

Policy Department External Policies

ASSESSMENT OF PROGRAMMES FUNDED UNDER THE INSTRUMENT FOR PRE-ACCESSION ASSISTANCE (IPA)

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Executive Summary

The European Union supports the efforts of the Western Balkan countries for reform and regional cooperation through its Instrument for Pre-accession Assistance. Good neighbourly relations and regional cooperation remain key factors for advancing reforms in the countries with a view to EU membership. This briefing focuses on four dimensions: Inter-parliamentary cooperation, the free movement of people, civil society development and education. The general findings of each of the sections are summarized below:

Parliaments, being legislators and most important bodies of representative democracies, play a crucial role in promoting and implementing relevant reforms as well as in increasing the efficiency and transparency of the governing structures of the region. Enhanced parliamentary cooperation and parliamentary diplomacy would contribute to democratisation. The importance of parliamentary diplomacy has been acknowledged by regional organisations. The European Commission in its communication of 5 March 2008 'Western Balkans: Enhancing the European Perspective' highlights the importance of parliamentary cooperation and considers the active involvement of the national parliaments a key determinant for progress for the countries' EU integration. Most surprisingly, none of the programming documents under scrutiny is dedicated to the issue of parliamentary cooperation. Among the 9 programming documents analysed in this briefing, only the '*Programme to support in 2007 the Special Coordinator of the Stability Pact for South Eastern Europe and the Secretary General of the Regional Cooperation Council Secretariat*'¹ addresses the issue of interparliamentary cooperation. The Regional Secretariat in Sofia is the main tool for the development of interparliamentary cooperation. The Regional Secretariat is acting as a liaison office for the regional parliaments and has become the main interlocutor of the European Parliament. It enables a more effective, co-ordinated and institutionalised as well as sustainable co-operation structure between the parliaments. The European Commission should support the infrastructure development and capacity building of the Regional Secretariat in this early stage. This initial support will enable the Regional Secretariat to create the necessary conditions for its sustainability.

Furthermore, an additional Programming Document should make proposals for channeling funds directly for inter-parliamentary cooperation and capacity building of the national parliaments. This document should target special actions and develop an integrated strategy with a higher involvement of the European Parliament. Capacity building activities providing issue-specific training to MPs and strengthening the oversight capacities of the parliaments have to be the two main priorities of inter-parliamentary cooperation.

The EU considers the enhanced people-to-people contacts and the free movement of people important instruments to overcome the region's troublesome past and to familiarise the countries with the European Union. The measures proposed by the Commission aim at accelerating the process towards the Western Balkan's visa liberalisation. The EU should therefore consider introducing visa liberalisation for the Western Balkans rather in a package than in a case by case approach. If the EU sticks to the planned approach, it should try keeping the time-spans for liberalising the visa requirements of the different Western Balkan countries as short as possible, so that the negative side-effects from the variations in timing are minimised.

¹ Commission Decision, C/2007/3378 of 16/07/2007

With regard to Civil Society Organisations (CSO) the 2007 Regional Programme does not make any reference at all. However, the new Civil Society Facility tackles many of the problems, especially the diversity, complexity, and fragmentation of EU programmes. The 2007-2013 legal instruments take clear account of civil society not only as a beneficiary but also as a strategic partner in development, programming and evaluation. The tripling of the funds available to CSOs is particularly a step forward. At the same time, the analysis shows the clear need to address at least four issues: first and foremost increasing the user-friendliness of EU CSO support. It will be necessary for the EU to further improve the coordination with other donors on the ground in order to concentrate its resources on a limited number of key priority sectors. The EU should therefore establish coherence not through the mere cross-referencing of documents, but through further limitation of the set of programmes, conditions and modes of financing. Furthermore, scaling down projects will make EU support viable for small and rural CSOs with limited capacities. Secondly, ownership needs to be created by putting the partnership principle into practice through a stronger involvement of CSOs in the programming process. This should be complemented by reminding beneficiary governments of their obligations to come forward with consultation plans. As a third point, the EU should move away from a financing construction channelling funds for CSOs through the national executives, because this creates room for dependencies. This includes that – from the EU’s view – the role of the *beneficiary* should be taken on by the CSOs, not by their respective governments. Fourth, it will be necessary to remind the beneficiary countries to create a supportive legal, fiscal and institutional framework in order to strengthen the CSOs’ position in the policy process. The EU can support this by developing a long-term strategy of empowering CSO-networks and providing strategic support, avoiding the financing of mainly short-term projects.

The activities proposed under the Horizontal Programme for Tempus, Erasmus Mundus and Youth in Action are bound to provide, to a different degree, a valuable contribution to long-term societal change in the Western Balkan countries. Improved higher education, the dissemination of scientific knowledge and other measures to obtain high quality human resources are essential for the preparation of these countries to join the European Union. There is also reason to believe that policies in the area of education might have an impact on the reconciliation process, the understanding of other ethnic groups and neighbouring countries and overcoming the memories of war. Yet, only a detailed evaluation of the design and implementation of the projects approved under the Horizontal Programme could confirm these assumptions. The regional programme highlights the acceleration of reforms in the media sector and the promotion of further cooperation between the EU and the Western Balkans as important priorities for ensuring the process of EU integration. New challenges to the freedom of the press, such as market monopolies and the degradation of social protection for journalists and other media professionals in the Western Balkans should receive particular attention in future activities. Public-private partnerships with foreign investors in the media sector in the Western Balkans should be established in order to increase the media assistance for the region.

Contents

Introduction	1
1. The Regional Parliamentary Dimension	1
<i>1.1. Support to the Regional Secretariat of the Regional Cooperation Council.....</i>	<i>2</i>
<i>1.2. The need for a special action plan on developing inter-parliamentary cooperation.....</i>	<i>3</i>
<i>1.2.1. The training and capacity-building of MPs and parliamentary staff.....</i>	<i>4</i>
<i>1.2.2. Development of Parliamentary oversight capacities</i>	<i>5</i>
2. Movement of People in the Region	6
<i>2.1. The EU's visa policy and the Western Balkans.....</i>	<i>6</i>
<i>2.2. The measures proposed: enhancing the prospect of visa-free travel</i>	<i>7</i>
3. Promotion of Civil Society	9
<i>3.1. Point of departure and situation on the ground.....</i>	<i>9</i>
<i>3.2. Lessons from earlier programmes.....</i>	<i>10</i>
<i>3.3. The strategic policy goals of the Union</i>	<i>10</i>
<i>3.4. Ongoing programmes and initiatives</i>	<i>11</i>
<i>3.5 Conclusions</i>	<i>13</i>
4. Media and Education Sector in the Region	13
<i>4.1. The Horizontal Programme for Tempus, Erasmus Mundus and Youth in action in the Western Balkans under the IPA</i>	<i>13</i>
<i>4.2. The Regional Programme on Civil Society and Media in South-East Europe under the IPA.....</i>	<i>15</i>
5. Strengthening Regional Cooperation: Recommendations for the next Programming Exercises	17
Bibliography	20

Introduction

The European Union supports the efforts of the Western Balkan countries for reform and regional cooperation through its Instrument for Pre-accession Assistance (IPA).. Political, social and economic reform is necessary to support the preparations of the Western Balkan countries to join the EU. Therefore, regional cooperation was at the EU–Western Balkans Summits of Zagreb (2000) and Thessaloniki (2003) acknowledged to be a key factor for establishing political stability, security and economic prosperity for the countries of the region. It is also considered to be contributing to overcoming nationalism and intolerance, promoting mutual understanding as well as political dialogue in the region.

This study analyses whether the proposed programmes funded under the Instrument for Pre-Accession Assistance (IPA) are adequate in helping candidates and potential candidate countries (*beneficiaries*) to advance in the Stabilisation and Association process. It aims at assessing whether the proposed measures included in the programming documents are adequate to address the identified needs of the countries. Moreover, the study looks at whether the measures are consistent with the objectives pursued under the Union's pre-accession and accession policy and, in particular, with the adopted Strategy Papers as well as with the EC Communication (COM(2008)127 of 5 March 2008) on the Western Balkans. Thus, the study examines whether IPA responds to the most pressing needs of the countries of the Western Balkans in terms of promoting regional cooperation, especially in the fields of parliamentary cooperation, movement of people in the region, media and education and the promotion of civil society.

In 2008, primary responsibility for promoting regional cooperation is taken up by partners in the Western Balkans through the newly established Regional Cooperation Council (RCC). This institution will replace the Stability Pact for South Eastern Europe, which was established in 1999 in the aftermath of the Kosovo war.

1. The Regional Parliamentary Dimension

The further strengthening of inter-parliamentary cooperation in South East Europe will support the countries in the Stabilisation and Association Process and boost regional cooperation. More specifically, the focus on the parliamentary dimension is of utmost importance in:

- The achievement of common goals of EU integration by giving special emphasis to developing political support and impetus for the formulation and execution of regional activities.
- The development of Parliamentary oversight capacities, which will strengthen the rule of law
- The formulation of regional policies addressing common cross-border problems

The Parliamentary Co-operation Task Force (PCTF), established within the Stability Pact, has led to an increased flow of bilateral and regional parliamentary co-operation. Following the decision on a phased evolution of the Stability Pact into a more regionally owned, streamlined and effective regional cooperation framework, the Regional Cooperation

Council and the activities of the Stability Pact Parliamentary Co-operation Task Force (PCTF) will be gradually handed over to local actors. Parliamentary Co-operation will remain an overarching theme of the new Regional Cooperation Council (RCC).

