



WESTERN BALKAN NETWORK
ON TERRITORIAL GOVERNANCE

POSITION PAPER ON TERRITORIAL GOVERNANCE IN THE WESTERN BALKANS

The Western Balkans Network on Territorial Governance | TG-WeB |

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*This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ opinion on the Kosovo declaration of independence

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Executive Summary

All Western Balkan countries share a common aspiration for a future with the European Union (EU). As a region, our territorial governance systems and practices face common imperfections that render the translation of EU policies into practice challenging. These challenges are mounting in a context in which the EU has not included the Western Balkans in its efforts to enhance *Territorial Governance*, hence leading to current and future unpreparedness for dealing with territorial development in both an EU and domestic fashion.

As the EU has recently reconfirmed its perspective on enlargement, as a network, we find this to be a timely moment to explicitly introduce *Territorial Governance* into the enlargement agenda. We, the *Western Balkans Network on Territorial Governance*, suggest that the credible enlargement *perspective* could do more under the frame of territorial governance to address and offer a credible solution to **underlying structural issues**. These underlying issues affect the successful fulfilment of the enlargement *perspective's* priority objectives; constitute core barriers to the sustainable development of the Western Balkans; and are critical to the achievement of intra-regional integration. By being addressed, we believe that the enlargement *perspective* would have a greater potential for delivering the much-anticipated results:

- **Climate Change & Environment:** The social-economic integration of Western Balkans in the EU can only be achieved in conjunction with an **intelligent, common use of the natural resources. Ecosystem and adaptation-based governance** should be core considerations in the integration process, as publicly discussed during interactions between the EU and Western Balkans states.
- **Renewable Energy & Energy Networks:** The EU should integrate its energy systems with the Western Balkans and place practical emphasis on the circular economy. It should **actively support** the establishment of **renewable energy** systems, limit the use of fossil fuels, prevent the importation of outdated technologies from other countries, and halt the construction of hydropower plants at any stream level.
- **Migration: The current migration and refugee crisis is a governance challenge to be dealt with in the integration process.** Decreasing local populations and labour forces combined with poor refugee crisis management increases the demographic and socio-economic instability in the region.
- **Labour Market & Employment:** The EU should concentrate its support on programmes that **prevent brain drain and keep the local workforce in the Balkans**, by focusing investments on start-ups, SMEs, connectivity infrastructure, enhancement and common pool management of natural resources, and especially **education and local R&D institutes and initiatives**.
- **Transport:** The enhanced connectivity priority should give **special attention to both the rail and motorway systems** connecting the Western Balkans to European corridors for integrated **territorial continuity**.
- **Regional Development and Cohesion:** The implementation of the enlargement *perspective* requires the establishment of **open information and communication systems** that allow for the inclusion of Western Balkans perspectives in EU policies. The implementation of the enlargement *perspective* must include development planning to

achieve territorial sustainability while the EU offers increased support to local populations and civic society as a means for **holding governments accountable to implementing the reforms.**

- EU instruments for the implementation of the enlargement *perspective* should ensure an appropriate **balance of assistance and support instruments** between governance levels and stakeholders. This would require enhanced donor coordination and planning for **aligning all initiatives** to the fulfilment of EU accession criteria.
- Finally, **knowledge** that comes from the implementation of territorial instruments such as CLLD¹ and ITI² should be **transferred** to the region, in order to strengthen **understanding of the place-based approach and the partnership principle**, which are fundamental to territorial governance.

1 Community-Led Local Development
2 Integrated Territorial Investment

Introduction

All countries of the Western Balkan region – Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo, Montenegro, and Serbia – share a common aspiration for a future within the EU, despite their diversity and idiosyncrasies. As a region of more than 20 million inhabitants, the countries share similarities with respect to their development and integration agendas, and face common imperfections in territorial governance and planning systems and practices. **These complexities have rendered the translation of EU policies to practice rather challenging.**

Although the EU has dedicated significant efforts and funds to achieving better territorial governance and integration of policies, it has yet to include the Western Balkan countries. Therefore, when the Western Balkans eventually make their way to the EU, both EU and Western Balkan states will find themselves unprepared to deal with territorial development in both an EU and domestic fashion. Under these circumstances, **the challenges of the Western Balkans are twofold**, combining poor domestic territorial governance with limited opportunities to actively contribute to the EU policy discourse through insights from Western Balkan states. Failure to meet these challenges results in poor and unethical administration of resources, inadequate planning, non-inclusive policy-making, vast territorial disparities, and conflicting [sectorial] development priorities.

