countries are pushing forward and intensifying our relations with the EU.⁶⁶

For Kurti, the Open Balkan does

not have within and all the time the European Union . . . We support the Berlin Process and the common regional market that has emerged from the Berlin Process . . . we should be with the European Union, but not open to the Russian Federation and China . . . I am not among those leaders who believe in the self-sufficiency of the Balkans. I reiterate that Europe is our continent, while the European Union is our destiny.⁶⁷

The similar contestation has been echoed by Montenegro. For President Milo Đukanović of Montenegro

there can be no surplus of cooperation in the region . . . Montenegro is already in the Berlin Process and almost all numerous other regional initiatives, of which there are now dozens . . . So, my belief is that the real goal of that initiative was to camouflage the destruction that is really happening, primarily in Belgrade's policy towards the region, or more precisely, in Belgrade's policy towards Montenegro.⁶⁸

Prime Minister Zdravko Krivokapić of Montenegro stated that his country did not join the Open Balkan initiative because a similar process already exists with the Berlin Process. “I do not see a big difference between the Balkan Process and the Open Balkan,” Krivokapić said.⁶⁹ This contestation expressed by the official statements has also been supported by the independent expert circles. “Politically, Montenegro does not want to take what might appear to be a detour to EU accession,” says Vladimir Gligorov, an economist specializing in the Balkans. “Bosnia and Herzegovina meanwhile does not want to join anything that looks like is being dominated by Serbia, and Kosovo wants to be treated equally, as a sovereign state, which is not the case,” he adds.⁷⁰

As the Open Balkan in its very function refers to particular territory or geography as is the Balkans, then what is expected that it includes and has the consent of at least the majority of states in the Western Balkans region. The absence of this majority has led to a questioning of its representativeness in the Western Balkan polity. Lacking membership at least from the majority of the members of the Western Balkans polity, at least for now, strips the initiative of the legitimacy that it desires to achieve.

While clearly there is regional and local ownership in the Open Balkan Initiative, an important requirement for legitimacy of regional cooperation initiatives, while there is a lack of international facilitation from the mainstream international actors active in the region of the Western Balkans. The EU, the US, as well as Germany and other regional actors, have expressed their reservations towards the initiative and have not extended their support. The US special envoy for the Balkans, Gabriel Escobar, stated that the Open Balkan could not succeed if it did not include

*all six countries of the Western Balkans . . . The three countries that are launching this initiative must be very frank and have close talks with the other three skeptical partners, and their concerns should be taken into consideration. Without all six countries, this initiative cannot succeed.*⁷¹

For the German government, the priority remains the Berlin Process and the avoidance of any duplication of it. For the former Chancellor of Germany, Angela Merkel, the “Berlin Process, if I may just say so, is of course the centerpiece.”⁷² The spokesperson of the German Government stated that any regional cooperation is beneficial and that it should be inclusive and open to all six countries in the region:

*Any regional cooperation in the Western Balkans is beneficial. At the same time, it is important that cooperation remains inclusive and open to all six countries in the region. Therefore, we strongly support the Action Plan of the Common Regional Market . . . The heads of government of the six Western Balkan countries reaffirmed the commitment to this historic project at the last Summit of the Berlin Process on 5 July. The urgent task now is to finalize negotiations of the four agreements on travel mobility with ID cards, travel mobility for third country citizens and the recognition of academic and professional qualifications.*⁷³

In the same line has been the view of the European Union, with an emphasis on the Berlin Process.

We welcome the initiative of the leaders to strengthen regional cooperation, in some of the most important elements in the European perspective of the Western Balkans and an integral part of the stabilization and association process. In this regard, it is important for the countries to be able to move forward and create a common regional market, a commitment undertaken by all 6 Balkan leaders at the Sofia Summit last autumn. This would help them before they became part of the European Union, and of course it would also speed up the negotiation process. We encourage all 6 countries to continue on this path,

said the spokesperson of the European Commission for Neighborhood and Enlargement, Ana Pisonero.⁷⁴ For Croatia, a former Western Balkan state that graduated to become an EU member in 2013, the initiative of the Open Balkan is unrelated if it would not cover Kosovo equally with other countries.⁷⁵ Under these circumstances, the absence of relevant international support has damaged the chances of legitimacy of the Open Balkan.