1.1. Support to the Regional Secretariat for Parliamentary Cooperation in South East Europe

The European Commission in its communication ‘Western Balkans: Enhancing the European Perspective’ of 5 March 2008² highlights the importance of parliamentary cooperation and considers the active involvement of the national parliaments a key determinant for progress in the countries’ EU integration. The Communication mentions the intention of the European Parliament and especially of the Committee on Foreign Affairs (AFET) to support the activities of the newly established Regional Cooperation Council, which replaced the Stability Pact.

Among the 9 programming documents under scrutiny in this briefing only the ‘*Programme to support in 2007 the Special Coordinator of the Stability Pact for South Eastern Europe and the Secretary General of the Regional Cooperation Council Secretariat*’³. addresses the issue of interparliamentary cooperation.

As highlighted in the Programming Document and the MIPD, the European Union has been active in order to support the South East Europe Cooperation Process and to increase ownership in the beneficiary countries. The Community contribution to the *Special Coordinator* for the Stability Pact and the *Secretary General of the New Regional Cooperation Council* (RCC) integrated in the Programming Document is foreseen in the MIPD for 2007-2009.

The European Commission committed itself to support the running of the *Regional Secretariat*. A maximum of €2,230,000 will be provided for the remuneration of the Special Coordinator of the Stability Pact for South-Eastern Europe and the running costs of his office for the period from 1 July 2007 to 30 June 2008 as well as for the remuneration of the Secretary General of the new Secretariat of the RCC.

By a decision of the Special Co-ordinator of the Stability Pact for South Eastern Europe of 30 March 2007, Sofia was assigned to host the Regional Secretariat for Parliamentary Cooperation in SEE. The city was selected in competition with the strong candidatures of Belgrade and Skopje. The decision to locate the centre in Bulgaria was mainly motivated by its potential to provide an efficient link between the regional dimension of parliamentary cooperation and the European perspectives. The Memorandum of Understanding on inter-parliamentary Co-operation in South Eastern Europe was signed by the speakers of the national Parliaments in April 2008 in Sofia.

The Secretariat aims at establishing an effective and institutionalised cooperation between the Parliaments of the region at different levels (between the Presidents of the Parliaments, the Chairs and Members of the Committees, the Heads of Delegations to Parliamentary Assemblies, the Secretary Generals and the parliamentary staff). It aims at intensifying regional parliamentary co-operation at different levels, ensuring coordination and fostering political support for the formulation and execution of regional activities. It will also provide

² COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL, Western Balkans: Enhancing the European perspective, COM(2008) 127 final, Brussels, 5 March 2008

³ Commission Decision, C/2007/3378 of 16/07/2007

an efficient information network between and for the different Parliaments and help to establish and consolidate networks between sector-specific Parliamentary Committees, paving the ground and preparing a basis for a more institutionalised co-operation in this field. The secretariat will furthermore contribute to strengthening the democratic efficiency and effectiveness of the Parliaments in South Eastern Europe; promoting bilateral and multilateral co-operation among Parliaments in South Eastern Europe and to bringing the European Union closer to the parliamentary structures of the region.

The Regional Secretariat, is the main tool for the development of the interparliamentary cooperation. The Regional Secretariat is acting as a liaison office (or focal point) for the regional parliaments and has become the main interlocutor of the European Parliament. The process of transfer of functions in the parliamentary field from the Stability Pact for South Eastern Europe to the Regional Secretariat has had a promising start and is gradually unfolding. An exchange of information involving several visits between Brussels and Sofia has already been accomplished. The goal is to achieve a successful transfer of the considerable know-how accumulated up till now by the Stability Pact in the field of parliamentary cooperation.

The staff of the Secretariat consists of a parliamentary expert and an administrative support expert, appointed by the host country, as well as of a couple of seconded experts from the region. *Short or long term experts* from partner countries and institutions/organizations can also contribute to the team power of the Secretariat. *National Parliaments of the SEE countries* designate *liaison officers/contact points* to consult on a regular basis with the Regional Secretariat. *The Secretariat* serves as focal point of the region for cooperation with the European Parliament, the NATO Parliamentary Assembly, the Council of Europe's Parliamentary Assembly, the OSCE Parliamentary Assembly, the WEU Parliamentary Assembly, the Inter-Parliamentary Union, other partners of the SEE region and the donor community.

The Regional Secretariat is currently undergoing financial problems. According to the Terms of Reference, the expenses for premises, office infrastructure and equipment, the running costs as well as the remuneration of the locally recruited staff are covered by the host Parliament. The remuneration of the seconded staff is covered by the respective parliament. The European Commission should support the infrastructure development and capacity building of the Regional Secretariat in this early stage. This initial support will enable the Regional Secretariat to create the conditions for its sustainability.

1.2. The need for a special action plan on developing inter-parliamentary cooperation

The analysis of the current EU activities in supporting the regional co-operation of the parliaments in the Western Balkans leads to the conclusion that an additional *Programming Document* should establish the ground for channelling funds directly for inter-parliamentary cooperation and capacity building of national parliaments. This document should target special actions and draw an integrated strategy with a strong involvement of the European Parliament. Cooperation between the European Parliament and the parliaments of the Western Balkan countries has continued through the *Joint Parliamentary Committees* with Croatia and the Former Yugoslav Republic of Macedonia, and through *Inter-parliamentary meetings* with Albania, Bosnia and Herzegovina, Montenegro and Serbia. Informal meetings of this kind have also been held with the Parliament of Kosovo.

The EP has been financing a series of seminars for MPs and staff. Furthermore, the European Parliament Directorate for Relations with National Parliaments has been organising interparliamentary colloquia for MPs and parliamentary staff of neighbouring countries since

2000 on a variety of issues agreed upon with the Parliaments concerned. The colloquia aim at strengthening the relations with candidate countries or potential candidate countries and currently target Croatia, FYR of Macedonia, Turkey, Albania, Bosnia and Herzegovina, Montenegro and Serbia.

Specific actions should furthermore aim at:

- Consolidating networks between sector-specific Parliamentary Committees: increased networking for democracy-building activities on committee or sub-committee levels
- Creating an information network between Parliaments
- Preparing an administrative basis for more institutionalised co-operation
- Sharing and diffusing information of best practices and lessons learned

Capacity building activities providing issue-specific training to MPs and strengthening the oversight capacities of the parliaments have to become the two main priorities of inter-parliamentary cooperation. Some of the measures envisaged in the programming documents can be helpful in this perspective. Strangely, none of the programming documents under scrutiny is dedicated to the issue of parliamentary cooperation. Some measures envisaged in these programming documents (i.e. TAIEX, civil society dialogue projects) can indirectly foster the parliamentary capacity and the inter-parliamentary contact networks. Parliaments can be among the beneficiaries of some projects aiming at developing their expertise on specific issues such as migration, border management, regional trade and social policy.

1.2.1. The training and capacity-building of MPs and parliamentary staff

The training and capacity-building of MPs and parliamentary staff is fundamental to strengthen the capacities of the parliaments. Targeted activities, implemented through the organization of workshops and seminars - especially gathering together Committees working on similar issues - should be carried on. The development of expertise and networking on the following issues and activities which have the potential to foster regional cooperation, can be supported by actions within the framework of the programming documents. The instruments listed below and highlighted in the Programming Documents can be mobilised to implement actions to improve the expertise of MPs and increase the interaction of the European Parliament and MPs of the region.

- Information networks: information, research, dissemination

- The Technical Assistance and Information Exchange Unit (TAIEX⁴) instrument can be used for creating information networks. This instrument has been conceived to develop the beneficiary countries' administration capacity to implement and enforce the *acquis* and to foster exchange of best practices among peers. TAIEX activities might include seminars, workshops, expert mobilisations and study visits.

- Civil society dialogue projects can provide support for building partnerships and developing networks between civil society organisations, business, trade unions and other social partners and professional organisations in the beneficiary countries vis-à-vis their counterparts in the EU to promote transfers of knowledge and experience.

⁴ <http://taiex.ec.europa.eu/>

- The importance of issues such as migration, border management, economic and trade development as well as social security in regional cooperation is highlighted by the IPA Programming Documents. Actions foreseen under these programmes should also include a parliamentary dimension.

- Development of expertise in the field of migration and integrated border management strategies

The border management programme under the IPA assistance aims at providing assistance for the establishment of a more effective border management through the support of relevant services including the police, customs, veterinarians, the judiciary, and the policies of migration and asylum. The Commission's concept covers coordination and cooperation among relevant authorities and agencies involved in border security and trade facilitation. MPs of parliaments of the region should be integrated into this scheme.