As the EU reconfirms its perspective on enlargement, as a network, we find this to be a timely moment for Territorial Governance to be introduced in the enlargement agenda of development and integration priorities for a number of reasons that are beneficial to both the EU and the region. Territorial Governance is a concept that is relatively new to Europe. It is complex and overarching, yet promising and highly relevant to the Europeanisation process of the region on three levels: (i) it emphasizes the territorial/place-based dimension of policy making; (ii) it enables stakeholder cooperation and inclusion; and (iii) it is both action and strategy oriented.

We, *the Western Balkans Network on Territorial Governance*, a group of civil society organisations operating in Albania, Bosnia and Herzegovina, Former Yugoslav Republic of Macedonia, Kosovo, Montenegro, and Serbia, and with the full support of network member organisations from EU-member states, including Bulgaria, Croatia, Hungary, Italy, Luxembourg, Netherlands, Slovakia, and Slovenia, set forth this position paper on Territorial Governance in the Western Balkans vis-à-vis the 'Credible enlargement perspective for and enhanced EU engagement with the Western Balkans'.³

The position paper adopts a macro-regional perspective in identifying and proposing a number of recommendations as to how Territorial Governance can play a role in the Western Balkans' European Union integration process, by addressing development and governance challenges in the region.

3 Hereafter referred to as the 'enlargement perspective', or simply 'perspective'.

I. The Region's Expectations

Is the EU enlargement perspective for the Western Balkans what was expected from a country/regional perspective?

At its meeting in Thessaloniki in 2003, the European Council offered an EU perspective to the Western Balkan countries. Fifteen years and numerous (attempted) reforms later, this *perspective* is being offered anew through the "Credible enlargement perspective for and enhanced EU engagement with the Western Balkans," published in February 2018.

From the EU's perspective, the Western Balkan states' membership constitutes a geostrategic investment for what it defines as its "own political, security, and economic interest" for a "stable, strong and united Europe based on common values." This makes for a very welcome confirmation of enlargement intentions across the region. The enlargement *perspective* acknowledges the European perspective towards the Western Balkans geographically, culturally, and historically, and emphasises its future as an integral part of the EU.

As a network, we also applaud the enlargement *perspective* for resetting the tone and urgency of the need to fulfil the Article 49 criteria of the EU Treaty, including the Copenhagen criteria, delivery of at least three key reforms, and the resolution of any bilateral disputes.

The credible enlargement *perspective* for the region puts the rule of law, addressing of structural weaknesses related to a functioning economy, and resolution of bilateral disputes squarely into focus. Yet, we as a network feel that the enlargement *perspective* could have offered a much anticipated "credible solution" to the underlying structural problems that affect the successful fulfilment of the enlargement *perspective* in each of the Western Balkan countries and done more to address these structural issues. In fact, for the

objectives to be credible and realistic, and for profound social transformation to take place, major changes would have to occur. These include the modest willingness of governments to implement reforms that lead to diminishing the influence of the structures in power; the prosecution of many political figures who are involved in corruption schemes and organized crime groups; as well as other changes.

The enlargement *perspective* sets forth a number of priorities, which are highly relevant from the European Union's point of view. While there is domestic relevance for the Western Balkan countries, the regional perspective shows locally diverse realities and hence, some additional priorities. In such a diverse Europe, integration needs to be a mutual process between aspiring countries and the welcoming community. While newcomers must meet the requirements of the Union, the EU should recognise the local challenges of integration and be prepared to deal with them in the process. For instance, issues of balanced domestic regional development, property rights issues, unsustainable exploitation of natural resources, insufficient environmental protection that puts socio-ecological systems at all scales at risk, and a growing but increasingly polluting energy sector constitute some of the key challenges for the region.

