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***EU and its
Neighbours***

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Editor's Note

Dear reader, Analytica is happy to announce the eight volume of our E-Journal. Continuing with the good practice of targeting important and ongoing issues, the eight edition of ANALYTICAL is dedicated to **the EU and its Neighbours**.

The past two decades have been years of political and economic turmoil for the neighbouring countries of the EU27, from its immediate neighbourhood in the Western Balkans to its partners in the Mediterranean union. Faced with diverse challenges like: the EU integration processes, economic crisis, protests, the changes after “the Arab spring”, and sustainable development, the countries of the EU's neighbourhood have different agendas when it comes to their relations with the Union.

By the end of 2011, Egypt and Tunisia had their first elections after the fall of the old regimes. Gaddafi and his ruling finally ended in Libya and Syria is out-casted by its Arabic partners. The Western Balkans is facing a new threat in the renewal of violence in North Kosovo, as the EU is staring into the abyss with a very possible break-up of the Eurozone just around the corner.

How all this has an impact on EU's relations with its neighbours; how will the new EEAS cope with the demanding events that unfold; what will happen with the enlargement process in the following years; what are the challenges of the “Arab spring” – are only few of the issues which concern the decision-makers in the EU and its neighbourhood. Drawing from the experience of different countries, the papers in this Journal's edition try to present some new insights and give recommendations for the future of the relations between the EU and its neighbours - the Western Balkans, as well as in North Africa and the Middle East.

As mentioned, in the newest issue of ANALYTICAL the authors try to give answers to some of the issues raised above. Their arguments range from the positive and negative sides of the Mediterranean Union, the possible future of that Union, the Western Balkans and its EU and non-EU future, and in particular the cases of Bosnia and Herzegovina and Macedonia, and where they stand in their relations with the EU and their neighbours as well.

Frosina Ilievska focuses on examining the reasons for creation of the Mediterranean Union as well as its functions following with the issues that caused its deadlock as well as whether the

existence of the Mediterranean Union should be terminated or should the EU try to restart this project and support it with all its resources and institutions. From another angle, **Ana Postolache** focuses on the new challenges in the relations between the EU and the countries from the Mediterranean. She tried to assess the impact of the contemporary events on these relations and to draw an analysis on the historical course of relations between the European Union and the Mediterranean countries while highlighting the main initiatives and the consequences of the adopted practices on the region. Speaking of the Western Balkans, **Geert Luteijn and Katharina Mathias** discuss the future of the region within the new developments in the EU. They focused on the EU integration model that has been developed through several integration rounds for new member states and how that model through its lack of conflict-sensitivity, is poorly equipped to foster the integration of a post-conflict society. They took two case studies through which they made their argument: North Kosovo in Kosovo and Sandžak in Serbia which are regions that still suffer from high political and social tensions. **Daniel Trenchov** on the other hand explores and identifies the common interest for both the European Union and the Western Balkan countries from the integration of this region within the Union. He argues that on one hand the countries from this region see a clear benefit in the long run from having a strong multinational entity as an economic partner and on the other the EU by incorporating the Western Balkans within its frame will send an unambiguous signal that it plays the leading role in democratization of the societies by spreading common values based on diversity and not on glorification of one specific nation. Last three papers focus on two countries separately, the first one by **Nikola Lazinica** focuses on Bosnia and Herzegovina and its challenges to join the EU family which range from bridging the way from Dayton to Brussels to conducting the significant structural reforms that should be performed with larger involvement of domestic political factors than it has been done in the past. He analyzes the current state of affairs in BiH and considers possible steps that should be taken in the future towards EU accession. **Marija Đorđeska** focuses on Macedonia and its relations with the EU on one hand and Turkey on the other hand. She argues that the integration of Macedonia into the EU depends on a strong or weak Greece and that these developments could have influence on Macedonia which in the future could turn more to Turkey which also faces issues with its EU integration process. Last but not least, **Dejan Marolov** goes back in the past analyzing the EU policy towards the disintegration of Yugoslavia and its success i.e. failure in terms of predefined and publicly promoted goals with a special

emphasis on the EU politics towards Macedonia during the Yugoslav crisis. His research attempts to present the rudiments of a separate Macedonian foreign policy and to give explanations of certain problems in the relationship between the then European Community and the newly formed state.

We hope you find our selection of papers relevant and engaging. Enjoy reading this issue of Analytical and do not hesitate to share your thoughts, comments and suggestions with us at: journal@analyticaklmk.org.

Restarting the Mediterranean Union?!

By Frosina Ilievska

Abstract

The Mediterranean Union, more commonly referred to as “Sarkozy’s child” has certainly endured numerous ups and downs. Starting in 2007 as Sarkozy’s idea, while running for president, it aimed to form a Union in the image of the European Union. The idea itself was not welcomed among European partners and was thought of as a fake promise for presidential points. After Sarkozy was elected the Mediterranean Union or Barcelona process was launched on the Paris Summit for the Mediterranean held on 13 July 2008, with 43 Heads of State and Government from the Euro-Mediterranean region. The main goal was to form a free trade area. The Mediterranean Union undoubtedly has an economic potential, but due to the market barriers that are hard to eliminate this part barely functions. There are also doubts about the originality of this plan. The Med Union is especially similar to the “Great Middle East” project as well as the NATO’s Mediterranean dialogue from 1994. The Union has trouble functioning due to the conflicts in the region that unable any kind of progress. This paper will examine the reasons for creation of the Mediterranean Union as well as its functions following with the issues that caused its deadlock. The paper will also try to answer the final question whether the existence of the Mediterranean Union should be terminated or should the EU try to restart the Mediterranean Union and help with all its resources and institutions?

Key words: Mediterranean Union, Barcelona Process, Sarkozy, EU

The process of the creation of the Union began with an electoral promise by President Nicolas Sarkozy back in 2007. France wanted to re-establish itself again as a regional factor in the EU, so the idea and creation of the Union of the Mediterranean was perceived as the ticket for success. Sarkozy's proposal focused on creation of a Union which will contain partners from the EU and states from the Middle East and Africa, and was perceived both with skepticism and positive comments. His primary objective was to bring together the nations that bordered the Mediterranean countries. On February of 2007, Nicolas Sarkozy made a speech in Toulon where he declared "The countries in the Mediterranean must take control of their destiny that geography and *history has created for them.*"¹

It was not long after that the initial criticism arrived. First one was from Merkel that said "This would create a situation I would qualify as dangerous. A situation could be created where Germany would be drawn to Central and Eastern Europe and France to the Mediterranean. This would create tension that I would not like."² Germany held its stance for a longer period, but during several working meetings managed to reach an agreement with France. Italy and Spain were also against the UFM, because they believed that it will undermine the Barcelona Process from 1995. Turkey was also against the idea because it assumed that the UFM was offered to them with pity, since the country did not join the EU. "This is not the only occasion when President Sarkozy has made an impulsive and ill-defined proposal on a subject of strategic importance of the EU, his proposal to dilute the independence of the European Central Bank having been another one. Both propositions put France's most important diplomatic asset at risk, namely its alliance with Germany."³

Despite his efforts to co-opt partners, President Sarkozy's enthusiasm is not shared by many: the official policy of the EU institutions, other Member States and most South Mediterranean countries is to 'wait and see' what final shape the project takes, without making great efforts to hide their unease in the meantime. Euro-Mediterranean foreign ministers merely took note of the initiative, but underlined their expectation that it would be "complementary to the Euro-Mediterranean Partnership". A few have been outspokenly critical. German Chancellor Angela

¹ The Union of the Mediterranean, a sinking ship? <http://owni.eu/2011/03/02/the-union-for-the-mediterranean-a-sinking-ship/> (September 2011)

² Angela Merkel, speech before Konvent für Deutschland, 5 December 2007.

³ Emerson. M, Making sense of Sarkozy's Union of the Mediterranean, (Centre for European Policy Studies,2008), pp.1

Merkel, in particular, openly accused France of excluding non-Mediterranean countries in an attempt to sideline existing EU policies and hijack European funds to support French foreign policy initiatives. London announced that it would not spend an extra penny on the project, and Ankara denounced the plan as a ploy to bar Turkey from EU membership (although it said that it would participate as long as the project did not damage its path to EU accession).⁴ After many negotiations during a summit in Paris, the Union of the Mediterranean was formally created on July 13, 2008.

The main areas where the UFM was envisioned to function were: politics and security, economics and trade, socio-cultural and justice and interior affairs. The Union of the Mediterranean was composed of 43 countries, from which 27 are EU member states, 12 are EMP partners on the southern Mediterranean rim and it has 4 new additions, Bosnia-Herzegovina, Croatia, Montenegro, and Monaco).

As an addition to these four chapters of cooperation, in Marseilles on November 2008⁵ six concrete projects were identified. These projects targeted specific needs of the Euro-Mediterranean regions, such as:

- **De-pollution of the Mediterranean.** This broad project encompasses many initiatives that target good environmental governance, access to drinkable water, water management, pollution reduction and protection of the Mediterranean biodiversity.
- **Maritime and land highways.** The purpose of this project is to increase and improve the circulation of commodities and people throughout the Euro-Mediterranean region by improving its ports, and building highways and railways. Specifically, the Paris and Marseilles Declarations refer to the construction of both a Trans-Maghrebi railway and highway systems, connecting Morocco, Algeria and Tunisia.
- **Civil protection.** The civil protection project aims at improving the prevention, preparedness and response to both natural and man-made disasters. The ultimate goal is

⁴ Balfour, R & Schmidt. Union of the Mediterranean, disunity for the EU (European Policy Centre,2008), pp.1

⁵ Final Statement of the Marseille Meeting of the Euro-Mediterranean Ministers of Foreign Affairs (Marseille, 2008), 19-22

to “bring the Mediterranean Partner Countries progressively closer to the European Civil Protection Mechanism”.

- **Alternative energies: Mediterranean solar plan.** The goal of this project is to promote the production and use of renewable energies. More specifically, it aims at turning the Mediterranean partner countries into producers of solar energy and then circulating the resulting electricity through the Euro-Mediterranean region.
- **Higher education and research: Euro-Mediterranean University.** The inauguration of the Euro-Mediterranean University in Slovenia (Piran, 9 June 2008) marked an important step in building cultural and educational bridges between the North and South of the Mediterranean. This achievement will certainly encourage cooperation in higher education, following up the objectives of the Catania Process and the First Euro-Mediterranean Ministerial Conference on Higher Education and Scientific Research (Cairo, June 2007).

Sarkozy’s plan reflected a very flawed understanding of how present-day EU works. True, a powerful state such as France will always manage to get its way in Brussels. In that sense, “the UfM hardly differs from the long-forgotten Global Mediterranean Policy launched in 1972 by then President Georges Pompidou”⁶.

Bicchi puts out an interesting view “the UfM was launched because a very small group cajoled an uninterested majority into yet another initiative for the Mediterranean.” This statement actually explains the situation how the UFM came into life “UfM developed as the outcome of the efforts of a small number of countries. France, supported at its discretion to by Spain and Italy, accepted a crucial change in the original plan in order to achieve the acquiescence of a large set of countries, represented by Germany, which favored more continuity with the EMP than in the original plan”

⁶ Bechev, D & Kalypso Nicoladis, *The Union of the Mediterranean: A genuine breakthrough or more of the same?* (Rotledge, 2008), pp.9

The UFM was believed to replace the Barcelona process from 1995. There were even more discussions and debates on whether the UFM is similar to the Barcelona process, meaning same content - more prestigious package.

The Barcelona Process

The Barcelona Process was initiated in 1995 and had the main goal to enhance and improve the areas of peace and stability. It was in 2005 when a feeling of disappointment overwhelmed its supporters. It was a hard process which slowed down the progress of the states, because it was affected by the conflicts that rose in the Middle East. Soler Eduard i Lecha & Irene García argue that the “ effects of the Arab-Israeli conflict on the Barcelona Process can best be illustrated by the impossibility of reaching a consensus on a Euro-Mediterranean Charter for Peace and Stability in the year 2000. The partners of the Barcelona Process thus opted for a more pragmatic approach. Not only was any attempt to operate in the framework of regional conflicts ruled out, but expectations were also lowered. Hence, bilateral cooperation channels were given priority, for instance within the framework of the European Security and Defence Policy (ESDP).”⁷

Perhaps the project’s greatest achievement was its setting-up and the formulation of its agenda. To bring all the various parties together – above all Israel and the Palestinian authority – and to agree on a declaration and the principles on which to base the new regional relationship was without doubt in itself a major diplomatic achievement. By agreeing on the Barcelona Declaration, all the actors involved and above all the very pro-active then Spanish foreign minister Javier Solana set ambitious targets of democratization, security and economic growth for the Mediterranean countries.⁸

The Barcelona process had its faults; it emphasized the trade liberalization more than the primary goals, which were developments in the social, economic and political spheres. In addition the approach from the members to the Barcelona process was quite lukewarm, confused and focused more on receiving than working hard. The states from the UFM enjoyed the attention that they received after the initial conception as well the institutional and financial support which made

⁷ Soler Eduard i Lecha & Irene García, *The Union of the Mediterranean and What has it changed and what can be changed in the domain of security?* (Center for European Policy studies, 2009)

⁸ Fontelles Borrell Josep, *Yes the Barcelona Process was “mission impossible”, but the EU can learn from that* (Europe’s world, autumn 2010)

them slowly grant receivers instead of grant seekers. The Barcelona process failed to build and foster political change in the dominant authoritarian regimes of the many Mediterranean countries. “It was able neither to encourage a model for Arab reform and political modernization nor to build EU partnership based on political reform.”⁹ To sum up, the greatest factor for failure was the lack of shared identity within the member states and the will to share common goals. “The conflicting interests and goals of the non-EU countries were and remain much greater, ranging from those who strive for EU accession to those that have completely rejected not just free elections but also free trade.”¹⁰ It is beyond clear that the Arab states could only cooperate where they share common interests, but there is a lack of the component whichever it may be that will push the states into one unity.

Institutional framework of the Union of the Mediterranean

Any political union other than financial and political support also requires institutional support. For that matter several institutions were established to provide support for a better functioning of the UFM and improved coordination among the states. Firstly, a summit of Heads of State and Government is intended to be held every two years to foster political dialogue at the highest level. According to the Paris Declaration¹¹, article 15 states:

“Heads of State and Government agree to hold biennial summits. The summits should result in a political declaration and a short list of concrete regional projects to be set in motion. The Conclusions should endorse a broad two-year work programme for the Barcelona Process: Union for the Mediterranean. Annual Foreign Affairs Ministerial meetings will review progress in the implementation of the summit conclusions and prepare the next summit meetings and, if necessary, approve new projects.”

The biennial summit built the basis for the functioning of the UFM and therefore appeared to be a place where most of the security problems would be resolved. These summits provided a relationship like the European Council and the Council of EU have, where the political guidance

⁹ Ibid

¹⁰ Ibid

¹¹ Joint Declaration of the Paris Summit for the Mediterranean, (Paris, 2008)

is in the hands of the heads of states and governments. “The first meeting in Paris in July 2008 was seen as a diplomatic success: the French president met with Syrian President Bashar al-Assad for the first time since the assassination of Lebanese politician Rafik al-Hariri in 2005, and the Israeli Prime Minister Ehud Olmert and al-Assad participated in the same summit even if they did not exactly shake hands.”¹²

A co-presidency system was formed which was a novelty for the UFM, under article 21¹³. It envisioned for a co-presidency between one EU country and other from the Mediterranean partner countries to be created:

“Heads of State and Government establish a co-presidency in order to improve the balance and the joint ownership of their cooperation. One of the co-presidents will be from the EU and the other from the Mediterranean partner countries. The co-presidency shall apply to Summits, all Ministerial meetings, Senior Officials meetings, the Joint Permanent Committee and, when possible, experts/ad hoc meetings within the initiative.”

The first representative from the Southern countries (popularly referred to as “The South”) was Egypt, which was eager to prove itself to Europe that it had the ability to run the Union of the Mediterranean for a two-year term. On the other side, the North countries or “the North” regulated matters differently. The co-presidency system on the EU side was to conform to the existing Treaty provisions. Currently presiding with the co-presidency is France.

Another form of institutional support is the Secretariat which had the task to identify and monitor the implementation of concrete projects for the Euro-Mediterranean region, and to search for partners to finance these projects.¹⁴ For providing support directly from Brussels a Joint Permanent Committee was created which “assist and prepares the meetings of the Senior Officials and ensures the appropriate follow-up; it may also act as a mechanism to react rapidly if an exceptional situation arises in the region that requires the consultation of Euro- Mediterranean partners.”

The funding sources for the functioning of the UFM comes from several places such as: the EU, national governments, the private sector and financial institutions like the European Investment

¹² Rosa Balfour, *The transformation of the Mediterranean Union (Mediterranean politics, 2009)*, pp.3

¹³ Joint Declaration of the Paris Summit for the Mediterranean, (Paris, 2008)

¹⁴ Final Statement of the Marseille Meeting of the Euro-Mediterranean Ministers of Foreign Affairs

Bank etc. The EU will contribute €90m, €32m of which is for investment in business and €22m is going for water management and a project to combat pollution of the Mediterranean Sea. The budget also sets aside €m for a solar plan as well as €7.5m for the development of maritime and road networks.¹⁵

Relations with UFM states

Since the conception the Union of the Mediterranean had to maintain strong relations with countries with difficult profiles. Morocco and Egypt were satisfied with the functioning and saw the UFM as a place where they can prosper and work towards their interests. The Arab-Israeli conflict continues to be a significant problem and a high risk factor which may contribute to the collapse of the Union.

According to Bicchi¹⁶, the UFM “is highly politicized at the regional level, because of the Arab–Israeli conflict, while at the same time it is depoliticized in its content, because of the low interest in any project of political transformation. Paradoxically, but not so much so given the nature of internal Arab politics, the high politicization of Arab–Israeli relations is instrumental to the depoliticization of an agenda for domestic change: the higher the Arab–Israeli conflict remains in the attention of European and Arab audiences, the less scrutiny Arab rulers have to endure.”

Nevertheless the UFM has managed to bring representatives from both sides on the same table. Countries like Algeria, an energy supplier which does not see the advantages of the ENP, and Libya, which so far has not been interested in upgrading its observer status in the EMP, could use the UMed to boost their trade and energy relations with both France and Europe without having to subscribe to the binding conditions the EU attaches to existing policies. Getting these countries involved, however, comes with a price: it would mean compromising on the requirement for all EMP member countries to subscribe to the principles set out in the United Nations Charter (which some countries, such as Libya, do not wish to do). This would undermine

¹⁵ Aliboni Alberto, *New as it is, the Mediterranean Union needs an overhaul* (Europe’s world, summer 2010)

¹⁶ Bicchi Frederica, *The Union of the Mediterranean or the changing context of the Euro-Mediterranean relations* (Mediterranean politics, 2011), pp.13

the EU's clout and credibility in the political dialogue with its Southern neighbors.¹⁷ Bechev and Nicolaidis argue¹⁸ that “indeed, southern compliance should not be taken for granted. There are many hidden dangers in the future development of the UfM. Tensions between the Arabs and Israel might highjack the process. If Tunisia is named the host of the institution's secretariat it would be very difficult to ensure Israeli participation since Tunisia does not recognize the Jewish state.” The UFM is emerging in a changed Mediterranean environment, and at a time when global tendencies are making the Euro-Mediterranean format obsolete. Because of globalization the Mediterranean is not an autonomous, self-enclosed region. Rather the Mediterranean is fulfilling the role it once had as a crossroads between North and South. It would be naïve for the EU to aim at inner Mediterranean solidarity, but by cultivating co-ordination and co-operation among different regions it may find a way to engage more meaningfully with the Mediterranean along with other regions of the world. It is high time for the EU to connect its Mediterranean policy with policies that also embrace more distant regions of the world.¹⁹

Several gaps that can later cause additional problems resurface, the UFM is mainly dominated by inter-governmentalism where national parliaments control the integration process, however there is no mention of the institutions that were formed by the parliament or the non-state actors and sub-state actors. The aspect of co-ownership is also limited; NGOs will mainly present their projects to the Secretariat. The roles of the Euro-Mediterranean Parliamentary Assembly and of the networks of local governments were considered in Marseille, but without any clarification regarding their role in the UfM.²⁰

¹⁷ Balfour, Rosa & Schmidt Donna. Union of the Mediterranean, disunity for the EU (European Policy Centre, 2008), pp.

¹⁸ Bechev, D & Kalypso Nicolaidis, The Union of the Mediterranean: A genuine breakthrough or more of the same? (Routledge, 2008), pp.5

¹⁹ Aliboni Alberto, New as it is, the Mediterranean Union needs an overhaul (Europe's world, summer 2010)

²⁰ Rosa Balfour, The transformation of the Mediterranean Union (Mediterranean politics, 2009), pp.3

Conclusion

With the passive functioning of the UFM the conclusion is that more than likely this project has failed. The question that can be asked now is whether the EU should intervene directly in order to put the UFM back on track or completely cancel the entire project. A more important question that arises from all of the aforementioned issues is should the EU ban its member states the freedom and luxury in forming unions like this one? After all the establishment and functioning of the said union came partly from the EU budget. And should the functioning continue without producing any results given the fact that the EU is in hard financial times and may ask for even more money from its member states? The truth is that the EU is not ready for an expansion of this kind, nor are the states from the Middle East and Africa. There is a large disparity in the way of functioning of the states, with the rise of instability and conflicts, the Union of the Mediterranean cannot prosper.

Certainly a union like the UFM is necessary, but only when the region stabilizes, and the EU dedicates itself fully to its establishment and functioning. Quoting Bechev and Nicolaidis “if the UfM is to succeed in the long run, it has to be co-owned not just by technocrats and officials but by key stakeholders on both sides of the Mediterranean including businesses, civil organizations, trade unions, and political parties.”²¹ Will the UFM encounter the same fate as the Barcelona process? It seems that the only solution is full regional cooperation where the member states of the UFM will abundantly join their interests and forces to establish a fruitful cooperation and furthermore include representatives from the civil organizations, businesses, trade unions and political parties. If the UFM does not work hard for the establishing of this unity and cooperation, then it will soon sink in its demise.

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²¹ Bechev, D & Kalypso Nicolaidis, *The Union of the Mediterranean: A genuine breakthrough or more of the same?* (Rotledge, 2008), pp.18

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New Challenges in the Relation between the European Union and the Mediterranean

By Ana Postolache

Abstract

With the unforeseen calls for democracy and change from the Middle Eastern and North African countries the political terrain of the region has profoundly changed and new challenges have made their way in the old framework of relation between the European Union and its southern neighbors. The aim of the paper is to assess the impact of the contemporary events on the relation between the European Union and the Mediterranean neighbors. It will draw from the analysis on the historical course of relations between the European Union and the Mediterranean countries and it will highlight the main initiatives and consequences of the adopted practices in the region. In the end this paper will emphasize the implications of this collaboration on the region.

Keywords: European Union, Euro-Mediterranean Partnership, European Neighbourhood Policy, Arab Spring, democracy.

Introduction

Aware of the importance of a stable Neighbourhood the European Union used different policies and instruments, that aimed to bring stability, prosperity, the respect of human rights, the rule of law and good governance in the Mediterranean region. From regional perspectives to individual approaches, from political to socio-economic aspects, the EU has foreshadowed as a prominent and constant player in the region. However, the events that started on December 2010 with the protest of Mohamed Bouazizi against his treatment by the Tunisian police, was not a foreseen event by the long standing partner of the Mediterranean countries. Moreover, the Arab Spring impelled the relation of the Middle East and North Africa countries with the European Union with new dynamics that exceeds the traditional regional boundaries.

