

INTERNS' YEARBOOK

2010

Skopje, 2011 | www.analyticamk.org

analytica 
thinking laboratory...

ANALYTICA INTERNS' YEARBOOK FOR 2010

Analytica
Dame Gruev 7-8/3
1000 Skopje
Republic of Macedonia

Editor:
Andreja Bogdanovski

Dear reader,

Knowledge sharing and providing opportunities are values that are embedded into Analytica's everyday work. The internship program remains to be Analytica's melting pot, where young professionals from all over the world use their knowledge and skills in order to contribute to Macedonia's society and more widely.

People with different backgrounds spend two and a half months in Macedonia, by working and researching on topics that they find relevant, best fit their profiles and are connected to Analytica's areas of expertise. Working in an extremely diverse and vibrant environment such as Analytica gives them a sense of a belonging to a multicultural and professional ambience.

Our think tank remains to be one of the few in the Balkans which offers internship placements thus making it extremely attractive to students and young professionals who want to grasp firsthand experience of the think tank work and utilize our expertise.

This said, we are extremely happy to announce the fifth edition of Analytica's Internship Yearbook. Topics such as: conflict transformation, EU and NATO integration, Security Sector reform, foreign policy and similar to these, remained to be the most attractive fields for research in 2010.

This year we hosted interns from: Hungary, Belgium and the Netherlands as part of our residential program. In order to provide an opportunity for those not able to come to Macedonia but still eager to work with us, we also cooperated with one non residential intern from the Republic of Moldova. Macedonian students also benefited from the internship opportunity this year.

We are convinced that the following research papers will provide you with additional and insightful knowledge on Macedonia and the topics that were important for the region in 2010.

With best regards,

Turker Miftar
Executive Director

CONTENT:

A HISTORICAL PERSPECTIVE ON THE INTER-ETHNIC RELATIONS IN MACEDONIA 1990 – 2010.....3

TO BE OR NOT TO BE, THAT'S THE QUESTION - LESSONS AND PROSPECTS FOR THE OSCE, A NEGLECTED
EUROPEAN SECURITY ORGANISATION 14

THE AMERICAN POLICY TOWARD MACEDONIA DURING THE FIRST HALF OF OBAMA'S TERM34

EVOLVING EU MEMBERSHIP CONDITIONALITY: IMPLICATIONS FOR THE WESTERN BALKANS.....48



Name: **Andrei Iovu**
Degree: Faculty of International Relations, Political and Administrative Sciences
Country: Republic of Moldova
E-mail: andrei_iovu@ymail.com

The Republic of Macedonia represents a particular case of historical and ethnical evolution. One of the distinctiveness of Macedonia is the complexity of its ethnical inter-relations, not only due to the significant number of minority groups, but also because they differ greatly according to their size. The ethnic Albanians represent around 25.2 per cent of the population, compared to groups such as Turks, Vlachs, Roma, and Serbs, which do not exceed five per cent each.¹

Like in many cases and in particular in the Balkans, the diversity of ethnic entities can create serious problems for their cohabitation. The memory of the wars and the nationalistic movements in the 1990's enhanced interethnic

¹ Central Intelligence Agency, "The World FactBook. Macedonia," <https://www.cia.gov/library/publications/the-world-factbook/geos/mk.html>.

A HISTORICAL PERSPECTIVE ON THE INTER-ETHNIC RELATIONS IN MACEDONIA 1990 – 2010

conflicts. Since the proclamation of independence in 1991, Macedonia faced new challenges. Besides the economic and political issues, ethnic tensions began to escalate.

Since the very beginning, clear antagonism between Albanian and Macedonian political parties has appeared. What began as a conflict between the national political parties has been turned into a conflict between the two major ethnic groups.² Even though in the early 90's, people of Macedonia did not show any particular inter-ethnic antagonism, the data of 1996 showed already some serious tensions between certain ethnic groups. Minorities, including ethnic Albanians, ethnic Turks, and

² International Crisis Group (ICG), "Macedonia Report. The Politics of Ethnicity and Conflict," 21 October 1997: 10, <http://www.unhcr.org/refworld/docid/3de630ff4.html>.

ethnic Serbs, raised various allegations of human rights infringements and discrimination.³

In this period ethnic Macedonians exhibited prejudices against the Albanians and, at a lower degree, towards the Roma; the Albanians demonstrated prejudices mostly towards Macedonians and Serbs; Turks and Roma were significantly more opened to other groups. Besides that, the politicization of the society was deepening. For instance by 1996 even the children of elementary school leaving-age began to exhibit very clear opinions about various aspects of the political life. This fact was a very strong indicator that the political attitudes of the adults have radicalized greatly and the socialization within the family, media or other

³ U.S. Department of State, "Macedonia Country Report on Human Rights Practices for 1996," (released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1997), <http://faq.macedonia.org/politics/hrr.1996.macedonia.html>.

informal groups became a more influential factor than the educational system.⁴

The Constitution of 1991 stated that "Macedonia is established as the nation state of the Macedonian people, in which full equality as citizens and permanent coexistence with the Macedonian people is recognized for Albanians, Turks, Vlachs, Roma and other nationalities living in the Republic of Macedonia."⁵ This style of rhetoric seemed to disturb the ethnic Albanians, who pretended to be a founding nation as well. This issue became evident after the census in 1994, where its results were rejected by the ethnic Albanians. The Macedonian authorities have been accused by of under-representing their real number.

Some serious tensions between Macedonians and Albanians started to appear at the end of the 1990's. The decision of the

Parliament which reinstated Albanian language instruction at the Pedagogical Academy (one of the demands made by the Albanian community after the independence), determined the university and high-school age ethnic Macedonians to demonstrate on the streets of Skopje with anti-Albanian slogans ("Albanians to the Gas Chambers", "Macedonia for the Macedonians"). The heightened tensions led to sporadic acts of violence against Albanians.⁶ Another important fact which led to the raise of tensions between ethnic Macedonians and Albanians, was the incident with "minority flags", which happened in July 1997, when the mayors of the cities of Gostivar and Tetovo raised the Albanian and Turkish flags on the municipal town-halls. The central government used force against demonstrators and during the confrontations three civilians died and up to 400 were wounded, including a number of police.⁷ This incident produced a revolt within ethnic Albanians. On the other side, the Macedonian authorities considered the display of the

Albanian flag as an anti-constitutional action and imprisoned the organizers of the demonstration.

Turning point in the Macedonian-Albanian interethnic relations

The flood of refugees from Kosovo during the war of 1999 produced an important disturbance of the ethnical and social balance. According to the data of the U.S. Committee for Refugees and Immigrants there were a total of around 360 000 Kosovo refugees in Macedonia, which is equivalent to 16 percent of the country's own population.⁸ The great concentration of Albanians in the Northern and Western part of Macedonia was a pretext for the Albanian insurgents and paramilitary groups of National Liberation Army to start displaying their political and cultural demands. The violence between Albanian insurgents and Macedonian army started in February 2001. The hostilities

⁴. Emilija Simoska, "Macedonia: a view on the inter-ethnic relations", *Journal of International Affairs "Perceptions"*, Volume II (June – August 1997): 2.

⁵. Constitution of the Republic of Macedonia, (preamble), <http://www.sobranie.mk/en/default.asp?ItemID=9F7452BF44EE814B8DB897C1858B71FF>.

⁶. ICG, *Macedonia Report*, 11.

⁷. *Ibid.*, 14 – 15.

⁸. U.S. Committee for Refugees and Immigrants, "World Refugee Survey," <http://www.refugees.org/countryreports.aspx?id=394>

spread out in regions populated mostly by the ethnic Albanians.

The involvement of the international community, mainly the EU, USA, NATO and OSCE convinced the belligerent parties to sign a deal aimed to stop the violence between the conflicting parties. The signed document was called the Ohrid Framework Agreement. As a document, this act consisted of three parts: amendments to the Macedonian constitution, changes to the legislation, and third, a plan to end hostilities.

Ever since the passing of the Constitution in 1991, the Preamble which was describing the Macedonians as the founders of the Republic, rose the revolt of the Albanians, who demanded to be considered the second constitutive nation of Macedonia. The new amendments of the Constitution did not use the terms "Macedonian people", "nationalities", and "minorities", but rather spoke in neutral terms: "the citizens of the Republic of Macedonia". Beside the official Macedonian language written using Cyrillic alphabet,

"any other language spoken by at least 20 percent of the population is also an official language, written using its alphabet [...] In the units of local self-government where at least 20 percent of the population speaks a particular language, that language and its alphabet shall be used as an official language in addition to the Macedonian language and the Cyrillic alphabet. With respect to languages spoken by less than 20 percent of the population of a unit of local self-government, the local authorities shall decide on their use in public bodies."⁹

The stipulations of the Agreement required new parliamentary procedures in order to pass new legislation concerning the culture, language, education, religion and use of symbols.

The Ohrid Framework Agreement provided a basis for stronger participation of the representatives of the minorities in public

⁹ Ibid., *Constitution of Macedonia*, amendment IV.

institutions, university enrolment, law enforcement institutions, and granted extensive decentralization.

If from one side, the ethnic Albanians were generally satisfied by the conditions of the agreement, from the other side the ethnic Macedonians were unsatisfied with the document. The Ohrid Framework Agreement managed to stop the violence, but the ethnical tensions went down towards the civilian population and seem to keep a high degree of pressure until the present. Among the ethnic Macedonians there is a view that Albanians have a "hidden agenda", and their political and cultural demands are often regarded as a first-step towards secession.¹⁰

In most of the cases, the ethnic groups in Macedonia limit their interaction. The isolation is more evident between ethnic Macedonians and Albanians. There is a high level of mistrust between both ethnic groups. Most of the ethnic

¹⁰ Ulf Brunnbauer, "The Implementation of the Ohrid Agreement: Ethnic Macedonian Resentments," *Journal on Ethnopolitics and Minority Issues in Europe*, CSBSC 1/2002, 16.

Albanians enclose themselves with their ethnic entity, taking into consideration only the interests of their community. The same is happening to the ethnic Macedonians. Most have retreated into their ethnic group to unite in defending themselves against the Albanians. As a result, communication between the two ethnic groups has broken down in many areas of everyday life.¹¹ The communication is limited as well because of the language barriers and prejudices. An observation made in 2000, found this growing polarization of the two major communities disturbing. In the town of Kichevo, for example, a town with a mixed population of 39.7 percent Macedonians and 49.2 percent Albanians (1994), the two ethnic groups lived completely separated, having their own facilities, cafes, and shops.¹²

It is important to mention that at general level, the smaller ethnic groups (Turks,

¹¹ Ibid., ICG, *Macedonia Report*, 10.

¹² Center for Documentation and Information on Minorities in Europe - Southeast Europe (CEDIME-SE), "Minorities in Southeast Europe. Albanians of Macedonia," April 2002, 7, <http://www.greekhelsinki.gr/english/reports/CEDIME-Reports-Minorities-in-Macedonia.html>.

Roma, and Bosnians) have an ambivalent attitude. They fear that the transformation of Macedonia into a bi-national state is a risk for them to be shrunk in the confrontation between Albanians and Macedonians.¹³ According to the study made by Dr. Emilija Simoska, the president of Ethno- Relations Centre, Social, Political and Law Research Institute in Macedonia, the mainstream ethnical perceptions are: the Macedonians considered themselves as hard-working, peaceful, and honest people. To the Albanians, the Macedonians were hard-working but dishonest. The Turks saw the Macedonians as hard-working, peaceful and cultured. The Albanians saw themselves as diligent, honest, and educated, while to the Turks they were a militant nation. The Macedonians considered the Albanians primitive and backward. The Turks regarded themselves as hard-working, cultured, and educated. To the Albanians, the Turks were hard-working and peaceful and the Macedonians saw the Turks as great "warriors".

¹³ Youssef Courbage, "Censuses, Elections and Population: the Case of Macedonia." *Population (English edition)* (Institut National d'Etudes Démographiques), no. 58 (April 2003): 426.