Western Balkans countries are at different stages of the EU accession process, advancing on their European path based on their own individual merits. While this is normal, it should not provoke large differences in the accession timeline across countries, as this would hamper the ambition to integrate into the EU as a region. At the same time, it is necessary for the Western Balkan countries to recognize that integration is not equal to accession. In this sense, intra-regional integration should become a priority for the Western Balkans next to current processes of EU integration and accession.

II. The Territorial and Urban Dimension of the Enlargement Perspective

Does the enlargement perspective address Territorial Governance challenges and realities, and if not, why should it do so?

Though the credible enlargement perspective for the Western Balkans does not contain territorial and urban governance as an explicit dimension, it does focus on public administration reforms, including good governance and fostering of regional cooperation and connectivity. Public administration reforms are envisioned as set of programmes that aim to improve the quality and accountability of the government and public services, while the increased regional cooperation between Western Balkan countries and with EU countries should enhance capacity development and the integration of markets. The enlargement perspective also provides for common commitments in the area of transport infrastructure, energy, and e-communication.

The enlargement perspective emphasises that governments should ensure the active participation of stakeholders in reform and policy-making processes by establishing inclusive, structured dialogues with an empowered civil society, for example. This hearkens back to the bottom-up and place-based character of territorial governance.

The enlargement perspective briefly mentions the need for balance between central, regional, and local governments, but it does not elaborate on how this balance is to be achieved and supported. The Annex to the enlargement perspective (Action Plan in Support of the Transformation of the Western Balkans)⁴ does not make an

explicit reference to Territorial Governance while the actions of the first priority do not mention governance at all. Furthermore, the enlargement perspective does not address the spatial dimension (urban and rural) of the balance between governance levels nor does it describe how to democratise decision-making and stimulate sustainable economic growth. The Western Balkan countries, with economies that rely significantly on natural resources, cannot make progress towards solving any of the above issues if solutions are not included in the framework of **sustainable regional development, environmental protection, and responsible spatial planning and development**. These are not peripheral issues that will be solved if the other politically sensitive reforms are implemented successfully; these constitute core issues. Dealing with these issues contributes to the achievement of a stronger and more solid union, before becoming a bigger union. After the crisis of 2008 and the high price that certain EU countries paid due to unwise and irresponsible territorial development, the potential effects of ignoring the latter are well-known.

4 https://ec.europa.eu/commission/sites/beta-political/files/annex-communication-credible-enlargement-perspective-western-balkans_en.pdf

III. Territorial Governance Challenges in Western Balkans Countries

What are the current/expected Territorial Governance challenges that need to be addressed to ensure development and integration?

The credible enlargement *perspective* distinguishes between a multitude of issues, specifically highlighting problems with the rule of law; weak, uncompetitive economies; and bilateral disputes. However, there are other challenges related to Territorial Governance that need to be addressed to ensure the successful implementation of the enlargement *perspective* objectives. Each Western Balkan state has its own specific challenges, though many are common to all of them and, in some aspects, are shared with EU member states in central and south-eastern Europe. These common challenges include:

- Insufficient technical and managerial capacities at the local and central government levels, including low absorption capacity for EU funds;
- Sprawl of developments over the territory at the expense of agricultural land and natural resources. Sprawl manifests locally, but is a consequence of a lack of regional governance frameworks and poor national and regional territorial planning that often leads to negative regional outcomes, especially regarding the use of water resources and deforestation;
- Sectorial orientation of policy implementation without a territorial dimension, poor horizontal cooperation between sectors and stakeholders, and very limited place-based governance. Governance challenges are concerned with issues of power and territoriality,

while territorial socio-economic disparities remain high;

- Lack of a development vision at a domestic level. Political agendas prevail over a vision for development and integration. The governments are either unprepared or are unwilling to approach the EU with evidence-based analysis, inclusive processes, and policy-orientations, which would not only fulfil the obligations of integration, but also ensure domestic interests and sustainable development; and
- A process of governance recentralisation, authoritarianism, and populism present in all countries. This has led to poor reforms of national governance, fiscal decentralization, public finances, territorial planning and development, energy production and supply, and forest governance, among other sectors, decreasing the social accountability of government actors and weakening local democracies.