To assess the impact of the contemporary events on the relation between the European Union and the Mediterranean, this paper will examine the historical course of relation between the EU and the Mediterranean and it will analyze how the European practices affected the regimes, the economies and the societies of the South. What have been the changes brought by these initiatives, how these practices affected the region and what are the consequences of the adopted practices on the region? Furthermore this paper will analyze the Global Mediterranean Policy, the Euro-Mediterranean Partnership, the European Neighbourhood Policy and the Partnership for Democracy and Shared Prosperity with the Southern Mediterranean as well as what has been achieved, what are the benefits and the costs of the partnership, and what are the new challenges given the Arab uprisings? Last but not least, the paper will focus on emphasizing the overall implications of this collaboration on the Mediterranean region.

The Global Mediterranean Policy

The first formal attempt of establishing institutional linkages between the European Community and the Mediterranean countries came in the early 1960s when a number of special association and trade agreements were signed with all the Mediterranean countries, except Algeria.²² In the early 1970s the European Community went further and deepened the relation with the southern Mediterranean states by launching the Global Mediterranean Policy. The novelty brought by the Global Mediterranean Policy was the regional dimension of all the riverian countries. The European Community stressed "the communalities and the existent linkages among the Mediterranean states" and emphasized their regional dimension as belonging to a single region, the Mediterranean. In EC's words, the Mediterranean was no longer a generic geographical expression but indicated instead a specific group of countries, roughly homogenous among themselves.²³ The idea of promotion of a regional policy was based on a global approach and a development policy, meant to support its economic progress. The European Community provided unilateral free access to the European market for industrial goods and limited concessions for specific agricultural products originating from the Mediterranean countries. This initial framework was later improved with technical and financial cooperation intended to back economic development and stimulate cooperation between the two shores of the Mediterranean.²⁴ This initial framework proved to have a positive impact on the trade for the Mediterranean countries by increasing the exports of industrial goods to European Community markets from 1979 onwards. In terms of manufactured products the overall share of total Mediterranean exports doubled from 28 % to 56 % between 1979 and 1994.²⁵

However through the commercial agreements the European Community was aiming to obtain much more than an ascending trend in the manufactured trade. Relying on the market logic, the EC hoped that the introduction of free trade will oblige the partners to adopt more and more

²² Saleh M. Nsouli, Oussama Kanaan, Amer Bisat, "The European Union's new Mediterranean strategy", *Finance and Development*, September 1996, Vol. 33, No. 3, pp. 18-19.

²³ Federica Bicchì, "The European Origins of Euro-Mediterranean Practices", *Working Papers*, No. 12, 2004, Centre for the Analysis of Political Change, Berkley California, p. 2.

²⁴ Ricardo Gomez, "The EU's Mediterranean Policy: common foreign policy by the backdoor?", in J. Peterson and H. Sjurgen (eds.), *A common Foreign Policy for Europe? Competing vision of the CFSP*, London, New York, Routledge, 1998.

²⁵ Saleh M. Nsouli, Oussama Kanaan, Amer Bisat, *op. cit.*, p. 19.

elements of the market economy and to reduce the role of the state in the economy.²⁶ The European Community believed that the gradual spreading of market forces will have deep effects on the societies as well: it will raise the standard of living of the population, it will create new power centers that will want to participate in the political decision making, it will weaken the role of the military and authoritarian leaders and it will enhance the transparency of the system. Moreover, the policy was aiming to loosen the grip of the various political and family networks that were present in the economic and business affairs. Although this logic seemed to be pragmatic and correct, the reform was impossible to be done without the help of the political elites of the region. The Mediterranean countries, and especially their leaders did not acknowledge that they have to contribute themselves to the good of their societies and that such reforms mean more prosperity, better education and less social tensions and unrest.

With all the difficulties, the dialogue between the two parts of the Mediterranean continued with the establishment of structural funds in 1988. Also, the European Community supported the establishment of the Arab-Maghreb Union as a means of advocating political dialogue and possibly regional integration. In parallel, individual EC states launched the "5+5" dialogue²⁷ which brought five countries from Europe²⁸ and five from the Maghreb²⁹ together with the aim of developing political dialogue and cooperation.

Although the European Community deployed considerable expenses of effort and resources, both human and financial, the only prominent influence was registered in the economic relations between the two regions. The additional effects on the regimes or the population welfare of the region were inconsistent. There were no notable changes in the employment rate or the level of poverty, neither in the democratization of the region or the transparency of the systems.

²⁶ Stephen C., Calleya, *Evaluating Euro-Mediterranean Relations*, Routledge, USA and Canada. 2005.

²⁷ Martin Ortega (ed.), "The European Union and the crises in the Middle East", in *Chaillot Paper*, No. 62, Paris, 2003.

²⁸ Italy, France, Spain, Portugal, Malta.

²⁹ Algeria, Libya, Morocco, Mauritania, Tunisia.

The Barcelona Declaration and the Euro-Mediterranean Partnership

The broad idea of a Mediterranean region introduced by the Global Mediterranean Policy, had survived and was taken up again, with a new momentum, in the early 1990s when a comprehensive Euro-Mediterranean concept was developed, based on more interaction between Europe and the Mediterranean.

Launched in November 1995, the Barcelona Declaration represents the cornerstone of the EU-Mediterranean relations.³⁰ The Declaration formulated the common objective of “turning the Mediterranean basin into an area of dialogue, exchange and cooperation, guaranteeing peace, stability and prosperity”. The Euro-Mediterranean Partnership established a multilateral framework of relation and represented a true novelty and a crucial step in the direction of creating a Mediterranean region. The Partnership brought together all of the EU 15 member states and 12 Mediterranean countries.³¹

The new strategy did not represent a break with the past, but rather a reinforcement of the past efforts.³² The strategy was aiming to reach more ambitious objectives than the previous attempts, to stimulate the change and adjustments on the southern shores, to open up societies through dialogue, trade, private investments, movement of people and freedom of information. The Euro-Mediterranean Partnership was covering extensive areas and was structured in three main *baskets*: the “Political and Security Partnership”, the “Economic Partnership” and the “Social and Cultural Partnership”. The first dimension emphasized the need to foster cooperation on political and security issues, with important partnership-building measures. The Political and Security Partnership encompassed stringent issues as the fight against terrorism³³, crisis management and conflict prevention, civil protection and good governance, political reform and promotion of human rights. The second dimension of the Partnership strived to enhance economic and financial cooperation and aimed to create an area of shared prosperity through sustainable and

³⁰ Asli Süel, “From the Euro-Mediterranean Partnership to the Union for the Mediterranean”, *Perceptions*, Winter 2008, p. 90.

³¹ Morocco, Algeria, Tunisia, Egypt, Jordan, Israel, Syria, Lebanon, the Palestinian Authority, Turkey, Cyprus and Malta. (After the enlargement from 2004 of Cyprus and Malta, the number of Mediterranean partners reduced to ten).

³² Saleh M. Nsouli, Oussama Kanaan, Amer Bisat, *op. cit.*, pp. 18-19.

³³ Asli Süel, *op. cit.*, p. 89.

balanced socio-economic development by fostering economic transition in three important ways: favoring the economic condition for growth, reforming key sectors and establishing a free trade area by 2010. The third *basket* of the Partnership aimed to enhance the cultural and intercultural dialogue, bringing people and organizations closer together, from the both sides of the Mediterranean. It emphasized the importance of cultural dialogue, the respect for fundamental rights, the essential contribution that the civil society can make to the EMP and the need for cooperation in the field of immigration, fight against terrorism, international crime and corruption.³⁴

Assessing the Barcelona Process and its effects on the Mediterranean region we can distinguish some successes but with extremely modest results compared to the costs of the process.³⁵ The primary success of the EMP, which otherwise did not involve any cost from the Mediterranean, was that it was the only political institution which managed to continue bringing Mediterranean states together for specific cooperation schemes.³⁶ The partnership made it possible to deal with regional questions collectively and therefore the Union contributed to the definition of a neighboring region. The Union contributed to the awareness of the region throughout the EU, especially in countries that are not riparian or do not historically have links with the region.³⁷

Furthermore, the fastest improving field of the partnership is the trade policy, mostly owing its development to the EU's economic aspiration regarding the region. Extensive trade liberalization is considered one of the most direct and tangible consequence of the Mediterranean Partnership for the Mediterranean countries, with important economic and legal implications (changes in trade flows and prices, ratification of international conventions and their reflection in the national legislation).³⁸ The creation of free trade areas with the EU is considered as a first step of integrating southern Mediterranean economies into the world economy. However, the effects of

³⁴ European Commission, *Barcelona Declaration adopted at the Euro-Mediterranean Conference*, Brussels, available at http://trade.ec.europa.eu/doclib/docs/2005/july/tradoc_124236.pdf.

³⁵ Annette Jünnemann, 2004, *Euro-Mediterranean Relations after September 11. International, Regional and Domestic Dynamics*, London, Frank Cass.

³⁶ Michael Emerson, Gergena Noutcheva, "From Barcelona Process to Neighbourhood Policy, Assessments and Open Issues", CEPS Working Document, No. 220, March 2005, p. 9.

³⁷ Ortega, Martin, "Some Comments on the European Union's Mediterranean Policy", *Chaillot Paper*, No. 64, October 2003, EU Institute for Security Studies, Paris, p. 2.

³⁸ Ivan Martin, "The Social Impact of Euro-Mediterranean Free Trade Areas: A first approach with special reference to the case of Morocco", *Mediterranean Politics*, Vol. 9, No. 3 (Autumn 2004), p. 442.

the Euro-Mediterranean Free Trade Areas implied also numerous transitional costs as considerable administrative difficulties.³⁹

In line with the positive achievements several projects on culture and education have been successfully implemented. Also, the European Union involvement in the region led to the creation of the academia and civil society networks. This aspect can be qualified as an extremely important step given the previous situation of the region and their absolute absence. Also, the EU assistance considerably increased under the new Mediterranean Policy. Orientated towards structural adjustments, economic reform, health care and education, the European Union assistance succeeded to respond effectively to the financial needs of the Mediterranean countries.

However, despite these modest achievements, the European Union was criticized by prioritizing structural reforms and trade liberalisation rather than political liberalization. Furthermore, despite the big hopes, the policy headings under the security chapter have made the least progress of all. The European Union favored security and regime stability in the short run, at the expense of the long-term goal of democratisation and proliferation of human rights norms.⁴⁰ Although both bilateral Association Agreements between the EU and each country and multilateral documents attached great importance to progress of democracy and human rights, in practice the EU has not shown any determination to see that such undertakings are respected.

The European Neighbourhood Policy

After the inconsistencies of the Barcelona Declaration, the European Commission launched a new major initiative to reinforce the relation with the southern Neighbours. Launched in 2004, the European Neighbourhood Policy was developed in order to avoid the creation of new dividing lines between the enlarged European Union and the new neighbors and was formulated in hope of replicating the success of the enlargement but without offering prospects of membership. Through the European Neighbourhood framework the EU aimed to develop a zone of prosperity and a friendly neighbourhood, “a ring of friends” with whom the EU enjoys close,

³⁹ Henri Ghesquiere, “Impact of European Union Association Agreements on Mediterranean Countries”, *IMF Working Paper*, August 1998, p. 5.

⁴⁰ Asli Stiel, *op. cit.*, p. 88.

peaceful and co-operative relations.⁴¹ Unlike the Euro-Mediterranean Partnership, which emphasized multilateralism, the European Neighbourhood Policy was characterized by differentiation and bilateralism, which sought to promote EU cooperation with southern Mediterranean countries individually.⁴²

The European Neighbourhood Policy (ENP) was aiming to reduce poverty and to create an area of prosperity, while taking into account the need to carry out economic reforms with a view to upgrading these countries to enable them to participate in the Internal Market, through law approximation and compatible rules. A key element of the European Neighbourhood Policy is constituted by the bilateral ENP Action Plans mutually agreed between the European Union and each partner country. In 2004, the Commission determined the areas on which the action plans in the ENP should focus. These areas included "political dialogue and reform, trade and measures preparing partners for gradually obtaining a stake in the EU's Internal Market, justice and home affairs, energy, transport, information society, environment, and research and innovation, and social policy and people-to-people contacts".⁴³ In the framework of these agreements, the EU provides financial and technical assistance to support the implementation efforts of the partner countries. From 2007 onwards, as part of the reform of Community assistance instruments, the TACIS and MEDA programmes have been replaced by a single instrument: **the European Neighbourhood and Partnership Instrument (ENPI)**.

Compared to previous initiatives such the Euro-Mediterranean Partnership, the European Neighbourhood Policy put far more emphasis on democracy, human rights, and sustainable development. Furthermore, the ENP brought on the table more funds, more trade and more cooperation for the south that increased the EU effects on the region in terms of economic development, sustainability and human rights. However, these effects did not influence the question of democracy or the employment rates or poverty reduction that remained the main issues that all Mediterranean countries faced.

⁴¹ European Commission, "Wider Europe-neighbourhood: a new framework for relations with our eastern and southern neighbours", Brussels, March 2003, available at http://ec.europa.eu/world/enp/pdf/com03_104_en.pdf.

⁴² Martin Ortega, *op. cit.*, 2003a.

⁴³ European Commission, *European Neighbourhood Policy. Strategy Paper*, Brussels, May 2004, p. 3.

The European Union and the Arab Spring

The Arab Spring gave an important impetus to the European Union policy towards the region. The popular demonstration that started in Tunisia in December 2010 have touched every Arab state of the region and brought new trends and new challenges that the European Union has to handle. More important is that the European Union can turn these challenges into opportunities by playing a crucial role in the events by helping the Mediterranean countries to stabilize the region, to build constitutional states and develop democracy and rule of law. With successful political and economic transition stories in the ex-communist Eastern Europe, with diverse and wide instruments at its disposal, the European Union can be a redoubtable player in the reconstruction game of the Mediterranean countries.⁴⁴ Moreover, the EU is their natural partner in democracy and has been actively involved in the process of building democracy in the region.

The EU's response to the Arab Spring began with the Commission Communication of 8th of March when the ambitious *Partnership for Democracy and Shared Prosperity with the Southern Mediterranean* was launched.⁴⁵ The Union actions were meant to promote a negotiated settlement of the conflict and to demonstrate the importance of Europe's role in the Arab Spring and the Middle East Peace Process. The New Partnership promised a new start that places the promotion of democracy and human rights at the central of its approach. The new initiative wants to be a joint commitment to common values, the advancement towards higher standards of human rights, the rule of law and good governance.⁴⁶ Furthermore, in the new approach, the European Union stresses the differentiation and conditionality. Despite the commonalities of the region, the EU aims to focus on a differentiated approach for every country of the region, acting after the specificities of each of them. The partnership represent an incentive-based approach based on a differentiation "more for more"⁴⁷, those that go further and faster with reforms will be able to count on greater support from the European Union. The EU stressed the need for faster and more ambitious political and economic reform in order to assure the political participation,

⁴⁴ Tobias Schumacher, "The EU and the Arab Spring: Between Spectatorship and Actorness", *Insight Turkey*, Vol. 13, No. 3, 2011, p. 108.

⁴⁵ European Commission, Joint Communication: *A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean*, Brussels, 08.03.2011.

⁴⁶ Paul James Cardwell, "Mapping out Democracy Promotion in EU's External Relations", *European Foreign Affairs Review*, Vol. 16, 2011, pp. 26-28.

⁴⁷ Štefan Fülle, Commissioner for Enlargement and European Neighbourhood Policy.

the freedom and the employment opportunities. Furthermore, in the *Partnership for Democracy and Shared Prosperity*, the European Union emphasized its support to the democratic and constitutional reform process. Judicial reform, enhanced transparency and fight against corruption are considered of particular importance in this process. The Union support for democratic transition includes support to establish an appropriate legal framework for holding of elections and the deployment of an important number of instruments designed to back up the democratic transition.

Furthermore, two months after the "Partnership for Democracy and Shared Prosperity with the Southern Mediterranean", the European Union launched a new and ambitious European Neighbourhood Policy that confirmed the European engagement with its neighbours and established a new framework that is aiming to promote "deep and sustainable democracy with economic prosperity".

The EU initiatives are vital for the development of the Mediterranean countries. The way the EU will succeed the transition will have an important impact not only on the specific country but also on the region, given the chain of events that characterizes the pan-Arabic societies. As Catherine Ashton noted "the future of the Arab Spring depends on Tunisia and Egypt becoming success stories".⁴⁸ What happens in the leading countries of the Arab Spring will send vital messages elsewhere. In Egypt, the EU is ensuring the free and fair parliamentary and presidential elections respecting in the same time the local ownership of the reform process and in Tunisia the EU implemented with success a Task Force that will allow the improvement of coordination of European and international support.

⁴⁸ Catherine Ashton, *Speech on North Africa and the Arab world*, Strasbourg, 6 July 2011.

Conclusion

The European Union's impact on the southern Mediterranean is marked by contradictory outcomes. Both, the Global Mediterranean Policy, the Euro-Mediterranean Partnership or the European Neighbourhood Policy brought successes and inconsistencies. While on one side the EU succeeded important reforms in trade liberalization (for example over the years the Mediterranean countries recorded upward flows) on the other hand the EU did not bring any positive changes in the political and social order of the region. However before labeling the European initiatives as failures it is important to note the ex-ante situation of the Mediterranean countries, before the EU initiatives. Although the EU did not bring clear changes over the times, the Union has the merit of installing the values of the democratic world in the Arab countries of Middle East and North Africa.

Based on values such as justice, democracy and freedom the uprisings have shown that the democratic values had an important echo on the region. Now, the Arab Spring opened new challenges where the European Union can play a crucial role by responding effectively to the demands and aspirations of the peoples of the region.

The transition process of the southern Mediterranean has to be supported by a realistic approach, where the European Union can lead the way as a long-standing partner of the Mediterranean countries and also as an experienced leader of the transitional processes. Achieving the necessary coherence between the political reforms and economic and social policies are a sure guarantee of EU's success in the region and the way the EU can transform the contemporary Mediterranean challenges into great opportunities beneficial for the European Union itself, for the Arab countries of the Middle East and North Africa and also for the rest of the globalized world.

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Disembedding conflicting identities in the Western Balkans

Conflict Sensitivity in the EU Integration Tools

By Geert Luteijn & Katharina Mathias

Abstract

The Future of Western Balkans (WB) is closely related to the developments in the European Union. The EU sets conditions for the region's economic, political and social integration which, if fulfilled, could lead to membership. This EU integration model has been developed through several integration rounds for new member states. It provides numerous tools and means to assist fulfilling the EU conditions. However, through their lack of conflict-sensitivity, they are poorly equipped to foster the integration of a post-conflict society. Additionally, the current focus on economic integration impedes the necessary holistic approach to stabilize the region. In this respect, this paper discusses two cases: North Kosovo and Sandžak. Both regions still suffer from high political and social tensions.

Key words: EU integration, post-conflict societies, Western Balkans, North Kosovo, Sandžak

This research will argue that a conflict sensitive approach mainstreamed within the EU integration tools is crucial for post conflict societies. It may sound like an open door, but our case studies show that EU policy is driven by a different agenda. The EU sees institution- and statebuilding as well as taking away economic borders as its traditional role in assisting potential member states. These focuses disregard important conflict lines in a society and thereby result in new potentials for conflict. In this respect, the current EU approach has not been adapted to the actual on-the-ground situation and thereby lacks the ability to successfully support the Balkan countries to overcome tensions and root causes of conflict. Hence, the EU policies even contribute to the reinforcement of the region's state of a 'negative peace' (defined solely as the absence of violence). This development becomes specifically evident in the EU approach of establishing good neighbourhood relations of the prospective member states and the countries surrounding them. A shift in policies is needed in order to assist the development towards a sustainable democracy and 'positive peace', which requires the elimination of root causes of violence and overcoming social divisions through reconciliation.⁴⁹

Integrating this conflict-sensitive approach in the Balkan's EU integration process is inevitable for many reasons. First of all, conflict lines cut straight through states on the Western Balkans. The only sustainable way to reach positive peace and make these states and societies democratic is to bridge these cleavages. Secondly, this integration round will further highly reflect on the EU capacities to maintain its original role as a political force for peace in Europe. Within the current EU legitimacy crisis, the EU cannot afford the integration of new politically instable member states. Thirdly, the question arises how many sacrifices the WB countries are willing to make for their integration. In this respect, a successful integration demands overcoming certain identities created by the former conflicts, which are currently triggering the still on-going tensions and still play a vital role in political mobilization. At last, a successful integration of the Western Balkans is likely to be exemplary for EU relations with other neighbouring regions as the South Caucasus or North Africa. Hence, this conflict-sensitive approach is not only applicable for the EU integration process itself, but also for a closer EU association without membership aiming at stabilizing surrounding regions.

⁴⁹ Johan Galtung, *Peace by Peaceful Means: Peace and Conflict, Development and Civilization*, (Oslo: International Peace Research Institute, 1996).

Conflicts in Sandžak and North Kosovo: Causes and policy implications

As this paper will show, the EU integration tools tend to focus on the integration of formerly conflicting states. This approach is capable of explaining the European integration process in West-Europe quite extensively. After the Second World War, reconciliation between states was established by bringing the states economically closer together and taking away trade barriers. The former inter-state conflicts lines were therefore to a good extent overlapping with the “lines of EU integration” between the states by supporting (mainly economic) cooperation. However, the recent conflicts on the Balkans have different conflict lines stemming from the fact that religious/ethnic groups used to live together in the Yugoslav republics. Conflict has changed this only partly. In some cases groups still live on the same territory where in other cases areas have been ethnically cleansed of one of the groups. However, state borders are not identical with ethnic lines in the societies (see Figure 1). Conflict areas can be detected where specific groups are mixed or at “ethnic borders”.



Figure 1: Ethnicity in the Ibar region⁵⁰

⁵⁰ Sources: Serbia Census of 2002; Montenegro Census of 2003; Kosovo estimations of 2005.

In this respect, the current model that worked for Western Europe can be associated with instrumental reconciliation which aims at separation, a trustworthy relationship and peaceful coexistence between states while neglecting the past.⁵¹ Accordingly, the current EU tools of integration only address the establishment of good neighbourhood state relations between the former republics of Yugoslavia. However, due to the occurrence of intra-state conflicts this approach falls short on ensuring peace. The typical intra-state conflict outcome of social divisions still persist within the societies and triggers tensions and conflicts, even if the WB states are now separated as independent government units. Hence, an accurate response entails the concept of socioemotional reconciliation which is associated to intra-state conflict management. It includes dealing with the past and the history of recent conflicts and animosities between ethnic/religious groups. This necessity stems from the fact that instability is still caused by political mobilization along conflict lines. It is seen as the normal way of doing business and politics as well as it reflects on the people's low trust in other groups and states. The result is the persistence of high potential for renewed conflict. Conflict sensitivity therefore defines the need to adapt the conflict management through EU integration to the actual conflict situation.

The paper examines two cases to substantiate the argument that a conflict sensitive approach, with other words an approach that fosters socioemotional reconciliation, to the WB post-conflict area is crucial. The north of Kosovo is in a state of anarchy: there is virtually no rule of law.⁵² The violent conflict in 1998 and 1999 divided the territory between the ethnic groups of Kosovo Albanians and Serbs (see map in Figure 1). The European Rule of Law Mission in Kosovo (EULEX) supports the new state in South Kosovo. However it has been obstructed by power mongers in the North which profit from the on-going status issue between the Kosovo government and Serbia. Within the EU five countries refuse⁵³ to accept the independence of Kosovo, forcing EULEX to act 'status neutral'.

⁵¹ Arie Nadler and Nurit Shnabel, 'Instrumental and Socioemotional Paths to Intergroup Reconciliation and Needs-Based Model of Socioemotional Reconciliation', in Arie Nadler, et al. (eds.) *The Social Psychology of Intergroup Reconciliation*, (New York: Oxford University Press, 2008), p. 40 ff.

⁵² International Crisis Group, *North Kosovo: Dual Sovereignty in Practice*, pp. 2–3; and Humanitarian Law Center Kosovo, *Security Situation in Mitrovicë/Mitrovica During the Period December 2008 and January 2009*, (Pristina: Humanitarian Law Center Kosovo, 2009), pp. 66.