Social determinants of the interethnic relations in Macedonia

In order to understand better the essence of the ethnic relations in Macedonia, it is important to define the main determinants of social relations in this society. The ethno-sociologists determine five main groups of factors which are influencing inter-ethnic relations: historical, social, cultural, psychological, and situational. Analyzing the core of these factors applied to the Macedonian case many interesting realities and perspectives can be seen. The main historical factors which determined the character of the ethnical relations in Macedonia are:

- The encouragement on the social and political levels of the historical realities which have influenced the relations between ethnical groups and ethnicities (migrations, wars, historical ethnic hostilities, etc.). Generally, priority is given to the events with negative features.
- The support of historical facts and persons which became national symbols

(Alexander the Great, Nikola Karev, etc.) and core arguments of national identity. At the same time, it is tendency to limit the access of other ethnic groups to promote their historical symbols.¹⁴

- The history and science is used as a propagandistic instrument for raising inter-ethnic antagonism.¹⁵

The political elites of the Macedonia play a crucial role in the process of determining the spirit of the ethnical relations. At the official level, in the last years the politicians become more ethnic-tolerant, comparing with situation from the year 2000. The electoral programs of the main parties contain stipulations on multiethnic society and tolerance. Despite of this apparent reformation of the political arena, the essence of the tensions between ethnic groups,

¹⁴. Александар Чочевски, "Црквата и Александар Велики предвидени со проектот Скопје 2014," http://www.makfax.com.mk/_home/home#_tools/article/98519/view.

¹⁵. Makfax, "Албанска Македонија одговор на Македонската енциклопедија," http://www.makfax.com.mk/_tools/article/94208/view.

particularly between ethnic Macedonians and Albanians, did not change. So, the existence of the "ethnic political parties" is encouraging (indirectly) the ethnic antagonism and shows that the ethnic consensus is not achieved. Also, some leaders of the political groups are the former insurgents' commanders (Ali Ahmeti, founder of the **Democratic Union for Integration** and leader of the National Liberation Army). This fact shows that the ethnic antagonism can be used as a political platform and the conflict from 2001 is not "politically forgotten".

The media is predisposed to build certain social stereotypes and prejudices among people (e.g. the Roma are showed as a poor; Albanians are presented mostly as a protesting, radical, dissatisfied ethnic group). Also, the media outlets are strongly divided along ethnic lines, significantly affecting how important political issues are covered.¹⁶ This fact shows

¹⁶. Freedom House, "Country Report: Macedonia 2007," <http://www.freedomhouse.org/template.cfm?page=363&year=2007&country=7220> (accessed March 3, 2010).

the lack of unity within ethnic groups and predisposition to limit the interaction with other cultural and political communities.

Speaking at the broader level, an important question concerning the ethnic relations is the model which the state adopts to deal with the culturalism¹⁷ and ethnicism.¹⁸ Theoretically, the states usually adopt two main directions: assimilation (the integrative politics – the state might impose/create certain standards for its citizens), or the multiculturalism (the state accepts the diversity of cultures, languages, educational systems of the ethnic groups). Analyzing the political programs of the major political parties of Macedonia, a common idea of multiculturalism and tolerance among ethnic groups can be noticed. As an example, the political program of the Democratic Union for Integration promotes the idea of the

¹⁷. Jens-Martin Eriksen, Frederik Stjernfelt, "Culturalism: Culture as political ideology," <http://www.eurozine.com/articles/2009-01-09-eriksenstjernfelt-en.html>.

¹⁸. Costica Dumbrava, "EUDO CITIZENSHIP," http://eudo-citizenship.eu/docs/Costica_Dumbrava.pdf (accessed March 24, 2010).

multiculturalism and multiethnic state.¹⁹ Also, the political program of the VMRO – DPMNE (the party which won 48.8% at the Legislative elections from 2008) promotes as well the idea of multiculturalism and tends to take actions which will build “a multiethnic society, based on mutual respect and tolerance”.²⁰ The tendency of formulating political ideas in the tolerant manner will increase due to the requirements of the EU and NATO. As a long term result, this fact might decrease the tensions among the ethnic groups.

A distinct aspect of the relations between ethnic groups in Macedonia is related to the cultural issues. The religious appurtenances of the ethnic groups greatly differ splitting the society in the Christians and Muslims. The ethnic Macedonians, Vlachs, and Serbs are generally Christian Orthodox; the ethnic Albanians, Turks, and Roma are mainly

¹⁹ The Democratic Union for Integration/ Bashkimi Demokratik për Integrim, “Political Program,” <http://www.aliahmeti.org/dokumente/programi09.pdf>.

²⁰ VMRO-DPMNE, “Program of VMRO-DPMNE for Rebirth 2008 – 2012,” <http://www.vmro-dpmne.org.mk/Dokumenti/Programa%202008%20EN%20WEB.pdf>.

Muslims. This detail, enhanced as well by the language barriers and the lack of mutual cultural knowledge, is creating serious impediments for the social interactions.

The social factors which influence the ethnic relations in Macedonia are related to the education, access on information, and the traditions of the ethnic groups. The theory of Gordon Allport says that the conflicts weaken when the contacting social groups are having the same status.²¹ The “same status” in this context means equal access to education, economical and political affirmation. Applying this concept to the Macedonian case, the following main elements between of the ethnic groups in Macedonia can be distinguished:

- Minorities, including ethnic Albanians, ethnic Turks, ethnic Serbs, and Roma, have political parties to represent their interests.
- Macedonian Radio Television (MRTV) provides ethnic minorities with

²¹ Ю. В. Арутюнян, Л. М. Дробижева, А. А. Сусоколов, *ЭТНОСОЦИОЛОГИЯ* (Москва: 1999).

programming in Albanian, Turkish, Vlach, Romany, and Serbian.²²

- The urbanization rate among ethnic groups is unbalanced. The Macedonians and Roma are mainly concentrated in the urban areas, Albanians and Turks being concentrated mostly in rural areas.²³

- The unemployment rate is differentiated (%): Macedonians 27.7, Albanians 51.8, Turks 16. 2, Roma 71.6.²⁴

- The illiteracy rate is significantly different within the ethnic groups (%): Macedonians (women 12.2, men 4), Albanians (women 26.7, men 10.1), Turks (women 30.0, men 12.5), and Roma (women 53.1, men 24.6).²⁵

The Macedonian state provides equal chances for each its citizen. Theoretically, the ethnic groups have equal chances to integrate in the social and economical sphere. In practice, the data show that there is a high level of differentiation which determines the social and economical segregation of the ethnic groups and

²² Ibid., *Freedom House 2007*.

²³ Ibid., Courbage, *Censuses, Elections and Population*, 425.

²⁴ Ibid.

²⁵ Ibid.

predispose them to occupy different comparing with ethnic Macedonians, societal niches.

Certain ethno-sociologists consider that the tendency to equalize the relations between ethnic groups, paradoxically, make these relations more tensioned. The cause is that the "dominant" ethnic group should "cede" their positions, and the new ethnic group/groups try to raise its social status and appears with new necessities and claims which are threatening the authority of the initial group. The same situation can be noticed in Macedonia. The constant fight of the ethnic Albanians for their cultural and political rights seems to give results. Under the pressure of the international bodies, the Macedonian government is imposed to respect and adopt legislation that complies the rights of each ethnic community. On the other side, the ethnic Macedonians revolt because they feel that lose their "status" and "advantages" of the main and biggest ethnic group of the country.

The psychological and situational factors which determine the relations between the ethnic groups in Macedonia are influenced by the emotional and education barriers. The

conflict from 2001 produced a strong emotional and psychological impact among the ethnic groups in Macedonia. The Ohrid Framework Agreement is used by politicians as a psychological instrument of manipulation, interpreting and stipulating with its content. Periodically some politicians will say that the Ohrid Framework Agreement is flawed, or the authorities should stop its implementation, etc.²⁶ All these and other facts, mostly artificially created by politicians are playing with people's emotions and ethnic pride, moving ethnic groups to segregation.

The language and cultural questions are perceived as a win-lose situation. As an example is the case from June 2004. The government led by Branko Crvenkovski agreed to recognize the long-disputed Tetovo University, with a primarily ethnic Albanian student body, as the third state university in Macedonia. Ethnic Albanians have claimed that the university is needed to give them more access to higher education in

²⁶ Highbeam Business, "Albanian Press in Macedonia articles from August 2009," <http://business.highbeam.com/articles/436248/albanian-press-macedonia/august-2009>.

Macedonia. Ethnic Macedonians maintain that the exclusively Albanian-language University will increase ethnic segregation in the country and become a hotbed for Albanian separatism.²⁷

According to the Russian scientist G. U. Soldatova, there are specific emotional behaviors which increase the inter-ethnic tensions: the homogenization of the group representatives, and the enhance of the groups differences; the raise of the ethno-cultural boundaries (positive self-appreciation of the ethnic groups), the temptation to find a culpable based on the ethical reasons; the transfer of the economical, political, and social problems on certain ethnic groups, trying to search the clause outside, rather than within. The Macedonian society tends to develop isolated ethnic communities. The ethnic representatives limit their interaction. The political and social contacts are generally contentious.

²⁷ Freedom House, "Country Report: Macedonia 2004," <http://www.freedomhouse.org/template.cfm?page=2&year=2004&country=2975> (accessed March 3, 2010).

As an example is the claim of the ethnic Albanian politicians, to change the boundaries of the regions, municipalities, in order to obtain political and leadership benefits (to be able to have their mayors, bureaucrats etc.).²⁸ The ethnic Macedonians oppose to these demands. Also as a more recent event is the declaration Prime Minister Nikola Gruevski who called early elections for June 2008, arguing that the opposition was blocking reforms and damaging the country's chances of joining NATO and the EU. The elections were widely seen as the worst since country's independence.²⁹

The ethnic relations in Macedonia during the last twenty years passed through many situations and stages. Analyzing the ethnic interactions in Macedonia since its independence until the moment of our research through the

²⁸. Svetomir Škaric. "Ohrid Agreement and Minority Communities in Macedonia." *Prospects of Multiculturalism in Western Balkan States* (Ethnicity Research Center, Friedrich Ebert Stiftung), 2004: 11-17.

²⁹. Freedom House, "Country Report: Macedonia 2009," <http://www.freedomhouse.org/template.cfm?page=2&year=2009&country=7651> (accessed March 3, 2010).

"conflict theory"³⁰, the following stages can be proposed:

- 1991 – 1994: Latent conflict

First years of independence, disputes between political parties because of the preamble of Constitution; 1992 – unofficial referendum among ethnic Albanians shows overwhelming wish for their own territorial autonomy.³¹

- 1995 – 1998: Emergence

The ethnic groups came with cultural and political requests; violent confrontations between civilians; political tensions based on ethnic reasons; tensions around the "minority flag" and "language" disputes. First serious attempts of ethnical segregation and isolation.

- 1998 – 1999: Escalation

³⁰. Eric Brahm, "The Beyond Intractability Knowledge," September 2003, <http://www.beyondintractability.org/action/essay.jsp?id=28816&nid=1068> (accessed March 24, 2010).

³¹. BBC News, "Timeline: Macedonia," http://news.bbc.co.uk/2/hi/europe/country_profiles/1410364.stm (accessed March 24, 2010).

Thousands of ethnic Albanians gather in Skopje in support of ethnic Albanians in Serbia. NATO begins bombing campaign against Yugoslavia over its treatment of Kosovo Albanians.³² Tensions around Serbia and Kosovo; flood of refugees from Kosovo; NATO intervention in Kosovo.