Table 1. Key Territorial Governance and Integration Challenges for Western Balkans Countries reflecting the views of the TG-WeB Network Members

<p>Albania</p>	<ul style="list-style-type: none"> • <i>Gaps between plans and practice</i>: several territorial development plans but limited financial and human resources for implementation • <i>Sectorial policy orientation</i>: governance challenges with issues regarding power and territoriality; high regional disparities • <i>Poor cooperation, no place-based governance</i>: limited horizontal and vertical cooperation due to a lack of knowledge exchange and centralisation trends • <i>Weak economic governance</i>: informality, corruption, and unstable fiscal policy lead to an uncertain environment for investments
<p>Bosnia and Herzegovina</p>	<ul style="list-style-type: none"> • <i>Lack of vision</i>: politicization of policy issues and insufficient capacities hamper local development implementation • <i>Asymmetrical political and fiscal decentralisation</i>: cantons and entities with more authority and/or funding than national and local level governments • <i>Political and civic accountability</i>: limited at all levels of government
<p>The former Yugoslav Republic of Macedonia</p>	<ul style="list-style-type: none"> • <i>Weak fiscal decentralisation</i>: municipalities lack proper funding to perform transferred competencies • <i>Lack of collaboration due to politicisation</i>: inter-municipal, cross-regional, and cross-border cooperation are at an initial stage • <i>Decentralisation</i>: state failure to foster decentralisation, balance regional development, and strengthen local financial, human, social and technical capital
<p>Kosovo</p>	<ul style="list-style-type: none"> • <i>Limited financial power</i>: various regulatory frameworks have been developed though there is a severe lack of financial transfers • <i>Cross border / cross regional collaboration</i>: a lack of recognition of the state in the region limits mobility • <i>The ethnic line</i>: high levels of uncertainty for northern municipalities lead to difficulties in territorial governance and planning • <i>Territorial disparities</i>: lack of socio-economic opportunities for various (vulnerable) groups
<p>Montenegro</p>	<ul style="list-style-type: none"> • <i>Centralisation in planning</i>: all decision making on local planning and construction is done by the Ministry of Sustainable Development and Tourism • <i>Regional disparities</i>: lack of regional development policy; stagnation in the north with economic and demographic consequences • <i>Privatisation of space</i>: spatial potential and public access to locations is endangered; emergence of gated communities
<p>Serbia</p>	<ul style="list-style-type: none"> • <i>Regional disparities</i>: regional development policy is ineffective; the political-administrative system is asymmetrical • <i>Lack of territorial/place-based approach effectiveness</i>: weak evidence-based policy-making and impact assessment • <i>Weak horizontal and vertical cooperation</i>: unsustainable cooperation initiatives in policy design and implementation • <i>Lack of accountability</i>: results-based management within sub-national authorities is undermined

IV. The Role of Territorial Governance in Support of the EU Enlargement *Perspective* for Western Balkans

Why and how can Territorial Governance help to move forward / implement the strategy?

Joining the EU is more than a technical process conducted within government offices, it is a generational choice of the society. Therefore, as the Strategy defines, the process requires countries to bring together all stakeholders from across political spectrum, including civil society, community, business, and media. This is fundamental because accession is a merit-based process and requires that everyday life in the Western Balkans progressively becomes harmonised with everyday life within the European Union. To ensure this kind of convergence, harmony, stability, atmosphere, prosperity, and equality within each country, people should have equal and fair access to services, decision-making, use of resources, employment, education opportunities, and social and cultural activities. These are all **traits of development achievable through Territorial Governance**.

Territorial Governance is an objective, vision, dimension, or priority of several European strategic and flagship documents, such as Europe 2020, Territorial Agenda 2020, and Europe Territorial Vision 2050. However, these documents do not address the Western Balkan region. If the future of the EU also includes this region, then the **Territorial Governance of the Western Balkans should appear in European strategies**, as well as in any strategy that the EU envisages for the region, including the enlargement *perspective*.

- The rule of law priority cannot be achieved by merely addressing the judicial system and legal reforms.

While this is necessary, fighting corruption should also occur at the level of: public works procurement and implementation (in a way that is process-oriented and territorially balanced to promote integration and equal development); domestic and regional decision-making on the use of natural resources; fair and transparent fiscal systems and expenditures reflecting revenue generation; and at the level of territorial development (taking into account social and territorial diversity). After all, this is what the enlargement *perspective* should imply when referring to **accountable governance**.