⁵³ Spain, Romania, Cyprus, Greece and Slovakia currently do not recognize Kosovo.

The instability of the current situation reveals itself when for instance NATO forces were supposed to limit their presence by reducing troops, but recalled these plans in August 2011 due to the heightening of tensions in the North.⁵⁴ Kosovo Serbs blocked all important roads going through the North to border crossings with Serbia since the Kosovo state moved to these checkpoints to enforce its border policy.⁵⁵ Previously only officials of the Serbian state manned these posts controlling (what they call an ‘administrative line’). This new incident should be seen as part of the ongoing conflict. The conflict may not be violent like in 1998 and 1999 and has changed since considerably, but is still nourished by the same root causes stemming from unsought issues and still polarize ethnic identities. Nationalism politicized issues of land ownership, cultural heritage and state borders, the recent past polarized ethnic identities. Identities have become embedded in society which makes their transformation a long-term and comprehensive process necessarily addressing the past, present and future. Hence, recent developments show that this process is not automatically successful. The current focus on inter-state conflict management tools alone has proven insufficient. Without commitment from both sides to a regional approach including socioemotional reconciliation, the situation can easily escalate and lead to new violence.

In Sandžak the situation is similar in a number of areas. Although Serbs, Bosniaks and other groups do not live in separate territories, the division of social activity between ethnic groups is creating conflict potential. Neglect of the region by the Serbian Government has led to renewed tensions and public uprisings.⁵⁶ The ethnically mixed area sandwiched between Kosovo, Montenegro and Bosnia experienced official state terror against its minorities (mostly Muslim-Slavs/Bosniaks) during the Milosevic regime, including ethnic cleansing, kidnappings, murders, arbitrary arrests, violent attacks and job dismissals. These issues have only been partly addressed by subsequent governments and by political and social groups in Serbia. Still, until recently, the potential for ethnic violence was relatively low.⁵⁷ However, continued neglect by the government

⁵⁴ Reuters, *NATO to send extra troops to Kosovo*, (PRISTINA/BRUSSELS, August 2, 2011), [online], accessed at 13 September 2011, available at: <http://www.reuters.com/article/2011/08/02/us-kosovo-nato-idUSTRE7712FK20110802>

⁵⁵ B92, *Serbs in Kosovo print leaflets of their own*, 20.09.2011, [online], accessed 20 September 2011, available at: http://www.b92.net/eng/news/politics-article.php?yyyy=2011&mm=09&dd=20&nav_id=76472

⁵⁶ International Crisis Group, *Serbia's Sandžak: Still Forgotten*, Europe Report No. 162, (Belgrade/Brussels: International Crisis Group, 2005).

⁵⁷ *Ibid.*, p.i.

and the subtle and open discrimination against Bosniaks in the past few years has changed the situation. Many Bosniaks fear that discrimination and exclusion will worsen, which has led to the increased polarisation of issues along ethnic lines. Furthermore, intra-ethnic tensions have also risen. The Bosniak community is increasingly divided on how to respond to the political situation.⁵⁸

In both conflicts, the root causes can be described as division within society along ethnic lines on the bases of politically and socially constructed long-standing conflicting identities. This division is reflected in the distribution of wealth, social positions and state power.⁵⁹ For the society as a whole this has led to underdevelopment, an unequal distribution of wealth⁶⁰ and the development of nationalist / religious ideologies. As an outcome, group hierarchy in society with socioeconomic discrimination has been constructed. Additionally, in the case of Kosovo, the state has been organized along the ethnic division: parallel state structures in some Serbian majority areas in Kosovo are the clearest example. The history of conflict in this region is a reinforcing factor as the experiences of war and discrimination are outcomes of former conflicts (or steady low-level conflict), but have also become root causes of the still high tensions. The people remain vulnerable to inter-ethnic⁶¹ and intra-ethnic⁶² tensions, as well as to political exploitation of the ethnic division that traces back to the experienced violence, ethnic discrimination and trauma. The economic situation in both regions is very poor, with no significant progress from either the regional development, or the progression of EU integration.

European Integration: Tools & Frameworks, Political and Financial Instruments

The conflict analysis showed that the conflicts in the Western Balkans have created a specific socio-political structure. In this respect, two main characteristics stand out in their impact on the current EU integration process. Firstly, the current state borders are not necessarily the conflict

⁵⁸ Justin Vela, 'Serbia's Sandžak at odds with Belgrade', *Transconflict*, [online], accessed 16 May 2011, available at <http://www.transconflict.com/2010/12/serbia-sandzak-at-odds-with-belgrade-712/>

⁵⁹ Susan L. Woodward, 'Do the Root Causes of Civil War Matter? On Using Knowledge to Improve Peacebuilding Interventions', *Journal of Intervention and Statebuilding*, Vol. 1, No. 2 (2007), p. 150.

⁶⁰ Hence, the distribution itself is organized along ethnic lines; furthermore there is a difference in accumulated wealth between the ethnic groups.

⁶¹ International Crisis Group, *North Kosovo: Dual Sovereignty in Practice*, Europe Report No. 211, (Pristina/Mitrovica/Brussels: International Crisis Group, 2011).

⁶² Transconflict, *Sandžak*, [online], accessed 26 April 2011, available at <http://www.transconflict.com/about/where-we-work/sandzak/>

lines. This stemmed from the fact that the dissolution of Yugoslavia has been an intra-state conflict. Moreover, the EU integration policies and tools imply a completed social disintegration of Yugoslavia, which is not the case. In societies in the WB ethnic identities are at least as important as civic identities. The main conflict areas such as Sandzak and North-Kosovo are exactly sandwiched by the different political forces as EU integration, the assumed Yugoslavian disintegration (through the state-focus of the EU) as well as different identity concepts overlapping with the conflict lines. Therefore this situation has certain implications for EU integration tools – when defined as a force aiming at establishing peace in the Western Balkans.

Hence, there is an important role for the EU to promote social structures that break with the existing separation in the Western Balkans. The current integration tools are in many ways not able to address these critical problems. In this respect, there can be several tools distinguished: (1) international treaties as the frameworks for policy implementation and co-operation, (2) political pressure from different institutions, and (3) investment in development projects.⁶³ The question remains how these tools work in relation to the social reality in the region.

At first, it is important to make a distinction between the two levels: the bilateral level, associated with international relations, where state actors play their role, and the intra-society level, where, in this case, ethnic groups are the main actors.⁶⁴ The fact that there is not necessarily an overlap of these lines poses several problems to EU tools. First, in order to reconcile the different ethnic groups, co-operation between these groups needs to be facilitated, regardless of any state borders. While this is a necessity for reconciliation in the region, it defies the logical way to the integration for individual states. States are the units that can pursue EU membership and reconciliation across borders is often interpreted as a threat for their integrity and political autonomy. However, state-building and state integration as well as socioemotional reconciliation need to be addressed. While state-building through e.g. political pressure on political elites as well as EU funding is important, facilitating reconciliation on the ground is just as important, but less tackled by the EU integration tools at the moment. The consequences are

⁶³ Luteijn, Geert and Mathias, Katharina. *Serbia: Cross-border cooperation as a EU peace-building tool*, (Brussels/Belgrade: European Peacebuilding Liaison Office (EPLO) & NGO Fractal, July 2011).

⁶⁴ See e.g.: Julie A. Mertus, *Kosovo. How myths and truths started a war*, (Berkeley: University of California Press, 1999), pp. 230.

evident inter alia as the high tensions in the region are remaining, even after so many years of EU engagement processes.

The European Union sets criteria for prospective member countries which currently solely focus on the inter-state level. The most important are the Copenhagen criteria⁶⁵. In this respect, the Stabilisation and Association Process (SAP) and the Stabilisation and Association Agreement (SAA) define through Article 6⁶⁶ the commitment of the countries to foster ‘good neighbourly relations’ with other SAA or SAP countries⁶⁷. This has resulted in interstate co-operation as a requirement for the WB states and the set-up of cross-border co-operation programmes supported by the Instrument for Pre-accession Assistance (IPA) funding. For instance, Serbia and Montenegro have already drafted and are in the process of implementing a respective programme.⁶⁸ Its primary goal is to facilitate confidence-building and overcome conflicts as well as local divisions that are the results of the new state borders. The programme is indeed establishing contact points at a local level between the citizens of Serbia and Montenegro; however, the previous conflict analysis showed that the divisions in Sandžak are according to ethnic groups, which have been mobilised by certain political groups, not according to borders. Although the cross-border co-operation project focuses on economic and social co-operation between communities, the main stakeholders in the project are the states which frame and plan the programme, while local actors and civil society are only participating as consultative bodies, but can further apply for funding from the budget of EUR 500,000 per year.⁶⁹

Although the programme aims at overcoming conflict, conflict analysis is generally lacking in the programme’s documents, in contrast to, for example, economic assessment.⁷⁰ This indicates the focus of the programme. In line with most EU integration tools, it does not tackle the social structures along ethnic lines that are creating conflict potential. It rather focuses on state borders

⁶⁵ European Council, *Conclusions of the Presidency, Copenhagen*, June 1993, [online], accessed 1 May 2011, available at: <http://europa.eu/rapid/pressReleasesAction.do?reference=DOC/93/3&format=HTML&aged=1&language=EN&guiLanguage=en>

⁶⁶ Council of the European Union, *Stabilisation and Association Agreement between the European Communities and their Communities and their Member States of the One Part, and the Republic of Serbia, of the Other Part*, Luxembourg, 2008, [online], accessed 25 April 2011, available at: http://ec.europa.eu/enlargement/pdf/serbia/key_document/saa_en.pdf

⁶⁷ *Ibid.*, Article 15.

⁶⁸ Republic of Serbia, Ministry of Finance and Republic of Montenegro, Secretariat of European Integration, *IPA Cross Border Programme 2007–2013*, p. 5f.

⁶⁹ *Ibid.*, p. 5f.

⁷⁰ See SWOT analysis, *Ibid.*, p. 26 ff; SWOT stands for strengths, weaknesses, opportunities, threats.

and through its further limitation to economic cooperation, it moreover neglects the possibilities of establishing contacts within different and diverse groups of the societies. Hence, it lacks conflict sensitivity which could even lead to a heightening of tensions. If socioeconomic development through trade and people-to-people activity is unequal between ethnic groups, people may perceive this cross-border co-operation as furthering exclusion and discrimination. It, therefore, risks reinforcing the existing structural divisions on the basis of social, political and economical conditions. The SWOT analysis in this programme document also ignores the triggers of tension: in the threat assessment, the risk of strengthening social divisions, and thereby increasing the potential for conflict potential, is absent. Hence, it is clear that no project is following any conflict sensitivity or 'Do-no-Harm' regulations, nor is any intra- or inter-ethnic co-operation encouraged in the guidelines for application.⁷¹ Hence, it can be concluded that policy coherence is a crucial issue in this respect. Accordingly, the current tools have the capabilities to tackle the pressing issues. They need to be adapted to the conflict situation and conflict sensitivity mainstreamed throughout all socio-economic and technical development tools.⁷²

Another problem is the actual knowledge management by the EU as it is further developing the tools according to lessons-learned and evaluations. In this respect, the EU assesses the consequences of such programmes in a technocratic way: the objectives become the guidelines for evaluation. If the objectives are not conflict sensitive, neither are the evaluations by the EU. In this respect, conflict resolution is one aim according to the guidelines but through the lack of mainstreaming it in the programme, indicators and impact of projects do not properly focus on the actual conflict lines. Hence, even the latest progress report to Serbia in 2010 showed that the EC is aware of the problem of rising tensions in Sandžak.⁷³ However, this is not reflected in the project's framing and evaluation.

⁷¹ Republic of Serbia, Ministry of Finance and Republic of Montenegro, Secretariat for European Integration, Joint Technical Secretariat, *Cross-border Programme Serbia-Montenegro, Supported by European Union, Potential Applicants*, [online], accessed 1 May 2011, available at http://www.cbcsrb-mne.org/index.php?option=com_content&view=article&id=67&Itemid=70&lang=en

⁷² Luteijn, Geert and Mathias, Katharina. *Serbia: Cross-border cooperation as a EU peacebuilding tool*, (Brussels/Belgrade: European Peacebuilding Liaison Office (EPLO) & NGO Fractal, July 2011).

⁷³ European Commission, *Serbia 2010 Progress Report*, Brussels, 2010, [online], accessed 5 April 2011, available at http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/sr_rapport_2010_en.pdf, pp. 18–19.

The Kosovo-Serbia case further exemplifies how the two different forces of EU integration (inter-state) as well as not yet finalized Yugoslavian disintegration (intra-state) are working. While the inter-state cooperation is a requirement for EU integration, the socially constructed in- and out-group separation along border-cutting ethnic lines sets limits for any further conflict resolution in the region. For instance, Serbia currently blocks Kosovo's entry to regional institutions like the Regional Cooperation Council (RCC) which poses a great obstacle to regional cooperation⁷⁴ organised through several organs related to Council. An example is the Central European Free Trade Agreement (CEFTA), which ensures free trade within the region. Kosovo was part of this agreement under UNMIK. The political constraints are still too tense for overcoming them – even the current dialogue facilitated by the EU will in this respect most likely only bring about minor changes in the state relations. Hence, it can be concluded that inter-group socioemotional reconciliation is even a precondition for the successful adaptation and implementation of current EU inter-state integration tools.

Bilateral state agreements, as the current EU tools subscribe, are thereby important in order to develop good neighbourly relations and establish co-operation in order to address the integration of the different states. It is especially vital for areas that have a history of social, political and economic entanglement. This is the case both in Sandžak and North Kosovo. However, the states' co-operation needs to be complemented by tools actually addressing the social conflict lines. Only when the Yugoslavian disintegration is finalized through profound reconciliation, the preconditions are created for traditional, 'non-conflict-sensitive' state cooperation. In the respect of supporting this development, the EU has the leverage by using its political influence on the governments through its institutions and financial assistance through IPA funds.

However, there is high reluctance among the elites but also in society of actually addressing conflict lines. While the political and economic elite aims to capitalize this situation for their personal gain, political mobilization along ethnic/religious lines is an often used mechanism in order to achieve goals in domestic politics. Accordingly, the political pressure from the EU needs to address the conflict potential against the political will of most elites as well as against the will of vulnerable social groups which have been mobilized, as it could be seen in the latest incidents in North Kosovo. In the current nationalistic environment – and with the interest of the high-

⁷⁴ *Ibid.*

level elite to neglect conflict areas – reconciliation and sustainable local development is difficult to be achieved when addressed only through high-level political actors. Hence, a shift towards a conflict-sensitive, low-level and people-owned EU integration approach for releasing the inter-group tensions is necessary which needs to be mainstreamed throughout all EU policies regarding the Western Balkans integration process.

Wrapping up towards conflict sensitive and people-centred EU policy

Our case studies show that the EU is aware of the still on-going low-level conflicts within the region, but fails to act upon this information. The framing and implementation of for instance the Cross Border Cooperation programmes is extremely poor regarding their effectiveness as a peacebuilding instrument. Hence, a change in policy that conditions EU support for Balkan states is necessary. The conditions that we advocate would acknowledge conflict potentials in the region and commitment of states to work on these potentials intensively. That means actively overcoming barriers between ethnic/religious groups.

Our research and experiences on the WB point out that the states are not wholeheartedly working on reconciliation. Therefore, EU support for the governments as well as state building activities should be critically discussed. Government institutions are currently used to exploit ethnic/religious differences and influence for example the mobilization of voters along ethnic lines. The EU has reacted to this by advocating policies that facilitate power-sharing, protection/subvention of minority rights, regional autonomy, decentralization and quotas for representation of groups. However, these policies bear the risk of polarization. When more ethnically homogeneous administrative units in a state are created, it can serve as a basis for reinforcing ethnic identities and mobilizing these identities politically⁷⁵. There are strong indicators that this is happening in Sandžak at the moment. At first, general bad governance, centralism and corruption appeared to local groups as official ethnic discrimination.⁷⁶ In the following years, ethnic-based representation replaced general majoritarian competition as a peace building tool as advocated by the EU. Serbia's implementation of these separatist instruments is still problematic in many ways and prone to political misuse by the elite. This has

⁷⁵ Donald Rothchild and Philip G. Roeder, 'Dilemmas of State-Building in Divided Societies', in Donald Rothchild and Philip G. Roeder (eds.) *Sustainable Peace: Power and Democracy after Civil Wars*, (New York: Cornell University Press, 2005), pp. 1–26.

⁷⁶ International Crisis Group, *Serbia's Sandžak: Still Forgotten*, p. 5.

led to an increase of tensions and demands for autonomy in the region.⁷⁷ The International Crisis Group assessed the risks – resulting from the inadequate handling by the central government, Belgrade media and the Bosniak National Council (BNVS) – as a crucial danger for inter-ethnic relations in Sandžak.⁷⁸ Hence, tools further separating the societal groups which may in the short-term release tensions and reassure groups to a certain degree of inclusion, run the risk of polarization. According instruments should therefore be seen as transformative and not without concern in the long term. They can harm civic identities that exist within society by reinforcing separatist structures through organizing politics in the same way.

Furthermore, neither the EU nor the governments alone should decide on the state structure, as peace building is a process that is of primary importance to the people. They should be regarded as owners of the process. Where the EU focuses traditionally on the state, it should take an interest in peace building at the grass root level. A people-centred approach is necessary to break the vicious cycle of group vulnerability to political mobilisation and to empower citizens to determine what kind of state they want to live in. Thereby, the role of the EU is on the one hand to facilitate socioemotional reconciliation and support the development of a democratic society. On the other hand, EU leverage serves to bring countries together at the interstate level. Cross border cooperation is compromised by interstate conflicts such as the Kosovo issue. Dialogue between Serbia and Kosovo is only possible with pressure from the EU. Both levels, the interstate and the grass root, should be approached from a conflict sensitive perspective - taking into account what the consequences are on the ground and how ethnic/religious relations between people are affected.

The two case studies exemplified how the WB region is still struggling with the outcomes of recent conflicts. The newly formed states are seen as the main units for EU integration tools. However, conflict lines in societies cross borders and policy should focus on overcoming conflict lines within societies rather than focus solely on state building. Without adapting the policy frameworks, socioeconomic structures are often reinforced and, as we have recently seen in North Kosovo, conflicts can escalate again. However, international treaties and EU guidelines can still serve as a model for integration and in principle do not necessarily have to be changed at

⁷⁷ *Ibid.*, p.16f.

⁷⁸ *Ibid.*, p.31.

the highest political level. But the *interpretation* of the criteria set by the EU should address its application to conflict areas. Accordingly, a comprehensive, conflict sensitive approach demands a mainstream approach down to the lowest level, as well as guidelines and evaluations for specific programmes. Finally, financial support should be given to governmental and non-governmental actors that attempt to bridge the gap between ethnic/religious groups.

Foreign policy concerning post-conflict regions like South Caucasus or North Africa requires conflict sensitivity and the use of inter-state, inter-group and intra-group cooperation tools. Overcoming politicized issues of the past is a long term process. Shaping an environment that enables this process of socioemotional reconciliation is not only the way forward for the Western Balkans, but could serve the European Neighbourhood as well.

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The future of the Western Balkans integration within the EU

By Daniel Trenchov

Abstract

Following the key achievements of the European integration, the free movements of people, goods and capital, all the countries from the Western Balkan region strive for the same goal: being a part of the European family. Learning from the failures in the past, Western Balkans (WB) now learned the lesson that the European perspective can be built only through a cohesion, unification and comprehension. This elaborated study explores and identifies the common interest for both the European Union and the WB countries from the integration of this region. On one hand, although not all the countries from the WB live in equal political environments, all of them see a clear benefit in the long run from having a strong multinational entity as an economic partner. Moreover, the full membership gives them the opportunity to gather not only the fruits from the single market and harmonized legal system but also helps in democratization of the region which indirectly leads to greater stability and stopping of the permanent fragmentation. On the other hand, the EU is nowadays facing the reconfiguration of the world geo-politics which imposes stronger interconnections and interdependence of all the European people, states and regions at multiple levels. Also, having in mind the European demographic weakness which increases itself in an exponential manner, the EU already feels the lack of active labor force, without which it is impossible to have a sustainable development. On the security level, it is the interest of the EU to stabilize this region permanently in order to focus on the rapidly changing security challenges. Going even beyond that, the strengthened incorporated WB region in the EU will send an unambiguous signal that the EU plays the leading role in democratization of the societies by spreading common values based on diversity and not on glorification of one specific nation.

Keywords: European Union, Western Balkans, unification, integration, interest

Introduction

With the end of the Cold War, the threat of conflict between the East and the West disappeared. At this moment, there was a growing awareness for the increased interconnections and interdependence of peoples, states, regions and continents. The initial consequences of these changes provoked a reconfiguration of the national strategies towards the creation of unions of multinational entities sharing common interests. The most explicit example of such unification is the process of EU enlargement to other European countries including the Western Balkan countries. However, the enlargement process and consequently the process of integration is not at all an easy process. It involves accepting the previously defined criteria such as stable institutions, a functioning market economy, incorporation of the *acquis communautaire*, which criteria should be met in order to accept the basic values and principles of the European Union (freedom, democracy, respect for human rights, rule of law, freedom of movement, solidarity). From the recent developments and the latest annual reports published by the European Commission, it is more than clear that the EU is not tired of expanding its borders to other countries. It evaluates and awards every progress made by the WB countries resulting in realization and approximation to the previously established criteria, values and principles. Hence, there is no doubt that the key advantages of the integration and membership in the EU are included in the national strategies of all WB countries, although each country is characterized by a different political climate and is facing different challenges on both short and long-term level.

However, it is very important to mention that the process of approaching the European Union by the Western Balkans would be very inert unless it is a two-way process, i.e. without the approximation of the EU towards the WB as well, the process would be delayed or almost impossible. The EU also does not remain blind to the contribution of the non-integrated countries. Actually, a strong and powerful Union depends on the will, motive and desire of both parties. Of course, such an approximation includes bilateral⁷⁹ cooperation on economic, security, geopolitical, cultural level. This paper will go step by step in elaborating the cooperation which, in one way or another, represents the common future of the EU and the Western Balkans.

⁷⁹ EU from one side and Western Balkan countries from the other side.

Collaboration on economic level between the EU and Western Balkans

The world has been changing at breakneck speed since at least the mid-20th century, but economic growth seems to dictate that it is never enough, that we have to go further, higher and above all faster⁸⁰. In second place on our list of mutual collaboration, for the sake of argument rather than conceptual reason, is the European Union's capacity to maintain its level of economic competitiveness in the world⁸¹. This is a sizeable challenge given the rates of economic growth already posted by China, India, Brazil and other regions of the world. If Europe does not keep its place in terms of productivity rates and export capacity, we will be witnesses of the collapse of the financial power of the whole Europe continent, including the WB countries as well, taking into account that a great portion of the trade exchange of the five states is made with the EU. In this regard, although the assistance from the EU for the WB is extended to many sectors it is primarily focused on the main regenerative priority of the region-economic and social development. Establishing strong commercial and administrative infrastructures, promotion of business and the promotion of independence through new skills help the countries from the WB to improve the life of their citizens⁸². Up to date, EU has granted wide trade concessions to all five countries and supports the creation of regional free trade area. EU funds economic changes in this area through promotion of transport and energy infrastructure, macroeconomic and microeconomic help lines for SMEs from which depends the majority of the growth and employment in the countries. It supports the emergence of a dynamic private sector and helps to create a legal framework that complies with EU rules on the single market and is favorable to business development.⁸³

Furthermore, by helping people in the region to take responsibility for finding their own solutions, the EU also supports the launch of businesses that can create jobs. By implementing such measures, the countries of the region develop economies that can respond to the requirements of the competitive global environment and build societies in which the citizens take

⁸⁰ Francois Heisbourg et al., Europe and power. Paris: Centre d'Analyse et de Prévision, 2008

⁸¹ Ibid.,

⁸² http://ec.europa.eu/enlargement/pdf/financial_assistance/cards/publications/econ_mk.pdf (accessed on 28.10.2011)

⁸³ Ibid.,

part in the management of the countries⁸⁴. Financial instruments such as CARDS and IPA help in the efforts to give greater role to market forces to liberalize prices and trade, to take down trade barriers for entry and exit of goods, to implement structural reforms such as privatization and restructuring of the large and public enterprises and to create a modern financial service sector. The EU is working together with these countries in providing enhanced macroeconomic stability through assistance linked to increased revenue collection, stronger public control of the costs and streamlined administrative structures. The EU also cooperates in building a business trust with strict application of the rule of law, tougher action against corruption and introduction of the informal sector in the mainstream⁸⁵. Having in mind the deep and widespread recession which has affected both the EU, but even more the reform process of the enlargement countries, a new Joint Grant Facility has been created to pool and coordinate different sources of finance and leverage loans with grants for projects representing a priority for the Western Balkans, with the initial focus on infrastructure sectors, including social infrastructure, support to SMEs, energy efficiency and other investment sectors⁸⁶. However, new instruments will produce the desired results only if the reform processes in the region proceed in a due time. Successful reforms usually need to be coupled with a political agenda and in this case that is the EU accession.