- 2000 – 2001: (Hurting) Stalemate

The social and political conflicts are transposed in the military confrontations between National Liberation Army, other radicals claiming political rights and the military forces of Macedonian Army. Government and rebels sign western-backed Ohrid peace agreement (Ohrid Framework Agreement) involving greater recognition of ethnic Albanian rights in exchange for rebel pledge to hand over weapons to NATO peace force. In September 2001 NATO carries out month-long Operation Essential Harvest to disarm rebels. In November 2001 Parliament

³². Ibid.

approves new constitution incorporating reforms required by the Ohrid Framework Agreement.

- 2002 – 2003: De-Escalation

Ratification of the Ohrid Framework Agreement. The European Union takes over peacekeeping duties from NATO. Macedonia and European Union signed Stabilization and Association Agreement (considered the first step toward full EU membership); the reformation of the public institutions starts. In January 2002 the Macedonian Parliament cedes more power to local government to improve status of ethnic Albanians.

- 2004 – 2006:

Settlement/Resolution

By 2004, the government had implemented all but one of the major reforms required by the Ohrid accords—a plan devolving powers from the government in Skopje to local municipalities, along with a redrawing of the capital's boundaries to increase the number of

ethnic Albanians living in the city.³³ Macedonia's most important political and social challenge is satisfying the demands of the ethnic Albanian minority for a more privileged status within the country. Many Albanian rebel groups still remain active in the country. In July 2004 thousands of Macedonians protest against proposals to redraw municipal borders and give minority ethnic Albanians more power in certain areas. In August at the same year, Parliament approves legislation amending the Law on territorial organization and decentralization giving ethnic Albanians and other minorities greater local autonomy in areas where they constitute more than 25%. In March 2005 first local elections since municipal boundary changes, pass off without major incident, although international observers report some irregularities and intimidation. In July 2005, Parliament passes law giving Albanians the right to fly the Albanian flag in districts where they form the majority. In December 2005, Macedonia becomes a candidate for EU membership.

³³. Ibid.

- 2008 – present: Post-Conflict Peacebuilding and Reconciliation

Macedonia recognized the independence of neighboring Kosovo in October 2008. The country remains an ethnically segregated society, with the two main ethnic groups largely living in different areas and attending different schools.

Since its independence, Macedonia faced with challenges which threatened its existence as an independent state. The specific of the region, and complex relations with its neighbors, placed Macedonia in difficult situations through the years. The dynamics of the ethnic perceptions was strongly influenced by internal, but mainly external factors: war in Kosovo, flood of refugees, interventions of NATO, economical embargo, name dispute, political conflicts, extremists movements, etc. The political and cultural proximity with European Union will decrease the ethnic tensions between ethnic Macedonians and Albanians. The statute of EU candidate country and visa liberalization, are serious signals from EU to encourage the permissive policy towards

ethnic groups. Also, the common idea of European membership adopted by major political parties is a political direction which will distract and diminish the attention of people from ethnic antagonism.

BIBLIOGRAPHY

- Balogh Andras. National Minorities and International Security. *Review of International Affairs*. 44 (1994) 1023. 24 - 27.
- Baskin Mark. Crisis in Kosovo. *Problems of Communism*. 32 (1983) 2.
- BBC News. Timeline: Macedonia. http://news.bbc.co.uk/2/hi/europe/country_profiles/1410364.stm (accessed March 24, 2010).
- Brahm Eric. The Beyond Intractability Knowledge. September 2003. <http://www.beyondintractability.org/action/essay.jsp?id=28816&nid=1068> (accessed March 24, 2010).
- Brunnbauer Ulf. The Implementation of the Ohrid Agreement: Ethnic Macedonian. University of Graz, Austria, Center for the Study of Balkan Societies and Cultures, 1/2002, 16.
- Central Intelligence Agency. The World FactBook. Macedonia. <https://www.cia.gov/library/publications/the-world-factbook/geos/mk.html> (accessed February 23, 2010).
- Center for Documentation and Information on Minorities in Europe - Southeast Europe. *Minorities in Southeast Europe. Albanians of Macedonia*. April 2002, 38.
- Constitution of the Republic of Macedonia. Assembly of the Republic of Macedonia. <http://www.sobranie.mk/en/default.asp?ItemID=9F7452BF44EE814B8DB897C1858B71FF> (accessed March 1, 2010).
- Courbage Youssef. Censuses, Elections and Population: the Case of Macedonia. *Population (english edition)* (Institut National d'Etudes Démographiques). 58 (April 2003): 426-450.
- Dumbrava Costica. EUDO CITIZENSHIP. *EUDO CITIZENSHIP observatory website*. http://eudo-citizenship.eu/docs/Costica_Dumbrava.pdf (accessed March 24, 2010).
- Eriksen Jens-Martin. Culturalism: Culture as Political Ideology. <http://www.eurozine.com/articles/2009-01-09-eriksenstjernfelt-en.html>.
- Esman Milton J. Political and Psychological Factors in Ethnic Conflict. *Conflict and Peacemaking in Multiethnic Societies*. Toronto. 1990.
- Freedom House. Country Report: Macedonia 2007. <http://www.freedomhouse.org/template.cfm?page=363&year=2007&country=7220> (accessed March 3, 2010).
- Highbeam Business. Albanian Press in Macedonia articles from August 2009. <http://business.highbeam.com/articles/436248/albanian-press-macedonia/august-2009>.
- International Crisis Group. Macedonia Report: The Politics of Ethnicity and Conflict. *European Report* Number 26. 1997. 10.
- McRae K. D. Conflict and Compromise in Multilingual Societies. Belgium. Waterloo: Wilfrid Lauriel University Press. 1986.
- Makfax. Албанска Македонија одговор на Македонската енциклопедија. http://www.makfax.com.mk/_tools/article/94208/view.
- Rabie Mohamed. Conflict Resolution and Ethnicity. Westport. Conn.: Praeger. 1994.
- Simoska Emilija. Macedonia: a view on the inter-ethnic relations. *Journal of International Affairs Perceptions*. Volume II (June – August 1997): 2.
- Škaric Svetomir. Ohrid Agreement and Minority Communities in Macedonia. *Prospects of multiculturalism in western Balkan states* (Ethnicity Research Center). 2004: 11-17.
- The Democratic Union for Integration. Bashkimi Demokratik për Integrim. "Political Program." 2009. <http://www.aliahetmeti.org/dokumente/programi09.pdf>.
- U.S. Committee for Refugees and Immigrants. World Refugee Survey. USCRI. 2003.

ANALYTICA INTERNS YEARBOOK 2010

<http://www.refugees.org/countryreports.aspx?id=394> (accessed February 24, 2010).

U.S. Department of State. Macedonia Country Report on Human Rights Practices for 1996. Bureau of Democracy, Human Rights, and Labor, January 30, 1997.

VMRO-DPMNE. Program of VMRO-DPMNE for Rebirth 2008 – 2012.”
<http://www.vmro-dpmne.org.mk/Dokumenti/Programa%202008%20EN%20WEB.pdf>.

Ю. В. Арутюнян, Л. М. Дробижева, А. А. Суколов. *ЭТНОСОЦИОЛОГИЯ*. Москва. 1999.

Чочевски Александар. Црквата и Александар Велики предвидени со проектот Скопје 2014.
http://www.makfax.com.mk/_home/home#_tools/article/98519/view.



Name: **Benjamin Mols**

European Master in Human Rights & Democracy in South East Europe

Degree/s: Master in European Law
Master in History

Country: Belgium

E-mail: benjamin.mols@gmail.com

TO BE OR NOT TO BE, THAT'S THE QUESTION. LESSONS AND PROSPECTS FOR THE OSCE, A NEGLECTED EUROPEAN SECURITY ORGANISATION

The word *decline* is often applied when describing the contemporary position of the *Organization for Security and Co-operation in Europe*¹. Although initial growths of influence and operational effectiveness, this organisation finally lost its effectiveness due *int.al.* the changing of the global security theatre, the broadening of the *Common Foreign and Security Policy*² and the eastward enlargement of the European Union; and the absence of international legal foundations under Article 102 of *the Charter of the United Nations*. Unlike its silent appearance, this decline of the OSCE undeniable matters within the European security

¹ Hereafter the Organization for Security and Co-operation in Europe will be referred to as OSCE.

² Hereafter the European Union's Common Foreign and Security Policy will be referred to as CFSP.

agenda. Nevertheless, interacting actors like the European Union and individual participating OSCE states, are underestimating the great value of the OSCE's institutional and operational framework. Consequently, a constructive common agenda in the reorientation of the OSCE could eventually resolve into a reversal of this decline and further strengthen the regional security.

If we look upon this *maladroit* contemporary perception, we may have to consider that the time has arrived to rediscover and / or refocus the OSCE position within the European security concept. The above illustrated competitive situation generated an intellectual dichotomy between political optimists and pessimists contributing to the future restructuring of the OSCE. Within this

ongoing debate a clear increasing tendency is growing to view the declining influence of the OSCE in direct parallel with the notion of European Union's *exclusivity right* on European security policies. In other words, the OSCE operational field could therefore be reduced to certain specific niche activities. Furthermore, the worst case scenario even includes prophecies of complete organisational abolishment.

Au contraire, with these pessimistic prophecies, more optimistic opinions are underlining the contributions of the OSCE within the historical European transformation during the last twenty years. Accordingly, they project the OSCE as an effective organisation working alongside the European Union on a constructive multilateral level. Reconsidering and reframing

the organisation in accordance to its contemporary needs and future prospects, is therefore by them being seen as the main instrument to ensure future OSCE existence.

To understand this debate and its connection with the European Union and the Western Balkans, this article further delineates the current institutional and operational crisis of the OSCE. Therefore, this article seeks to understand the dichotomy between the two future concepts of *abolishment of the OSCE* or *restructuring*. Further, it attempts to discover if the case studies of Bosnia and Herzegovina, and Kosovo could serve as new intellectual and practical platforms to reveal constructive lessons and prospects. By introducing these two long standing missions in the ongoing debate, we could discover the underlying reasons for existence and reveal new insights on how to redevelop its operational and institutional framework.

Two major research questions have developed out this ongoing OSCE-debate, which have further guided this article. First, we will

question the future perspectives of the OSCE as a necessary European security organisation, and how underlying pro's and contra's within this crisis assumption could help us understand the contemporary crisis of this organisation. Accordingly, we must question ourselves if we can transpose this institutional crisis to the regional context of the Western Balkans. In this particular setting we can speculate that the debate on the OSCE is transposable to the applied case studies of Bosnia and Herzegovina, and Kosovo. This with the large regional presences of the European Union as the main indicator for the ongoing decline of the OSCE.

Therefore, this article will be divided into two chapters. In order to give us a rudimental understanding on the ruling debate, *Chapter one* will set out a brief context of the past and current positioning of the OSCE. The second section of this chapter will focus on creating a working terminology on the recent competitive crisis situation. Alongside, it will further expose the institutional and juridical weaknesses of the OSCE and the important role

of the European Union. Two main argumentations will be used to explain this situation: *preservation of the OSCE* or *restructuring and refocusing*.

Chapter two will focus on the OSCE *vis-à-vis* Bosnia and Herzegovina, and Kosovo. The first part of this chapter will develop a case study based insight on the current OSCE-debate. In accordance, this chapter will aim to introduce the most prominent actors and main argumentation for transposing the current crisis setting to the operational theatre of the Western Balkans. The second part will deal with noticeable underlying regional factors of the OSCE's decline, and further highlights the overlapping elements of the OSCE's regional operational field in parallel with the European Union.

To reach these goals, this article is founded upon an integrated approach combining primary and secondary sources on legal and political aspects of the OSCE and its presence in Bosnia and Herzegovina and Kosovo. In line with this, primary sources *e.g.* working documents, treaties, progress reports and strategy papers will form the basis of this research. To support this

claim, a range of opinions on the position of the OSCE are applied. Relevant secondary literature must be found by prominent authors *e.g.* P. Van Ham, M. Odello, S. Biscop, V.Y. Ghebali and D.J. Galbreath.

1. *Quo Vadis* OSCE?