- Territorial Governance is **place-based and addresses territorial diversities**, be those natural, social, cultural, historical, or ethnic. The region is rich in its diversity, which is a unique asset to its development, but often also creates a basis for disputes. **Any reform should address these diversities and should not be implemented uniformly**. For example, in Bosnia and Herzegovina, local governments are viewed as the most efficient and trustworthy political institutions, especially compared to their counterparts at the cantonal, entity, and national level. Yet, cities and municipalities remain inadequately funded. Territorial Governance is based on **decentralised approaches**, which strengthen democracy, bring about efficiency, and enhance the principle of partnership. The governments of the Western Balkans, on the other hand, have recently shown a strong tendency towards governance centralisation (instead of developing decentralisation

mechanisms). This is very likely to hamper the implementation of the Enlargement Strategy.

- Aside from the visa liberalisation and the judiciary, most of the EU reforms and programs remain invisible to the public. It is necessary that the cooperation and transparent **knowledge exchange between the EU and the Western Balkan countries** focuses on those *acquis* chapters that are of a thematic, developmental nature. The integration approach must exhibit a **bottom-up** character, rather than simply addressing the formal, legal aspects.
- The regional market and competitiveness priority requires that infrastructures integrate the Western Balkans region into the EU single market in a cascade fashion from the most remote areas and inner peripheries, to the core urban centres and regional hubs. It also demands soft and hard investments that promote regional development. Local, regional, and national governments should invest in and be supported to develop capacities for envisioning and implementing a **functional territorial, economic, and social continuity** between the EU and the Western Balkans.
- Solving bilateral disputes means ensuring **internal stability** prior to entering a new community. Bilateral disputes have historical and cultural antecedents and reflect **territorial diversity** within the region, which should be recognized and accounted for in development strategies, regardless of political challenges and national borders. Investments need to be focused on cultural cooperation and education – especially innovative hubs of university education and social networks for all segments of the society (especially youth). **Cooperation is societal**; it cannot

occur in a top-down fashion, but has to happen at various (territorial) scales and (institutional) levels. Cooperation and overall inclusivity are key features of Territorial Governance and lead to harmonious dialogues that facilitate good governance and the solution of bilateral disputes.

The implementation of the enlargement *perspective* includes a wide range of activities and projects at the sub-national level, parallel to state level planning (i.e. economic reform programmes, employment and social reforms, etc.) and regulatory reforms to align with EU standards and law. **Territorial Governance is about the implementation of these sub-national activities.** In their absence, the enlargement *perspective* could end up having a the same type of impact that is often reported in Annual Progress Reports – good progress in legal approximation (national level responsibility), but poor or limited implementation and progress of reforms at the societal level.

V. RECOMMENDATIONS

Territorial Governance in Western Balkans within the Framework of the Enlargement Perspective's Implementation

What are/could be the Territorial Governance priorities or changes to Territorial Governance that need to be addressed in the instruments of the strategy implementation?

In line with the argument presented above, the improvement of territorial governance constitutes an important aspect within a wide range of different policy fields. The most urgent topic areas in which territorial governance needs to be improved to ensure progress towards more efficient policy making and European integration are listed below.