Despite the fact that all the countries from the WB see a clear benefit in the long run to have the EU as a strong multinational entity and as an economic partner in order to make a better living environment, the Union itself has also great interest in faster incorporation and integration of the Western Balkans into its family of 27. The EU interest towards the WB can be seen mainly through the prism of the intangible capital, the human resources capital and its intellectual background. Having in mind the European demographic weakness which increases itself in an exponential manner, the increasing need for labor from outside and the constant pressure to create new citizens⁸⁷, the European Union already feels the lack of active labor force, without which it is impossible to have a sustainable development. In this context, the WB countries with the huge potential that lies in their human resources could be of considerable help for the disordered structure of the EU working age population. Considering that the Western Balkans

⁸⁴ http://ec.europa.eu/enlargement/pdf/financial_assistance/cards/publications/econ_mk.pdf (accessed on 28.10.2011)

⁸⁵ http://www.europarl.europa.eu/meetdocs/2009_2014/documents/d-mk/dv/0120_11/0120_11en.pdf (accessed on 25.10.2011)

⁸⁶ Ibid.,

⁸⁷ Rémy Brague et al., *What borders for Europe*. Paris: Centre d'Analyse et de Prévision, 2008

have a core of highly qualified workforce that is ready to engage in the economic streams of the Union, the EU can maintain its competitiveness in the global scale at least in a short term.

However, this does not mean promotion of the so-called brain drain from the Balkans, but in contrary, a promotion of opportunities for young people to contribute to the achievement of their common Euro-Balkan goals and missions. With a well-defined and controlled demographic policy of migration, it is not impossible to generate a double benefit, on one hand the EU will fulfill a certain percentage of jobs with skilled labor and on the other hand, the WB countries will reduce unemployment rates. In fact, the young people who had returned to their countries after having gained an international and European experience are the key transformational force in taking on future steps to improve the quality of life in this region. The youth from the WB feels that its participation in decision-making and social processes is still limited⁸⁸.

Youth participation is an essential strategy for ensuring optimal development and for achieving wider development goals for society. Generally speaking, the driving force for the continuation of the political, social and economic reform and transition process are **qualified young professionals with European experience** coming from the WB countries. Nevertheless, much remains to be done: the European Community has a common policy for goods, but not yet for people⁸⁹.

Collaboration on a security level

As threats are becoming more sophisticated, the adversary is less often an army of an enemy state, but a vague threat: guerrilla or terrorist groups. The role of the security is no longer limited solely to the defense of the national territory, but to defend interests of a whole region even a continent. In the future, the EU will have to deal with international terrorism, proliferation of weapons of mass destruction, civil wars and disasters of human origin. In order to neutralize the new threats, the EU must be able to consolidate itself by integrating the security sectors of all the countries including the security structures of the countries belonging to the WB region.

In other words, it is the interest of the EU to stabilize this region permanently in order to focus on the rapidly changing security challenges. With the membership in the Union, it is more than

⁸⁸ http://www.youthalliance.org.mk/download_items/Final_Declaration_Con2010.pdf (accessed on 25.10.2011)

⁸⁹ Rémy Brague et al., What borders for Europe. Paris: Centre d'Analyse et de Prévision, 2008

clear that the WB countries will benefit on several levels. The close cooperation between the security structures will allow them to modernize their military, police and all the other security capacities. By using the humanitarian, diplomatic and other instruments of the EU, the five countries⁹⁰ will have the chance to learn an enthusiastic and fresh perspective on how to prepare, develop and manage international projects and how to take responsibility in activities related to the success of those common future projects. Also, by entering in the security framework of the EU, the WB countries will become more closely acquainted with a wider range of approaches and solutions in a security context which will help them build the necessary background as serious contributors to the European security.

In addition, being part of the European security defense policy will provide an invaluable opportunity to take a proactive role in the domain of the European external security policy and to get closely involved in its improvement. Thus, this narrow collaboration would propose ways of linking the practice with the European security homologues and would bring a step further to developing cross-sectorial cooperation and mutual learning situations where different approaches and strategies can be compared. It will give a boost to sustainable partnerships in terms of exchanging experiences and identification of the main priorities. From the EU's standpoint, the integration of the five countries will inevitably push the boundaries of the Union to the southeast which also means strengthening of its strategic positions. Maybe, some critics in the field of the security will say that it is nothing more than spending more and more resources at every level to control the extended borders, but it also means making a security umbrella of the entire European continent. Given the huge contribution of WB countries in different NATO missions, it should not be neglected the contribution that they could give in missions led by the European Union as well. Although some countries are already involved in missions such as the one in Bosnia and Herzegovina which is under direct command of the Headquarters of the Council of the European Union, they could still take proactive roles in missions in Africa also led by the security structures of the EU, transforming in this way and becoming contributor countries with full participation in the missions led by the EU.

⁹⁰ In this paper Kosovo/UNSCR 1244 is not taken in consideration.

Including the Western Balkans in the European Union as a tool for becoming a global player

With the emergence of China and ultimately of India, which increasingly constrain European and American diplomatic and strategic spaces for manoeuvring the European Union is now faced with the reconfiguration and re-composition of the world geo-politics. In these new circumstances, Europe will have to decide whether it should try first to built policies on the scale of the Union or focus instead, from the start, on coordinating common external security policy⁹¹ with the United States, the main guarantor of strategic stability in the Asia-Pacific region, which has become, under the American umbrella, the main world economic growth driver⁹².

Regardless of the direction or the strategy that could be opted in order to deal with the globalization and a rapidly changing security environment, new security concept and military doctrine, defence planning, strengthened relations between the countries from the EU are essential to be incorporated. Now, with the new security challenges, it is indispensable for the EU to organize a strong cooperation not only among the member states but also among all European people, states and regions including the Western Balkans in order to create stability and a high level of protection from the global threats. Only with a full membership of the WB countries the EU can reinforce its strategic position which already has been written in the Lisbon Strategy as an objective and that is: the EU to become the most important global player. Perhaps, a military support from NATO will be an equally decisive factor when deciding its future strategic project, but the EU however, needs to take into account that NATO structures mean, by definition, a power that lies mainly on its military capabilities.

At the grand strategic level, what makes the EU a global player is its sheer economic size. To preserve its status as an economic power, therefore, the EU has to become a power across the board, which requires a grand strategy and a will to proactively pursue one⁹³. Enlargement is, by large, the most powerful policy tool of the EU⁹⁴ in order to maintain the economic power but

⁹¹ Кузев Стојан, Збирка документи од областа на безбедноста и на одбраната (стратегиски определби). Скопје:Југореклам, 2002

⁹² Heisbourg Francois et al., Europe and power. Paris: Centre d'Analyse et de Prévision, 2008

⁹³ Biscop Sven "European strategy"(Paper presented at the High Level Conference, Diplomacy, Defence and Development, Ohrid, September 12-15, 2011)

⁹⁴ http://www.europarl.europa.eu/meetdocs/2009_2014/documents/d-mk/dv/0120_11/0120_11en.pdf (accessed on 25.10.2011)

also it will serve EU's strategic interests in securing stability and conflict prevention vis-à-vis the great aforementioned emergent countries, China and India.

In addition, enlargement helps to increase prosperity and growth opportunities and secures vital transport and energy routes.⁹⁵ The present enlargement agenda, despite countries like Iceland or Turkey, covers Western Balkans countries too, which have been promised EU membership once they fulfil the necessary conditions⁹⁶. The possible accession of five new Balkan members would raise issues, in principle manageable⁹⁷ (independently of the very large difficulties posed by the economic catching up they have to do). All of these issues lie at the heart of Europe and they will not disappear unless sincere efforts are made to work them out. The EU cannot postpone them any longer, nor resolve them without the accelerated process of enlargement which is useful for all the 27 EU countries. The so-called enlargement fatigue cannot be used as an excuse any longer and the integration of the Western Balkans must happen as soon as possible⁹⁸. EU's enlargement policy needs a desperate push, and the Croatian success story is clearly not enough, having in mind that the entry into the EU of the WB countries was promised in the 2003 Thessaloniki Declaration⁹⁹.

On the other side of the "enlargement fatigue" story is the "accession fatigue". Some political scientists argue that the WB countries are as tired as the Union is with all the promises made, but never delivered by the Member States. The Macedonian case can set the scene for this "push" to happen sooner rather than later. In fact, the countries of the regions have moved closer to EU membership as the region made progress in meeting the established criteria and conditions.¹⁰⁰ Moreover, the full membership gives them the opportunity to gather not only the fruits from the single market and harmonized legal system, but also helps in democratization of the region which indirectly leads to greater stability and stopping of the permanent fragmentation. In this sense, the society desperately needs results in the area of financial investments, economic growth

⁹⁵ Ibid.,

⁹⁶ Ibid.,

⁹⁷ For the sake of argument, let's throw light on the state of affairs in the Western Balkans: Macedonia has the name dispute with Greece as well as the recognition of the church issue with Serbia, Serbia has the Kosovo issue, Montenegro and Croatia have the border issue in Prevlaka, Albania has the problem with the use of continental zone with Greece, and Bosnia and Herzegovina and Kosovo have the statehood problem, and even the Croatian-Slovene bilateral problem is not entirely resolved.

⁹⁸ Ibid.,

⁹⁹ Francois Heisbourg et al., *Europe and power*. Paris: Centre d'Analyse et de Prévision, 2008

¹⁰⁰ Substantial progress was made towards visa liberalisation, leading to the Commission's proposal from July 2009 for visa liberalization for three countries (Macedonia, Montenegro and Serbia).

and creation of new jobs in order to eliminate any form of extremism and endangering so far achieved progress¹⁰¹.

Additional forms of collaboration between the EU and the Western Balkans

Considering that the WB countries belong to Europe geographically and that they share a common history, the exchange of cultural values between these naturally connected regions is an inevitable fact. On one hand, by attributing a full membership to the Western Balkans, the EU will inherit the historical “cradle of civilizations”, a whole demographic landscape of many nations, cultures, languages and religions. On the other hand, by accessing to the EU, the WB will have the opportunity to overcome the retrograde values such as the disrespect, intolerance and irresponsibility and to accept the new democratic values of the EU, liberty, respect for human rights, rule of law, freedom of movement, etc. Even the Europeans themselves believe that the values they stand for hold good not only for Europe, but for the whole world as well. It would be a dangerous, even lethal temptation to consider Europe as watertight compartment that has nothing to give or to receive from the rest of the world. That would be denying the whole past of Europe and endanger its future¹⁰². Speaking about the cultural exchange, a joint Euro-Balkan projects such as organizing art colonies, literary workshops, poetry competitions and similar events are a great opportunity for the people from the Western Balkans to choose the European identity¹⁰³ instead of some kind of rudimental forms of Balkan entity.

As far as the sustainable development is concerned, EU takes the major role in the fight against poverty and it is crucial for the development in the long term of the WB region. Through promotion of a sustainable life and supporting emission reduction projects such as establishment of environmentally friendly transport or other carbon free means of transport, the EU works towards creating an ecological awareness in the whole WB region. The need for a common ecological and environmental security policy will keep raising its importance and will be in the future among the main priorities of the EU structures.

¹⁰¹ Петар Атанасов. Перспективите на Република Македонија на патот кон НАТО и ЕУ. Скопје: Министерство за одбрана на РМ, 2006

¹⁰² Francois Heisbourg et al., Europe and power. Paris: Centre d'Analyse et de Prévision, 2008

¹⁰³ According to Rémy Brague the European identity is perhaps precisely that acceptance of others, of difference, of plurality, whether national, cultural or religious (Rémy Brague et al., What borders for Europe. Paris: Centre d'Analyse et de Prévision, 2008)

Education is among the most important factors determining the development of a society. The international mobility within education is an essential condition for an open society and therefore should be supported, developed and stimulated in the WB countries. In this respect, the life-long learning programs, the already established scholarship programs, the non-formal education, discussions, scientific debates, exchange of students and pupils, language conferences, bilateral and multilateral meetings, but also defense and security related education for civilians and parliamentarians¹⁰⁴, are only a part of the instruments of the EU to bridge the gap between the European students and the students coming from the Western Balkans. This also represents a form through which the people from this region have the opportunity to share the past, present and future experiences. Collaboration on academic and intellectual level also means collecting and sharing good practices, tools and methods, which in the long term implies development of the entire European society. It is very important to emphasize that education is not only a form of preparation for future employment, but it shapes humanistic principles of a civic society¹⁰⁵.

Conclusion

The financial crash of some of the EU countries, the lack of orientation, the asymmetrical distribution of the power, the shift of economic gravity from the Atlantic to the Pacific, the demographic decline, clearly indicate that the European Union has to reformulate the current pattern of governance and decision making process and to introduce a new integration vision which will include the countries from the Western Balkans as well. Of course, the process of enlargement is the most powerful tool when it comes to the future of the WB region, but it is also a prerequisite for peace and stability, and ultimately for regional integration and economic prosperity. The WB values will need to change the perception of the region in the eye of the average European citizen in a manner that this region will be no longer the largest producer of history in the world, and that it will become a credible “exporter” of security, stability and democracy. The process of integration is not an easy process and therefore requires consultation and collaboration between the EU and the WB policy makers on economic, security, cultural,

¹⁰⁴ Fluri Philipp and Hadzić Miroslav. Sourcebook on security sector reform. Geneva/Belgrade: Geneva Center for the Democratic Control of Armed Forces, 2004

¹⁰⁵ http://www.youthalliance.org.mk/download_items/Final_Declaration_Con2010.pdf (accessed on 25.10.2011)

educational and geo-political level. Thus, we come to the theory that the evolution of the Balkans depends not only on the development of one nation or on some specific values, but on the will, enthusiasm and readiness of the entire Euro-Balkan collective.

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1.http://ec.europa.eu/enlargement/pdf/financial_assistance/cards/publications/econ_mk.pdf(accessed on 28.10.2011)

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3.http://www.europarl.europa.eu/meetdocs/2009_2014/documents/dmk/dv/0120_11/0120_11_en.pdf (accessed on 25.10.2011)

4.<http://klubidemokratik.org/PDF/Abdulla%20Aliu,%20VAZNOSTA%20NA%20PRIVATI%20ZACIJATA%20ZA%20INTEGRACIJATA%20NA%20MAKEDONIJA%20VO%20EVROPSKATA%20UNIJA.pdf> (accessed on 28.10.2011)

Main challenges in the future of Western Balkans Integration to the EU – The case of Bosnia and Herzegovina

By Nikola Lazinica

Abstract

This paper asks the question: is Bosnia and Herzegovina (hereafter, simply BiH) – an unfinished state? Is BiH functioning according to the European concept and is it possible to make progress towards the EU accession with the current system in place? There are many obstacles on the European path of BiH, and the main question is how to bridge the way from Dayton to Brussels. European prospective of an international semi-protectorate is hardly achievable without significant structural reforms that should be performed with larger involvement of domestic political factors than it has been done in the past. The international community should take a new approach when it comes to restructuring of BiH, because 16 years after the International Peace Agreement signed in Dayton in 1995 and Annex 4 (which is also the BiH Constitution) BiH still is not a state competent to enjoy the loyalty of its citizens. It seems that all stakeholders, international and domestic, agree on one thing – the only way for success is the European integration, but the question is how far the domestic political elites are willing to pursue this path. When we look at all Western Balkan (WB) countries, it seems that BiH is taking the smallest steps towards EU Integration. The pace of reforms is the slowest in the region - with the Croatian conclusion of the accession negotiations in June 2010, Montenegrin and Macedonian candidate statuses and very palpable Serbian progress towards the EU (even though Kosovo dispute settlement hinders Serbia's accession). BiH on the other hand is facing the threat of remaining an isolated island. This paper will analyze the current state of affairs in BiH and consider possible steps that should be taken in the future towards EU accession, and in the first place towards getting an official EU candidate status.

Key words: Western Balkans, EU Enlargement, Conditionality, State building, European Union Special Representative

Problem formulation

Has the EU contribution to the peace and state building process in BiH been appropriate, effective and sustainable and does the EU need a stable and prosperous BiH as a clear sign of successful peace policy?

Which are the key reforms that should be done on the European path of BiH and for getting the official candidate status in the first place?

Methodological approach

In this paper the main foundation is in the first place the empirical argumentation, however there is some theoretical narration as well, as the problems that BiH as a country is facing on its European path are very complex.

The empirical foundation of this paper is mainly the literature on the subject as well as many reports, communications from the EU institutions, speeches and statements of high ranking officials etc.

The method chosen is both deductive and inductive. Results of surveys conducted by top-ranking professional agencies will also be used in the analysis of the subject.

Hypothesis

The hypothesis of this project is that BiH has a clear European prospective, as well as all the other WB countries, even though the “enlargement fatigue” is present in most of the EU countries.

Delimitation and limitation

In order to enter the subject in proper manner, this paper in its first part will have some reference on the Dayton Peace Agreement that put an end to the conflict that occurred in BiH during the three year period (1992-1995). However, delimitation is set in the paper as the conflict itself, as well as the reasons that led to the conflict will not be discussed thoroughly.

Among main limitations of the research is the fact that BiH did not even apply for EU candidate status and considering the fact that the issues and problems that BiH is facing on its way towards

the official candidate status are all highly political questions and not technical ones, it is rather difficult to foresee the outcome. The involvement of the international community in the decision making process in BiH is still huge, as long as there is the Office of the High Representative (OHR) in place. The pace of reforms also depends very much on the decisions of the High Representative (HR) and not on the domestic decision makers that were democratically elected. This is one of the reasons why the vision of the future mode of functioning of BiH is rather vague.

Introduction

From the preamble of the Annex IV of the Dayton Peace Agreement also known as the Constitution of BiH:

“Bosniaks, Croats, and Serbs, as constituent peoples (along with “Others”¹⁰⁶), and citizens of BiH hereby determine that the Constitution of BiH is as follows...”

If a person without significant academic background not coming from the former SFR of Yugoslavia would just take a look at the preamble of the Constitution of BiH, and to its Article 1, many terms would need an explanation, and the most important one is certainly the “constituent peoples”.

BiH was the only federal republic where clear ethnic majority did not exist in the former SFR Yugoslavia, and the solution for BiH’s problem was never clear, and is not clear even nowadays. The term “constituent peoples” refers to three ethnic groups that are the most numerous ones in BiH, and two of them have their “homeland” – Serbs and Croats. Bosniaks, having only BiH and were always in favor of independent BiH (backed by Croats). Precisely because of that it is very important to understand the complexity of BiH statehood, since the very root of the civil war that took place in BiH is the fact that after many centuries under foreign domination and after the dissolution of Yugoslavia, a country that became independent was not recognized as such by a significant number of its own people and that situation led to a bloody ethnic conflict. BiH was

¹⁰⁶Majority of Bosniaks are Muslim, majority of Croats are Roman-Catholic, majority of Serbs are Orthodox (Serbian Orthodox Church) while as “Others” are considered all people belonging to one of national minorities. According to the Law on the protection of rights of persons belonging to national minorities, there are 17 national minorities in Bosnia and Herzegovina (Albanians, Montenegrin, Czechs, Italians, Jews, Hungarian, *Macedonians*, Germans, Poles, Romas, Romanians, Russians, Rusins, Slovaks, Slovenians, Turks and Ukrainians)

perceived in the eyes of many Europeans in the 1990s as the symbol of a collective failure, while Kosovo later became a catalyst for an emerging Common Foreign and Security Policy¹⁰⁷. Eventually, it was the US that put an end to the war in BiH and created conditions for the Dayton Peace Agreement. It was clear at the time that the EU was not able to maintain peace at its very proximity, and that the US as a global player had to intervene and exercise its military might in Balkans. Nowadays, there is no common sentiment of belonging to something, and the EU seems as the only common reference of all three ethnicities.

Modern day BiH is highly decentralized state, with two entities - Federation of BiH and Republika Srpska, which share sovereignty over Brčko district. Administrative-territorial organisation was finally defined by Amendment I to the Constitution of BiH, entered into force on 26 March 2009, by which the Brčko District was finally incorporated as a condominium into the state constitutional-legal architecture.¹⁰⁸ Cox¹⁰⁹ claims that there have been three phases to the international mission in BiH. The focus of the first one was the military stabilisation and reconstruction in the first place, and its main characteristic was the willingness of the international community to work directly with local power structures, often at the expense of the constitutional order. The second phase was characterized with evolution of the powers of the HR, which allowed some important reforms to be put in a place. The semi-protectorate that was established with this evolution of powers of the HR tended to inhibit the development of domestic political processes. The third phase, which is just getting underway, consists of a more systematic approach to state building.

The current dysfunctional system, with over 150 ministries¹¹⁰ should be changed, and the international community should realize that BiH is not just another country in transition, but that it is highly complicated and fragile state, that in the first place was its project, because there was never an internal agreement and common sentiment of BiH nationality.

¹⁰⁷ Rupnik, European Union Institute for Security Studies: The Western Balkans and the EU “The hour of Europe” 2011:9

¹⁰⁸ “Official Gazette of Bosnia and Herzegovina” No. 25/09

http://www.ustavnareforma.ba/en/short_history_of_bh_constitution.html (Last accessed on 10/19/2011)

¹⁰⁹ Cox, Marcus State Building and Post-Conflict Construction: Lessons from Bosnia, Cluster of Competence The rehabilitation of war-torn societies A Project coordinated by the Centre for Applied Studies in International Negotiations (CASIN), Geneva, 2001:3

¹¹⁰ At the state level, there is the Council of Ministers with 9 ministries; Republika Srpska has 16 ministries while the Federation of BiH has 10 cantons and 10 canton governments.

BiH as a consociational democracy

Even though it is necessary to make certain adjustments to the current system in order for BiH to become sustainable functioning state capable of assuming the obligations deriving from the EU membership, the reality on the ground needs to be taken into account as the only way to make BiH function is indisputably as a consociational democracy.

The consociational democracy is a system that is advocated by many authors (Lijphart¹¹¹, Lehmbruch) and according to this view, if democracy is supposed to function in culturally, ethnically and religiously fragmented societies, new models for regulation of the conflicts need to be used instead of simply deciding by a majority one-man one-vote principle. This theory is backed with empirical results, because throughout the world there are many examples of fragmented societies. In order to avoid the domination of one group it is necessary to consider the reality in each fragmented society and to adapt the system of governance to the given conditions. BiH is a school-book example of deeply divided society. Even throughout the history, there was never a common sentiment of BiH nationality and of belonging to BiH. According to Kasapovic¹¹² out of three states that ruled BiH since the beginning of the XV century till the end of XX century, Muslims consider as the best time the period of the Ottoman rule, Croats the period of Austro-Hungary and Serbs the period of the reign of the Kingdom of Yugoslavia (initially the Kingdom of Serbs, Croats and Slovenes). For those three states each one of the three ethnic groups developed sort of “myths” about their very own “golden times” in the history of BiH during which their culture and economy bloomed. Nowadays, it is almost unimaginable that some day the Serbs or Croats that live in BiH will feel more like Bosnians or Herzegovians rather than Serbs or Croats. The only constituent people that have this sentiment are the former Bosnian Muslims, nowadays called Bosniaks.