Another aspect has been the lack of institutionalization of the Open Balkan. For now, it does not have a permanent secretariat and does not possess permanent bodies; it is mostly driven by the leaders of Albania, North Macedonia and Serbia. Then absence of institutional elements has not been helpful for its legitimacy.

The contestation of the Open Balkan initiative has not come only from the countries who are not parties to the initiative; there have also been critical views expressed by some key stakeholders even within the existing member states of the initiative. While in Serbia there has been a domestic consensus on the initiative, this has not been the case in Albania and North Macedonia. President Ilir Meta of Albania has cast doubts on the negotiation of the initiative. For him, there are enough regional initiatives, comprehensive and including Kosovo, such as the Berlin Process:

To date, I have not seen any act of this initiative; although I have requested official information from the Ministry of Foreign Affairs . . . First of all, I find it difficult to advocate for an initiative that has changed its name three times since the beginning. Second, it has not come as a comprehensive product in the countries of the region, but as an imposition for a regional protagonism and not only that, imposing it on other countries as well. In particular, we have unpleasant behavior towards Kosovo, placing them in an uninterested angle for cooperation in these processes.⁷⁶

Similar domestic contestation and conflict has been witnessed in North Macedonia as well. North Macedonia's President Stevo Pendarovski said that the Open Balkan initiative could not succeed without the participation of all six Western Balkan countries and that it was flawed in its current form. Following this statement, President Pendarovski and former Prime Minister Zoran Zaev got into an open argument. Zaev reacted to the statement of Pendarovski by saying that the President has no authority on this topic.⁷⁷ The absence of the intra-country inter-institutional consent has hindered the chances of mainstreaming the results of the Open Balkan.

This research has illustrated the importance of the factors for the legitimacy of regional cooperation initiatives such as inclusivity and representativeness by showing how the Open Balkan has faced difficulties in claiming its relevance and legitimacy. This

study contributes to the literature on legitimacy in regional cooperation arrangements and on the role of the legitimacy in their functioning. This study shows that the factors of legitimacy such as inclusivity are indeed challenging the legitimacy of the regional cooperation arrangements. Of course, this does not necessarily mean that other regional cooperation arrangements are better representative or inclusive, but the specific context and circumstances that surround the negotiations of the Open Balkan have underlined the importance of inclusivity.

Absence of at least a majority of the Western Balkan states in its ranks and contestation from key international, regional and national actors, among others, have prevented the Open Balkan from securing the desired legitimacy. It is not possible for the Open Balkan to ignore the resistance, contestation and criticism that exist within the region but also abroad, but it is hoped that by taking an inclusive approach internally and externally and aligning with the Berlin Process it can gradually help build its legitimacy. Any future attempts by whatever regions, to build new regional arrangements that face similar contextual issues, would do well to take an inclusive approach. Thus, the success and viability of the Open Balkan Initiative will hinge upon the manner it deals with the factors of its legitimacy or illegitimacy, and particularly its inclusivity and representativeness.

Conclusions

EUROPEAN ENLARGEMENT through the accession of the Western Balkan states to the EU has been announced as a central goal of EU policy, but also that of the six countries concerned. Accession to the European Union has proved to be, through its own mechanisms for accession negotiations, an important motivating factor with a large impact on the process of implementing structural reforms and democratizing this region.

The political integration of the Western Balkans is, as in other cases, preceded by an economic, cultural, educational or security integration that all these Balkan states have been in need of. Deepening integration through opening up and conducting accession negotiations has most often also meant a process of stabilization and resolution of the political turmoil that is constantly encountered in these states. However, the integration process of these countries fell into a trap, as they emerged as crisis management countries for the EU rather than as countries to which the EU should enlarge, which damaged their integration prospects. This legacy has continued to harm their European integration prospects. Once the countries are recipients of the EU crisis management, it is difficult to expect a change in the paradigm from a crisis to a member.

The prospects of EU accession have been dwindling and one can expect an increase in the major crises faced by all European states, including those in the EU (from economic and migration crises, to the pandemic crisis and distrust of the institutional system, or the spread of populism and extremist currents). All of these have been able to reset the outlooks and expectations of both sides. Economic losses and socio-economic insecurity in the context of the COVID-19 pandemic have intensified amid the loss of hopes for Eu-

ropean integration. In these circumstances, the reform of the Balkan states and societies, the limitation of corruption, which had become a central theme of the debates, were slowly being replaced by a more pragmatic discourse. Pragmatic, in the opinion of some of the political leaders, was also aimed to be the proposal of the Open Balkan Initiative.