In 1713, French³ clergyman Abbé de Saint-Pierre published his polemical essay: '*Project Pour Render la Paix Perpétuelle en Europe*'. In this breaking essay he attempted to elaborate the ruling European pacifistic and humanistic *zeitgeist*, which flourished during the newly increased positivist atmosphere in the wake of

³ In the Anglo-Saxon hemisphere we can notice a similar approach from the works of William Penn, who described the urge for a pan-European organisation of independent states. In his work '*Present and Future Peace of Europe*', he created a list of proposals incorporating a platform for collective security in Seventeenth and Eighteenth Century Europe. - For a wider insight on the history of the concept of collective security see: Danchin, P.G. "Things Fall Apart: The Concept of Collective Security in International Law." ch. 1 in Danchin, P.G. and Fischer, H., eds. *United Nations Reform and the New Collective Security*, Cambridge, Cambridge University Press, 2009.

the Peace of Westphalia (1648)⁴ and the early writings of upcoming enlightened philosophers. Therefore, Abbé de Saint-Pierre advocated the establishment of a religious and political independent organisation. This, one might suggest, seventeenth century European League of Nations could successfully address on problematic cross-border topics, such as continental stability and safeguarding a *Pax Europaea*.⁵

This atypical concept of *collective security* was intensively examined by Abbé de Saint-Pierre and his contemporaries. Eighteenth Century French philosopher Jean-Jacque

⁴ The Peace of Westphalia implies to the double conference between the main European Seventeenth Century powers, which ended the Thirty- and Eight Years' Wars. Besides the settlement of both military conflicts, this event is often seen as the first true modern diplomatic event. Initiating a system of international agreements as the new ruling *code of conduct* of international relations, created it a way to introduce the idea of a *sovereign* independent state with a clearly defined *limited* territorial scope of intervention.

⁵ Danchin, P.G. "Things Fall Apart: The Concept of Collective Security in International Law." ch. 1 in Danchin, P.G. and Fischer, H., eds. *United Nations Reform and the New Collective Security*, Cambridge, Cambridge University Press, 2009, 46-48.

Rousseau, reaffirmed in his '*Jugement du Projet de Paix Perpétuelle de Monsieur l'Abbé de Saint-Pierre*', the advantages to such a *collective security* initiative. Nevertheless, he argued that in the long run inconsistencies - *e.g.* misuse by participating states, the absence of a clear champion and the endorsement of sovereignty principle - would undermine the initial *collective security* initiative.

Remarkably enough, can we transpose this Eighteenth Century discussion to our contemporary debate on the OSCE's future. Finding its roots in the will to enhance the dialogue during the heated *Cold War*, the OSCE - or CSCE at that time⁶ - advocated the establishment of an intermediate early warning *forum* to safeguard the delicate European security equilibrium. Although initial successes and accomplishments, Rousseau's prophesy of an inevitable decline, eventually became an impractical fact.

⁶ Before the far-reaching institutionalisation process' - consolidated during the Budapest Summit of 1994 - the OSCE was referred to as the *Conference on Security and Co-operation in Europe*.

To present an objective insight on the current debate on the OSCE's future, we will offer an introductory overview on its history and operational scope. Accordingly, in the light of further usages in this paper, we will touch upon the main applied argumentations underlining the concept of the *OSCE in crisis*.

1.1. Acknowledgements and Prospects on the Contemporary Position of the OSCE

'Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.'

Article 52 § 1 of the *Charter of the United Nations*⁷ must be seen as the main inspirational juridical foundation for the establishment of the OSCE. Bringing these security concepts out the exclusivity scheme of the United Nations, it generated a possibility for the establishment of a pan-European security organisation. Furthermore, as a result of the *Ostpolitik*⁸ during the mid-Seventies *Cold War détente*, both ideological blocs and neutral European states finally elaborated on collective opportunities to guarantee regional stability without relapsing into a sovereignty deadlock.⁹

Accordingly, with the adaptation of the *Helsinki Final Act* in 1975, this collective

⁷ U.N. CHARTER, art.52, para.1.

⁸ The term *Ostpolitik* finds its origin in the rapprochement policies of Willy Brandt, Chancellor of the Federal Republic of Germany during the seventies. This collaborative approach on the relationship *vis-à-vis* the Soviet Bloc and especially the German Democratic Republic, is often seen as the main catalyst in defrosting the relationship between West and East.

⁹ Odello, M. "The Organization for Security and Co-operation in Europe and European Security Law." ch. 13 in Trybus, M. and White, N., eds. *European Security Law*, Oxford, Oxford University Press, 2007, 296-297.

adoration for regional security was confirmed with the establishment of the *Conference on Security and Co-operation in Europe*.¹⁰ While balancing a fragile equilibrium among East and West, the CSCE was able to create European forum for interstate dialogue based on - like formulated in the *Helsinki Final Act* - the reconfirmation of '*each other's sovereign equality*'¹¹ and '*the right freely to choose and develop its political, social, economic and cultural systems*'.¹²

Eventually, the signing of the *Helsinki Final Act* did not only resolve into the instatement of recurring conferential *fora*, but also broadened the narrow security concept primary based on collective defence policies. Accordingly, a three-dimensional security mechanism was adopted, founded upon three dimensions or *baskets*¹³: (a)

¹⁰ Hereafter the Conference on Security and Co-operation in Europe will be referred to as CSCE.

¹¹ CSCE Participating States, *Final Recommendations of the Helsinki Consultations, Helsinki, 1975*, 6.

¹² *Ibid.*, 6.

¹³ Originally the politico-military *basket* included cooperation and dialogue in security and crisis management, arms control and disarmament. Nevertheless, due the security focus changes of the

politico-military, (b) economic-environmental and (c) humanitarian. This structural *troika* would offer a wide array of co-operational scopes - *e.g.* scientific, economic and cultural cooperation, and common safeguards concerning human rights and the rule of law - wherein the CSCE could bring about his conflict prevention tasks.¹⁴

During the early nineties - after the end of the *Cold War* - drastic ideological reorientations of Central and Eastern Europe states generated an empirical vacuum in the collective approach to European security.

late nineties, transnational security threats *e.g.* terrorism and organised criminal activities were also include. The humanitarian *basket* is founded on the collective protection and promotion of the concepts of freedom of media and education, rule of law, democracy and human rights. Thirdly, the economical and environmental involves the initial aim for a secure and effective economic transitions of the newly independent Eastern European states. These three OSCE baskets are wider discussed in: Galbreath, D.J. *The Organization for Security and Co-operation in Europe*, London, Routledge Global Institutions, 2007; and X. *OSCE Handbook*, Vienna, OSCE, 2007.

¹⁴ Dunay, P. *The OSCE in Crisis - Chaillot Paper No.88*, Paris, Institute for Security Studies, 2006, 19-20.

Accordingly, the OSCE - as one of the first international organisations - concluded that the modern European security concept comprehended a secure and stable transition of Eastern and Central European states to well-governed democratic entities. With the adaptation of - successively - the *Charter of Paris for a New Europe*¹⁵ (1990), the *Helsinki Document*¹⁶ (1992), the *Budapest Document*¹⁷ (1994) and the *Lisbon Document*¹⁸ (1996); the OSCE strived to generate an extensive *instrumentarium* and *modus operandi* to successfully encounter the unfolding European transition processes.¹⁹ The *Charter of Paris for a New Europe* formulated these *au courant* holistic approaches as such: 'Full

¹⁵ CSCE Participating States, *Charter of Paris for a New Europe 1990*, Paris, 21 November, 1990.

¹⁶ CSCE Participating States, *The Final Document of Helsinki 1992 - The Challenges of Change*, Helsinki, 10 July 1992.

¹⁷ CSCE Participating States, *CSCE Budapest Document 1994 - Towards a Genuine Partnership in a New Era*, Budapest, 5 December 1994.

¹⁸ OSCE Participating States, *The Final Document of Lisbon 1996*, Lisbon, 3 December 1996.

¹⁹ Galbreath, D.J. *The Organization for Security and Co-operation in Europe*, London, Routledge Global Institutions, 2007, 42-47.

*implementation of all CSCE commitments must form the basis for the initiatives we are now taking to enable our nations to live in accordance with their aspirations*²⁰

A long side these deviations in the internal *Code of Conduct*, the OSCE finally envisioned the opportunity to evolve from its conferential non-binding *talking barrack* framework, and established specific multi-level institutions²¹ and field operations.²² In retrospect, this evolutionary stage might well been determined as a compelling attempt to propagate a *finalité intérieure et extérieure*, in order to safeguard its *raison d'être*.

²⁰ CSCE Participating States, *Charter of Paris for a New Europe 1990*, Paris, 21 November, 1990, § 4.

²¹ Brief intro institutions

²² Galbreath, D.J. *The Organization for Security and Co-operation in Europe*, London, Routledge Global Institutions, 2007, 46-48.

1.2. *Survival of the Fittest for the OSCE?*

Although the above mentioned preceding successes, the OSCE has not been successfully forthcoming in accordance to the new threats and challenges of the Twenty-First Century like terrorism and organised crime, the resurgence of tensions among its participating states and the malfunctioning relations with other European organisations. The last OSCE summit in Istanbul (1999) underlined these recapitulated intentions concerning regional security, and likewise ventured a strengthening of its operational *elbowroom*, in order to cope with this diverged European security climate. Consequently, the adopted *Charter for European Security*²³ acknowledged these incentives by generating a greater multilateral approach on certain topics

²³ OSCE Participating States, *The Final Document of Istanbul 1999 - Charter for European Security*, Istanbul, 19 November 1999.

which might threaten European stability and security.²⁴

Several authors have noticed this problematic *au courant* positioning of the OSCE and have contributed in the ongoing debate. A remarkable fact, is that the vast majority of these authors are sharing the same positive view and *'are unanimously in favour of the revitalisation of the organisation'*²⁵. By sharing the opinion of an *optimal option*²⁶ - of an urgent structural reconsidering and refocusing of the organisation, to specific niches in addressing certain categories of threats on an intermediate level - these scholars collectively

²⁴ Odello, M. "The Organization for Security and Co-operation in Europe and European Security Law." ch. 13 in Trybus, M. and White, N., eds. *European Security Law*, Oxford, Oxford University Press, 2007, 298-301.

²⁵ Dunay, P. *The OSCE in Crisis - Chaillot Paper No.88*, Paris, Institute for Security Studies, 2006, 8.

²⁶ Zellner, W. *Working Paper 13 - Managing Change in Europe: Evaluating the OSCE and its Future Role - Competencies, Capabilities and Missions*, Hamburg, Centre for OSCE Research, 2005, 25.

underlined the necessity of OSCE presence within the European security environment.

Nevertheless, we have to consider this decline as not exclusively linked with the ongoing focus changes in European security.²⁷ Moreover, the OSCE finds itself in a multileveled crisis, in which the following three issues²⁸ are effecting the future functioning of the organisation: (a) the

²⁷ Although the fact that the decreasing number of European conflicts are a clear proof the OSCE's effectiveness, it also means a possible decrease in reasons of existence. Furthermore, with the current extra-European approach on conflicts, an international security organisation dealing with an exclusive intra-European focus will decline in importance.

²⁸ We might consider the current enlargement of the NATO as a fourth reason of the OSCE's decline. Nevertheless, we have to underline the foundational differences in both organisations. The NATO is an international organisation which deals with *collective defence*. On the contrary, the OSCE deals with *collective security* and clearly defers with the NATO. A comprehensive approach on this matter can be found in: Van Ham, P. "EU, NATO, OSCE: Interaction, Cooperation and Confrontation." ch. 2 in Hauser, G. and Kernic, F., eds. *European Security in Transition*, Aldershot, Ashgate Publishing, 2006, 23-38.

absence of international legal foundations, (b) the heated and unsuccessful relationship with the Russian Federation²⁹, and (c) the increasing competition³⁰ with the European Union.