¹¹¹ Lijphart, Arend (1999), *Patterns of Democracy*” Government Form and Performance in Thirty-Six Countries. New Haven, Yale University Press

Lijphart, Arend (2004) “Constitutional Design for Divided Societies” *Journal of Democracy*

Lehmbruch, Gerhard (1975) “Consociational democracy in the international system, *European Journal of Political Research*

¹¹² Kasapović, Mirjana “*Bosna i Hercegovina: podijeljeno društvo i nestabilna država*” *Zagreb 2005:85,86*

According to Bose¹¹³ BiH has classic features of a consociational or group-based power-sharing system that are evident in the legislature of this state: allocation of seats in a way that takes account of group membership, including a strict parity formula in the House of Peoples, and veto rights for representatives of national segments. The BiH's principal executive organ, the Presidency, includes these two features as well as a third defining element of consociation: central decision making by grand coalition between representatives of the segments.

Main issues

As even this year's EC's Progress Report once again stressed, the issues that need to be indisputably tackled as utmost priority on the European path of BiH are the closure of the OHR and the harmonisation of the Constitution with the European Convention (Sejdić/Finci case¹¹⁴), Law on State Aids and Law on Household and Population Census. It is clear what should be the main objective of all the actions of the domestic political elites in the future. Those three key issues are essential for the socio-economic development of BiH and for further steps towards the EU integration. Authorities of BiH need to act urgently in order to put an end to the current deadlock on the European path of BiH, as these three issues have been stressed even by the EUSR as three indispensable conditions that BiH needs to fulfill if it wants to move forward in the EU integration.

EU Prospective

The beginning of the 21st century has revived the Euro-scepticism, from the 1980s that had disappeared in the 1990s as a consequence of post-Cold war optimism.¹¹⁵ Even though the European Council, recalling its conclusions in Copenhagen (December 2002) and Brussels (March 2003), reiterated its determination to fully and effectively support the European

¹¹³ Bose, Sumatra "Contested lands: Israel-Palestine, Kashmir, Bosnia, Cyprus, and Sri Lanka" Harvard University Press 2007:139

¹¹⁴ The origin of the Sejdić/Finci complaint can be found in the fact that the current BiH Constitution states that only ethnic Serbs, Croats and Bosniaks can be elected as the members of a tri-partite rotating Presidency of BiH and as the members of The House of Peoples. Sejdić and Finci, each of the two not belonging to one of the three constituent peoples were the plaintiffs in this case, and the Court found that "ineligibility to stand for election to the House of Peoples violates Article 14 of ECHR (ban of discrimination in the field of Convention rights) taken in conjunction with Article 3 of Protocol No. 1 (free elections) and that their ineligibility to stand for election to the Presidency violates Article 1 of Protocol No. 12 (general ban of discrimination)"

¹¹⁵ Markovic, Slobodan G. (editor), European Union and the Western Balkans after the Big Enlargement, Belgrade 2005 (ISBN 86-82057-34-4)

perspective of the WB countries, which will become an integral part of the EU, once they meet the established criteria¹¹⁶ one can not predict with certainty provisional date of actual accession. With the entry into force of the Lisbon Treaty, EU can pursue its policy of enlargement and at the same time work further on deepening of the EU integration. Still, even after the adoption of the Lisbon Treaty, there are some sceptics in EU about further enlargement, especially after the sovereign debt and financial crisis that hit many EU countries. The “enlargement fatigue” has not officially halted further EU enlargement, but undisputedly has made it more difficult in the years to come. However, the positive momentum for further enlargement is maintained with the coming Croatian accession.

According to the research conducted by Gallup Balkan Monitor¹¹⁷, it is clear that the majority of citizens of BiH consider the EU as a potential remedy for many of their problems. While the share of people thinking that EU accession would be a *good thing* fell from 66% to 48% between 2006 and 2008, in 2010, 69% of respondents in BiH gave their support to accession.

EU’s Conditionality Policy

On the question how to implement the necessary reforms, the answer probably gives the EU Conditionality Policy. During the 1990s the EU’s conditionality policy was developed and used as a powerful tool in the transformation of the former Eastern block countries that were under the communist regime. In 2004, when WB countries became the object of the next enlargement (as the accession of Bulgaria and Romania was already a done deal but put on hold) the EU had significant experience in the conditionality policy developed during the previous enlargements. Benchmark provisions set in 1993, known as the Copenhagen criteria, where the main EU admission conditions. Those conditions were not actual criteria set for full membership as it was clear that one of the main features of the new conditionality approach was to insist that the original 1993 Copenhagen criteria are met even before the actual start of negotiations.

The EU’s offer was more conditional in the case of WB countries as the situation in the WB region is more challenging and the question is not mere achieving of the EU standards in democratic and economic governance but also the consolidation of statehood of the fragile state

¹¹⁶ Presidency conclusions of the Thessaloniki European Council (19 and 20 June 2003)

¹¹⁷ Gallup Balkan Monitor – Focus on Bosnia and Herzegovina, November 2010.

structures in the region following the Yugoslav wars of secession in the 1990s¹¹⁸. The WB are commonly perceived as the source of the “soft security threats¹¹⁹” to the security of the EU, and Trauer¹²⁰ finds that constituting major source of “soft security threats”, Justice and Home Affairs needs to be the main requisite of cooperation in the region. Also, the fact that the WB region is one of the gateways to the EU for criminal activities, illegal immigration and other threats reinforces the need for wider law enforcement co-operation in the region. This can be found in several reports from the EC to the European Council, and it is obvious now that once Montenegro starts the accession talks, those issues and chapters will be the first ones on the table.

Conditionality policy of the EU in the WB region has to be used rather wisely and the approach needs to be tactical. Unlike the post-communist countries of the Central and Eastern Europe, where political and public support for the EU membership was high, the countries of the WB region have strong nationalistic and populist political elites that are in constant opposition with the liberal pro-European parties. Anastasakis links the decision to start the dialogue on visa liberalization with Serbia only three days before the presidential elections in early 2008 with the tactical use of the conditionality policy of the EU as it was clearly a gift for the pro-European presidential candidate Tadic in his electoral battle with the rising ultra-nationalist Radical party, considering the fact that Serbia did not meet all the criteria¹²¹. The strict approach of the EU in relation to BiH and its modification at the later stage, after the clear “No” from the domestic political elites can be perceived in the example of the police reform in BiH, as it was one of the pre-conditions for visa liberalization. The political representatives of the Republika Srpska were quite clear when it came to the police reform – they were not willing to cede the autonomy of their entity and to form a unified police structure in BiH. The EU finally lowered the criteria, and instead of the unified police structure, the formation of some coordinating agencies and bodies at

¹¹⁸ Noutcheva, Gergana “EU Conditionality, State Sovereignty and the Compliance Patterns of Balkan States” Centre for European Policy Studies, Brussels, 2006:1

¹¹⁹ At the Ministerial Conference on Organised Crime held in London in November 2002, the countries acknowledged that these problems pose serious threats to their stabilisation and democratisation and made a joint commitment to work together to fight crime at source, in transit and at its destination, and to implement a number of priority actions related to e.g. international standards, legislation, capacity building and co-ordination.

¹²⁰ Trauer, Florian “EU Justice and Home Affairs Strategy in the Western Balkans” CEPS Working Document No. 259/February 2007

¹²¹ Anastasakis, Oton “The EU's political conditionality in the Western Balkans: towards a more pragmatic approach” South East European Studies at Oxford, St Antony's College, University of Oxford, Oxford, UK Online Publication Date: 01 December 2008:374

the State level was accepted as good enough, and at the final stage only two laws were required as minimum precondition for the Stabilisation and Association Agreement – Law on independent monitoring bodies of police structures in BiH and Law on Directorate for coordination of police bodies and on Agencies for the support for police structures in BiH.

According to Anastasakis¹²² political conditionality¹²³ generates reaction, polarization and a sense of injustice in most Western Balkan countries, especially when it touches upon nationally sensitive matters and unresolved post-conflict issues.

The problem in BiH is clear - instead of focusing on democratic and economic conditions deriving from the membership, in the case of BiH the focus of the conditionality policy is on complying with the criteria that tend to prioritize the statehood and state structures, institutional setting of the country and redefinition of the internal structures of the country. Limited statehood is seriously hindering BiH's progress towards the EU and it is still unclear whether the prospect of the EU membership is the "carrot" that is big enough for BiH, as it is seriously lagging behind its neighbors, and it seems to be the main cause of ineffective implementation of the EU-induced reforms and the decoupling between formal institutional changes and rule-inconsistent behavior¹²⁴. The legacy of the past in the WB is particularly important and without any doubt, the conditionality policy of the EU needs to be adapted to it, as the same policy used during the fifth enlargement will surely make no significant change in this region. The role of the EU as a State-Builder is very important in the WB but for time being it has been rather mal performing.

¹²² Anastasakis, Oton "The EU's political conditionality in the Western Balkans: towards a more pragmatic approach" South East European Studies at Oxford, St Antony's College, University of Oxford, Oxford, UK Online Publication Date: 01 December 2008:366

¹²³ Anastasakis chooses the term "political conditionality" instead of 'democratic conditionality' in order to emphasize the notion of political transformation, and less on that of 'democratization'. The reason is that the instrument of EU conditionality is not always, strictly speaking, democratic, based as it is on an unequal and asymmetric relationship of imposition, pressure, control and, partly, threats. Moreover, local compliance with some of the criteria is not always the result of democratic dialogue within the countries, their parliaments and/or societies, especially when it has to happen at very high speed. From a substantive point of view, EU political conditionality can run counter to democratization, at least in the short term when some of the prescriptions prioritize law and order instead of elections and/or civil society development. This happens, especially, in post-conflict cases where the rule of law is weak and the goal of law and order takes precedence over other democratic bottom-up goals and criteria.

¹²⁴ Börzel, Tanja A. "When Europeanization Hits Limited Statehood The Western Balkans as a Test Case for the Transformative Power of Europe" KFG Working Paper No. 30 |Berlin 2011:7

Even though BiH is formally not EU Member State, Chandler¹²⁵ claims that it can be considered as the part of the EU; in fact more than this, BiH is the first genuine EU state where sovereignty has in effect been transferred to Brussels. Effectively, the concept is following – without clear EU prospective, there is no enough reason and “carrots” for this country to continue its autonomous existence as the statehood is widely disputed in its significant part. One of the proofs that further reinforce this stand is the fact how the flag of BiH resembles the EU flag.

On the question of flags, the similarity with another flag of the “state-building project” in the region is undisputable – the official flag of BiH and Kosovo unquestionably resemble as the stars, blue and yellow are dominant key elements of these flags. According to Carton¹²⁶ the exercise of state-building in BiH has created a so-called phantom state, in which domestic politics are basically redundant, policy making is formed by external experts, and local politicians are more accountable to the international community than to the population they are supposed to represent.

European Union Special Representative (EUSR)

According to Grevi¹²⁷, the WB region has been the cradle of ESDP and the source of the strong motivation to develop a serious EU crisis management capacity resulted from the years of impotence during the civil wars in former Yugoslavia. In the Council Decision 2011/426/CFSP of 18 July 2011 of the appointing of the EUSR in BiH, it is stated that “*The Union is further strengthening its policy and its presence on the ground through a single, reinforced Union representative who will take a lead in supporting BiH on Union-related matters to support the country’s progress towards integration with the Union including through a broad and balanced set of instruments*”.

¹²⁵ Chandler, David “Empire in Denial: The Politics of State-Building” Pluto, London 2006, Chandler, David “Bosnia: Faking Democracy After Dayton” Pluto, London 1999,2000,

¹²⁶ Carton, Wim “Beyond the Kosovo status question – The limits to Europe’s state building efforts” THE INTERDISCIPLINARY JOURNAL OF INTERNATIONAL STUDIES NO.1 2006:9

¹²⁷ Grevi, Giovanni “Pioneering foreign policy – European Union Special Representatives”, Challiot paper 106, the European Institute for Security Studies, October 2007

The EU has currently nine¹²⁸ special representatives around the globe, and one of them is the EUSR in BiH. The Lisbon Treaty that entered into force on 1 December 2010 reinforces the role of the EU as a global player with the creation of the European External Action Service (EEAS). The main role of the EUSRs is to support Catherine Ashton, High Representative of the Union for Foreign Affairs and Security Policy. The EUSR in BiH exists from 2002, but it was a double-hat role held by the HR. The first EUSR in BiH was Lord Ashdown. This new double-hat position HR/EUSR basically maximized the synergy in the efforts of the International Community in BiH, or according to popular public opinion the “hard power” of the HR was complemented with the “soft power” of the EUSR. The date of the creation of the double-hat HR/EUSR was not accidental, as it corresponded with the launching of ESDP police mission in January 2003¹²⁹. After several years, the EU has finally reinforced its presence in BiH – with the newly appointed Peter Sørensen¹³⁰ as the EUSR in BiH. It is clear that a gradual transition from the previously unquestionable OHR with its Bonn powers towards more dialogue-based approach has begun. Sørensen is also acting as the Head of EU Delegation in BiH, so the role of the EUSR is once again “double-hat” only this time the two roles are specifically in the function of EU’s policy in BiH. According to Fride¹³¹ Policy Brief 89 of August 2011 even though the OHR still remains in place, the gradual increase of the EU presence in BiH is obvious, as further reinforcement of the EUSR is envisaged. The Council has long time ago reaffirmed its commitment to strengthen its support to BiH and envisaged the discussion with the international community on the reconfiguration of the international presence in BiH, including its downsizing and possible relocation of the OHR. According to the Policy Briefing of the

¹²⁸ The nine EUSRs cover the following countries or regions: Afghanistan, the African Great Lakes Region, the African Union, Bosnia and Herzegovina, Central Asia, Crisis in Georgia, Kosovo (UNMIK 1244), Sudan and the Southern Mediterranean region

¹²⁹ Council Joint Action 2002/210/CFSP, 11 March 2002

¹³⁰ Peter Sørensen, a Dane, was previously the Head of the EU Delegation in Skopje. He has over 15 years experience in the Western Balkans region. His previous assignments include the posts of Personal Representative of the EU High Representative in Belgrade (2006-2010); Deputy Head of "Pillar IV" (Reconstruction and Economic Development) of the United Nations Interim Administration Mission in Kosovo (UNMIK) (2002-2006); Senior Adviser to the Special Representative of the UN Secretary General in Kosovo (2001-2002); Legal Adviser to the United Nations Secretary General Special Envoy for the Balkans (2000); Head of Political Department and Senior Adviser to the Head of OSCE in Croatia (1997-1999); Legal Adviser to the High Representative in Sarajevo (1996-1997); and Political Adviser to and Observer in the European Community Monitoring Mission in the former Yugoslavia (1995-1996).

¹³¹ Sebastian, A European think-tank for global action Fride Policy Brief 89 of August 2011

International Crisis Group¹³², after years of hesitancy, EU member states should make 2011 the year when the lead international role in BiH shifts from the OHR to a reinforced EU delegation.

The US Institute of Peace in its Peace Briefing¹³³ from May 2009 analyzed the current situation in BiH during two roundtable sessions¹³⁴ throughout which views from Washington and views from Brussels were presented. The main conclusions were that while the European focus on BiH is mainly through the lens of enlargement policy, Washington places less stock in process and more on outcomes. The important finding of this Briefing is that the Americans do not believe that BiH is on an irreversible path to EU membership and that with an absent strong HR, Dayton BiH tends to gravitate toward dysfunction and state dissolution.

Nowadays, BiH has clearly outgrown the OHR and Peace Implementation Council (PIC) that were established with Dayton and needs more EU technical assistance and political guidance to become a credible candidate for EU membership. The top-down methods that in the past damaged domestic ownership of the reforms in the governance are now being abandoned, as the role of the HR is constantly decreasing in BiH. Top-down methods were contested long before, as the Council of Europe in its Document 10196 of 4 June 2004¹³⁵ found that *“the scope of the OHR is such that, to all intents and purposes, it constitutes the supreme institution vested with power in BiH. In this connection, the Assembly considers it irreconcilable with democratic principles that the OHR should be able to take enforceable decisions without being accountable for them or obliged to justify their validity and without there being a legal remedy”*. The lasting peace in the WB finally depends on the self-sustainability of the countries in the region and more endogenous motivations from local governments¹³⁶. The EU Commissioner for Enlargement and

¹³² Policy Briefing of the International Crisis Group Europe Briefing N°59 Sarajevo/Istanbul/Brussels, 11 January 2011

¹³³ Bassuener, Kurt and Lyon, James “Unfinished Business in Bosnia and Herzegovina: What Is To Be Done?” United States Institute of Peace May 2009

¹³⁴ Participants included guests from the State Department, National Security Council and Pentagon, four former U.S. ambassadors to BiH, several former principal deputy high representatives, the current principal deputy high representative, several former heads of mission of the OSCE in BiH, representatives from nongovernmental organizations and academia, a former presidential envoy, congressional staffers and representatives of the EU, its institutions, member states and missions in BiH.

¹³⁵ <http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc04/EDOC10196.htm> (Last accessed on 19/10/2011)

¹³⁶ Zuokui, Liu “EU’s Conditionality and Western Balkans Accession Roads” Institute of European Studies 2010:86

ENP Olli Rehn in his speech in the Parliament of BiH held on 24 September 2009¹³⁷ stated that much credits for the progress on the European path of BiH goes to former and current HR, but that the closure of the OHR¹³⁸, once that all the conditions are met, should mark a new phase where EU membership prospective of BiH should be the central point.

Conclusion

On the question whether the EU needs a stable and prosperous BiH and also stable and prosperous WB, as a clear sign of its successful CFSP/CSDP and Enlargement policies the best answer was provided by Günter Verheugen, vice-president of the EC who at the time stated in his speech at the Prime Ministerial Conference of the Vilnius and Visegrad Democracies: “Towards a Wider Europe: the new agenda” held in Bratislava on 19 March 2004 that “*We (Europeans) must never forget that European integration is not about milk quotas and customs duties. It is about peace, stability and prosperity for our citizens. Instability in one part of Europe immediately affects the other parts*”.

The prospective of the membership in the countries of the WB region is becoming less and less attractive as it is not clear whether upon the fulfillment of all the criteria previously set by the EU, the “enlargement fatigue” will be the final word from the EU countries, and the WB countries (except Croatia, which will become the 28 EU member in 2013) will be left aside for many years to come. Still, the top-down approach of imposition used in BiH by the HR in order to accelerate BiH’s progress towards the EU integration could be considered as the undermining of the democratic principles and BiH’s statehood and sovereignty as the democratic bottom-up

¹³⁷ http://www.europarl.europa.eu/meetdocs/2009_2014/documents/afet/dv/200/200909/20090901_speechrehn09-349_en.pdf (Last accessed on 19/10/2011)

¹³⁸ According to the Foreign Policy Initiative in BiH Policy Analysis, the myth about closing down OHR was born around 2005. Formally, Political Directors of the PIC Steering Board (SB) first announced that OHR would be closed down by 30 June 2007 at their meeting in Sarajevo on 22 and 23 June 2006. The SB agreed to review and confirm in early 2007 the OHR closure, taking into account the overall situation in BiH and then seek endorsement by the UN Security Council. This message was repeated 6 months later, stressing that preparations for the OHR’s closure were ongoing. However, at the next meeting in February 2007, ‘following careful consideration’, the PIC Steering Board decided “against confirming OHR closure at this time”. The Deadline was thus moved to 30 June 2008 instead, but by then the language had changed further and instead of the closure of OHR the PIC spoke about ‘transition’. As a part of that change in approach, the time-driven concept had been replaced by an approach based on meeting benchmarks expressed in terms of five objectives and two conditions that had to be met prior to transition and closure of OHR4 - commonly referred to as the 5+2 criteria.

approach was seriously neglected with the pretext of reinforcement of the state institutions. In effect, this top-down approach can be considered as the source of BiH's inability to assume the ownership of the process and become viable and self-sustainable state.

The role of the EUSR will be important in the coming years, as the ethnic divisions become more obvious during the integration process of BiH – the need to establish new institutions at the State level and reinforce the existing ones through capacity building is one of the key conditions for moving forward towards the EU. The issue of the competences always had hampering effects on the EU's Agenda in BiH as the political elites of Republika Srpska are unwilling to cede any competence that was given to the entity according to Dayton while Bosniak elites have always been advocating for more centralization and constitutional setting of the State without entities. Bearing that in mind, it has always seemed to the Serb population that the International Community is not being neutral and that is taking the stand of the Bosniak political elites. The EUSR can have decisive role in this process as it can offer compromise solutions for all parties in BiH through dialogue and active participation of domestic political elites rather than through the imposed solutions of the High Representative.

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Between Myths and Reality – Macedonia between Turkey and the European Union

By Marija Đorđeska

Abstract

The spirit of Alexander the Great still stirs ghosts between Greece and the Republic of Macedonia. Macedonia is on its way to the EU and Greece represents an obstacle for these processes in the aftermath of the name dispute and the Greek veto on the Macedonian membership in NATO and the EU. The major asset Greece has in regards to Macedonia is the veto power over the future accession talks Macedonia could have with international organizations, especially with the EU. Instead of Greece taking Macedonia under its wing, Macedonia continues to be perceived as a threat to Greek national security. The fact that Greece slowed down Macedonian EU integration process is concerning. Turkey, on the other hand, is becoming more important for Macedonian state and its politics. Greece, hampered by the economic crisis, has no significant impact in relation to Turkey. Turkey also threatens to freeze all its relations with the European Union by July 2012, when the Greek part of Cyprus will take over the EU Presidency. Therefore simple logic could be applied here – where there is a strong Greece there is a weak Macedonia – and the other way around – with weakened Greece, Macedonia could connect more with Turkey. Consequently the questions remains: to whom will Macedonia turn to in the future?

Key words: Macedonia, EU integration, Turkey, Greece

Introduction

Macedonia is strongly committed to the accession in the EU. In this respect, the state, inter alia, resolved the border issue with Kosovo, and was among the first to meet the conditions for visa liberalization and to promote regional cooperation. Macedonia is an EU candidate country since December 2005, but it has not moved forward since. Although the European Commission (EC) recommended opening of the negotiations with Macedonia, the EU member states have not reached a consensus due to the unresolved name issue with Greece.

Macedonia requested from Greece support in de-blocking of the decision to open the accession negotiations between the EU and Macedonia. The start of the accession negotiations would eliminate the intolerable conditions that are detrimental for the credibility of the EU, bring the necessary political impetus and contribute to the establishment of a positive atmosphere and trust in finding of a lasting solution. The resolution of the bilateral issue would contribute to the stability and prosperity of the region and the welfare of Europe.

It is an important period, when the EU is about to decide on giving Serbia the candidate status and announce the start of negotiations with Montenegro.¹³⁹ With the EU decision on a new enlargement in December, Macedonia should also be given a positive sign. But the ‘Skopje 2014 mythological project of the future’, the biggest attraction in Macedonia lately, and the stalemate of finding a solution to the name issue do not lead towards the EU integration and could, in a worst case scenario, result in a break-up of the relations between Macedonia and the EU.

Through mythological figures the ruling party VMRO-DPMNE leads a politics of strengthening the Macedonian identity.¹⁴⁰ However, beyond the myths and similar Gordian knots Macedonia and Greece are tangled into, there is a reality of Turkey stepping on the scene as a mediator between the two countries. With its growing power in the region, Turkey represents an entirely credible alternative for Macedonia.