- Economic and trade development:

The EU is providing political, technical and financial support for the development of a regional framework for trade policy as an important part of the EU's wider strategy of growth and stability. This includes

- establishing a CEFTA secretariat that provides the necessary technical and administrative support to implement the trade agreement
- strengthening trade related organisations

However, structures which do not undertake reforms to strengthen institutions for promoting sound development policies, will not promote economic growth and social cohesion nor achieve results by regional and cross-border integration. Trainings for MPs can help to raise their awareness for issues of relevance with regard to trade and economic cooperation.

- Social Security

The Regional Programme for Social Security Coordination and Social Protection Reforms in South-East Europe under the IPA Transition Assistance and Institution Building Component for 2007 aims at providing assistance to facilitate further reforms and strengthen civil service and public administrations' capacities for efficient and effective reform implementation, contribute to the transposition, implementation and enforcement of EU legislation and improve the coordination of social security systems. Specific activities include the training of civil servants, the drawing up of national reports, and provisions for expert meetings. These trainings and meetings must in any case include MPs.

1.2.2. Development of Parliamentary oversight capacities

For the development of Parliamentary oversight capacities, control of budgetary spending and harmonisation with European standards of auditing and budgetary control is essential.

The setting up of well-functioning customs and tax administrations in the countries of the Western Balkans and Turkey is critical in supporting the facilitation of legal trade, while fighting illegal trade, protecting the external borders, as well as ensuring the collection of taxes. The IPA Programming Document handling the issue of customs and tax administration should point at the need to strengthen the role of Parliaments in overseeing budgetary spending and harmonisation with European standards of auditing and budgetary control.

With regard to Parliamentary control of the security sector, support can be provided to the activities carried on by the Geneva Centre for the Democratic Control of Armed Forces (DCAF)⁵ in South East Europe.

⁵ www.dcaf.ch

2. Movement of People in the Region

In the Western Balkans, the EU considers enhanced people-to-people contacts and the free movement of persons as important instruments to overcome the region's troublesome past and to familiarise them with the EU.

2.1. The EU's visa policy and the Western Balkans

The visa issue is of highest political salience for the Western Balkans. All Western Balkan states with the exception of Croatia are placed on the negative EU visa list of Council Regulation 539/2001, meaning that citizens need a visa to enter the EU (Council of the European Union, 2001). This decision made travelling to the EU more difficult for citizens of the Western Balkans. The combined costs for a Schengen visa, including visa fee, travel insurance, translation and notarization of the required documents, are of the order of a month's average salary in the region (ICG, 2005: 9). The high costs and a difficult visa application procedure have confined the possibilities of the free movement of persons which, in turn, negatively affects the image of the European Union in these non-member states of South-Eastern Europe. The International Crisis Group (ICG) assessed that the existing visa practices have caused a European alienation effect and can be seen as "fostering resentment, inhibiting progress on trade, business, education and more open civil societies, and as a result contributing negatively to regional stability" (ICG, 2005: i).

Since the 2003 EU-Western Balkan summit in Thessaloniki the EU has initiated a process towards visa-free travel, however. The Thessaloniki agenda for the Western Balkans set out the objective to allow visa-free movement in the region as well as from the region to the EU, provided that "these countries [implement] major reforms in areas such as the strengthening of the rule of law, combating organised crime, corruption and illegal migration, and strengthening their administrative capacity in border control and security of documents" (Council of the European Union, 2003). The process of liberalising the visa regimes *in* the Western Balkans, conducted under the auspices of the Stability Pact for South-Eastern Europe, turned out to be feasible within a short-time period. All Western Balkan countries refrain now visa free-travel with one another.⁶ Concerning visa-free travel with the EU, the relaxation of the visa regime was linked to the signing of an EC readmission agreement and, more broadly, to "substantial efforts by the countries in question" (Commission of the European Communities, 2006: 9). The Commission defined that through a "case by case approach" each Western Balkan state may achieve visa liberalisation by its own merit. In addition, the countries' status as candidates or potential candidates should be taken into account (Ibid). The very concrete go-ahead for the Commission to launch negotiations on an EC visa facilitation and readmission agreement was granted on the Council meeting held on 13 and 14 November 2006. The Commission initiated the negotiations with the countries in November 2006, except for Albania whose readmission agreement with the EC entered into force on 1 May 2006. In this case, the negotiations on a visa facilitation agreement started on 13 December 2006. All agreements were officially signed in September 2007 and entered into force on 1 January 2008.

⁶ Citizens of the former Yugoslav Republic of Macedonia and Montenegro crossing the border to Albania or vice versa can get a visa at the border with special visa-free arrangements for the some 25 % Macedonians of Albanian ethnicity (Baldwin-Edwards, 2006: 7).

The agreements which concern only the issuing of short-stay visas (90 days per period of 180 days) are seen as the “first concrete step towards the visa free travel regime”.⁷ The main benefit of the visa facilitation agreements is to arrange more relaxed travel opportunities for certain categories of the population⁸ and to fix the fee for processing visa applications for *all* citizens of the target country at €35. Therefore the target countries are not affected by the Council Decision of 1 June 2006 which “readjusted” the visa application processing costs at €60 “to cover the additional costs [...] corresponding to the introduction of biometrics and the VIS” (Council of the European Union, 2006). Other benefits the visa facilitation agreements bring about are that procedures for issuing short stay visas become more transparent and faster. The decision on a visa application shall be taken within ten calendar days (this period, however, may be extended up to 30 calendar days, notably when further scrutiny of the person applying is needed). The agreements with the FYROM and Serbia contain the additional clause that Bulgaria and Romania, both of which are not yet bound by the Schengen acquis, may also waive the fees for processing national short stay visas for citizens of those two countries. Moreover, these agreements include a special reference to EC Regulation No 1931/2006 concerning the establishment of a system of local border traffic. The FYROM will thus negotiate one system with Bulgaria, Serbia another with Bulgaria, Hungary and Romania. All visa facilitation agreements are jointly managed and monitored by a committee composed of Commission officials, assisted by experts from the member states, and the partner countries’ officials. The committee may suggest amendments or additions to the present agreement and settle disputes arising from it. It meets at least once a year but may do so more often, if necessary (for more details, see Trauner/Kruse, 2008).

2.2. The measures proposed: enhancing the prospect of visa-free travel

The measures proposed by the Commission aim at accelerating the Western Balkan’s process towards visa liberalisation and making the process itself more transparent. According to the Commission’s communication on strengthening the European perspective, each of the target countries will receive a “roadmap” defining the exact conditions to be met. These documents will deal with the effective implementation of the readmission agreement, and cover other key areas such as border management, document security and measures against organised crime. The roadmaps will be tailor-made and correspond to the needs of the country concerned. Their implementation will be supervised in “visa liberalisation dialogues”, which started with Serbia in January 2008 and with the Former Yugoslav Republic of Macedonia in February 2008 (Commission of the European Communities, 2008: 9). Following Albania and

⁷ This wording is identical in the EC visa facilitation agreements with Serbia (2007e), Montenegro (2007d), FYROM (2007b), Albania (2007c) and Bosnia and Herzegovina (2007a).

⁸ Following categories of citizens benefit from facilitated travel opportunities: 1) members of official delegations participating in meetings, consultations, negotiations, exchange programmes and events; 2) business people and representatives of business organisations; 3) drivers of international cargo and passenger transportation services; 4) members of train, refrigerator and locomotive crews in international trains; 5) journalists; scientists and persons active in cultural and artistic activities, including university and other exchange programmes; 6) pupils, students, post-graduate students and accompanying teachers; 7) participants in international sports events and persons accompanying them; 8) participants in official exchange with twin towns; 9) close relatives visiting their family legally residing in the EU; 10) relatives visiting for military or civil burial grounds; 11) persons visiting for medical reasons; 12) civil society organisations when undertaking trips for the purposes of educational training, seminars, conferences; 13) professionals who participate in international exhibitions, conferences, symposia, seminars or similar events; 14) tourists; 15) religious communities; 16) only the one with Albania contains persons politically persecuted during the communist regime (all categories need documentary evidence).

Montenegro, Bosnia and Herzegovina was the final country to open a dialogue on the abolition of the visa requirements in May 2008. The dialogues are based on the premise that if the Western Balkans meet the relevant conditions and benchmarks, they will gradually advance towards visa liberalisation. Once the relevant conditions are in place, the Commission will propose to the Council the lifting of the respective visa obligations.

The proposals of the European Commission are reasonable since the advancement towards visa liberalisation is a major means to dispel doubts of the Western Balkan countries the EU could not be willing to make serious concessions. The Commission's approach to treat the countries in a case by case approach rather than as a package has some pitfalls, however. Serbia is the country which is advanced the furthest in terms of achieving visa-free travel with the EU. Once Serbian citizens will be exempted from visa requirements with the EU, this step will have major implications for the neighbouring state Bosnia and Herzegovina. Already at present, the EU's visa regime imposed on Bosnia and Herzegovina creates a dividing line with strong psychological and emotional side-effects: Bosnian Croats, mainly from Herzegovina, benefit from the liberal EU policy towards Croatia as the majority of them is in possession of Croatian passports. In contrast, the Serbian and Bosnian citizens of Bosnia and Herzegovina require visas and are disadvantaged only due to their nationality (Heimerl/Petkova, 2001: 181). If the Commission's approach results in a different pace between Serbia and Bosnia and Herzegovina in terms of achieving visa-free travel, it will create a further differentiation in Bosnia and Herzegovina, namely between Serbs and Bosniacs. This step may put the already fragile stability of Bosnia and Herzegovina further at risk.