- **REGIONAL DEVELOPMENT AND COHESION:** The success of the implementation of the enlargement *perspective* is in the hands of the accession aspiring countries themselves. This requires the establishment of **open information systems** and channels of communication that feed regional and EU policies with Western Balkans perspectives. The Western Balkans should become part of EU programs that support evidence-based policy making, such as ESPON. Western Balkan countries also require support in achieving **territorial cohesion and regional development**. While these may not be politically sensitive subjects, they are in fact subjects that drive development and horizontal cooperation among sectors and stakeholders to achieve territorial sustainability. Planning for development should become a dimension addressed by the enlargement *perspective*, as it is a crucial step to preparing for the EU Cohesion Policy. Lastly, attention should be paid to **coercing governments to implement the reforms**. The EU reforms depend on the accession state governments, but it remains unclear how exactly these will generate incentives for political leaders to change their approach. EU support should also address local populations directly, rather than merely focusing on government institutions.
- **CLIMATE CHANGE & ENVIRONMENT:** As a network, we believe that regional integration will be achieved through **economic and social integration** combined with an **intelligent common use of the natural richness** that characterises the Western Balkans and stands at the core of its socio-ecological system. This region is increasingly facing the effects of climate change and serves as a protective barrier to the inland of southeast Europe. Its fate defines the future path for the hinterland. Desertification, deforestation, and changing water regimes risk shifting subtropical zones inland into the temperate areas. Ecosystem and adaptation-based governance should be core issues in the integration process and should be publicly discussed during EU and Western Balkans interactions.
- **RENEWABLE ENERGY & ENERGY NETWORKS:** The Western Balkans territory has **diverse natural features**, which constitute **a common resource to people living in the region** and are highly important to the future of Europe. **Energy resources** are one of these features. The Balkans should live on clean energy systems that do not

unsustainably exploit natural resources such as water, biomass, and productive agriculture land. Within the framework of territorial governance, the EU should integrate its energy systems with the Western Balkans, by supporting Western Balkan countries to establish and enlarge a system based on **renewable energy**. This may require **conditionalities on current forms of domestic energy production**, such as limiting the use of fossil fuels, preventing the importation of outdated technologies from other countries, and halting the construction of hydropower plants at any stream level. Climate change prevention, mitigation, as well as the circular economy should also receive further practical attention.

- **MIGRATION: Migration and the ongoing refugee crisis is a governance challenge for all** and should be dealt with accordingly. It has an effect on national territories (i.e. border management, channels/routes/corridors of communication, roads and transport infrastructure, and natural resources); on cities, towns, and neighbourhoods (where migrant integration often fails); and on the fragile socio-economic context of the Western Balkans countries. Outbound migration for better employment opportunities decreases population size and affects the labour force in the Western Balkans while contributing to future uncertainties regarding an ageing population. Adding the refugee management topic to this unstable context of internal demographics increases the challenges faced by the Western Balkans in terms of sustainable social-economic development.
- **LABOUR MARKET & EMPLOYMENT:** It is important to focus investments and EU financial support on start-ups, SMEs, connectivity infrastructure, education

(vocational, university, and support for local R&D institutes and initiatives), enhancement of natural resources, and the promotion of common pool management of the resources. It is equally important to channel funds towards initiatives that **prevent brain drain and keep the local workforce in the Balkans**. Exchange programmes are of high value from a social integration perspective, but there is also a risk that young people will apply for jobs in EU countries, rather than return to their countries of origin. Hence, support should also be concentrated towards jobs, research, development and quality education within the region.

- **TRANSPORT: The enhanced connectivity priority should give special emphasis to both rail and motorway systems** connecting the Western Balkans. The short-term priority of the Western Balkans is its connection to European corridors for integrated territorial continuity. This consists of a number of regional corridors: i) Split – Dubrovnik – Budva – Shkodër; ii) Split – Sarajevo – Belgrade – Bucharest; iii) Tirana – Skopje – Sofia; Belgrade – Prishtina – Tirana – Athens; iv) Belgrade – Skopje – Thessaloniki.

Finally, EU support instruments for the implementation of the enlargement *perspective* should ensure an appropriate **balance of assistance between governance levels and non-government stakeholders**, via credible and efficient consultative mechanisms, promotion of learning and knowledge exchange activities, and support to social movements that call for substantive local democracies. The implementation of the enlargement *perspective* should be coupled with other instruments. Thus, funding conditions from primarily the IMF, World Bank, and the EBDR need to be aligned with the

fulfilment of the EU accession criteria. This will require more efficient donor coordination and planning. Furthermore, there is a need for knowledge transfer as part of the implementation of territorial instruments such as CLLD⁵ and ITI⁶, based on the territorial governance and cohesion policy. This will strengthen understanding of **the place-based approach and the partnership principle**, which are **fundamental to territorial governance**. Without the latter, we cannot expect the enlargement *perspective* to deliver results different from earlier reform processes.

5 Community-Led Local Development
6 Integrated Territorial Investment

Appendix 1

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