¹³⁹ The European Union's enlargement process has entered a new phase. The completion of negotiations with Croatia, opening the way to membership in mid-2013, vindicates the policy adopted in the aftermath of the devastating Balkan conflicts of the 1990s and aims to bring peace, stability and democracy – and ultimately EU membership – to the whole region. (Communication from the Commission to the European Parliament and the Council, 12 October 2011.)

¹⁴⁰ The process is also referred to as the antiquisation of Macedonia. (Vangeli, A.; “*Nation-building ancient Macedonian style: the origins and the effects of the so-called antiquization in Macedonia*”, Nationalities Papers, Vol. 39, No. 1, January 2011.)

Even though EU and NATO provided substantial assistance in the institution building process, is it possible for Macedonia to turn now to Turkey for a partnership and to strengthen the cooperation between the two countries, although the Copenhagen criteria and the European values have already being achieved? Can EU afford to give up Macedonia, even though it had invested in its progress so much?

The spinning wheel of Macedonia

Macedonia, as a stabilized multi-ethnic society in a high volatile surrounding, is a model of a multi-ethnic democracy. Multilateralism is encouraged by the EU, as one of the ways to prevent further geopolitical, religious and national issues emerging in the Balkans. Macedonia was also the first country in the Balkans to sign the Stabilization and Association Agreement (SAA),¹⁴¹ and is expected to start accession talks in the near future, even though the Council has not to the present day concluded its deliberations on the EC's 2009, 2010 and 2011 Progress reports. Combination of internal and external factors has occurred that contribute to the stalemate of this process.

Since the proclamation of its independence in 1991, Republic of Macedonia was predetermined by the non-efficient transitional economical process, problems with the acquisition of the principle of the rule of law, organized trans-boundary crime and the security crisis in 2001. The international community, comprised mainly from the EU and NATO, has been playing a significant role in the reform process and raising awareness. Nothing can substitute effective peace-building efforts in a post-conflict environment with sufficient support as the international community.¹⁴² Macedonia's decision to apply for NATO and EU membership encouraged the reform process and has committed Macedonia to the realization of its wish of becoming part of the European family. The 'European future' could unite all the peoples of Macedonia, regardless their ethnicity. The 'European identity' could become a generic term, bringing together the pool of diverse ethnicities in a unique cohesive structure. However the absence of a clear European perspective represents a strong factor of turbulence in Macedonian politics.

¹⁴¹ *Official Journal of the European Union*, L84/13, 20.3.2004. (Signed in 2001 and entered into force 2004.)

¹⁴² Törö, C.; "EU Security Enterprises of Conflict Prevention Through State-Building in the Balkans: Preparation and Recipe for Engagement in the European Neighbourhood?," *Perceptions*, Autumn – Winter (2006), pp.63.

The Macedonian government cannot avoid the challenge of bringing Macedonian citizens closer together in a shared vision of a unified multi-national state¹⁴³. Nevertheless the Prime Minister Gruevski – even though he emphasized the value of cosmopolitanism and multiculturalism in his speech at the 66th United Nations General Assembly¹⁴⁴ – is leading the politics of national renaissance by building a strong state identity in which the Albanians are not participating. The inter-party and inter-ethnic tensions between ethnic Albanians and Macedonians are also increasing due to the inability to solve the name issue with Greece and the consequent failure to join NATO and the postponement of accession talks with the EU.

Identity is one of the key categories of international relations and geopolitics in the post-modern era. Varieties of emerging identities – regional, modern, local, ethnic, religious and others – are substituting the sovereign country, on which international relations are based. The negation of the Macedonian national identity represents the post-colonial phenomena of the European geopolitics¹⁴⁵ since the constitutional name is the basis of building and later strengthening the identity and the international status of the country. The affirmation of the constitutional name of the Republic of Macedonia could open new doors for Macedonia, but even that did not encourage the Macedonian government to design a distinctive plan or strategic framework since its independence.

EU reaching out, Greece hindering

Macedonia has successfully fulfilled EU's political criteria¹⁴⁶ and has received three consequent recommendations from the EC for opening of the accession talks, but Greece has stood on its way and delayed the decision on EU accession talks with Macedonia. The Council has failed to reach a consensus to start the negotiation talks due to the unresolved name dispute, which has been important in Greek politics since 1992 and has inhibited the establishment of full diplomatic relations between the two countries.

¹⁴³ "Macedonia: Ten Years after the Conflict", International Crisis Group, Europe Report No.212, 11 August 2011.

¹⁴⁴ "We are proud of our differences. Side by side, through the centuries, different cultures, religions and nations lived in a same country; this feature guards cosmopolitanism, an idea that enables a functional multiculturalism."

¹⁴⁵ Muskoska, Ana; "Tranzicijata na transatlantskiot konsenzus: predizvici i opcii za nadvorešnata politika na Republika Makedonija", Forum Analitika, 2006.

¹⁴⁶ Commission Staff Working Paper, The Former Yugoslav Republic of Macedonia 2011 Progress report, Brussels 12.10.2011, SEC(2011) 1203 final.

Recently, the International Court of Justice (ICJ) ruled out that Greece, by preventing the entry of the already invited Republic of Macedonia into NATO alliance in 2008 as the “the Former Yugoslav Republic of Macedonia” or abbreviated FYROM, had violated the international law and breached its obligation under Article 11, paragraph 1, of the Interim Agreement.¹⁴⁷ According to ICJ, Greece had violated the Interim Agreement of 1995, in which Greece has undertaken not to block Macedonian’s membership in international organizations, if Macedonia will use the name “former Yugoslav Republic of Macedonia”. Macedonia was accepted in United Nations in 1993 under its provisional name (former Yugoslav Republic of), but more than 120 countries recognized its constitutional name Republic of Macedonia.

The judgment itself probably does not end the conflict between Macedonia and Greece. Macedonia has also recently renamed its airport Alexander the Macedonian and placed monuments which publicly, but not formally, represent the leader of the Ancient Macedonia, acts which poured new fuel on the fire on the Greek views that Macedonia has ‘sense of ownership of the Greek history’. The Greek side of the dispute points out that from their perspective ‘Macedonia’ is a Greek term and Macedonia was recognized as a Greek State at the time of Alexander the Great in the fourth century BC. After that time, Macedonia had undergone a complete ethnical and cultural transformation and therefore it cannot be named Macedonia, especially because the northern Greek province bears the same name – Macedonia. Greece insists that the former Yugoslav Republic is now inhabited by Slavs who speak a language similar to Bulgarian.

The arguments above show Greece’s concern that the usage of the name ‘Macedonia’ leads to a situation, where Macedonia would, perhaps and with support of Bulgaria and possibly Turkey, claim a part of modern Greece’s territory.

Greece is defending its national interest, but this harms not only the political prospects of Macedonia, but also the stability and cooperation in the whole region. Macedonia is not moving towards the EU and the current status is causing an evident regression. In the decade of development Macedonia has made a rapid progress towards the goals set out by the international community, but to no avail.

However, the Greek crisis was a big blow to the EU. As EU faces internal problems, the priority is to address the problems of the weaker countries within the EU and further expansion (apart

¹⁴⁷ International Court of Justice, Judgement, 5 December 2011, General list No.142.

from Croatia) seems unlikely. Macedonian participation through integration and enlargement would stabilize Macedonia and the wider region, but once isolated, Macedonia will start to move in the opposite direction of the EU and its standards. To have a weak and unstable Macedonia is not a good bargain for the EU. Turkey, on the other hand, is becoming ever more important for Macedonian state and its politics, as the Macedonian leadership is seeking support for Turkey.¹⁴⁸

From Ottoman Empire to Turkey

Turkey has become a more active and leading regional player in its wider neighborhood. After winning 50 per cent of the vote in the general elections in June 2011, the ruling AK party can take bolder moves in the foreign policy issues and can adopt new strategies to maintain their interest in the Balkans. Turkey is an asset to the European security, and even though those against Turkey's EU membership do not realize yet, Turkey is a country of big opportunities and a good ally. However with the late-found self confidence, Turkey is now challenging the EU and testing its strength. One of the moves which could seriously undermine Turkey's relations towards the EU – is its threat to freeze all its relations with the EU on all levels by July 2012 with the Cyprus EU Presidency.¹⁴⁹

The Aegean and Cyprus problems helped blocking Turkey from entering the EU. Turkey gained the candidate status in 1999 and has started its accession talks in 2005, but this process has been slowing down ever since. So far, only 13 of 33 chapters have been opened, four of which in 2008¹⁵⁰ and nothing since.

¹⁴⁸ Non-EU factors also play a role in the region. Macedonian President Ivanov expressed his wish for a renewed U.S. focus on the region. "But neither Russia nor U.S. would be as active in the Balkans as they are now." (Türbedar, Erhan in *"EU, Only Way Out for the Balkan States"*, TRT English, 14 June 2011.) United States is representing the external sovereignty, which EU lost during its era of transition to a more of a political structure and which United States gained after 9/11. "With the situation where the EU not looking for a solution, we have now reached the point, where Europe has given its most pro-European country of the Western Balkans into the hands of USA." (Muskoska, Ana; *"Tranzicijata na transatlantskiot konsenzus: predizvici i opcii za nadvorenata politika na Republika Makedonija"*, Forum Analitika, 2006.)

¹⁴⁹ Long-lasting dispute between Turkey and Cyprus began in the early 1970s. There was no progress on normalizing bilateral relations with the republic of Cyprus, according to European Commission's 2011 Progress report on Turkey.

¹⁵⁰ One chapter was provisionally closed (Science and research). Egemen Bağış, Minister for European Union Affairs and Chief Negotiator, expressed satisfaction due to the progress on 31 chapters out of 33, considering the fact that 22 chapters are blocked due to political reasons. (Press statement of the H.E. Egemen Bağış on Turkey's 2011 Progress Report.) Erhan Türbedar observes that both ruling party and the opposition party stressed the importance Turkey attaches to EU membership in the electoral campaigns prior to 12 June 2011.

The European Parliament notes that in fulfilling the Copenhagen criteria for membership, Turkey has made only limited progress. As main obstacles to Turkish membership in the EU the European Parliament highlights the non-compliance with the Ankara Protocol on navigation and aircraft transition of Cypriot airplanes, the ban of the Kurdish party DTP and the revocation of the legislation limiting the jurisdiction of military courts. Similarly, the European Parliament calls for an urgent change of the Turkish constitution, which would place protection of human rights and fundamental freedoms in the centre of the country and society.

Turkey's interest in the EU is slowly fading due to the stalled membership prospects. According to George Friedman, U.S. intelligence analyst, "the best thing that happened to Turkey is the fact it was not admitted to the EU",¹⁵¹ which enables Turkey to be a 'player but not a payer'.¹⁵² Nevertheless, positive consequences brought to Turkey by the EU accession process should not be forgotten or overlooked.¹⁵³

Turkish development and the economic boom is claimed to depend on the continuation of the EU accession process and Turkey's strong bid to join the Union. This has strengthened Turkey's macroeconomic fundamentals and regulatory infrastructure and thus became attraction for foreign investors.¹⁵⁴ Expressions like 'booming economy', 'sustainable economical growth', 'promising economy with a bright future' are used to describe Turkey's fast growing economy. Turkey is now the seventeenth largest economy in the world and it is predicted to become the 'BRIC of Europe'.¹⁵⁵ According to Boston Consulting Group experts, Turkey could be attractive much more in future than it actually is today.¹⁵⁶

¹⁵¹ "No Arab Spring, says US Intelligence Analyst", Hurriyet Daily News, 7 October 2011.

¹⁵² Conclusions at the conference: "Turkey's Accession to EU – Expectations and Realities", 5-7 May 2011, Centre for European Studies at Boğaziçi University, in Istanbul, Turkey.

¹⁵³ M.Can Baydarol, EU expert and Ankara representative of European Commission, warns that: "Without EU's support Turkey could not have attained this much of foreign investment." ("Turkish society now unmoved by EU progress reports", Today's Zaman, 16 October 2011)

¹⁵⁴ Turkey is EU's seventh biggest trading partner while EU is Turkey's biggest trading partner. Almost 80% of the foreign direct investment comes from the EU. (European Commissions 2011 Progress Report on Turkey, pp.4.)

¹⁵⁵ BRIC is the international political organisation of leading emerging economies of Brazil, Russia, India and China. Turkey is the sixth largest economy compared to the EU members in 2010 in terms of its GDP with its 11 per cent growth in the first quarter of 2011. "Turkey's economy has displayed unprecedented growth since 2000. It managed to recover from its own crisis in 2001 and in 2009 from the global crisis with a positive growth". It is predicted to rank as the fifth largest economy in Europe by the year 2050. Turkey showed itself as the fastest recovering economy in the world. Its economy tiptoed from 2002 to 2008 and has been growing 8.9 per cent in 2010. Public debt is one of the lowest among the OECD nations. ("Global Advantage for Turkey", Report, Boston Consulting Group (BCG) and the Foreign Economic Relations Board of Turkey (DEİK), September 2011, available at <http://www.deik.org.tr/Shared%20Documents/Global%20Advantage%20of%20Turkey.pdf>)

¹⁵⁶ Turkey, compared to other European countries, is in the very top of the list as regards the "attitude toward globalization", "financial institution transparency" and "flexibility and adaptability." (Benchmark Turkey,

Turkey's position has to be explained from the view point of the new balance of power in the region.¹⁵⁷ Turkey is likely to exercise its political aims in Macedonia, even though it supports the EU membership of the Western Balkan countries.¹⁵⁸ One of the signs Turkey supports Macedonia in all fields is the encouragement of the Macedonian acceptance in NATO. Macedonia and Turkey undertook different road towards EU. Nevertheless, present relations between them are correct and friendly.¹⁵⁹ What both countries have in common are problems with the same neighbour – Greece.¹⁶⁰

The 'Greek crisis effect'

Greece is in a midst of experiencing the worst economic and social crisis in recent history. The crisis took away the attention from diplomatic issues and Greece cannot handle its foreign policy independently while struggling with its internal problems.¹⁶¹ Greece cannot deal with these issues by itself¹⁶² and depends on IMF and the support of the European partners.¹⁶³ The economic crisis was a massive blow to the international importance of the country and has caused the collapse of the traditional tools of external influence and prestige, particularly in Southeastern Europe.¹⁶⁴ Greece's Minister of Defense Panos Beglitis announced Greece will significantly reduce its participation in NATO and EU military missions due to the economic

Republic of Turkey, Prime Ministry, Investment Support and Promotion Agency, available at <http://www.invest.gov.tr/en-US/Benchmarking/Pages/BenchmarkTurkey.aspx>, accessed 29 October 2011.)

¹⁵⁷ According to Alvaro de Vasconcelos, Director of the EU institute for Security Studies, middle power such as Turkey and Brazil will play a more active role not only in the Balkans but in the other places of the world as well.

¹⁵⁸ While visiting Macedonia in September 2011, Turkish Prime Minister Recep Tayyip Erdoğan expressed his wish EU membership would be beneficial for Macedonia. ("*Turkish PM Taunts EU in Skopje*", Hurriyet Daily News, 29 September 2011)

¹⁵⁹ Erdoğan defined the Turkish-Macedonian relations as perfect, with "Turkish kinsmen living in Macedonia and Macedonians living in Turkey are establishing a bridge between the two countries." ("*Turkey's PM in Macedonia for talks*", World Bulletin, 29 September 2011)

¹⁶⁰ Cyprus issue has significant impact on Greek-Turkish relations, even though it is not a direct Turkish-Greek dispute.

¹⁶¹ Gerald Knaus, President of the European Stability Initiative, says: "Nobody will dare to put more pressure on Greece, because it is facing an economical breakdown. Greek economic crisis has put tremendous pressure on Papandreou's government – he might not risk more unpopularity amid tensions over sharp spending cuts." ("*Macedonia-Greece Name Dispute Eclipsed by Euro Crisis*", Balkan Insight, 23 September 2011)

¹⁶² See Sandoval, L.; Beltran E., Ulziikhutag, S., Zorgit, T.; "*The European sovereign crisis: responses to the financial crisis*", New Voices in Public Policy, Vol. V, spring 2011.

¹⁶³ According to Kassimatis EU-IMF deals relinquish Greek sovereign rights. ("*It's not only the economy: the Greek Crisis and its geopolitical consequences*", Motta's Blog, 16 January 2011)

¹⁶⁴ Conclusion at the conference "*Whose crisis? Greece's politics, economics and society in an era of uncertainty*", SEESOX International conference, 27 – 28 May 2011.

crisis.¹⁶⁵ Greece's financial fragility made the Greek government unable to institute moves to protect the country's interest in the region.¹⁶⁶ Therefore simple logic could be applied here – where there is a strong Greece there is a weak Macedonia – and the other way around – with weakened Greece, Macedonia could connect more with Turkey. Consequently the questions remains: to whom will Macedonia turn to in the future?

As Greece, hampered by the economic crisis, has no significant impact on its relations with Turkey, this can be seen as an opportunity for the two countries to readjust their position towards each other. Harry Tzimitras, International Relations Professor at Istanbul Bilgi University in Istanbul, assessed that the economic crisis in Greece could have even positive consequences for Greece's relationship with Turkey as Greece no longer looks at Turkey as an enemy state¹⁶⁷ and could help end the traditional Turkish-Greek dispute.¹⁶⁸

The crisis Greece is experiencing has encouraged some reforms, which might lead to an era of transition and a new era of transformation of Greek and Balkan politics.¹⁶⁹ It is an opportunity to establish a more transparent framework in the decision making process.¹⁷⁰

¹⁶⁵ “Greece to cut down participation in NATO, EU military missions”, Atlantic Council, NATO Source Alliance Blog, 23 September 2011.

¹⁶⁶ “Whose crisis? Greece's politics, economics and society in an era of uncertainty”, SEESOX International conference, 27 – 28 May 2011.

¹⁶⁷ “Rapprochement should continue in Turkish-Greek ties despite crises”, Sunday's Zaman, 9 October 2011.

¹⁶⁸ The so-called ‘disaster diplomacy’ led to the stabilization of the relations between Greece and Turkey. When an earthquake occurred in the Marmara region in Turkey in 1999, Greece quickly intervened. The investment of the mutual powers contributed to solving the consequences of the devastating earthquake.

¹⁶⁹ The (former) Greece's Prime Minister Papandreu has announced a referendum on constitutional and other reforms. This might lead to further engagement in the peace processes with its neighbours. (Loizides, Neophytos G.; “Transforming Balkan Conflicts at the times of Crisis”, IDCRC Institute for Democracy and Conflict Resolution Blog, 29 June 2011 and “Greek Referendum on Reforms? Another Complication in the Crisis”, Forex News, 19 June 2011.)

¹⁷⁰ “Whose crisis? Greece's politics, economics and society in an era of uncertainty”, SEESOX International conference 27 – 28 May 2011.

Conclusion

The steps Greece and Macedonia are going to take in the future cannot be realistically predicted. If Greece will insist on the blockade policy towards Macedonia, one of the last-resort options is the termination of the Interim Agreement between the two countries, adopted on 13 September 1995, due to the failure of Greece to comply with the agreement. If Greece will not withdraw the veto, Macedonia will possibly turn to Turkey for support. Turkey is strengthening its international status and the influence in the region, which might adversely affect the development of the relations between Turkey and the EU. Macedonia could be a victim of the growing pressure from Serbia and Bulgaria, while Turkey will probably offer international support by means of secret diplomacy while gaining an important political base in the South Eastern Balkans.

The 'right to identity', the questions of security and the future overall success of Macedonia greatly depend on the vision Macedonia has for its future and the relations with its neighbors. What will therefore happen, it remains to be seen.

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The EU policy towards the dissolution of Yugoslavia

Special emphasis on the EU policy towards the Republic of Macedonia

By Dejan Marolov

Abstract

This paper analyzes the EU policy towards the disintegration of Yugoslavia and its success i.e. failure in terms of predefined and publicly promoted goals. In this context, the EU politics towards Macedonia during the Yugoslav crisis are specifically analyzed. Positions of certain - EU member states, especially Britain, France and Germany are part of the analysis too. Inevitably this paper treats the Common Foreign and Security Policy, as one of the Union's pillars introduced by the Maastricht Treaty from 1992. This survey uses relevant literature as well as analysis of certain acts. The research concludes that the EU politics of dealing with the situation in Yugoslavia was generally unsuccessful and EU policy towards Macedonia during the period of the Yugoslav crisis was quite controversial. Analyzing the degree of success / failure of EU policy towards dealing with the Yugoslav issue is significant in terms of analyzing the real capacity of the Union of this time period about realization of the promoted ambitions of becoming world's political player. The EU policy towards Macedonia in this time is very important and has its influence on the contemporary relations between Macedonia and EU. Through the representation of the Macedonia - EU relationship during the Yugoslav crisis, this research attempts to present the rudiments of a separate Macedonian foreign policy and to give explanations of certain problems in their relationships.

Key words: Disintegration of Yugoslavia, EU policies, Macedonia, Greece.

1. Introduction

This paper consists of two main and supplementary parts. The first one examines the politics of EU towards the disintegration of the former Yugoslav federation. The second one deals with the EU policy specifically towards Macedonia during the Yugoslav crisis. The way of setting up the skeleton of this paper is due to the cause - effect relationship of EU policy towards Yugoslavia and EU policy towards Macedonia. So mostly through the method of deduction the general policy of the EU towards Yugoslavia is analyzed in order to find appropriate EU policy towards Macedonia. The analysis of EU policy towards Yugoslavia provides possibilities for analysis of change of the balance and restructuring of power in Europe in the initial period after the Cold War. In this direction in the first part are processed the relevant policies of the three most powerful European countries UK, France and Germany. Their individual policies are processed in the context of the Common Foreign and Security Policy (CFSP) of EU and the implications on it. Furthermore, the paper elaborates the relation between the disintegration of Yugoslavia and the CFSP of the EU as response to the Yugoslav crisis.

As part of the former Yugoslav federation, Republic of Macedonia was treated as part of an overall EU policy towards Yugoslavia, but of course with existence of specific elements and issues. Exactly this relationship is part of the analysis of the second part. Through this, the laying of the foundation stone of the Macedonian independent foreign policy will be also presented with the explanation of the roots of some modern issues in the relations between Macedonia and the EU.

2. The EU policies towards the disintegration of Yugoslavia

This section will present the role of EC¹⁷¹ and the way that the Union has chosen to deal with the biggest war since the World War II on the European continent.

Most of the authors generally consider that the EU did not deal well with the Yugoslav crisis and that in most of the time just seemed like paralyzed and powerless observer. This section will be started with Pond¹⁷² according to whom the dissolution of the state was a tragedy for both, Yugoslavia itself and Europe. The previous sentence may sound a bit confusing and opens several dilemmas. It is clear that the way the disintegration of Yugoslavia happened was undoubtedly tragic for Yugoslavia, but why would this be also a tragedy for Europe? Have Europe done enough to prevent this tragedy and whether it was obliged to do anything at all? We

¹⁷¹ In that time still European Community.

¹⁷² Elizabeth Pond, *Endgame in the Balkans, regime change, European style*. (Washington DC: Brookings Institution Press, 2006).

believe that the initial quoted sentence of this section is entirely correct. The dissolution of Yugoslavia was equally tragic for Europe (i.e. EU) as well as for Yugoslavia itself. Namely, after half a century repetition of the phrase “never again Auschwitz” new camps have emerged on the territory of Europe. The passivity of EU, but also of the entire international community in general, can be illustrated through the example of Srebrenica. We can say that EU remained paralyzed and practically just watched as the Bosnian war took over 100,000 (including many civilian) victims and more than 1.8 million displaced.