In similar terms, citizens of the former Yugoslav Republic of Macedonia, Albania or Montenegro will not understand if the EU applies a different approach in the visa domain towards their countries than, say, towards Serbia. Such a step would have a negative impact on regional cooperation and stability. Moreover, it is likely that it would increase the number of citizens of the FYROM who apply for a Bulgarian passport to circumvent the EU's visa regime and to benefit from Bulgaria's status as EU member state. Angel Marin, Bulgaria's vice president, announced in January 2008 that "between 2002 and 2007, some 39,000 Macedonians and as many Moldovans applied for Bulgarian passports. [...] Of those, some 13,925 Macedonians and 10,613 Moldovans were granted passports" (quoted in EU business, 2008).⁹ The International Crisis Group speaks with regard to the significant increase of applications for a Bulgarian citizenship that "statehood is being undermined" in the FYROM which hampers the nascent efforts of state building in the country and further splits the ethnically divided society (ICG, 2005: 11-12).

The EU should therefore consider introducing visa liberalisation for the Western Balkans rather in a package than in a case by case approach. If the EU sticks to the planned approach, it should try keeping the time-spans in terms of liberalising the visa requirements of the different Western Balkan countries as short as possible so that the negative side-effects of such a step are minimised.

A second pitfall concerns the roadmaps to be implemented by each of the countries concerned. Not all measures included in the roadmaps are quantifiable so that their proper implementation is difficult to measure. Balkan officials expressed their concern that EU ministers of justice and home affairs will use certain ill-defined conditions as an excuse to delay the process towards visa liberalisation.¹⁰ Therefore it is of importance that the

⁹ In Moldova, there is a Bulgarian minority of 60,000 to 80,000 and in Macedonia, Bulgaria considers the country's Slavic population as being of Bulgarian origin and therefore easily grants passports (Ibid).

¹⁰ This was a major point in the discussion "Myths and the making of a Western Balkan ghetto – how long until there is freedom of movement", Panel II of the symposium "Return to Europe – Talking Balkans", organised by ORF RadioKulturhaus and ERS Foundation, 3 and 4 April 2008, Vienna.

requirements outlined in the respective roadmaps are clear and accomplishable. Through this, the message that the EU wants to avoid a ‘Balkan ghetto’, but only seeks to enhance sustainable reforms of the respective governments, is more credible and therefore more sellable.

By the same token, the EU should strongly support the countries’ reform efforts in Justice and Home Affairs. Efficient border management and document security - two key issues in terms of achieving an improved visa regime - are defined priorities in the programmes funded under the Instrument for Pre-Accession. The Western Balkans have already made considerable progress in terms of modernising their external border control system and strengthening the regional cooperation links in line with the EU’s integrated border management concept (Commission of the European Communities, 2006: 4). Therefore, the EU’s continued efforts to provide regional support for updating, implementing and monitoring the integrated border management strategies and related Action Plans under the IPA Transition Assistance and Institution Building Component for 2007 are reasonable and reflect an enhanced EU’s commitment towards the free movement of persons. Concretely, the 2007 programme provides a maximum amount of EUR 1.5 million “for the establishment of a more effective management of borders at a regional level through the support of the relevant services involved in Integrated Border Management (IBM), including police, customs, veterinary and phytosanitary, the judiciary, as well as migration and asylum” (Commission of the European Communities, 2007b: 1).

Turkey has not yet started negotiations on a visa facilitation agreement. Similar to the Western Balkans, however, the revised Accession Partnership with Turkey placed emphasis on reform efforts in Justice and Home Affairs. The areas of migration, asylum, visa policies and border management, the fight against organised crime and drugs were identified to be of particular importance with regard to the country’s efforts to transpose and implement the EU *acquis* (Council of the European Union, 2008).

3. Promotion of Civil Society

3.1. Point of departure and situation on the ground

Interconnectedness, fostering trust and reciprocity by cutting across social cleavages are the most important surplus values of civic engagement (Putnam, 2003: 173f.). While the countries from the post-Yugoslav space today can still profit from the networks of grassroots Civil Society Organizations¹¹ (CSO) which began to flourish from the 1960s onwards, Albania remained isolated and under massive repression and has not inherited any tradition of political culture and civil society participation that it might draw on (Krasniqi, 2004).

Today, however, common features of the Western Balkan countries that are critically hindering the development of CSOs are traditionalist societies and patriarchal relationships. The situation has been shaped by re-traditionalisation as a consequence of ethnic mobilisation during the wars in the nineties, as well as “parallel networks” constituted by the army, churches and the mafia which are privileged to those structures (Solioz, 2006: 2).

There was an NGO-boom in the after-war years, which however in many cases hardly contributed to the overall capabilities of the civil societal actors. This boom reflected a shift in the EU civil society policy, which progressed from humanitarian and aid-providing organisations to the support of CSOs engaging actively in the political process towards

¹¹ The EU usually defines civil society as “all society structures outside of government and public administration (but including local communities)”.

regional cooperation and European integration. Consequently, today CSO's roles include holding governments accountable and monitoring their performance as well as helping societies to organize themselves.

With the exception of Serbia the CSO sector remained weak in the countries of the region. Civil society remains fragile in many cases while tensions between government bodies and NGOs persist. Although Western Balkan countries have made efforts to adopt legislation and strategies that are more favourable to civil society development, the country specific progress reports accord the need for a proper implementation of the legal frameworks for CSOs (Albania, Bosnia and Herzegovina, Montenegro and Serbia). Further efforts are required to deepen the freedom of association, to put in place regulatory frameworks and public incentives for the development of CSOs.

3.2. Lessons from earlier programmes

According to a CARDS evaluation study, the regional dimension of CARDS is relatively weak, lacking strategic guidance, and is perceived as inaccessible by local partners (Caputo et al., 2004).¹² Also under IPA, regional financial support is relatively small in size considering its covering of eleven intervention areas in six countries (from education and youth to nuclear safety).¹³ Moreover, regional cooperation in the Civil Society sector does not explicitly constitute an aspect of political conditionality.

A striking characteristic of past CSO-support in the regional cooperation framework are the very low implementation rates: while within the CARDS Regional Programme between 2001 and 2003 only 44.8% of the overall available funds have been contracted (15.2% disbursed), contracting support for civil society and related sub-sectors (return of refugees, and social cohesion) amounted to 0% (Caputo et al., 2004: 28). Consequently EU assistance in promoting Regional Cooperation of CSOs was virtually non-existent.

A core critique emanating from the CARDS evaluation therefore refers to the low level of participation and ownership by the recipient institutions (both in programming and execution), which jeopardized the programme's impact on capacity development.¹⁴ As a remedy the report advised EU policy makers to give CSO's more responsibility in programme design and management while at the same time taking into account their actual capacities and the differences between the countries of the region (ibid: 30). Furthermore it noticed that more efforts need to be made to guarantee a supportive legal environment for civil society activities.

3.3. The strategic policy goals of the Union

The strategic goals of the Union go back to the 2005 Commission Communication on the Western Balkans and on Civil Society Dialogue in Candidate Countries (Commission, 2005), the 2007 Enlargement Strategy Paper where civil society development and people to people contacts in the region were stressed (Commission, 2007a), as well as the latest

¹² The EU together with the Stability Pact exercised regional cooperation as reports from national CSO-representatives on a limited number of meetings per year. Regional cooperation in the sense of regional integration (which includes for example joint lobbying or other activities resulting from intense networking) have been very limited.

¹³ Around 10% from total IPA, totalling €401.4 million for 2007-2009

¹⁴ This conclusion is supported by the preliminary conclusions of a recent evaluation of the PHARE ACCESS and other Civil Society programmes which noted that although administrative capacity had grown it was not adequate to meet the responsibilities of the sector.

Communication from the Commission in March 2008 on a new Civil Society Facility (Commission, 2008).

The Multi-beneficiary MIPD 2007-2009 (Commission, 2007c) identifies four focus areas in supporting civil society: civil society dialogue, refugee return, social inclusion and media. As for Regional Cooperation within the Civil Society Sector the MIPD aims at

- Strengthening Civil Society Dialogue
- Strengthening the capacity of CSOs
- Increasing visibility of the EU and facilitating (re-) integration between citizens
- Strengthening of media independence

The Commission especially targets increasing involvement of CSOs in the definition, implementation and monitoring of policies, a greater partnership between the beneficiaries' themselves and the EU, enhanced social inclusion and a decreased number of refugees and internally displaced people.