The absence of international juridical foundations within the OSCE's *soft law* approach is a long standing issue of discussion among its participation states. For years, several

²⁹ In this paper we will particularly focus on the difficult relationship with the European Union. Therefore, the relationship with the Russian Federation and the absence of juridical foundation will only be rudimental applied in this study. For further information I would refer to: Manton, E. "The OSCE Human Dimension and Customary International Law Formation." ch. 17 in *OSCE Yearbook 2005*, Hamburg, Institute for Peace Research and Security Policy, 2005, 195-214; and Shostov, V. "OSCE's Place in Europe's Architecture.", *International Affairs* 48, n° 1 (2002), 38-48.

³⁰ Although the main paper focus is the competition factor between both organisations, is it noticeable to briefly touch upon some correlating influencing facts. First, we have to underline that the majority of the states participating in OSCE are also European Union members, or having a close corporative relationship due the future prospective of full European Union integration. Second, we have to point out the OSCE dependence of the European Union on budgetary level, there the European Union provides more than 70% of the OSCE's annual budget, and substantial parts of its extra-budgetary needs, *e.g.* personal, logistics, etc.

participating states have pointed out that OSCE documents have to be understood as international *soft law*. According to this argument, the collective adopted regulations are clearly not part of the ruling international common law, and have to be considered as legally non-binding recommendations.³¹ Consequently, this juridical dichotomy generated a policy making deadlock which not only harms the working environment of the OSCE, but moreover severely undermines a possible institutional transformation of the OSCE.³²

³¹ Manton, E. "The OSCE Human Dimension and Customary International Law Formation." ch. 17 in *OSCE Yearbook 2005*, Hamburg, Institute for Peace Research and Security Policy, 2005, 196-201.

³² Nevertheless, we have to underline that other OSCE members are referring to OSCE's *soft law* as a clear example of an *opinio juris sive necessitates*. Herein, participating states will aspire to implement the regulations in the best possible way. Therefore, it will indirectly create an demanding atmosphere in the face of correct implementation. In the light of this *soft law* discussion, the International Court Justice argued in the Nicaragua versus United States of America Case (1986), that the *opinio juris* argumentation can be applicable to international soft law. - For a wider insight in the juridical aspect of collective security initiatives see: Koskeniemi, M

Second, the unsuccessful relationship with the Russian Federation finds its origin in the Russian attempts to reconsolidate its influence in former Soviet Republics. OSCE presence in *e.g.* Ukraine, Georgia and Kyrgyzstan; is therefore been seen by the Russian Federation as a cardinal threat in accordance to its own regional aspirations. Furthermore, negative OSCE election reports - which strongly opposed Russian interference during electoral campaigns in Belarus, Moldova and Ukraine - further supported the Russian beliefs of being silently encircled by anti-Russian entities.³³ As a result of these negative OSCE-perceptions, Russia has been held responsible for applying obstructive external policies, which clearly endangers the future OSCE presence in fragile regions like Caucasus and Central Asia.

Regarding the European Union, we have to consider the formulations of Javier Solana -

"The Place of Law in Collective Security" ch. 1 in White, N.D., ed. *Collective Security Law*, Aldershot, Ashgate Publishing, 2003.

³³ Dunay, P. *The OSCE in Crisis - Chaillot Paper No.88*, Paris, Institute for Security Studies, 2006, 55-59.

applied in his speech addressed to the OSCE's permanent Council in 2002 - that both organisations 'have a common future, as we have had a common past.'³⁴ Nevertheless, these pleasing words are not a clear projection of the contemporary reality. Since the adaptation of the Maastricht Treaty in 1994, the European Union has gone through a clear expansion process, increasing both its number of member states - expanding its territory eastwards with former states of the Soviet-Bloc - and its CFSP. This generated an uncomfortable situation where the European Union tend to overlap the OSCE in several areas. Moreover, while the latest enlargements of 2004 and 2006 incorporated major parts of the former COMECON-region, developed the in 2004 adopted European Union's *Neighbourhood Policy*³⁵ a *tool box* for intense cooperation with former Republics of the Soviet Union.

³⁴ Solana, J. Address to the Permanent Council of the Organization for Security and Co-operation in Europe, Vienna, 25 September 2002.

³⁵ COM (2004) 373 def., Communication from the Commission, European Neighborhood Policy: Strategy Document, Brussels, 12 May 2004.

Besides, this territorial overlapping in regions where the OSCE '*had hitherto enjoyed a kind of monopoly*'³⁶, the competencies of the strengthened CFSP further tends to overlap with the three operational *baskets* of the OSCE. Concerning the humanitarian *basket* we have to consider that the *Charter of Fundamental Rights of the European Union*³⁷ - enforced by Article 6 EU³⁸ - underlines the European Union's aspirations - as set out in Article 2 EU³⁹

³⁶ Zellner, W. *Working Paper 13 - Managing Change in Europe: Evaluating the OSCE and its Future Role - Competencies, Capabilities and Missions*, Hamburg, Centre for OSCE Research, 2005, 14.

³⁷ See: Charter of Fundamental Rights of the European Union, *O.J.* C364/01 of 18 December 2000.

³⁸ Consolidated Version of the Treaty on European Union, *O.J.* C115/47 of 9 May 2008, Article 6. (hereafter EU)

³⁹ Article 2 EU formulates: '*The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.*' In addition, Article 49 EU incorporate these values in the relationship vis-à-vis candidate member states. See: Smith, K.E. *European Union Foreign Policy in a Changing World*, Cambridge, Polity Press, 2008.

- to present itself as *the* world leader in promoting and protecting human rights. Furthermore in 1994, the European Union - on the initiative European Parliament - created the *European Initiative for Democracy and Human Rights*⁴⁰, which cooperates intensively with other programmes *e.g.* CARDS, PHARE, MEDA and TACIS, to apply human rights and democratic standards in third countries.⁴¹

Similar elements of competition are noticeable within the OSCE's Politico-Military *basket*. Since the adaptation of the European Security Strategy⁴² in 2003, the European Union finally established a new security platform which incorporated high standards of protection in the

⁴⁰ The Legal base of EIDHR goes back to the adaptation of Council Regulations (EC) n° 975/1999 and (EC) n° 976/1999.

⁴¹ Fries, S. "Conflict Prevention and Human Rights." ch. 11 in Kronenburger, V. and Wouters, J., eds. *The European Union and Conflict Prevention: Policy and Legal Aspects*, The Hague, Asser Press, 2004, 237-252.

⁴² '*A Secure Europe in a Better World - European Security Strategy*', adopted by the *European Council* on 12 December 2003, Brussels, Bulletin, 2003, n° 12. See: Biscop, S. *The European Security Strategy: a Global Agenda for Positive Power*, Aldershot, Ashgate Publishing, 2005.

fields of *e.g.* fundamental rights, fight against terrorism, migration management, fight against organised crime, information security, rule of law, and border security. A proof of the Union's endorsement to practice this multilevel security approach can be found in the acceptance of a specific security action plan by the European Council in December 2005: *A Strategy on the External Dimension of the Area of Freedom, Security and Justice*.⁴³ The introduction of this action plan finally generated a new foreign security policy *instrumentarium*, wherein exclusive European Union's interventions like: European Police Missions, the Rapid Reaction Mechanism, EUJUST Missions and several state- or regional bounded border security programmes.⁴⁴

⁴³ COM (2005) 491, Communication from the Commission, A Strategy on the External Dimension of the Area of Freedom, Security and Justice, 12 December 2005.

⁴⁴ Bailes, A.J.K., Haine, J.Y. and Lachowski, Z. "Reflections on the OSCE-EU Relationship." ch. 4 in *OSCE Yearbook 2007*, Hamburg, Institute for Peace Research and Security Policy, 2007, 68-72.

2. Is the OSCE Having the Balkan Blues?

The Western Balkans, a troubled European region where the OSCE established its first, largest and longest field presence. Nearly two decades have passed since the decision of the Council of Senior Officials of 14 August 1992⁴⁵, which gave a green light for the *CSCE Mission of Long Duration in Kosovo, Sandjak and Vojvodina*. What followed was eighteen years of OSCE presence in the Western Balkans - during and after the armed conflicts - a clear necessity in assisting a peaceful regional transition process, and for both the OSCE and the Western Balkans a remarkable historical milestone. After the dramatic regional conflicts, the OSCE established a chain of individual missions in all former Yugoslav republics⁴⁶, and

⁴⁵ Fifteenth CSO Meeting, Prague, 13-14 August 1992, Decision on the Mission of Long Duration in Kosovo, Sandjak and Vojvodina.

⁴⁶ Although post-conflict settlements are not the direct *par exemple* working field of the OSCE - originally it concentrated itself on collective security by supporting states in political and economical transition - with the end of the Balkan Conflict the organisation also applied its working knowledge in establishing regional field missions. Except for the

accordingly supported the ongoing multileveled transformation process. Furthermore, to accomplish a sustainable and stable regional environment, the OSCE activities - in the fields of good governance, protection of human rights, education, security cooperation, etc. - were fully incorporated in a greater international framework.

Even though we cannot overlook the OSCE's regional realisations, we have to underline its current decline in influence on the region. On the contrary, organisations such as the *European Union* are steadily gaining greater influence. With several different international actors, with relatively comparable mandates and operating in close proximity, the prospect of

Republic of Slovenia, the OSCE established ten field missions in the Western Balkans, *int. al.* CSCE Mission of Long Duration in Kosovo, Sandjak and Vojvodina (1992-1993), the OSCE Spillover Monitor Mission to Skopje (1992), the OSCE Mission to Bosnia and Herzegovina (1995), OSCE Mission in Croatia (1996-2007), the OSCE Presence in Albania (1997), the Kosovo Verification Mission (1998-1999), the OSCE Mission in Kosovo (1999), the OSCE Mission to Serbia (2001), the OSCE Mission to Montenegro (2006), and the OSCE Office in Zagreb (2007).

duplication and overlapping often becomes an inconvenient truth. Particularly in the applied case studies of Bosnia and Herzegovina, and Kosovo, we notice a transposable complexity in the positioning of the OSCE. Although their resemblances, we can distinguish several clear differences in both cases *e.g.* their historical background, their political institutional framework and their relationship with the European Union.

Drawing on the above formulated typology, both cases can be applied as workable research platforms in examining the current decline of the OSCE. In order to elaborate the ongoing situation, this chapter will assess the current patterns of organisational decline in the comparing case studies. Further, it discusses whether and to what extent a policy overlapping with European Union, could further negatively afflict the regional positioning of the OSCE. The chapter first summaries briefly the nature of the current OSCE presence in both countries, and examines the visibility of a possible decline by comparing the fluctuations in the OSCE grant budgets and the number of its international

staff. The second part of this chapter offers a preliminary assessment on how the regional activities of the European Union are influencing the current presence and influence of the OSCE within the Western Balkans. Furthermore, it compares the nature of the operational overlapping *vis-à-vis* the European Union and comments these underlying causes for ongoing decline.

2.1. Past, Present and Future.

While concluding the 1992 *Helsinki Document*, the CSCE participating states demonstrated a clear apprehension towards the emerging ethnic violence in the Western Balkans. As a result of these dramatic historical facts, paragraph 13 of this document emphasises that '*for the first time in decades we are facing warfare in the CSCE region*'⁴⁷. Therefore, the document aspires to accentuate the

⁴⁷ CSCE Participating States, *The Final Document of Helsinki 1992 - The Challenges of Change*, Helsinki, 10 July 1992, § 13.

organisation cardinal role in advocating a collective peaceful European environment.

Consequently, the OSCE performances in Bosnia and Herzegovina were contiguously related with their previously declared prospects. Moreover, following the signing of the *Dayton Agreement* (1995)⁴⁸, the organisation reaffirmed in the *Lisbon Document* these expressed intentions '*...to realize our full potential for consolidating peace and prosperity in the entire OSCE region, as demonstrated by our combined efforts - through the OSCE and other relevant institutions - to forge a sustainable peace in Bosnia and Herzegovina*'⁴⁹.