However, maybe someone will claim that this war was not a war of the EU, and accordingly the EU did not have to do anything about it. We do not agree with this assertion. EU had to do more, if not for a moral reasons, then because of the fact that the one of the EU three main pillars is the common foreign and security policy. This pillar policy had long-term goals for making EU a visible player in the international relations. However, the case of the breakup of Yugoslavia inevitably posed the dilemma whether it is possible for the Union to be a world player when it cannot deal with the problems in its own backyard?

The breakup of Yugoslavia was a tragedy for Europe, which failed on the moral test in one hand, but on the other hand this was also a terrible start of the common foreign and security policy project. But, why was this the case? To answer this question we must go back in the early 1990s and analyze the reasons for such behavior of the EU. Simply put, Europe was busy with itself. In 1991 its member states set ambitious goals for the future the then European Community. They began with the process of transformation in the European Union and also the process of creating a common European currency. But the member states were also busy with themselves. The German government acknowledged that the process of unification of both blocs of Germany will be a process that is terribly costly¹⁷³. In 1993 the common European market finally entered into force, but the German economy was still weak. On the other hand, France and Great Britain did not look too favorably of the German unification. Part of the French political elites were not happy that after a half-century Germany will again be a strong state with full sovereignty, and somehow did not like the fact that the days when France was the only continental power with its own sector in Berlin are definitely over. Certainly we should not forget the whole context of the Post-Cold War period, which brought completely new rules. For example, France and Britain entered the Post-Cold War period as nuclear powers. When the cold war was over their nuclear weapons became too expensive and politically not very useful. Furthermore the trend of budget cuts of their own armies and the redirection of this money into domestic projects have become generally accepted for all EU members. Therefore none of the EU countries like the idea for re-allocated funds from the budgets for military purposes once the cold war was over.

However these were not the only reasons. The existence of different national interests and visions for the future of Yugoslavia was another important reason. This situation is reflected in

¹⁷³About 100 billion dollars yearly were being used for equalization between the West and East German economy.

the failure to build a common foreign and security policy towards the Yugoslav issue. If we consider the foreign policies of the three most powerful states in the EU, regarding the Yugoslav crisis, we can see the following.

For the German foreign policy, we can say that it was supporting the creating of independent states of Slovenia and Croatia, and with this, the end of Yugoslavia or an end to the great Serbian projects, according to the German policy views. So the German foreign policy was quite active in the field of providing support for Croatia and Slovenia on the one hand and accusation for the outbreak of conflict to Serbia, on other.

Unlike Germany, the UK in its policy towards the Yugoslav issue was not creating such black and white picture of what was happening there. Thus, unlike Germany, the UK was not so favored of the creation of independent states of Slovenia and Croatia, and did not see Serbia as the only initiator of the war. According to the UK policy, there cannot be only one responsible for the outbreak of the conflict, and in accordance with this view, all the sides were equally guilty. According to certain authors¹⁷⁴ UK had developed tactic by which an action by the West is not necessary good because what was going on in Yugoslavia would inevitably result in a war between the Balkan “tribes” and finally with the creation of one hegemony (Serbian) which Britain would later easily handle ...”*To justify their inaction, statesmen and diplomats chose to interpret the war as a peculiarly Balkan phenomenon. It was allegedly the result of ancient and irrational animosities, inherent in Balkan peoples, who had seemingly been at each others’ throats since time immemorial and were all as bad as each other.*”¹⁷⁵. It seems that the use of terminology like “Balkan tribes” had specific role in creating a kind of justification why UK should stay out of the Yugoslav war. Opposite of this it would be also both military and economically costly.

The French foreign policy toward Yugoslavia was much closer to the UK policy rather than to the German. Thus, France in a way was still seeing Serbia as its ally from the Balkans and therefore opposed any position by which they were the only solely responsible side for the war. Similar to the UK, France too, chose to have a passive view by which the West should not interfere too much in Yugoslavia. This would have meant a swift victory of the Serbian forces to the rest of Yugoslavia. France did not look favorably toward the creation of an independent Croatia and Slovenia as well. This France - UK policy reflected in the Security Council where the only thing they were willing to do about Yugoslavia was the introduction of sanctions on imports of arms for entire Yugoslavia. By this, they have indirectly helped the Serbs and the Yugoslav People’s Army (YNA), which was mostly under Serbian control and which already owned the bulk of existing weapons.

¹⁷⁴ Elizabeth Pond, *Endgame in the Balkans, regime change, European style*. (Washington DC: Brookings Institution Press, 2006).

¹⁷⁵ Christopher Bennett, *Yugoslav bloody collapse. Causes, Course and Consequences* (New York: University Press Washington Square, 1995), P 194.

Some of the reasons for these France-UK positions could be searched in some fears that may exist concerning the recent unification of Germany which once again, was becoming one of the most powerful European states. This was used from the Serbian propaganda according to which Germany was working on its fourth Reich that under its control would have the territory from the Baltic to the Adriatic. Such claims were exaggeration of reality, but definitely, Germany had a particular interest in recognition of Croatian and Slovenian independence and by this an end to the existence of Yugoslavia. Certainly whether these fears were justified or not, rational or not, had some degree of truth in the formation of the foreign policy of UK and especially France which in the two world wars was the one of the first that felt the German militarism.

The existence of such different approaches and policies by the three most powerful members of the EU could not result in a creation of a common policy of the EU towards the Yugoslav issue. However, despite the existence of different views, we can still speak about a common position of the EU towards Yugoslavia. EU had a common policy from the period before the referendum in Slovenia until the military intervention from YPA. In the period before the referendum in Slovenia, the policy of the EU was common in a way that ignored the possibility for potential problems, despite the existence of many indications for a possible disaster. However it must be emphasized that this applies only to the policy of the EU because if we claim the same for the individual European powers it would be naive. According to some definitions of foreign policy, even the decision not to do anything is still a foreign policy¹⁷⁶. Accordingly we believe that ignoring the Yugoslav problem i.e. was actually a decision and a common position in the foreign policy of the EU.

After the referendum for secession in Slovenia, the EU could no longer ignore the potential problem in Yugoslavia. From this point EU changed the direction of its foreign policy from inactive to active. EU based its policy on the territorial integrity principle versus the self-determination principle. According to the principle of territorial integrity, EU initially identified Slovenia and Croatia as a threat to stability and peace in Southeast Europe and the federal government and the YNA as a stabilizing factor. *“In the first such crisis in Europe after the end of the cold war, the EC countries quickly identified two new threats to European stability in Croatia and Slovenia, which they saw as responsible for destabilizing of the new international order in Europe. The communist Yugoslav government and its federal Army, in this view, stood for European stability. This preference for the status quo in the Balkans, even if it meant maintaining a communist government in power against widespread popular resistance, served as the basis for early Western policy towards the breakaway Republics.”*¹⁷⁷. The reasons for this original and perhaps ironic attitude of EU towards the Yugoslav question can be sought in the fear for possible creation of a vacuum space in Europe. This means that there was a possibility to

¹⁷⁶The foreign policy is a strategy of approach chosen by the national government to achieve its objectives in relations with external entities. This includes the decision not to do anything. By Steve Smith, Amelia Hadfield, Timothy Dunne (2008).

¹⁷⁷ Reneo Lukic and Allen Lznch, *Europe from the balkans to the Urals, The disintegration of Yugoslavia and the Soviet Union* (New York: Oxford University Press, 1996). Page 253.

create a secessionist mess that could not be controlled. The possibility that what happens in Yugoslavia can also be copied in other places too and maybe even to encourage some of this secessionist movements within the EU countries themselves, was the basics fear. However in the same time the possibility for destabilization of Yugoslavia was also a possible refugee problem for the EU. Especially concerned with this was Italy, which shared part of its border with Yugoslavia. In France for example, beside the fear of the separatist movement in Corsica, we should not forget the imperial past of France and its resistance to the colonialism. In support to this is the statement by the French Foreign Minister Roland Dumas “*The recognition of Slovenia and Croatia would mean throwing gasoline on the flames and tomorrow what we will do in Yugoslavia will be done for other cases too.*”¹⁷⁸. So, these kinds of reasons were the basis for building a common foreign policy towards Yugoslavia based on the support of the principle of territorial integrity. This policy of the EU became crystal clear during the voting on 23 June 1991, just two days before the declaration of independence of Slovenia and Croatia. At this meeting it was unanimously voted that the EU will not recognize the independence of Slovenia and Croatia if they do it unilaterally. Interesting is the fact that Germany too attached itself to this common policy position and despite the possible existence of its different views, did not dare to act unilaterally. Beside this verbal support for the territorial integrity of Yugoslavia, Europe offered something else too, but did not achieve the desired effect because it came too late. “*(...) at the end of May, an EC delegation to Belgrade headed by Commission President Jacques Delors promised Prime Minister Ante Markovic generous financial aid if the country remain together, though by this stage Markovic no longer had any influence.*”¹⁷⁹. Specifically there have been 4 billion dollars of loan offered for stabilization of the Yugoslav economy with a precondition that Yugoslavia remains one country. Yet, apparently, this promise of generous financial aid came too late and had no real influence on the processes of disintegration of the country. As we know, this policy of the EU did not bear fruit and instead of achieving its goal, i.e. survival of the Yugoslav federation or some form of peaceful transformation into a confederation, the Yugoslav state completely disintegrated.

Therefore, already in June Slovenia and Croatia declared independence. After the proclamation of independence YPA made a clumsy military action attacking Slovenia. The result was wining the sympathies of the western public for Slovenia that was opposing the powerful Yugoslav army. Due to the intervention of YPA in Slovenia the EU changed its policy in respect of the principle of territorial integrity.

The YPA intervention referred to an official change in the German policy which replaced the support of the principle of territorial integrity (which was an official policy of the EU) with the open support for the principle of self-determination. At the meeting held on 15 September

¹⁷⁸ Alan Riding, “European Community freezes arms sales and aid,” *New York times* (1991) accessed January 15, 2010. P 4.

¹⁷⁹ Christopher Bennett, *Yugoslav bloody collapse. Causes, Course and Consequences* (New York: University Press Washington Square, 1995). P 175.

1991 in Venice, the foreign ministers of Italy and Germany, for the first time openly mentioned the possibility of recognition of Slovenia and Croatia, despite the positions of the other EU members. Therefore the start of the military conflict in Slovenia was used by Germany to open up the agenda for the possibility for recognition of the secessionist republics. This was justified as the only and unique option in order to preclude the further spillover of the conflict. Those German positions have encouraged some other countries, outside the Union, which shared similar views, but were afraid publicly to say it, in order not to be charged as separatists. Primarily this was Austria¹⁸⁰. In the context of its imperial past it must be mentioned that approximately half the territory of Yugoslavia was incorporated in it (i.e. the territories of Slovenia, Croatia and later B&H)¹⁸¹. Another one was Hungary from which the Croatian government secretly purchased weapons for the independence war.

The YPA action was a crucial moment that was the turning point that made the EU common policy toward Yugoslavia nonexistent. The EU found itself divided between the German and the UK-France positions. For this issue France even replaced its traditional EC partner - Germany with the UK. This strong Franco-British couple tried to shape the EU common policy and this was also supported by several EU member states especially Greece, Spain and the Netherlands, while Germany was alone inside the EU defending the self-determination issue. However, Ireland and Denmark had some sympathy to the right for self-determination. With this combination of the power within the EU, we can conclude that the Franco-British couple in a significant extent shaped the overall EU policy towards Yugoslavia. Confirmation of the above is found in the literature that deals with the common foreign and security policy. According to Lukic & Lynch (1996, p.259)¹⁸² *“in sum, France and the UK have been rather successful in shaping the foreign policy of the EC as a whole. Thus the aggregate supranational interest of the EC in the Yugoslav conflict in fact closely reflected the national interests of France and the UK.”* If we just look at the EU diplomats involved directly in the process of the Yugoslavia issue, we will notice that the diplomats were hidden supporters of the national interests of Britain and France. One such example is Lord Carrington. While the German foreign policy blamed the Serbs for the war, the British and French foreign policy saw all sides as equally guilty. Therefore Lord Carrington (Carrington 1995) was against what he called black and white picture and considered that the Serbs have a case in point too. The very statement is in the context of the UK and France positions.

With the existence of such divisions within the EU, it became virtually impossible for the EU to undertake any serious actions about the situation in Yugoslavia. However, one thing was commonly accepted by all sides (inside EU and even from USA), and that was the definition of the Yugoslav problem as a European problem. For this attitude largely contributed the pressure

¹⁸⁰ Austria joined the EU in 1995.

¹⁸¹ The Austro-Hungarian Empire 1867-1918.

¹⁸² Reneo Lukic and Allen Lznch, *Europe from the balkans to the Urals, The disintegration of Yugoslavia and the Soviet Union* (New York: Oxford University Press, 1996).

created in the media but also by the USA which refused to engage into the direct resolution of the Yugoslavian issue in its early stages. In a situation in which we have de facto military conflict on the Yugoslav territory, particularly in Slovenia, with realistic chances to expand, the EU sends a mission in Yugoslavia. “*After talks with the federal and republic’s leadership, the EC delegation obtained a cease-fire on 28 June 1991, ending troop movement by all sides. The EC delegation pressured Croatia and Slovenia to suspend their declarations of independence for three months. The EC delegation also extracted an agreement from Milosevic to withdraw his veto of the Croatian leader Stipe Mesic as the new (and duly scheduled) chairman of Yugoslavia’s collective Presidency*”¹⁸³.

Let us analyze what were the main objectives of the EU with this mission. The first objective was obviously an immediate ceasefire and the second goal was an attempt to preserve the territorial integrity of Yugoslavia through the resurrection of the Yugoslav federal presidency as one of the most important federal institutions. The meeting was held in Croatia, where the Croats and the Slovenes accepted to put their declarations of independence on hold three months and the federal Army accepted the three months cease-fire in Slovenia. The three-month cease-fire plan according to the EU was enough time for the peaceful discussions without violence to take place. After this, Jacques Poos, the foreign Minister of Luxembourg (“The Death of Yugoslavia” 1995) declared that the main goal of the mission has been achieved – immediate ceasefire and stopping of the further escalations.

The facts given in the literature are divided over whether this mission was a success or not. We are more sympathetic to the second view and justify it with the fact that the long-term EU goal i.e. stopping the further escalation of the situation has not been accomplished. This is so because the fires very soon expanded in to the territories of Croatia and Bosnia and Herzegovina (B&H). So the statements of certain politicians, declaring great success of EU, were simply premature. Still, it is not denied that by cooperating with the EU, Slovenia became an independent state. At the same time, this success is not glorified, taking into account the fact that Slovenia was not in the sphere of interest of Serbia and it was relatively easily allowed to leave Yugoslavia.

After the expiration of two months from the Jacques Poos statement in which he declared success of the EU mission, the war started to move in Croatia and the tensions in B&H were growing. In response to the Yugoslav tinderbox, EU organized a conference under the bat of Lord Carrington¹⁸⁴. It is significant that this Hague Peace Conference had approach to Yugoslavia as a whole instead of dealing with the crisis areas happening on the ground. At the conference there were representatives of all Yugoslav nations and nationalities, including Albanians of Kosovo and Vojvodina’s Hungarians. This conference represented a new stage in the EU approach to the Yugoslav question. Until this moment the EU enforced ad hoc tactics for solving current problems as the conflict in Slovenia. However, from this moment its strategy

¹⁸³ Reneo Lukic and Allen Lznch, *Europe from the balkans to the Urals, The disintegration of Yugoslavia and the Soviet Union* (New York: Oxford University Press, 1996). P 256.

¹⁸⁴ Former general NATO secretary and former British foreign secretary.

changed and put all Yugoslav problems on the table for discussion. This approach was considered as more appropriate because the instability and the tensions were overlooked all over Yugoslavia and partial solving was unable to extinguish the whole fire. Still this concept had a too ambitious goal. The decision suggested was peaceful transformation of the Yugoslav federation in some sort of loose confederation consisting of autonomic republics and a peaceful transformation of the previous republic borders into inter-state borders. This solution was accepted by all the republics except Serbia.

Soon it became perfectly clear that without a solid military support this kind of peace conference cannot be considered for anything more than a round table. The EU attempts to conclude new ceasefire were not respected on the ground. Furthermore this led to the question about the actual capabilities and instruments of the EU. If the military capabilities of member states were considered then the following conclusion could be drawn. EU had no defense and military organization counterpart of the NATO pact¹⁸⁵. Although there were certain attempts for the creation of a common EU defense army, all these projects failed as too ambitious. The only common defense alliance that EU countries have been in and are in is NATO. But in NATO the main player was AND IS the USA, which apparently had no intention to intervene in the Yugoslav war at this early stage. On the other side, the EU itself, with the exception of France and Britain, had no military basis for such a major operation as the intervention in the Yugoslav wars. It should be mentioned that Germany had the necessary capacity but this was not possible in accordance with its post World War II Constitution. So we can conclude that the situation with the military capacity of the EU-NATO looked like this - there was no will for NATO to intervene. The two EU countries that had military and financial capacity for intervention (France and UK) refused to do it, while Germany, which possessed the capacity to intervene could not do it and all the other EU members simply did not have the capacity to do so.

If the EU was unwilling or unable to use military methods, then which were the available instruments of the EU? As we already mentioned, there was an offer for financial help to Yugoslavia if the country stayed together. The use of the instruments of economic character is not something that is unseen in the EU tactics and is part of the so-called policy of 'stick and carrot'. In this concrete situation it would have meant that if Yugoslavia remained together or peacefully transformed into a loose federation, than it would get the "carrot" – great financial assistance. On the other hand, the stick was – not signing any new trade agreements, suspension of existing treaties agreements, introduction of economic sanctions against Yugoslavia etc. The use of the financial instrument as a tool for persuasion seemed very logical, especially due to the fact that the European Communities were the largest trading partner of Yugoslavia. That is why this approach should have been used much earlier. Unfortunately at the moment when the EU

¹⁸⁵With exception of the WEU (Western European Union) which is non-functional. – IT IS ACTUALLY INCORPORATED INTO EU TODAY, THUS NON EXISTANT, NOT NON-FUNCTIONAL. WEU WAS USED FOR BLOCKING WEAPONS SELLING IN THE SEA DURING THE WARS OF INDEPENDENCE.

began to use this instrument it was unable to produce any important effects, because in those moments the nationalism in Yugoslavia was already irreversibly inflamed.

It seems that in those moments much more effective EU instrument had political rather than economic character. The political power of the EU arose mainly from the power of its members to recognize or not the new states. Recognition of the independence of Slovenia and Croatia on the one hand or their non-recognition on the other hand, was the instrument that the EU had in conducting various negotiations with them. The same instrument was applied for the Serbs too, thus the recognition or not of the parts that are seceding from Yugoslavia was used as a means to made the Serbs negotiate. Overall, the policy of the EU was not much more successful in terms of dealing with the war in B&H, although at the moment, EU already had Slovenia and Croatia as an experience. When it became obvious that the tensions in B&H can escalate into a real war, EU organized and mediated a meeting¹⁸⁶ between Radovan Karadzic, Mate Boban and Alija Izetbegovic – the leaders and representatives of the three communities in B&H. The EU mediator presented his plan for reconstruction of B&H into a three regions with great autonomy. According to the plan each region would have a majority of one of the existing three nations in the Republic. All regions would have had an equal role in the central government in Sarajevo. Regarding the external borders it was stressed that they will remain the same, which practically meant that secession and annexation of parts of B&H towards the neighboring countries would not be possible. However, the B&H design presented at the Lisbon meeting was not supported by the Bosniak side, along with the United States, which considered that this agreement opens the door to divide the country. After the collapse of this meeting, the violence irreversibly started in B&H, after which EU withdrew its observers from the ground. This initial failure is also repeated in the next steps that will be undertaken by EU in order to resolve the Bosnian issue.

In August 1992 the EU together with the United Nations organized the London conference with a working agenda dedicated to Yugoslavia. During this conference, some basic positions for the solution of the Bosnian war have been set up. It was said that any solution for B&H must respect its external borders, non-recognition of the territory acquired by the use of force etc. These positions were the basis for the work of the International Conference on Former Yugoslavia held in Geneva in September 1992. Namely, on this conference the first version of the Vans-Oven plan was drafted. This plan suggested creation of 10 provinces in B&H, which although they would have been ethnically heterogeneous, they would also have a clear majority from one of the three communities living in B&H. For Sarajevo was suggested to be a separate province and Capital which would also reflect the multiethnic character of B&H. Official proponents of the plan were the EU and UN. This plan was signed in May 1993 by all warring sides. What initially seemed like a great success and possibility for peace in B&H very soon turned out into complete failure. Thus, although the plan was originally signed by the Bosnian Serbs, it still was not ratified in the Parliament of the self-declared Serbian Republic of B&H. This event represented a key challenge for the EU. The Union was in a position to demonstrate whether it has a credibility

¹⁸⁶Held on 23 February 1991.

to implement what it had proposed and was accepted by all parties. Eventually the Parliament of the Republic of Srpska did not give its ratification to the peace plan. After this event the EU was unable to implement the plan and with this in a way recognized the self-proclaimed Republic of Srpska acknowledging the decision of its institutions.

In terms of the conflicting interests within the Union, i.e. the France-British couple on one hand and Germany on the other hand, it could be concluded as a sort of victory for Germany. This is confirmed by the recognition of Slovenia and Croatia by the members of the Union. Simply, the preferences of Franco-British couple were not assessed high enough for them to openly confront its powerful German partner. The Yugoslav crisis was very important for Europe because it actually meant a change in the balance of power in Europe. After the Yugoslav crisis, France and the UK had to recognize that the re-united Germany is once again a powerful factor in Europe whose voice cannot be ignored.

3. The policy of EU towards Macedonia during the Yugoslav crisis

In order to present the politics and relations of the EU towards Macedonia, firstly we must look at the behavior of Macedonia during the Yugoslav crisis. Looking back Macedonia was not one of the leader republics of the dissolution process of Yugoslavia. Rather, it could be concluded that largely it was exactly the opposite. Some Macedonian politicians even made efforts together with politicians from the other republics to find a mutually acceptable solution and to rescue the common state. Such example was the Izetbegovic – Gligorov platform¹⁸⁷ which was not accepted by the other republics. So, in a situation where Macedonia could not have been qualified as “secessionist” republic, it could not have been subjected of significant diplomatic activities by the EU. This was the case because just before the declaration of independence by both northern Yugoslav republics, the Union had built a common position which consisted of condemnation and disapproval of any kind of unilateral declaration of independence of any republic¹⁸⁸, but also condemnation and disapproval of eventual use of force to retain the wholeness of Yugoslavia¹⁸⁹. Simply, the general position of the EU was to support the survival of Yugoslavia. Logically, subject of diplomatic action by the EU were the republics that opted for dissolution of Yugoslavia. In accordance with the general tendency of Macedonia to help the federation survive, the main activity of the EU in this initial period, was not directed towards Macedonia, but primarily towards the pro-dissolution of Slovenia and Croatia on one hand and towards the federal and pro-centralistic positioned Belgrade and the YNA which threatened to use force to preserve the federation on the other hand.

Where was the Republic of Macedonia in all this? Before the Conference for the Former Yugoslavia in The Hague, Macedonia already applied to the Union as a separate country (though

¹⁸⁷ Presented on 06 March 1991.

¹⁸⁸ This position was primarily a message to Slovenia and Croatia.

¹⁸⁹ This position was primarily a message to Belgrade and YNA.

still part of the Federation) with a memorandum entitled “The international position of Macedonia and its status in the Yugoslav community.” In this memorandum Macedonia expressed its views and stood for survival of Yugoslavia as a union of sovereign states with some federal elements. The memorandum also mentioned the “European processes”; *“The disintegration of the economic and the political system of Yugoslavia in the shape that has existed up till now, faces with the necessity of fundamental reconstruction of the state. This process of reorganizing of relations among the Yugoslav republics should correspond with the European processes. This means respect for the independent and sovereign position of each state as a precondition for higher forms of integration.”*¹⁹⁰ If analyzing the positions of Macedonia expressed in the Memorandum, it will be noticed that they are practically the same solutions that later the EU offered at the Hague Conference. The Memorandum itself is very significant for Macedonia, because the Republic referred directly to the EU as a separate country not as a part of the federation; consequently it imposed itself as participant and as a stricken party that cannot be ignored in future decisions and projections about Yugoslavia.