In reaching these goals the EU proposes promoting regional cooperation projects involving CSOs, providing technical assistance projects to CSOs, supporting public service broadcasting and professionalism in the media and facilitating the return of refugees as well as their (re-) integration. The complementarity of the Multi-Beneficiary MIPD with the National MIPDs is aimed to be established with putting the focus of the former to strengthening the capacity of CSOs through networking and sharing of best practices while the latter's intention is to emphasize Civil Society Development.

The donor structure in the Civil Society sector is heterogeneous. It includes USAID, Sida (Sweden), the Council of Europe, the OSCE, the International Organization for Migration, the World Bank and UNHCR. Coordination efforts with other donors include a joint office with the World Bank, the active role of the EU in the outphasing Stability Pact (SP)¹⁵, the bilateral relations of the Commission with donor governments, the Commission Delegations and the EAR organizing regular meetings with the Member States as well as meetings of DG Enlargement with beneficiaries.

3.4. Ongoing programmes and initiatives

IPA 2007

The current civil society programme follows earlier efforts stemming from the PHARE and CARDS programmes. Regional Co-operation under CARDS was designed by the Commission and implemented by the European Agency for Reconstruction (EAR). Under IPA, implementation shifted to the Commission Delegations. Overall support to civil society in the Western Balkans under national and regional programmes totalled €27 million in the period 2005-2007. Support for Civil Society under IPA includes funding under cross-border cooperation programmes.

Civil Society Dialogue

The programme promotes civil society dialogue in and between the EU and its two candidate countries Turkey and Croatia. Against the background that EU citizens were not

¹⁵ 'Civil Society' is one of three cross-cutting issues within the priority areas for cooperation of the new Regional Cooperation Council (RCC).

properly informed antecedent to the 2004 enlargement round, the dialogue has a focus on providing mutual knowledge first and foremost through CSOs. Although the focus is on candidate countries in the first place, with its 2005 Communication (Commission, 2005b) the Commission called for an extension of the measure to the other (potential) candidates of the region. Financing switched from national and multi-country PHARE and CARDS programmes to IPA.

European Initiative for Democracy and Human Rights (EIDHR)

The EIDHR focuses on strengthening the role of civil society in promoting human rights, democratic reform and in consolidating political participation. EIDHR support for micro-projects in the Western Balkans totalled €9 million for 2005-2007; €5.7 million are envisaged for 2008.

IPA 2008

The New Civil Society Facility

In its latest communication (Commission, 2008), the Commission announced the establishment of a new Civil Society Facility under IPA within the 2008-2010 MIPD, starting with the 2008 programme. The facility aims at compiling the different existing national and regional instruments. Funding of Civil Society activities in the Western Balkans over the period 2008-2010 will approximately triple compared to 2005-2007. The facility has a special focus on:

- *capacity building of local NGOs*: technical assistance, training programmes, developing communication tools, impact evaluation, dissemination, advise on further actions
- *strengthening responsibility in the CSO sector (people-to-people programmes)*: visa liberalization talks, scholarship programmes, organizing EU visits for opinion multipliers, citizen information on the *acquis*, stimulating NGOs influence, fuelling relationships between CSOs, and between CSOs and the public bodies
- *facilitating networking and partnership building*: developing networks and partnerships in the region, encouraging intervention and transparency of public administration by setting up an environmental forum and an environment energy efficiency, health and security at work project
- *creating mutual knowledge and understanding* (hitherto: civil society dialogue): fighting corruption, organized crime and trafficking through citizens' awareness raising, creating reform implementation monitoring structures and developing CSO's networks

The overall goal of the new facility is to strengthen CSOs and their role in the political process, enhance their capacity to develop cross-border projects and networks, and familiarise civil society representatives and opinion leaders with EU affairs. Projects will be developed in both national and multi-beneficiary IPA programmes. National and multi-beneficiary projects will be programmed in a coordinated manner to stimulate civil society development in each country. The assistance provided will complement the support given under EIDHR.

3.5. Conclusions

While the 2007 Regional Programme does not refer to Civil Society at all, the new Civil Society Facility tackles many of the problems, especially the diversity, complexity, and fragmentation of EU programmes. The 2007-2013 legal instruments make clear reference to civil society not only as a beneficiary but also as strategic partner in development, programming and evaluation. Tripling of the funds available to CSOs is particularly a step forward.

However, as reflected in non-usage of allocated funds there are still a number of *factors impeding CSOs from effectively using EU funds*: The most prominent is constituted by the heterogeneous presence of donors on the ground which pursue a multitude of programmes and activities. Furthermore, EU support remains incoherent, as a consequence of blurred application areas (national/ regional/ dialogue). Last, but not least, projects are too large, thereby serving first and foremost big CSOs. At the same time, too voluminous and complicated application procedures overburden smaller and often rural based CSOs

CSOs are an important partner in the execution of EU funded projects, but projects are in the larger part not initiated and developed by them. The CSOs opinion is gathered in the programming process but not really taken into account. This in turn results in programmes designed top-heavy and top-down. When the EU refers to ‘involving beneficiaries’, it primarily addresses beneficiary countries’ *governments* and only very indirectly parliaments or the actual beneficiaries, the CSOs themselves.

A special problematique is constituted by the mode of EU-financing. EU funds are distributed directly to state institutions which frequently do not have the capacities to issue the respective tenders. This often results in large proportion of funds not contracted and finally expiring.

A well known issue is finally the systematic donor dependency and the development of some of the NGOs along ethno-political conflict lines which is the case especially in Bosnia and Herzegovina, FYROM and, Kosovo. In addition, many CSOs have limited possibilities to sustain their work beyond the completed project, which is reflected in the creation (and cessation) of CSOs “on demand”.

4. Media and Education Sector in the Region

4.1. The Horizontal Programme for Tempus, Erasmus Mundus and Youth in action in the Western Balkans under the IPA

The activities proposed under the Horizontal Programme for Tempus, Erasmus Mundus and Youth in Action are bound to provide, to a different degree, a valuable contribution to long-term societal change in the Western Balkan countries. Improved higher education, the dissemination of scientific knowledge and other measures to obtain high quality human resources are essential for the preparation of these countries to join the European Union. There is also reason to believe that educational policies might have an impact on the reconciliation process, the understanding of other ethnic groups and neighbouring countries, as well as overcoming the memories of war (¹⁶). Yet, only a detailed evaluation of the design

¹⁶ According to the specifications of this study, the purpose of the scrutiny in the EU programmes in the Media and Education sectors in the region is to analyse if the proposed measures, particularly those in the media and

and implementation of the projects approved under the Horizontal Programme could confirm these assumptions.

However, the focus of Tempus and Erasmus is not on co-operation in the region. In fact, both programmes support the interaction between higher education institutions, academics and students *in* the European Union *with* their counterparts in the Western Balkans (¹⁷). Therefore, their impact on tolerance, understanding and reconciliation in the region can only be indirect. If the students, academics and other participants in the activities succeed in raising their overall knowledge and horizons, they could then also develop empathy for the people in their neighbouring region. Additionally, during their stay in European Union countries, students and academics from the Western Balkans as a rule also meet and co-operate with their opposite numbers from other Western Balkan countries of the region. This can improve the knowledge of each other in the Western Balkans, too, particularly among future members of the academic, political and social elite. Yet, these are side effects and not the central aims of the two EU-sponsored endeavours.

The programming document for the Horizontal Programme stipulates *greater regional co-operation between universities* as one of the expected results. If *regional* is here supposed to mean “in the region of the Western Balkans”, then probably this expectation could turn into reality only in the long run. Now, co-operation in the region is more likely between institutions in those countries that have no recent history of acrimony, for instance between universities in Slovenia and the Former Yugoslav Republic of Macedonia. Joint projects between Kosovo Albanian universities and their Kosovo Serbian counterparts, or between Albanian and Serbian universities in Kosovo, do not appear realistic at present because of the on-going conflict.

In contrast, the Youth in Action programme, as outlined in the section of the programming document on expected results, should increase the number of intercultural exchanges, co-operation and solidarity activities among the youth *of* the Western Balkan region. In addition, it should foster the partnerships and contacts between youth NGOs in the Western Balkans and in the EU. Thus, the Youth in Action programme appears appropriate for fostering understanding and reconciliation. However, the fulfilment of these goals is contingent on preconditions, among which three rank most prominent:

- The existence of youth NGOs and other civil society organisations in the Western Balkans and in the EU capable of dealing with the complex process of application for EU financing and possibly the management of the projects
- The identification and design of activities for which EU financing could be sought
- Sufficient funding.

Already in the NGO world of the Western Balkans, there is sizeable accumulated experience concerning the art of obtaining EU grants. Furthermore, many NGOs in the region even employ professional project developers who have specialised in writing project proposals in accordance with the intervention logic and the language usage by the EU. Therefore, many civil society organisations in the Western Balkans routinely participate in EU tenders and rely on a steady succession of grants. However, for the majority of small NGOs, particularly in the province, the process of filling out the EU applications forms is, to say the least, demanding. Therefore, many give up without even trying. Presumably, especially those organisations that

education sector, are going to promote and support the reconciliation process, the understanding of other ethnic groups and neighbouring countries and lead to overcoming the memories of war.