The inability of both sides, the European Union on the one hand, and the Western Balkan states on the other, to find solutions to deepen the integration process has led to the need to legitimize a new roadmap. Adapting to new realities, including new EU demands, is a difficult process and most often creates frustration and mistrust.

As a result, or we can call it as a consequence, both WB countries and the EU face the challenge that the accession and integration process needs to be legitimate, efficient, effective, successful and sustainable. Even though negotiations have started and the process is ongoing, it is obvious that WB countries will need to align the existing negotiating structure with the new revised methodology of the EU.

We propose to conclude in a positive manner, but still it is necessary to present some of the side effects which can occur because of the fluctuating situation what we witnessed in the WB region in the past years.

In terms of the EU accession and integration, rejection can be very dangerous. It can cause the reversal of the progress achieved so far. It can bring political instability or a democratic deficit in the candidate countries. It can increase Euroseptic attitudes combined with nationalist tendencies.

In terms of the Open Balkan Initiative, some say that it is just an advertisement, a PR instrument, and there is no real political will behind it. Analyst points out that so far nothing concrete has happened.

The initiative was created in 2019 with certain objectives and deadlines, which all expired and when expired, were simply extended again. In our perception, the success of the initiative depends to a large extent on the willingness of the political elites in the Balkans. At level of declarations, we have already seen many initiatives in the Western Balkans, but in practice not many of these were able to survive.

We can conclude that if neither European integration nor the Open Balkan Initiative succeed, good-neighboring relations can be damaged, which would threaten the European security. Not least, the European geopolitical and geostrategic interests in the WB will be reduced, making room for the influence of other global powers.

The absence of EU membership progress both in reality and in the perceptions of the public has decreased the credibility and leverage of the EU in the region, laying the basis for criticism of the EU role and for emergence of alternative thinking in the minds of the Western Balkan leaders.

Against this background of a widespread perception that EU membership and the Berlin Process are outdated, distant and without tangible results, the Open Balkan Initiative, in the opinion of some ambitious political leaders, was the legitimate proposal for the Balkan states to follow. Due to the fact that the Open Balkan Initiative for now includes only three out of the total six countries of the Western Balkans, it has been labelled as flawed and not inclusive and thus lacking the legitimacy to be a representative regional cooperation initiative for the Western Balkans region. The exclusiveness of the Open Balkan has been contested continuously since the very beginning by Bosnia

and Herzegovina, Kosovo and Montenegro, but also by important stakeholders within Albania, North Macedonia and Serbia.

The lack of an institutionalization of the initiative of the three states contributed even more to the general image of uncertain legitimacy lacking public visibility. Moreover, mutual distrust, the lack of instruments (including financial—the Berlin Process means a lot of money for the Balkan states through specific EU programs), but also the inequality of partners in terms of proposals and expectations (Kosovo has always claimed that it could not participate in such an initiative as long as it is not equal to Serbia—which does not recognize it as an independent state), have been constant sources of illegitimacy and unrepresentativeness for this initiative.

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Abstract

Is Inclusivity Necessary for the Legitimacy of New Regionalism? Unpacking the Open Balkan Initiative Negotiations

The idea of regional cooperation or regionalism, seen as policy cooperation in different areas among geographically proximate neighbours, has been a main tendency in the foreign policies of the countries, particularly in Europe, starting from the early 20th century. The above external explanations of regional cooperation are particularly important in cases of conflictual or post-conflict, developing and aid dependent societies like the Western Balkans. These external sources are not necessarily the only factors, however. It is also possible that the regional relations are derived from the internal economic and political dynamics of a region or of a country. The countries of the Western Balkans have been burdened by numerous disagreements and open conflicts that have been a fundamental feature of their relations after the dissolution of Yugoslavia. After the armed conflicts that followed the initial proclamation of independence in several of the Balkan countries, a period of consolidation came, along with European integration as well as cooperation and reconciliation efforts. As a result, or we can call it as a consequence, both WB countries and the EU face the challenge that the accession and integration process needs to be legitimate, efficient, effective, successful and sustainable. Even though negotiations have started and the process is ongoing, it is obvious that WB countries will need to align their existing negotiating structure with the new revised methodology of the EU.

Keywords

Open Balkan Initiative, Western Balkans, regional cooperation, inclusivity, legitimacy, negotiation