After the outbreak of the military conflict in Croatia EU understood that the problem has not been solved at all and appointed a mediator to work on solving the Yugoslav problem. This is due to at least two facts. First, USA gave the “main player” role to the EU and second the EU was not the same any more after Maastricht. One of the main changes made with this treaty was the introduction of the Unions pillar system. According to this, one of the three pillars was the European Common Foreign and Security policy - CFSP¹⁹¹. Unlike the first pillar¹⁹², in the second (CFSP) pillar and in the third pillar¹⁹³ the principle of Supranationalism was replaced with the principle of Inter-governmentalism. The reason for this is the fact that the issues treated outside the first pillar, were much more sensitive for the member states in a terms of their sovereignty.¹⁹⁴

First special appointed mediator was Lord Carrington and later Lord Owen. During its dealing with the Yugoslav problem EU organized series of conferences in The Hague¹⁹⁵ and together with the UN was the organizer of the London Conference¹⁹⁶ and the Geneva Conference¹⁹⁷. *“The EC peace Conference was, in theory, exactly what Yugoslavia needed, since it aimed to consider the country as a whole and to develop a coordinated approach to all the region’s conflicts rather*

¹⁹⁰ Denko Maleski, “The Dissociation from Yugoslavia, the First Steps of the Independent Macedonian State,” in *The Macedonian Foreign Policy 1991-2006*, ed. Dimitar Mirčev (Skopje: Az-Buki, 2006), 26-30. P 26.

¹⁹¹The historical origin of CFSP was the European Political Cooperation (EPC) introduced by the Single European Act from 1986.

¹⁹² European Communities .

¹⁹³ Justice and Home Affairs.

¹⁹⁴ Because of this, the decision methods in the second and the third pillar, in the most of the cases, require unanimity among the member states. CFSP was necessary, among others, to improve the perception of EU not only as an economic giant but also as a political pygmy. So, if the EU wants to be a global player, the logical way of thinking is that the EU must be player and main manager in its own yard.

¹⁹⁵ September 1991

¹⁹⁶ August 1992

¹⁹⁷ September 1993

than merely deal with immediate flash-points, such as that in Croatia, in isolation. (...) while the conditions in Bosnia - Herzegovina and Macedonia was supposed to be as much part of the agenda as those in Slovenia and Croatia."¹⁹⁸. The goal of this peace conference was to find a solution for the ongoing war in Croatia and a comprehensive solution for other conflicts in Yugoslavia. All the Yugoslav republics were represented. Thanks to this new EU approach, Macedonia officially became part of the common policy of the EU agenda and the situation in Macedonia rose to the level of equal importance with the situation in Croatia, which was at war at that time.

Why was this so important for the Republic of Macedonia? The answer is, because through The Hague Conference, for the first time in history Macedonia took part at an international conference presented by its own representatives and became an equal participant. This international conference discussed, among other current issues, the future of Macedonia. This is certainly the beginning of an independent Macedonian foreign policy. The Macedonian representatives at this conference were Kiro Gligorov, Denko Malevski as Minister of Foreign Relations, and Vasil Tupurkovski as member of the Presidency of Yugoslavia¹⁹⁹. They were sitting side by side with their colleagues from Serbia- Milosevic, Croatia –Tudjman, B&H - Izetbegovic, Slovenia – Kucan, Montenegro- Bulatovic. The Macedonian representative Kiro Gligorov had a speech at the Conference and presented his views according to which, Macedonia believed that despite all the difficulties the existence of Yugoslavia was still possible in a new form but on the principle of affirmation of the sovereignty of the republics. Furthermore, the concerns of the international community and especially the EU were legitimate and justified; there was need for cessation of all military actions as precondition for negotiations; the republics needed mutual recognitions as a basis for equality in the future status of the Yugoslav community and last but not least, Macedonia was committed to good neighbourly relations and had willingness to play a role of an active factor of peace and stability in the Balkans.

However, if a real critical review of The Hague Conference is done, it could be find out that although originally it had a working agenda that treats Yugoslavia as a whole and all the problems in the republics as equal, in reality it appeared to be mediating in finding a solution between the big republics, Serbia and Croatia. This can be also confirmed with the following interview given by Lord Carrington "*We decided to see people who actually mean something, the Presidents Milosevic and Tudjman and we set them on the table and began to talk to them.*"²⁰⁰. It can be concluded that this picture has been repeated more or less on all future conferences organized by the EU and with the time, the primacy of the agenda was mainly concentrated on B&H, as well as on the main actors, Croatia and Serbia, while all the other republics were more

¹⁹⁸ Christopher Bennett, *Yugoslav bloody collapse. Causes, Course and Consequences* (New York: University Press Washington Square, 1995). P 176.

¹⁹⁹ Киро Глигоров, *Македонија е се што имаме* (Скопје: издавачки центар три, 2001).

²⁰⁰ British Broadcasting Corporation Documentary., *The Death of Yugoslavia - Enter Nationalism, Wars of Independence, Road To War, Gates of Hell, Safe Area*(1995).

or less, only formally part of the agenda. Just for illustration on the London Conference²⁰¹ although there were Macedonian representatives the Macedonian question was not treated at all.”*Before we began with the regular work with determination of the agenda, I asked the Conference to consider the issue of the Macedonian recognition. But unfortunately the issue did not come into agenda.*”²⁰²

The Hague Conference is important for Macedonia namely because of the decision to organize this kind of peace conference on a meeting held on 27 August 1991 on which it was decided to establish the Arbitration Committee. The Committee has been established to help by providing legal opinions to the work of The Hague Peace Conference. Thus, these opinions would have strong influence on the policy of the Union towards Yugoslavia, i.e. Macedonia respectively. The head of the Commission was Robert Badinter, a famous lawyer and Chairman of the Constitutional Court of France. The Commission was composed by legal experts. Its members were the presidents of constitutional courts in Belgium, Germany, Italy and Spain²⁰³. Regarding the opinions of the Commission, there were some discussions in terms of their weight. Although foreign ministers of the EU initially agreed that they should be legally binding, normally for the parties that would accept its jurisdiction, later they were only treated as advisory. The reasons for this reduction of the importance of the Commission positions are given by the authors Lukic&Lynch (1996)²⁰⁴ according to whom, this was done in order not to allow legal opinions in advance to prevent any political agreements. This implicated that virtually anything can be negotiated. In this particular case we can say that the law was subordinate to the politics. However, the Badinter Commission was composed of leading experts in law who came from different EU countries in order to be neutral and to build their views based on purely legal and not political grounds.

The commission was summoned to give its opinion about the legal consequences of the dissolution of Yugoslavia on 15 specific questions. We will make a brief analysis of some of these opinions that we think were relevant for the creation of the EU policy towards Macedonia. The first question on which the Badinter Commission gave its opinion was asked personally by the Lord Carrington and was a question with paramount importance about whether Yugoslavia should disintegrate. Serbia and Montenegro believed that all those republics that have decided to become independent (including Macedonia) should be considered as secessionist ones and that SFRJ should continue to exist with the republics that would decide to stay (at least Serbia and Montenegro). On the other hand, all the other republics (including Macedonia) and above all Slovenia and Croatia, thought that this is not a secession process but a disintegration process in

²⁰¹In which Macedonia was presented by President Gligorov, ministers Maleski, Frckovski and Vice President of the Parliament Dzheljadin Murati.

²⁰² Киро Глигоров, *Македонија е се што имаме* (Скопје: издавачки центар три, 2001).

²⁰³Irene Petry, Roman Herzog, Aldo Corasaniti and Francisco Tomás Valiente respectively.

²⁰⁴ Reneo Lukic and Allen Lznch, *Europe from the balkans to the Urals, The disintegration of Yugoslavia and the Soviet Union* (New York: Oxford University Press, 1996).

accordance with the will of the founding republics and therefore all these six republics are equal successors to the former federation in a way that none of them alone can claim to be sole heir of the former federation. The opinions of the Commission took the position of the second view and concluded that Yugoslavia was in the process of dissolution. On 4 July 1992 the Commission concluded that the process of dissolution of Yugoslavia had been finished and that SFRJ no longer existed. Also according to the legal interpretation of the Badinter Commission all former republics are legal successors of the former Yugoslavia. The outcome of this opinion was favorable for Macedonia as well. According to the opinion all the republics that declared independence, cannot be considered as secession states created by cutting a territory from a previous state, but as successor states of former Yugoslavia with all rights and obligations arising from it.

Besides the first one, particularly interesting is also the second opinion, although it does not have direct importance for Macedonia. It was a question asked by Serbia regarding the rights of the Serbian population in Bosnia and Herzegovina and Croatia as constituent nations of Yugoslavia, specifically in relation to the right of self-determination. The opinion of the Commission practically consisted of two important elements. The first one was that the Serbs in Croatia and B&H are entitled to have political and cultural autonomy within Croatia and B&H, and the second one was that they do not have the right to establish a new state or join other countries on their own will.

The third opinion was given as a response to a question asked again by Serbia. The question demanded clarification and interpretation of the dispute between the republics about the former internal - administrative borders between the republics, specifically between Croatia and Serbia, B&H and Serbia i.e. whether they are borders in terms of international law or not. The opinion of the Commission was to confirm or deny the Serbian-Montenegrin claim that these former Republic borders had a purely administrative character and accordingly they cannot automatically become international and interstate borders. Although this question does not directly mention Republic of Macedonia, it was still of great interest for the country. The legal basis that can be used as an argument for the former administrative republic borders between Serbia and Macedonia depended directly on the legal interpretation about the former internal republican borders by the Commission. The response of the Commission may be interpreted as positive for Croatia, B&H and Macedonia. Especially important for Macedonia was the interpretation of the Commission that²⁰⁵ the borders between Croatia and Serbia, B&H and Serbia and between other possible adjacent independent states may not be altered except by agreement between them and that according to established principles of international law amending the external borders by force cannot produce any legal effects. This was positive for Macedonia because it emphasized the principle that no one is allowed to use force to alter borders and even if this happens it cannot be legally recognized.

²⁰⁵ Reneo Lukic and Allen Lznch, *Europe from the balkans to the Urals, The disintegration of Yugoslavia and the Soviet Union* (New York: Oxford University Press, 1996).

Particularly interesting for comparison is the opinion No.5 given by the Commission regarding the request for recognition of the independence of Croatia by the EU. The Commission²⁰⁶ reserved the current recognition of Croatia's independence, believing that Croatia must first improve the minority rights through legal amendment of its own legislation.

The most important opinion of the Badinter Commission which directly concerns Macedonia was the opinion No. 6, in which the application for recognition of Macedonia has been reviewed to find out whether the country fulfils the conditions set by the EU in order to become a recognized independent republic. Interesting to note is that besides examining the necessary conditions for recognition, which were also valid for the other republics, in the case of Macedonia another supplementary question has been considered too. The Commission also examined the Greek government statement according to which the use of the name "Macedonia" as a name for the country, would mean irredentism towards Greece. According to the opinion of the Commission, there was no obstacle to the recognition of Macedonia's independence, i.e. Macedonia fulfilled all necessary conditions for this. Actually, the Commission implicitly rejected the Greek government claims that using the word "Macedonia" implied irredentism to Greece.

The commission was created with the task to provide legal opinions on the Hague Peace Conference organized by the EU. So, any Commission opinion had a great legal weight and logically it should be taken into consideration during the building of common foreign policy of the EU. However, if we make a comparison between the content of the legal opinions No.5 and No.6 and their real effect through the conduct of the Union, we can conclude that the EU acted quite contrary to what was the opinion of the committee that itself created. Why is this comparison needed? Because through this comparison it can be seen the approach of the EU towards the Yugoslav issue and accordingly we can infer the policy of the EU towards Macedonia. The previous conclusion reveals one thing. The approach of the EU was primarily a political and the international law was on second place. Thus, because of the individual interests of the member countries (mainly Germany) Croatia was given the recognition (for which the Commission²⁰⁷ had expressed reserves in terms of meeting the requirements for its recognition) and at the same time the recognition of the independence of Macedonia was postponed (although the Commission²⁰⁸ confirmed adamantly that Macedonia fulfilled all conditions set by the EU for its recognition) because of the opposition by the Greek government (whose arguments the Commission had already declared as not relevant). The reason for this political decision by the EU consisted of various interests of its different member states. While the republics of Slovenia and Croatia had their own strong supporter in the EU member states expressed primarily in the face of powerful Germany, the Republic of Macedonia not only that did not have a strong supporter within the Union, but it had quite the opposite of that in the face of its first neighbor

²⁰⁶ On 11 January 1992.

²⁰⁷ Opinion No.5

²⁰⁸ Opinion No.6

country Greece, both EU and NATO member. According to Lukic & Lynch²⁰⁹ the German government decided to recognize the independence of Croatia and Slovenia on 19 December 1991. However because of consideration for the sensibility of its partners, the recognition was not implemented until 15 January 1992, date when 12 member states of the EU agreed with it. The previous reveals Germany's position as a strong supporter of Slovenia and Croatia, which not only lobbies but also puts pressure on the other members to recognize their independence. Lobbying by a powerful state as Germany certainly gave results. In contrast, Macedonia remained unrecognized for a longer period, despite the positive opinion given by the Commission, i.e. by Europe's top legal experts. The harsh reality Macedonia felt already on the EU summit held on 15 January 1992, when the member states of the Union decided to recognize the independence of Slovenia and Croatia, but not the independence of Macedonia.

In terms of policy of the EU towards Macedonia we can notice one other matter; EU did not treat the name issue as a real issue and as a potential significant problem. At the same time, the denial of the name by neighboring Greece turned into one of the top priorities in its foreign policy and Greece used all the possible mechanisms in all international organizations whose member it is (including EU) to resolve this issue according to its own national interest. Thus, immediately after the positive opinion about the recognition of the independence of Macedonia given by the Badinter Commission, on the very next EU summit²¹⁰ the name issue was for the first time officially raised by Greece *“Immediately after EC meeting recognizing the independence of Slovenia and Croatia, G. de Mikelis, on 15 January, stated at a press conference in Rome that the matter (the recognition of Macedonia) was only postponed for a short time to clarify some Greek reservations, but that it would need no more than a few weeks to find a solution. The issue of the name for him was not a real issue, nor had the EU made it a precondition for recognition.”*²¹¹. According to Mirchev, minimizing the significance of the name issue was an integral part of the original policy of the Union towards Macedonia. At the EU summit held in Lisbon on 27 June 1992 there was a full victory of the Greek diplomacy as the EU concluded that they would recognize the Republic of Macedonia as an independent state only if it rejects the word “Macedonia” from its name. In this way the problem, which according to the original terminology used by EU officials was neither a problem nor a precondition for recognition of the republic, now officially became both.

With the action of the EU towards Yugoslavia, i.e. Macedonia, a certain contradiction can be noticed between the desired objectives of the Union and the acts it made in reality. Macedonia stepped out of Yugoslavia in a fully legitimate and peaceful way through the use of exclusively democratic means, not by going into any military conflict with the YNA. It signed an agreement with YNA for YNA's peaceful departure from the country. With all these facts we can conclude

²⁰⁹ Reneo Lukic and Allen Lznch, *Europe from the balkans to the Urals, The disintegration of Yugoslavia and the Soviet Union* (New York: Oxford University Press, 1996).

²¹⁰ 15 January 1992.

²¹¹ Димитар Мирчев, *Македонската надворешна политика* (Скопје: Аз-буки, 2006).

that Macedonia was the only republic which left the federation in a peaceful and democratic way. According to Mahncke, Ambos & Reynolds²¹² Macedonia was the only country which was not directly involved in the crises and wars in the 90's. For a long time, Macedonia has been recognized as a kind of oasis of peace in the region.

Because of this, the attitude of the EU towards Macedonia can be characterized as surprising. Namely, one of the Union's main objectives concerning the Yugoslav issue was to prevent further spread of the fire. According to that, the Union decided to recognize Slovenia, Croatia and B&H, in order to prevent the aggressive ambitions of Serbia. So, in accordance with the objectives of the EU and in accordance with the positive opinion of the Commission established by the EU, the Union was expected to support this peaceful approach of Macedonia. By delaying the recognition, EU practically created an unrecognized territory, a part of the former federation that did not even have an army.²¹³ *"The name dispute, because of which the EC member Greece blocs the recognition of a small country by the Community, out of a Balkan mini comedy will actually become a national populist drama."* This could easily be interpreted by the neighbors of Macedonia as a message of the great powers that the territory of Macedonia can be recomposed. *"In February 1992, the Greek prime minister called for meeting of all leaders of Greece, Bulgaria, Romania and Serbia (which at that time still belonged to former Yugoslavia and was not a sovereign state). Bulgaria did not agree on holding this 'mini-Balkans-Summit', and other international powers intervened, so the meeting was canceled."*²¹⁴ The question here is, why the EU (with its policy) allowed anybody to interpret in this way its policy and why EU allowed somebody to heat the passions for a possible new military conflict, this time on the territory of Macedonia, which could easily include countries outside of the former Yugoslav federation. One explanation is offered by Mirchev *"In practice, it showed that the international community, in spite of its understanding and positive attitude, does not dispose of any mechanisms in order to positively work out this question for Macedonia."* He continues: *"In this sense, the example of Macedonia is a small part of the mosaic of new and controversial realities in the world and European order."* We agree with this position which suggests that it is more likely that there was a lack of appropriate mechanisms in the Post-Cold War Europe, through which EU would have achieved its own goals, rather than the Union deliberately would practice such a dubious policy.

Because of the Greek reserves, shown in relation with the right of one of the successor republics from former Yugoslavia to continue to use the name Macedonia, now as an independent state, the process of recognition of the country was postponed and additionally complicated. According to Mahncke, Ambos & Reynolds (2004) the national interest meant a lot more than a coherent European action, as in the case of the rapid German recognition of Slovenia and Croatia 1991 despite the disagreements with partners from the EU. One of the reasons was the unanimity rule

²¹² Dieter Mahncke, Alicia Ambos and Christopher Reynolds, *European foreign policy: from rhetoric to reality?* (Brussels: Presses Inter universitaires Europeennes, 2004).

²¹³ That was commented in the German newspaper "Die Zeit" from Hamburg (quoted by Nova Makedonija 27 December 1992).

²¹⁴ Димитар Мирчев, *Македонската надворешна политика* (Скопје: Аз-буки, 2006).

in the decision making process within the EU. According to this system, each member state has the right to veto any important decision concerning the EU's foreign policy. However this was not the only reason. Another example was the Greek economic embargo²¹⁵, when Greece unilaterally closed the border with Macedonia. The Greek border was in the same time the EU border, so the Greek trade embargo to Macedonia meant also that the EU has a trade embargo to Macedonia. The Commission reacted and asked the European Court of Justice to bring the case of the possible violation of the Maastricht treaty²¹⁶. However just before the Court gave its verdict, the Commission suddenly withdrew the lawsuit. This example clearly shows that the problem was not only in the CFSP limitations mostly because of the unanimity rule. Namely, the example above was legally part of the first pillar in which the supranational decision making prevails. Therefore what can be suggested is that the principle of solidarity between member states was implemented in this case (through the EU institutions). This kind of situation had influence on CFSP in general and on Macedonia as well.

Interesting question here is why the other powerful EU members such as France were so indifferent to this pertinent issue? Simply, France did not have enough interest to confront with its ally - Greece (in the case of Macedonia) and even less to confront with Germany (case Croatia).. Only for illustration we give the following quote "(...) *the French government did not give way to pressure over the recognition of Macedonia, despite the strong attention of the media on this issue.*"²¹⁷. Despite the existence of the relatively pro-Macedonian mood in the French public, the government decided not to confront with Greece for the simple reason of not having interest to do it.

Although Greece successfully managed to channelize its positions in the official positions of the Union, within the EU there were other opinions as well. According to Gallagher²¹⁸ the internal tensions within the Union were publicly shown on 20 January 1993 by the Danish Minister of Foreign Affairs Uffe Ellemann-Jensen which has attracted the attention of Greek members of the European Parliament when he characterized the Greek position as "ridiculous" and expressed hope that the Security Council would very soon recognize Macedonia and that many of the Member States of the Communities would support this. Nevertheless, they was a strong support for the young independent republic and a stimulus for the country to continue fighting for the establishment of better relations with the EU.

Some authors²¹⁹ consider that the EU was quite active in acting preventively in Macedonia since the beginning of the Yugoslav crisis. Regarding the role of the EU, they note two important actions: firstly the establishment of the monitoring mission in 1991 with the task to report on the

²¹⁵ In February 1994.

²¹⁶ Article 225 – taking unilateral measures against the Community law.

²¹⁷ Sonia Lucarelli, *Europe and the Breakup of Yugoslavia. A political failure of a scholarly explanation* (Hague: Kluwer Law International, 2000).

²¹⁸ Tom Gallagher, *The Balkans after the Cold War: From Tyranny to Tragedy* (London: Routledge, 2003).

²¹⁹ Dieter Mahncke, Alicia Ambos and Christopher Reynolds, *European foreign policy: from rhetoric to reality?*. (Brussels: Presses Inter universitaires Europeennes, 2004).

political and economic progress, secondly, the establishment of the Badinter Commission established as a legal advisory by the EU. Due to these two elements, they argue that the Union was quite active and acted preventively in Macedonia. We do not fully agree with this claim. Especially because the authors emphasize the importance of the Badinter commission but in the same time ignore its results. However in the later years the EU dedicated to put much more attention on Macedonia and was one of the main factors for the stability in the country especially during the conflict in 2001. Macedonia was the first country from the WB that has signed the Association and Stabilizations Agreement²²⁰. Macedonia was the place where the EU sent its first policy mission²²¹. Macedonia has obtained official status of EU candidate country²²² and the Commission is constantly giving its opinions about the Macedonian progress in the fulfilling of the Copenhagen criteria. Apart of the good mutually relations between Macedonia and the EU the same problems still prevail even today 20 years after the dissolution of the old country.

4. Conclusion

The disintegration of Yugoslavia took place in the period after the end of the Cold War. That was a period of pre-adaptation and redefining of the priorities of the foreign policies of the European countries. EU itself was in a similar process. In this context, EU launched ambitious projects like the Common Foreign and Security Policy, which was supposed to promote, at this time still, the Economic Union as an international global player. However the way of the EU for dealing with the crisis, which was in its own backyard –Yugoslavia was unsuccessful start for the Common Foreign and Security Policy. In reality priority was given to the individual national policies of the member-states vs. the common EU foreign policy's interests. After the Yugoslav crisis Germany came back to the most powerful European family together with France and the UK. On the other hand these developments had their impact on Macedonia as a former member of the Yugoslav Federation. The dissolution of Yugoslavia was a basis for foundation of the Macedonian independent state, and accordingly for the formation of the country's foreign policy. The first step was made through the transmitted Memorandum by Macedonia directly (not through the Federation) to the EU and by sending its own representatives to the Hague Conference. In this way for the first time in Macedonian history, the Macedonians had their own representatives at an international conference, where it was discussed about the future of the country. However, the relations between Macedonia and the EU despite the expectations did not go smoothly. Namely, although Macedonia "played" according to European rules, it still remained unrecognized by the EU member states. Moreover the country had direct opposition for its recognition in the face of its southern neighbor and member of the EU – Greece. These factors, combined with the still incoherent international and European conditions and

²²⁰ April 2001

²²¹ EUFOR Concordia, March 2003- December 2003.

²²² March.2004

mechanisms of this period contributed to complications in the relations between the EU and Macedonia in a way that is creating problems in their contemporary relations as well.

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