The designation to the *OSCE Mission to Bosnia and Herzegovina*⁵⁰ in December 1995⁵¹ -

⁴⁸ General Framework Agreement for Peace in Bosnia and Herzegovina, Proximity Peace Talks. Wright Patterson Air Force Base, Dayton, Ohio, November 1-21, 1995.

⁴⁹ OSCE Participating States, *The Final Document of Lisbon 1996*, Lisbon, 3 December 1996, § 2.

⁵⁰ OSCE Permanent Council Decision No. 5, 25 October 1995, PC.DEC/5.

⁵¹ Previous to the establishment of the OSCE Mission to Bosnia and Herzegovina, the CSCE/OSCE was already

under the umbrella of the *Dayton Agreement* - was a clear illustration of these OSCE aspirations to play a key role in the regional stabilisation process. Within the *Dayton Agreement* the OSCE was awarded three specific fields of operation. Accordingly, the mandate comprises a multileveled interaction, involving: (a) the encouragement and support of the regional stabilisation process by security building initiatives and disarmament⁵²; (b) the setup of general elections and the creation of democratic governmental institutions⁵³; and (c) monitoring human rights⁵⁴ protection.⁵⁵ In the same matter

present in the region in the form of the *CSCE Mission in Sarajevo* which was supporting the set up of an *Ombudsman* institution in the Federation of Bosnia and Herzegovina - not including the territory of the Republika Srpska - . After signing the *Dayton Agreement*, the mission served as the main foundation of the succession missions and was fully absorbed into the greater OSCE Mission according the mandates of the agreement.

⁵² General Framework Agreement for Peace in Bosnia and Herzegovina, Proximity Peace Talks. Wright Patterson Air Force Base, Dayton, Ohio, November 1-21, 1995, Annex 1B, Art. II and IV.

⁵³ *Ibid.*, Annex III.

⁵⁴ *Ibid.*, Annex VI.

⁵⁵ Perry, V. "A Decade of the Dayton Agreement and the OSCE Mission to Bosnia and Herzegovina:

as during the pre-war developments, the OSCE was aiming to address the contemporary local security problems by applying a broad inter-levelled toolbox. In this case the current mission - alongside its core Dayton mandate - simultaneously touches upon delicate items such as education issues, military reform and media liberalisation.⁵⁶

The *OSCE Mission in Kosovo* originates its contemporary roots in the *United Nations Security Council Resolution 1244* of 10 June 1999. Nevertheless, we have to refer to previous OSCE interference *visa versa* the Kosovo issue. In 1992 the CSCE deployed the *CSCE Mission of Long Duration in Kosovo, Sandjak and Vojvodina* to avert a spillover effect during the ongoing conflicts in Croatia and Bosnia.⁵⁷ Besides this 1992 initiative - which was withdrawn the following year - the

Reflections and Prospects." *Helsinki Monitor* 16, no. 4 (2005): 298-300.

⁵⁶ X. *OSCE Mission to Bosnia and Herzegovina Factsheet*, 2008. <http://www.oscebih.org/documents/46-eng.pdf> (accessed 3 August 2010).

⁵⁷ Hansjörg, E. "The OSCE Mission in Kosovo." ch. 23 in *OSCE Yearbook 1999*, Hamburg, Institute for Peace Research and Security Policy, 1999, 283-284.

OSCE was actively involved into the Kosovo conflict during the pre-NATO intervention period. Consequently and anticipating in accordance with *United Nations Security Council Resolutions 1160* (1998)⁵⁸ and *1199* (1998)⁵⁹, the OSCE redeployed itself under the *Kosovo Verification Mission*⁶⁰. Nevertheless, this renewed initiative

⁵⁸ S.C. Res. 1160, (31 March 1998), U.N. Doc, S/RES/1160. - In this resolution, §7 is referring to the essence of OSCE participation in the settlement of the conflict, and underlines its historical presence during the Long Duration Mission.

⁵⁹ S.C. Res. 1199, (23 September 1998), U.N. Doc, S/RES/1199. - Remarkable in this resolution is that §5 calls upon the Serbian government to establish renewed constructive cooperation with regional experienced international organisations. Serbian President Slobodan Milošević, in order to avoid international isolation, approved renewed OSCE presence in Kosovo.

⁶⁰ OSCE Permanent Council Decision No. 193, 25 October 1998, PC.DEC/193. - The main mandate of the Kosovo Verification Mission was constructed around supporting and monitoring the temporary armistice of 1998. For more information on the *Kosovo Verification Mission* see: Czaplinski, W. "The Activities of the OSCE in Kosovo." ch. 2 in Tomuschat, C., ed. *Kosovo and International Community: a Legal Assessment*, The Hague, Kluwer Press, 2002, 37-44. and Loquai, H. "Kosovo - A Missed Opportunity for a Peaceful Solution to the Conflict." ch. 7 in *OSCE Yearbook 1999*, Hamburg, Institute for Peace Research and Security Policy, 1999, 79-90.

could either prevent further escalation of the conflict. Following, deteriorated security situation during March 1999, the OSCE even decided to withdraw its staff from Kosovo.⁶¹

Finally on 10 June 1999 - after two months of NATO military interference - Kosovo was put under international protection by the adaptation of *United Nations Security Council Resolution 1244* (1999)⁶². Furthermore, with the establishment of the *United Nation Interim Administration in Kosovo*⁶³, the international community provided an OSCE pillar within the UNMIK framework, and authorised the OSCE's leading role in the democratisation and institution building process of Kosovo. In July 1999, the *OSCE Mission in Kosovo*⁶⁴ introduced its multi-levelled mandate annexing: (a) the training of a new police force, and new juridical

⁶¹ Czaplinski, W. "The Activities of the OSCE in Kosovo." ch. 2 in Tomuschat, C., ed. *Kosovo and International Community: a Legal Assessment*, The Hague, Kluwer Press, 2002, 37-44.

⁶² S.C. Res. 1244, (10 June 1999), U.N. Doc. S/RES/1244.

⁶³ Hereafter the United Nations Interim Administration Mission in Kosovo will be referred to as UNMIK.

⁶⁴ OSCE Permanent Council Decision No. 305, 1 July 1999, PC.DEC/305.

and social-administrative staff; (b) supporting institution- and democracy-building, local media, NGO's and new political parties; the setup of general elections; and (c) protection and promotion of human rights, including the establishment of an Ombudsman.⁶⁵ As far as the OSCE presence in Kosovo after the unilateral declaration of independence (17 February 2008) is concerned, the OSCE keeps on fulfilling its UNMIK-mandate alongside the in 2008 established European Union EULEX mission.

Bearing in mind the annotation of the OSCE's recent positioning in *Chapter One*, we might assume that this decline is also noticeable in both field operations. Furthermore, in such period of increasing European Union interaction and renewed regional stabilisation, one might even expect a systematic withdrawal of the OSCE from the region. When phrasing this positioning once

⁶⁵ X. *OSCE Mission in Kosovo Factsheet*, 2009. http://www.osce.org/publications/mik/2009/04/37309_1273_en.pdf. (accessed 5 August 2010).

more as a decline in influence, we can apply in parallel the significant downturn in the missions grant budgets and the gradual withdrawal of international staff, as the two main indicators when postulating such a crisis assumption.

	Koso	Kos	Kos	Bos	Bos	Bos
	vo	ovo	ovo	nia	nia	nia
	200	200	200	and	and	and
	0	4	9	Her	Her	Her
				zeg	zeg	zeg
				ovi	ovi	ovi
				na	na	na
				200	200	200
				0	4	9
Bu	€ 88	€ 42	€ 26	€ 41	€ 19	€ 15
dg	273	661	910	670	453	160
et	200	500	000	800	000	900
In	453	256	244	- ⁶⁶	122	91
t.						
St						
aff						

⁶⁶ Unfortunately, we were not able to located concrete numbers of staff for the year 2000. Nevertheless, we might assume that it was of considerable size, comparing the number of staff in 2004.

Figure 1. Annual OSCE grant operational budget and number of international OSCE staff in Kosovo and Bosnia and Herzegovina, years 2000, 2004 and 2009.⁶⁷

Concerning the grant operational budgets, we discern a gradual reversion in supportive funds for both field operations. Comparing nowadays budgets, we conclude that since 2000 the OSCE budget decreased with seventy percent in Kosovo and sixty-four percent in Bosnia and Herzegovina. Likewise, the number of international staff undertook a similar significant downward movement between the years 2000 and 2009.

Both indicators are clearly underlining the foresaw decline in influence. Furthermore, when espousing a logical hypotheses for this phenomena, we first have to assume that with the gradual disappearance of highly qualified international OSCE employees, the organisation

⁶⁷ The number used in this figure original come from the OSCE Permanent Council Decision PC.DEC/331, PC.DEC/590 and PC.DEC/888; and OSCE Factsheets.

could encounter an internal brain drain and therefore could lose its achievability *vis-à-vis* the host state. Furthermore, the decreasing budgets are imposing further adversities in the effectiveness of the organisation its field operations. This reduced funding signifies smaller projects and thus could resolve in minor interest of the host states.

2.2. *European Union vs. OSCE - Alea Iacta Est?*

The European Union has a history of devoted involvement in the Western Balkans. Both through its CFSP activities and long-term assistance instruments, the European Union seeks to establish a stable environment to generate a successful regional accession policy.

Nevertheless, this close interaction with the Western Balkans states is not an exclusive recent phenomenon. The former Socialist Federal Republic of Yugoslavia was even the first Socialist state which signed a *Cooperation*

Agreement (1980)⁶⁸ - focused on trade, customs tariffs and technology - with the European Economic Community. Moreover during the late Eighties, Community experts considered Yugoslavia as a potential candidate member state in the foreseeable future. Unfortunately, this beneficial prospect of a forward European integration was abruptly obstructed by the disintegration of Yugoslavia and the escalating ethnic tensions during the early nineties.⁶⁹ Although, the powerlessness of the European Economic Community / Union during these

⁶⁸ This agreement signed in 1981 in Belgrade, allowed the European Economic Community and the Socialist Federal Republic of Yugoslavia to create a more closer economic cooperation. In addition, the European Community established a permanent delegation in Belgrade. Nevertheless, due to the outbreak of the Balkan wars, the European Community suspended the *Cooperation Agreement* in November 1991, by arguing a *clausula rebus sic stantibus* situation. See: Council Decision 91/586/EEC of 11 November 1991, adopted by the Council and the Representatives of the Governments of the Member States, suspending the application of the Agreements between the European Economic Community, its Member States and the Socialist Federal Republic of Yugoslavia, *O.J. L* 315/1, 15 November 1991.

⁶⁹ Blockmans, S. *Tough Love: The European Union's Relations With the Western Balkans*, The Hague, Asser Press, 2007, 114-115.

conflicts, we still have to recognise its efforts to developed particular tools to respond to the ongoing conflict, *e.g.* economic sanctions⁷⁰, monitoring missions⁷¹ and cooperation in peace enforcement.

⁷⁰ The European Community/Union applied a wide set of sanctions during course the Balkan wars. For example: Common Position 1999/273/CFSP, restricting the supply and sale of petroleum and petroleum products to Yugoslavia; Common Position 96/184/CFSP, concerning restricting measures in the arms exports to the former Yugoslavia; and Regulation (EC) n° 926/98 concerning the reduction of certain economic relations with the Federal Republic of Yugoslavia. - Further insights on these economic sanctions can be found in De Vries, A.W. "European Union Sanctions Against the Federal Republic of Yugoslavia From 1998 to 2000: A Special Exercise in targeting." ch 4 in Cortrigh, D. And Lopez, G.A. *Smart Sanctions: Targeting Economic Statecraft*, Oxford, Rowan & Littlefield Press, 2002, 87-108.