¹⁷ According to an explanation in the Commission decision, Turkey is not concerned as it already participates fully in the Socrates programme and the Lifelong learning programme

represent underprivileged ethnic groups and/or come from less developed parts of the region are not capable of taking part on equal terms in the answers to EU calls for project proposals. Paradoxically, this lack of ability affects exactly those potential beneficiaries who have the most pressing need for more contacts with the external world and for external support. In particular, it is difficult to imagine that youth NGOs are at ease when it comes to passing the high hurdles during the application process for EU funding.

Similarly, for many NGOs, it is too difficult to design activities that could satisfy the EU criteria. Youth in Action in the Western Balkans has some very high-flying objectives, such as fostering *intercultural exchanges that play an important role in creating an area of peace, stability, prosperity and freedom*. It certainly constitutes a demanding task for youth NGOs to come up with down-to-earth ideas that correspond to the challenging concepts of the programme.

Finally, whereas Tempus (EC contribution €19,55m in 2007) and Erasmus (EC contribution €10m) have substantial funding, Youth in Action (€1m for the Western Balkans), is, by comparison, now a modest endeavour. It is pointed out in the programming document that in the long term some of the Western Balkan countries will probably participate fully in the Youth in Action programmes. The precondition is that they have in place the necessary administrative structures for the administration of the programmes at national levels. This probably implies that the EC will also increase the funding. Without a substantial increase of funding for the Youth in Action programme in the Western Balkans, this initiative will remain only a barely perceptible attempt to contribute to the admittedly noble goals of understanding and reconciliation among the young generation.

The most pressing conclusion from this brief analysis of the Programming document is that the envisaged measures only partly fulfil the political aims. Modest funding is among the most important reasons, but certainly not the only one why there is ample space for improvements. Even within the Erasmus Mundus scheme, there are only 36 beneficiaries from the Western Balkans out of total 1689 funded students. The Youth in Action segment appears to be only a modest start of a promising initiative.

4.2. The Regional Programme on Civil Society-Media component in South-East Europe under the IPA

The 2007 Regional programme on Civil Society – Media component

The Regional programme highlights accelerating reforms in the media sector and the promotion of further cooperation between the EU and the Western Balkans as an important priority for ensuring the process of EU integration (Commission 2007b). Within the programme, the priority axes concentrate on the following projects:

- *Support to TV Media Productions:* increasing the level of cooperation between media stakeholders and the regional dimension of TV productions, enhancing the position of independent media
- *Strengthening Regional News Exchange from the ICTY, the ICJ and ICC:* provide local media with reliable and objective information about events at the ICTY and other international courts dealing with war crime cases in the former Yugoslavia
- *Alignment to European Standards in the Media Sector:* increase efficiency of existing self-regulatory mechanisms in the media sector, ensure the respect of the code of ethics, network-building to accelerate reforms in the media sector

The obvious conclusion regarding this component is that the envisaged funding does not support the far-reaching ambitions postulated in the programming document. It amounts to €1,5 million, out of which €200,000 are already dedicated to one directly contracted project. Indeed, according to the financial data provided in this document, the amount of money that the EU is presently investing into media assistance in South-East Europe under the IPA is lower than it used to be. For instance, €37,9 million were dispersed between 1994 and 2000 under the EDIHR and Obnova programmes.

If, as stipulated in this document, *increasing awareness of European standards and accelerating reforms in the media sector remain important priorities and are considered essential tools for ensuring the process to EU integration*, it then remains unclear why this *important priority* is, in terms of funding, treated as if it is not any longer as important as it used to be. It is also not clear how the multitude of sweeping results ⁽¹⁸⁾ outlined in the document can be achieved by only a handful of modestly financed projects.

Particularly striking in this document is the explicit expectation that the *promotion of further cooperation between the European Union and the Western Balkans in the media sector will bring a mutual enrichment for the media public and private stakeholders*. It is spirited to believe that the five grants that are envisaged (altogether worth €980,000) for TV productions will have such a remarkable effect. After all, several thousand TV channels can be now received in Europe. In addition, one of the features of the television broadcasting sector in the Western Balkans is the enormous increase of the number of channels in each of the countries. Correspondingly, the audience in the EU and in the Western Balkans is strongly fragmented. The intended set of co-productions, sponsored by the EU-IPA, will have to possess novel qualities in order to be noticed and to achieve the project purposes.

The broadcasting sector and, indeed, the whole mass media industry in the Western Balkans, have enormously expanded in the last twenty years since the end of the single-party rule. There is also a remarkable growth of the advertising market. The turnover is now probably in the range of €500-700 million p.a. for the region. This has favoured the spread of commercial media outlets and attracted foreign investors, especially from the EU. They are omnipresent in the region. In some countries, particularly in print media segment, foreign owners have established a strong domination of the market. The concentration of media ownership in the hands of few external holdings in several West Balkan countries is far more pronounced than in most of the EU countries. Parallel to it, almost all over the region public service media are losing ground to commercial competition. These developments have changed the performance of the mass media in the Western Balkans – but the new state of affairs is scarcely reflected in the IPA media assistance scheme.

What is not present in this document is also the concern about the state of industrial relations in the media sector in the Western Balkans. Despite the fact that the position of journalists vis-à-vis media owners has become the critical factor determining the degree of political pluralism, independence and professionalism are to be found in the news media in the region. Undoubtedly, it makes sense, as envisaged through some of the activities in the Document, to promote accountability and self-regulation of the media, or the *progressive alignment with the relevant acquis in the media sector*. Yet, if the legal and social protection of journalists and other media workers on the expanding media markets in the region are not working, the contribution of the news media to democracy will remain limited.

¹⁸ Among the expected results are, for instance, strengthened cross-border exchanges of television programmes boosting information and mutual understanding or connecting the local Press Councils with the self-regulation process at the European level.

5. Strengthening Regional Cooperation: Recommendations for the next Programming Exercises

Regional Parliamentary Dimension

An additional Programming Document should channel funds directly for inter-parliamentary cooperation and the capacity building of national parliaments. This document should target special actions and draw an integrated strategy on the basis of a strong involvement of the European Parliament. Priorities to be incorporated in the new Programming document include:

- Promoting internal reforms and bringing the national parliamentary structures closer to Parliaments in the European Union, establishing links with the European Parliament
- Strengthening the democratic efficiency and effectiveness of the parliaments
Promoting bilateral and multilateral co-operation among parliaments in South Eastern Europe through support to regionally initiated parliamentary co-operation structures such as the Western Balkans COSAP, the Cetinje Parliamentary Forum and the SEE Women MPs network

Specific actions should aim at:

- Consolidating networks between sector-specific parliamentary committees: increased networking for democracy-building activities on committee or sub-committee levels
- Creating an information network between parliaments
- Preparing an administrative basis for a more institutionalised co-operation
- Sharing and diffusing information on best practices and lessons learned

Capacity building activities providing issue-specific training to MPs and strengthening the oversight capacities of the parliaments have to be the two main priorities of the inter-parliamentary cooperation.

Movement of People in the Region

- As regards the liberalisation of the EU's visa requirements, the EU should keep track of recent progress and increase the speed of visa liberalisation leading to visa free travel between the EU and the Western Balkans as soon as possible. The "roadmaps" which clarify the conditions for visa-free travel shall contain clear and accomplishable conditions. With clear roadmaps and a programme for progress, the message that the EU wants to avoid a 'Balkan ghetto', but only seeks to enhance sustainable reforms of the respective governments, is more credible and therefore more sellable.
- The EU should consider introducing visa liberalisation for the region rather as a whole than in a case by case approach. A different pace in terms of liberalising the Western Balkan's visa regimes will have a negative impact on regional stability and cause substantial negative side-effects, e.g. with regard to the different ethnicities in Bosnia and Herzegovina. If the EU sticks to the case by case approach, the time-spans between the countries should be kept as short as possible.