⁷¹ The European Community Monitoring Mission to Yugoslavia cannot be considered as a textbook example of a conflict prevention mission. Its role has to be found in the intensive reporting and screening of the conflict, to inform international actors like the European Community, NATO and the United Nations. Further, to supported the set up of an European Community observation missions to Yugoslavia, United Nations Security Council Resolution S/RES/713 of 25 September 1991., constructed the legal foundation for the establishment of the ECMM. - J. Wouters J. And T. Naert have focused in their works on these early European Union conflict prevention

After the dramatic events during the nineties, the European Union refocused its approach, and introduced an ambitious set of long-term association and pre-accession instruments to preserve a European future for the region. As a result of these aspirations, the European Union declared in 1999 that it *'will play a leading role in the establishment a Stability Pact for South-Eastern Europe'*⁷². Accordingly, with the creation of the *Stabilisation and Association Process*⁷³ the European Union commenced an ambitious

initiatives. See: Wouters, J. and Naert, T. "How Effective is the European Security Architecture? Lessons From Bosnia and Kosovo.", *International Comparative Law Quarterly* 50, 2001, 540-576.

⁷² Common Position 1999/345/CFSP of 17 May 1999, adopted by the Council on the basis of Article 15 of the Treaty on European Union, concerning a Stability Pact for South-Eastern Europe, *O.J.* L 133/1, 25 May 1999, Article1 §1.

⁷³ The *Stabilisation and Association Process* is the European Union the framework - presented on 29 May 1999 by the Commission with COM (1999) 235 - for coordinating an eventual accession of Western Balkan countries to the Union. During the Zagreb Summit (2000) and the Thessaloniki Summit (2003), the European Union and the Balkan states approved the creation of *ad hoc* initiatives *e.g.* European Partnerships, the Forum for the Western Balkans, etc.

action plan including *Stabilisation and Association Agreements*⁷⁴, the CARDS programme⁷⁵ and the possibility of signing *European Partnerships Agreements*.⁷⁶ Bearing in mind the size and impact of this overarching framework, we might assume that it is significantly illustrative for the ongoing European Union institution building *monopolisation* in the Western Balkans.⁷⁷ Symptomatic for this *monopolisation*, is the European Union's presence - and the absence of

⁷⁴ Council Regulation (EC) n° 533/2004 of 22 March 2004, on the establishment of partnerships in the framework of the stabilisation and association process, *O.J.* L 86, 24 March 2004.

⁷⁵ CARDS (Council Regulation (EC) n° 2666/2000) was until 2007 the single assistance framework, which repealed two previous financial assistance programmes for South Eastern European states, namely OBNOVA (Council Regulation (EC) n° 1628/96) and PHARE (Council Regulation (EEC) n° 3906/89). Since 2007 the Instrument for Pre-accession Assistance (Council Regulation (EC) n° 1085/2006) is coordination the regional financial assistance.

⁷⁶ Council Regulation (EC) n° 622/98 of 16 March 1998 on assistance to the applicant States in the framework of the pre-accession strategy, and in particular on the establishment of Accession Partnerships, *O.J.* L 85/1, 20 March 1998.

⁷⁷ Blockmans, S. *Tough Love: The European Union's Relations With the Western Balkans*, The Hague, Asser Press, 2007, 250-254.

OSCE - in the *Contact Group Plus*⁷⁸ since the start of the Kosovo conflict.

This renewed regional positioning of the European Union further *co-generated* the current competition towards the OSCE. Consequently, we can discover several indicators of this emerging competition in our presented cases of Kosovo, and Bosnia and Herzegovina. Given the European Union's extensive financial possibilities and aspirations to perform as a global *primus inter pares* of democracy and human rights, we might assume that within the OSCE operations dealing with the democratisation process and the monitoring of Human Rights, this non-interactive competition should be clearly visible.

⁷⁸ The *Contact Group Plus* is an informal gathering of influential countries which are sharing a significant interest in the future development of the Western Balkans. It was created during the course of the Bosnian war and is continually creating *ad hoc* policies to contribute in the further development of the region. This *Contact Group* consists out of representatives of the United Kingdom, the United States of America, France, Italy, Germany and Russia. Furthermore, since the Kosovo conflict, representatives of the NATO and the European Union are also included in this informal gathering.

The cases of Kosovo, and Bosnia and Herzegovina are clearly earmarked with such contra-productive situations generated by intensified European Union regional involvement. For example, in 2004 the European Union and Bosnia and Herzegovina signed their first *European Partnership Agreement*.⁷⁹ This Partnership introduced a brand new *follow-up* instrument to guide the implementation of specific short, medium and long term priorities to meet with the European Union benchmarks⁸⁰ in human rights, economy,

⁷⁹ Council Decision 2004/515/EC of 14 June 2004, on the principles, priorities and conditions contained in the European Partnership with Bosnia and Herzegovina, *O.J. L 221, 22 June 2004*. - Renewed European partnerships were adopted with Council Resolutions 2006/55/EC and 2008/211/EC.

⁸⁰ Following statements under Annex 3.1., are clear examples of this high level of standards concerning Human Rights and democracy within the 2008 European Partnership Agreement with Bosnia and Herzegovina: (a) Ensuring full compliance with the European Convention on human rights, Ensure adequate training of the judiciary, in particular as regards human rights legislation; and (b) the need of further improvements on the legal framework on minorities, so that it fully meets the requirements of

democratisation and the *acqui communautaire*. On the other hand, five European Union member states⁸¹ still do not recognise Kosovo's independence. As a result of this juridical and diplomatic impasse, we notice a restrained tendency by several member states to further develop an exclusive European Partnership for Kosovo. Nevertheless, the European Union acted ahead and concluded a *European Partnership Agreement* with Serbia, including Kosovo under *United Nations Security Council Resolution 1244 (1999)*.⁸²

Furthermore, to encourage structural political and economic reforms in Kosovo and Bosnia and Herzegovina, the *Instrument for Pre-*

the Council of Europe Framework Convention on National Minorities.

⁸¹European Union member states Spain, Slovakia, Greece, Cyprus and Romania, are not recognising Kosovo's independence due to the presences of large minority groups within their territory and the current impasse concerning Cyprus.

⁸² Council Decision 2004/520/EC of 14 June 2004, on the principles, priorities and conditions contained in the European Partnership with Serbia and Montenegro including Kosovo as defined by the United Nations Security Council Resolution 1244 of 10 June 1999, *O.J. L 227, 26 June 2004*. - Renewed European partnerships were adopted with Council Resolutions 2006/56/EC and 2008/213/EC.

*accession Assistance*⁸³ is funding several initiatives to successfully implement these European benchmarks. To reach and safeguard these high democratic and human rights values, the European Union is aiming to adopt a multilevel approach including civil service training, media support, institution building and capacity building of civil societies.

Moreover, further intrusion of the European Union into the OSCE operational environment is noticeable within the juridical and security dimensions of the OSCE missions in both states. Especially since the establishment of the EULEX mission⁸⁴ in 2008, the European Union wanted to leave its own mark on the future developments in Kosovo. In the face of an assured European future, this EULEX mission applied a *tripolar* approach - integrating

⁸³ Council Regulation (EC) n° 1085/2006 of 17 July 2006, establishing an Instrument for Pre-Accession Assistance, *O.J.* L 210/82, 31 July 2006. Hereafter the Instrument for Pre-accession Assistance will be referred to as IPA.

⁸⁴ Council Joint Action 2008/124/CFSP of 4 February 2008, on the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO, *O.J.* L 42/92, 16 February 2008.

juridical, police and customs training - to secure a continuous transition of Kosovo.⁸⁵

Although we might assume that this EULEX mission is a textbook example of European Union intrusion into OSCE-policies, we notice a clear coordinative operational division. First of all, the OSCE was all too aware that to secure its presence in Kosovo, it needed to adopt a complimentary role alongside the European Union's programmes. Therefore, the OSCE is currently focusing on the establishment of specialised monitoring programmes on the implementation of rule of law and human rights principles within Kosovo's juridical and police institutions; and specific police training in combating in areas like human trafficking and organised crime.

Nevertheless, in Bosnia and Herzegovina we notice a contrasting development. Within the security dimension,

⁸⁵ X. *EULEX the European Union Rule of Law Mission in Kosovo, 2010*. http://www.consilium.europa.eu/ue/docs/cms_data/docs/missionPress/files/091214%20FACTSHEET%20EULEX%20Kosovo%20%20version%09_EN.pdf. (accessed 7 August 2010).

the European Union and the OSCE are pursuing similar assistance policies, which results into an unclear division of competence and an impractical occupational overlapping. With the set up of the European Union Police Mission⁸⁶ in 2002 and the EUFOR Althea peacekeeping mission⁸⁷ in 2004, the European Union further strengthened its presence in Bosnia and Herzegovina. In the same vein as the above quoted democratisation and human rights programmes, these new missions generated indirectly a new competitive situation. Herein, both OSCE and European Union missions sought to support the local police and military

⁸⁶ Council Joint Action 2002/210/CFSP of 11 March 2002, on the European Union Police Mission, *O.J.* L 70/1, 13 March 2002. - In 2002 the EUPM took over from the United Nation Mission in Bosnia and Herzegovina, after the approval and support of the United Nation Security Council Resolution 1396 of 5 March 2002.

⁸⁷ S.C. Res. 1575, (22 November 2004), U.N. Doc. S/RES/1575. This Security Council Resolution authorise several European Union member states - in cooperation with other non-European Union members like Albania, Switzerland and Chile - to establish the EUFOR mission as a legal successor to SFOR.

reform, even though not with the same operational capabilities.⁸⁸

Consequently, these vast operational capacities of the European Union will make it nearly impossible for the OSCE to compete in areas with similar assistance policies. For example, the 2010 IPA funds alone - not including the supplementary budgets for European Union missions *e.g.* EULEX, EUMP,

⁸⁸ This overlapping can be notice within the EUPM, which seeks to establish sustainable police structures and operational capabilities trough training, legal support, funding and mentoring. On the other hand, the OSCE Mission applies mostly a similar approach and additionally includes monitoring activities. Nevertheless we may argue that these monitoring activities are also applicable too the European Union missions, due the incorporation of human rights and rule of law standards within the European Partnership. Secondly, the EUFOR mission - alongside its peacekeeping responsibilities - provides additional support in the further reform and training of the Bosnian Defence structure, formerly an exclusive OSCE task. - A clear overview on international cooperation and competition on the level of police reform in South Eastern Europe is offered in the work of U.C. Schroeder. See: Schroeder, U.C. "Between Conflict and Cooperation: International Police Reform Efforts in South Eastern Europe." ch 11 in Law, D.M, ed. *Intergovernmental Organizations and Security Sector Reform*, Geneva, Geneva Centre for the Democratic Control of Armed Forces, 2007, 197-219.

EUFOR, etc. - involves a budget of € 106 million for Bosnia and Herzegovina and € 67,3 million for Kosovo. Eventually, this all will aggravate *competitive and antagonistic behavior*⁸⁹ *vis-à-vis* both organisation, where the European Union confides on its *carrot and stick* approach, - including financial assistance and the prospect of European integration / cooperation - and the OSCE keeps relying on its operational experience and situation specific expertise.

Conclusion

Thirty-five years later and facing an existential crisis, the OSCE's presence within the European security environment seems both remarkable and sometimes completely irrelevant. By assuming that the contemporary combination of a constant growing influence of the European Union, the difficult relation with

⁸⁹ Schroeder, U.C. "Between Conflict and Cooperation: International Police Reform Efforts in South Eastern Europe." ch. 11 in Law, D.M, ed. *Intergovernmental Organizations and Security Sector Reform*, Geneva, Geneva Centre for the Democratic Control of Armed Forces, 2007, 199.

the Russian Federation, its juridical weaknesses and the changing security environment; will eventually lead to a general repudiation of the OSCE's *field* capabilities, international policy makers depicted a fatalistic view on the future *raison d'être* of the OSCE.