Promotion of Civil Society

- Increase user-friendliness of EU CSO support:

- Further improve coordination with other donors on the ground by concentrating EU resources on a limited number of key priority sectors
 - Establish coherence not through cross-referencing of documents, but through further limitation of the set of programmes, conditions and modes of financing.
 - Scale down projects and make them viable for small and rural CSOs with limited capacities
- Create ownership by putting the partnership principle into practice through a stronger involvement of CSOs in the programming process. This should be complemented by reminding beneficiary governments of their obligations to come forward with consultation plans.
 - When CSOs are to be independent from their governments, the EU should move away from a financing construction channelling funds through the national executives, thereby creating room for dependencies. From the EU's view, the role of the *beneficiary* should be taken on by the CSOs, not their respective governments.
 - Remind beneficiary countries to create a supportive legal, fiscal and institutional framework in order to strengthen CSOs' position in the policy process
 - Develop a long-term strategy of empowering a CSO-network and provide strategic support avoiding financing of mainly short-term projects

Media and Education Sectors in the Region

Recommendations concerning the education and civil society component:

- The EU should increase the speed of visa liberalisation leading to the abolishment of visa requirements for the citizens of West Balkan countries as soon as possible. At the same time, Western Balkan countries should refrain from establishing any impediment for travel in the region. This measures would boost people-to-people contacts, especially among the youth, to an incomparably bigger degree that what is achievable under the present visa regime.
- When awarding scholarships and grants to applicants from the Western Balkans, the EU should pay particular attention to applications by less affluent individuals and organisations, especially from the province.
- The EU should consider whether to set up, perhaps together with the Regional Cooperation Council in Sarajevo, a special programme to foster interaction between higher education institutions, academics, and students in the Western Balkans (Tempus and Erasmus Mundus do not have a focus on the region)
- The Youth in Action programme should be fully extended to the West Balkan countries as soon as possible. Presently, it is among the very few programmes supporting intercultural exchanges among the youth of the Western Balkan countries
- The application forms and procedures for EU scholarships and grants should be robustly simplified to encourage broader participation in the tenders
- More information about Tempus, Erasmus and Youth in Action should be channelled to the potential beneficiaries in the West Balkans, particularly in the province

Recommendations concerning the media sector:

- In future, there should be a realistic relation between the allocated funds and the project purposes
- New challenges to the freedom of the press, such as market monopolies and the degradation of social protection for journalists and other media professionals in the Western Balkans should receive particular attention in future activities
- Public-private partnerships with foreign investors in the media sector in the Western Balkans should be established in order to increase the media assistance for the region
- Existing EU programmes, such as MEDIA, the support programme for the European audiovisual industry, should be opened for co-productions with Western Balkan companies
- A mechanism for coordination of media assistance in the Western Balkans with other international public and private actors (such as Unesco, the Open Society Institute, US organisations) should be established

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Analysis of the 2007 Annual Action Programmes for the Candidate and Potential Candidate Countries of the European Union under the Pre-Accession Instrument in preparation of the review of the relevant Multi-annual Indicative Programme

SUMMARY

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With its Instrument for Pre-Accession Assistance (IPA), the European Union gives support to the candidate countries¹ and potential candidate countries² of the European Union. This financial assistance is divided into five components:

- I - Support for institution-building,
- II - cross-border cooperation,
- III - regional development,
- IV - human resources development and
- V - rural development.

Whereas the first two components are accessible for all countries involved in IPA, only the three candidate countries are eligible for components III-V which aim at preparing the countries for the absorption and implementation of the European Structural Funds.

This series of briefings analyses the coherence between the IPA Annual Programme and the objectives set in the EU pre-accession policy. It focuses on the component of transition assistance and institution-building solely, as only this component is covered by the Annual Action Programme (AAP). Component I again is sub-divided into three categories, in line with the Progress Report and the Multi-annual Indicative Planning (MIPD): Political criteria, Economic criteria and European standards. The briefings therefore follow this structure in order to facilitate comparison.

Main conclusions

Overall, the briefings suggest that there exists a **satisfactory coherence between the IPA Annual Programme in the individual countries and the EU pre-accession policy**. For the candidate countries, the main focus lies on the implementation of European standards, which is coherent with the EU's enlargement policy. **In the case of Turkey**, however, it was the question of the fulfillment of the political criteria that has often led to complications and slowing down of negotiations. Consequently, **more attention within the IPA for Turkey should be paid to the salient issues identified, such as civilian justice reform, law enforcement services and social dialogue**. These should be adequately addressed by IPA.

The MIPD should furthermore ensure that the priorities for IPA projects are in line with the Progress Reports and thus correspond to the state of negotiations in the cases of Croatia and Turkey, or to the stage of the preparations for the opening of negotiations in the case of FYROM. **This coherence is not fully respected in the Annual Action Programme for Croatia.**

For all countries **attention has to be paid to the fight against corruption**, which is highlighted in all briefings as being of utmost importance. Whereas in some countries explicit measures are taken, other IPA projects address corruption as a cross-cutting issue or take it insufficiently into account. While respecting the characteristics of each country – which, for

¹ The candidate countries include Croatia, Turkey and the Former Yugoslav Republic of Macedonia.

² Potential candidate countries are Albania, Bosnia and Herzegovina, Serbia and Kosovo (under UNSCR 1244) and Montenegro.

example, in the case of Montenegro are rather specific due to its very small population– the European Union needs to develop a **more coherent strategy in this context**, learning the lessons from the last enlargement rounds.

With regard to economic criteria, the need to **combat unemployment** is a cross-cutting issue. The economic climate in most countries is relatively stable, but youth unemployment in particular is seen as a major problem. In the long-term, a healthy economic environment and a well-educated population would also contribute to political stability in the countries.

As all potential candidate countries are only eligible for components I and II of the Pre-Accession Assistance, many of the briefings suggest making **greater use of the flexibility clause**. This means that where appropriate, measures related to components III-V could be funded through the first two components, which seems especially important for regional and rural development. A stronger involvement of the public in the implementation of the Annual Action Programmes would also help, for example by supporting the participation of civil society actors who should be specifically included in the measures undertaken.

Generally, two problems arise in the earmarking and use of funds: Firstly, only **limited funds** are allocated for large geographic areas or comprehensive policy areas, and secondly, these are **partially fragmented, meaning that at the moment many small projects are funded instead of making a concentrated use of the money available and having fewer, more visible projects**. This results in an inefficient deployment of resources and unsatisfactory progress. With regard to this observation, policies need to be readjusted.

Country-specific conclusions:

Concerning **Croatia**, with regard to the political criteria the AAP and the pre-accession objectives are largely coherent, but **four areas need to be taken up by IPA: the fight against corruption, reforms of public administration and the judiciary, the implementation of the Constitutional Law on national minorities** and targeted support for **anti-discrimination policies**. Within the economic criteria, IPA needs to integrate projects to combat unemployment, to ensure fiscal consolidation and reduce state intervention.

The emphasis of IPA for Croatia has been put on the implementation of European standards. Nevertheless, areas supporting the free movement of workers and ensuring food safety are not addressed though highlighted in the Progress Report. The same is true for the fisheries policy, and labour legislation. The Energy Community Treaty and issues related to the gas market should also be taken up by projects.

As for the **Former Yugoslav Republic of Macedonia**, the 2007 Annual Action Programme strongly focuses on the field of political criteria, on the implementation of police reform, public administration reform and judicial reform. Still, more **measures should be carried through by bottom-up activities**, especially with a view to **strengthening the capacity of civil society**. Also, adequate **representation of minorities**, including in parliament, should be supported. More action needs to be undertaken in the fight against corruption. With regard to the economic criteria, efforts need to be made to address unemployment by retraining, lifelong learning and increasing the level of education among school leavers. In light of the review of the Multi-Annual Indicative Programme, the **EU may consider placing a stronger emphasis on** certain issues that have not received concentrated EU assistance under the 2007 Annual Action Programme, notably the **fight against corruption and youth and long-term unemployment**.

For **Turkey**, the IPA 2007 Annual Action Programme generally follows the mid-term priorities from the *MIPD* 2007-2009 and offers relatively adequate measures for its short-term

implementation in 2007. However, there is a large disproportion between low attention for projects earmarked for meeting the political criteria and many projects earmarked for the implementation of the *acquis*.³ More action needs to be undertaken in the fields of civilian justice reform, law enforcement services, education for all segments of Turkish society and social dialogue. Also regional development, i.e. reducing regional disparities as far as possible, and education with the focus on local communities need to be taken into account. The promotion of an EU-Turkey Civil Society Dialogue is also a very important element for the adaptation to the European standards and criteria.

For **Serbia**, the objectives stipulated in the AAP are largely congruent with the tasks identified in the Commission's Progress Report and the Enlargement Strategy. As for the political criteria the projects fully reflect Serbia's priority needs in view of EU approximation. Shortcomings on this priority axis relate primarily to the areas of governance, local government, secret services and state capture.⁴ **The projects assigned to the Socio-Economic priority axis, though in line with the needs of the country, widely neglect social issues. The activities score low in terms of EU visibility and do not generate bottom-up legitimacy for further EU rapprochement.** With regard to European standards, the projects chosen are adequate. Especially the concentration on environment, rural development, border control and the cross-cutting issue of administrative capacity building corresponds with the special demands of Serbia. However, serious deficits in the areas of corruption and organized crime identified in the Progress Report have not been addressed.

For **Bosnia and Herzegovina**, the community assistance planned in the IPA 2007 Annual Programme generally follows the priorities set in the MIPD. However, as this form of support is conditional to the still **missing reliable consent among the relevant political stakeholders** with regard to issues such as police reform, full co-operation with the International Criminal Tribunal for the former Yugoslavia and constitutional reform, it is difficult to estimate its pertinence for the actual situation on the ground. As regards the economic criteria, due to the limited amount of financial resources, the long-term positive effect of the projects is questionable. The gradual approximation of legislation and policies to the *acquis communautaire* is a key issue. Nevertheless, the 2007 Annual Action Programme corresponds to the MIPD only to a certain extent in the fields of justice, freedom and security, and there is room for improvement in this regard.

As for **Albania**, the objectives envisaged in the Annual Action Programme are largely in line with the tasks identified in the Commission's Progress Report for this country and the Enlargement Strategy. As regards the political criteria, the priorities set out in the AAP 2007 focus on police reform and reform of the penitentiary infrastructure. More emphasis should be given to the **prevention of crime and the fight against corruption as well as to legal reform**. The parliamentary decision-making process should be supported through **enhanced capacity building in the Parliament**. With regard to the economic criteria, the importance of **enhancing the socio-economic infrastructure** is widely ignored. More attention needs to be given to improving corporate governance and developing active labour market measures. Key priorities of the AAP in the field of European standards rightly address the alignment of the national statistical system, environmental standards as well as the fiscal system with European Union standards. Still, the MIPD's priorities to develop an approximation strategy and

³ Out of the global IPA budget for Turkey of 256,2 million € 25,648 million € are earmarked for political projects, 153,361,950 € for European Standards, and 77,192,770 € for civil society support. No money is foreseen for economic projects.

⁴ In Serbia, a small group of powerful tycoons has assumed the power to "capture the state" and influence policy making, regulatory and legal frameworks to their own advantage. This phenomenon of "state capture" goes much beyond traditional forms of administrative corruption (bribery in connection with implementation of existing laws, rules and regulations).

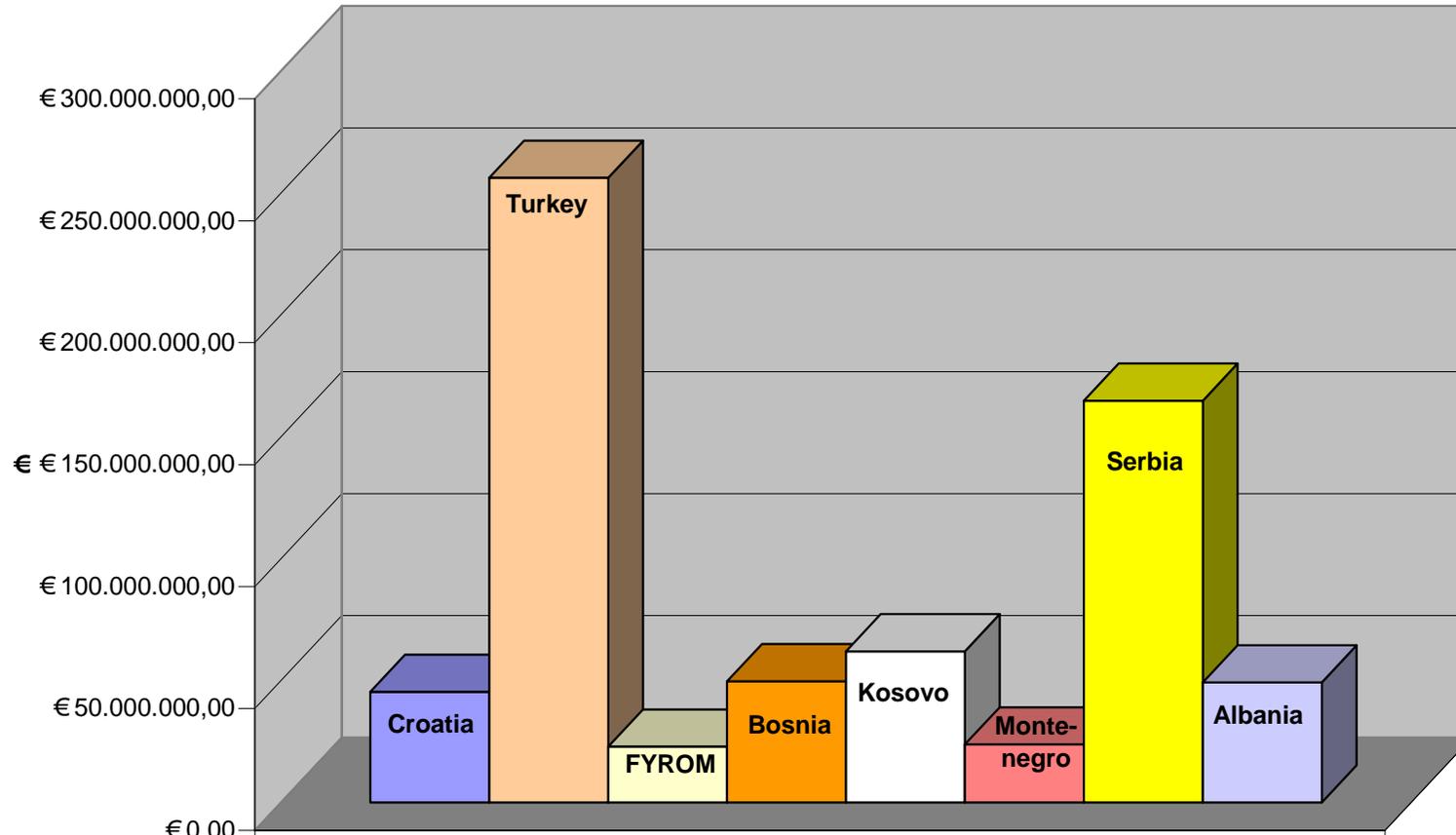
adequate policies are not sufficiently covered by the AAP 2007. Areas to be introduced as priorities are the energy sector and rural development.

Concerning **Montenegro**, the objectives stipulated in the National Programme are largely congruent with the tasks identified in the Commission's Progress Report and the Enlargement Strategy. Within the political criteria three major areas are addressed: civil society organisations, reform of the judiciary and anti-corruption activities. Shortcomings related to the prioritization of the National Programme concern primarily the areas of **national parliament and local government**. Within the economic criteria the projects are fully in line with the two key priorities of the Socio-Economic Requirements axis (Human resources development and Improvement of the infrastructure). The challenges ahead lie in the areas of institutional reform, of development of infrastructure, but also in non-banking financial institutions, competition, employment policies and energy sector reform. As for the appropriation of European Standards all topics dealing with the transposition should be considered as appropriate to the current state. However, there are other issues that deserve attention, such as the quality of policies, notably in the areas of environment, financial control, intellectual property rights, migration and protection of personal data.

For **Kosovo**, the National Programme addresses the most urgent issues for the country and is mainly in line with the Progress Report. Still, as many institutions have to be built up or consolidated, the financial resources spent in this area might be too small and leave a widening gap between resources and needs.

Within the political criteria strengthening the **rule of law** and **enhancing political accountability** is of utmost importance. Concentrating on public administration reform and on judicial sector reform is therefore a good strategic choice. Regarding the economic criteria, the priorities set in the Annual Action Programme 2007 focus on the enhancement of the investment climate and the support of small and medium enterprises, rural development, transport infrastructure development and improvement of the education system. Support for the overall education reform is needed. The problem of **unemployment** seems to be neglected in the Annual Action Programme. With a view to European Standards Kosovo is especially dependent on EC assistance. The priorities should be completed by including competition, employment and social policy as well as statistics. Emphasis should also be placed on the **fight against organised crime**.

IPA funding in the Western Balkans and Turkey



	country
■ Croatia	€ 45.411.775,00
■ Turkey	€ 256.202.720,00
■ FYROM	€ 22.941.613,00
■ Bosnia	€ 49.736.394,00
■ Kosovo	€ 62.000.000,00
■ Montenegro	€ 23.870.000,00
■ Serbia	€ 164.830.000,00
■ Albania	€ 49.268.790,00

country

Croatia	
Political criteria	€ 5.638.000,00
Economic criteria	€ 1.775.000,00
Ability to assume the obligations of membership	€ 28.541.000,00
Supporting programs	€ 9.457.775,00
Total	€ 45.411.775,00

Turkey	
Political criteria	€ 25.648.000,00
Economic criteria	€ 0,00
Ability to assume the obligations of membership	€ 153.361.950,00
Civil Society	€ 77.192.770,00
Total	€ 256.202.720,00

FYROM	
Political criteria	€ 5.100.000,00
Economic criteria	€ 7.000.000,00
Ability to assume the obligations of membership	€ 9.000.000,00
Supporting programs	€ 1.841.613,00
Total	€ 22.941.613,00

Bosnia	
Political criteria	€ 12.886.394,00
Economic criteria	€ 12.000.000,00
Ability to assume the obligations of membership	€ 21.550.000,00
Civil Society Dialogue	€ 3.300.000,00
Total	€ 49.736.394,00

Kosovo	
Political criteria	€ 16.700.000,00
Economic criteria	€ 32.800.000,00
Ability to assume the obligations of membership	€ 6.500.000,00
Other	€ 6.000.000,00
Total	€ 62.000.000,00

Montenegro	
Political criteria	€ 6.000.000,00
Economic criteria	€ 9.200.000,00
Ability to assume the obligations of membership	€ 7.450.000,00
Other	€ 1.220.000,00
Total	€ 23.870.000,00

Serbia	
Political criteria	€ 56.500.000,00
Economic criteria	€ 71.000.000,00
Ability to assume the obligations of membership	€ 34.500.000,00
Other	€ 2.830.000,00
Total	€ 164.830.000,00

Albania	
Political criteria	€ 16.518.790,00
Economic criteria	€ 3.400.000,00
Ability to assume the obligations of membership	€ 29.350.000,00
Total	€ 49.268.790,00

Distribution of IPA by category and country