In accordance to this global downgraded repositioning of the OSCE, the case studies of Kosovo, and Bosnia and Herzegovina reconfirmed the above described assumptions of an existing decline in influence and the urgent need to reconsider the OSCE's operational concept. Moreover, we have to conclude that the European Union is undoubtedly the most cardinal actor in this OSCE debate. With its growing engagement in the Western Balkans and the continues developments in its CFCP, the European Union has to been seen as the main underlying reason for the OSCE's decline. Furthermore, the European Union's operational enlargements generated an occupational overlapping, in which the competitive behavior is pushing the OSCE further of the European security scene.

The OSCE is all too aware that to be prosperous and secure it needs the European Union. Unfortunately, in the European Union this *need* for a close relation with OSCE is not always part of the general consideration. Nevertheless, the OSCE has to be aware of its excellent performing capacities in certain specialised fields of operation - *e.g.* specialised police training, monitoring human rights and democratisation processes, etc. - and its long standing experience and expertise in different European regions. In other words: the European Union can be characterised as a financial giant who recently positioned itself as a major the European security actor. The OSCE on the other hand, can be seen as a thirty-five year old experienced financial dwarf with vast resources of knowledge and expertise.

*'For all of the changes that the OSCE has helped to manage, the fact is that the OSCE's job is not over.'*⁹⁰ Perrin de

⁹⁰ de Brichambaut, M.P. "The OSCE and the 21st Century." *Helsinki Monitor: Security and Human Rights*, no. 3 (2007): 191.

Primary Sources

European Community / Union

'A Secure Europe in a Better World - European Security Strategy', adopted by the *European Council* on 12 December 2003, Brussels, Bulletin, 2003, n° 12.

COM (2004) 373 def., Communication from the Commission, European Neighborhood Policy: Strategy Document, Brussels, 12 May 2004.

COM (2005) 491, Communication from the Commission, A Strategy on the External Dimension of the Area of Freedom, Security and Justice, 12 December 2005.

Common Position 1999/345/CFSP of 17 May 1999, adopted by the Council on the basis of Article 15 of the Treaty on European Union, concerning a Stability Pact for South-Eastern Europe, *O.J. L* 133/1, 25 May 1999.

Consolidated Version of the Treaty on European Union, *O.J. L* 115/47, 9 May 2008.

Council Decision 91/586/ECSC of 11 November 1991, adopted by the Council and the Representatives of the Governments of the Member States, suspending the application of the Agreements between the European Community, its Member States and the Socialist Federal Republic of Yugoslavia, *O.J. L* 315/1, 15 November 1991.

Council Decision 2004/515/EC of 14 June 2004, on the principles, priorities and conditions contained in the European Partnership with Bosnia and Herzegovina, *O.J. L* 221, 22 June 2004.

Council Decision 2004/520/EC of 14 June 2004, on the principles, priorities and conditions contained in the European Partnership with Serbia and Montenegro including Kosovo as defined by the United Nations Security Council Resolution 1244 of 10 June 1999, *O.J. L* 227, 26 June 2004.

Council Joint Action 2002/210/CFSP of 11 March 2002, on the European Union Police Mission, *O.J. L* 70/1, 13 March 2002.

Council Joint Action 2008/124/CFSP of 4 February 2008, on the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO, *O.J. L* 42/92, 16 February 2008.

Council Regulation (EC) n° 622/98 of 16 March 1998 on assistance to the applicant States in the framework of the pre-accession strategy, and in particular on the establishment of Accession Partnerships, *O.J. L* 85/1, 20 March 1998.

Council Regulation (EC) n° 533/2004 of 22 March 2004 on the establishment of partnerships in the framework of the stabilisation and association process, *O.J. L* 86/1, 24 March 2004.

Council Regulation (EC) n° 1085/2006 of 17 July 2006, establishing an Instrument for Pre-Accession Assistance, *O.J. L* 210/82, 31 July 2006.

Solana, J. Address to the Permanent Council of the Organization for Security and Co-operation in Europe, Vienna, 25 September 2002.

CSCE / OSCE

CSCE Participating States, *Final Recommendations of the Helsinki Consultations, Helsinki, 1975.*

CSCE Participating States, *Charter of Paris for a New Europe 1990*, Paris, 21 November, 1990.

CSCE Participating States, *The Final Document of Helsinki 1992 - The Challenges of Change*, Helsinki, 10 July 1992.

CSCE Participating States, *CSCE Budapest Document 1994 - Towards a Genuine Partnership in a New Era*, Budapest, 5 December 1994.

Fifteenth CSO Meeting, Prague, 13-14 August 1992, Decision on the Mission of Long Duration in Kosovo, Sandjak and Vojvodina.

OSCE Participating States, *The Final Document of Lisbon 1996*, Lisbon, 3 December 1996.

OSCE Participating States, *The Final Document of Istanbul 1999 - Charter for European Security*, Istanbul, 19 November 1999.

OSCE Permanent Council Decision No. 5, 25 October 1995, PC.DEC/5.

OSCE Permanent Council Decision No. 193, 25 October 1998, PC.DEC/193.

OSCE Permanent Council Decision No. 305, 1 July 1999, PC.DEC/305.

OSCE Permanent Council Decision No. 331, 15 December 1999, PC.DEC/331.

OSCE Permanent Council Decision No. 590, 24 December 2003, PC.DEC/590.

OSCE Permanent Council Decision No. 888, 2 April 2009, PC.DEC/888.

United Nations

S.C. Res. 1160, (31 March 1998), U.N. Doc, S/RES/1160.

S.C. Res. 1199, (23 September 1998), U.N. Doc, S/RES/1199.

S.C. Res. 1244, (10 June 1999), U.N. Doc. S/RES/1244.

S.C. Res. 1575, (22 November 2004), U.N. Doc. S/RES/1575.

U.N. CHARTER.

Other

General Framework Agreement for Peace in Bosnia and Herzegovina, Proximity Peace Talks. Wright Patterson Air Force Base, Dayton, Ohio, November 1-21, 1995.-

Secondary Sources

Bailes, A.J.K., Haine, J.Y. and Lachowski, Z. "Reflections on the OSCE-EU Relationship." ch. 4 in OSCE Yearbook 2007, Hamburg, Institute for Peace Research and Security Policy, 2007, 65-77.

Blockmans, S. *Tough Love: The European Union's Relations With the Western Balkans*, The Hague, Asser Press, 2007.

Czaplinski, W. "The Activities of the OSCE in Kosovo." ch. 2 in Tomuschat, C., ed. *Kosovo and International Community: a Legal Assessment*, The Hague, Kluwer Press, 2002, 37-44.

Danchin, P.G. "Things Fall Apart: The Concept of Collective Security in International Law." ch. 1 in Danchin, P.G. and Fischer, H., eds. *United Nations Reform and the New Collective Security*, Cambridge, Cambridge University Press, 2009, 35-75.

de Brichambaut, M.P. "The OSCE and the 21st Century." *Helsinki Monitor: Security and Human Rights*, no. 3 (2007): 180-191.

Dunay, P. *The OSCE in Crisis - Chaillot Paper No.88*, Paris, Institute for Security Studies, 2006.

Fries, S. "Conflict Prevention and Human Rights." ch. 11 in Kronenburger, V. and Wouters, J., eds. *The European Union and Conflict Prevention:*

Policy and Legal Aspects, The Hague, Asser Press, 2004, 237-252.

Galbreath, D.J. *The Organization for Security and Co-operation in Europe*, London, Routledge Global Institutions, 2007.

Hansjörg, E. "The OSCE Mission in Kosovo." ch. 23 in *OSCE Yearbook 1999*, Hamburg, Institute for Peace Research and Security Policy, 1999, 283-288.

Manton, E. "The OSCE Human Dimension and Customary International Law Formation." ch. 17 in *OSCE Yearbook 2005*, Hamburg, Institute for Peace Research and Security Policy, 2005, 195-214.

Odello, M. "The Organization for Security and Co-operation in Europe and European Security Law." ch. 13 in Trybus, M. and White, N., eds. *European Security Law*, Oxford, Oxford University Press, 2007, 295-328.

Perry, V. "A Decade of the Dayton Agreement and the OSCE Mission to Bosnia and Herzegovina: Reflections and Prospects." *Helsinki Monitor* 16, no. 4 (2005): 297-309.

Schroeder, U.C. "Between Conflict and Cooperation: International Police Reform Efforts in South Eastern Europe." ch. 11 in Law, D.M, ed. *Intergovernmental Organizations and Security Sector Reform*, Geneva, Geneva Centre for the Democratic Control of Armed Forces, 2007, 197-219.

X. *EULEX the European Union Rule of Law Mission in Kosovo, 2010*. http://www.consilium.europa.eu/uedocs/cms_data/docs/missionPress/files/091214%20FACTSHEET%20EULEX%20Kosovo%20%20version%209_EN.pdf (accessed 7 August 2010).

X. *OSCE Mission to Bosnia and Herzegovina Factsheet, 2008*. <http://www.oscebih.org/documents/46-eng.pdf> (accessed 3 August 2010).

X. *OSCE Mission in Kosovo Factsheet, 2009*. http://www.osce.org/publications/mik/2009/04/37309_1273_en.pdf (accessed 5 August 2010).

Zellner, W. *Working Paper 13 - Managing Change in Europe: Evaluating the OSCE and its Future Role - Competencies, Capabilities and Missions*, Hamburg, Centre for OSCE Research, 2005.



Name: **Angel Kulakov**

Degree: Legal Studies with a specialization in Applied Politics and Diplomacy

Country: Macedonia

E-mail: angelkulakov@hotmail.com

THE AMERICAN POLICY TOWARD MACEDONIA DURING THE FIRST HALF OF OBAMA'S TERM

I. Introduction

Presented at the John F. Kennedy School of Government at the Harvard University in 2010, the Obama administration's vision for southeastern Europe included only an oblique reference to the remaining challenge for Macedonia that is the name dispute between Greece and the country itself over the latter's name, since it prevents Macedonia's strategic goal of Euro-Atlantic integration from being achieved

¹ Moreover, according to an article in *Utrinski Vesnik*, a Macedonian daily, unnamed diplomatic

¹ Philip H. Gordon, "The Obama Administration's Vision for Southeastern Europe" (lecture, Harvard University, Cambridge, Massachusetts, United States, February 17, 2010). The transcript is available at: <http://www.state.gov/p/eur/rls/rm/2010/137012.htm> (accessed on December 2, 2010). For more, see: Philip H. Gordon, "Unfinished Business in Southeast

sources revealed that on several State Department briefings dealing with the latest developments in the western Balkans, which usually last an hour, the issues concerning Macedonia were usually dealt with within one to two minutes, as opposed to fifty minutes devoted to that of Bosnia and Herzegovina, five minutes on the remaining work that needs to be done in Kosovo, or three minutes used to express the support for Serbia's aspirations to become a part of the European community.² This is noticeably different from the commitment of the Bush administration, and to some extent

Europe: Opportunities and Challenges in the Western Balkans" (testimony, Washington, D.C., United States, October 27, 2008). The transcript is available at: <http://www.state.gov/p/eur/rls/rm/2010/140254.htm> (accessed on December 3, 2010).

² Tamara Grncharoska, "Македонија се избриша од агендата на САД," *Утрински Весник*, January 22, 2010, <http://www.utrinski.com.mk/default.asp?ItemID=0F259DAF10CE2945BF767BDF2C875187> (accessed on November 7, 2010).

Clinton's before him, to Macedonia's membership in both the European Union and NATO. In this regard, former Assistant Secretary of State for European and Eurasian Affairs, Daniel Fried, while pointing out that Macedonia has no enemies in either the McCain or Obama camp, correctly predicted that the new President will not understand this issue as well as President Bush did for quite a while, given the fact that former administration was particularly supportive of Macedonia.³

This paper argues that Macedonia is no longer considered to be a high priority for the current administration, however it does not go on to state that the United States has changed

³ Daniel Fried, "The Future for Macedonia" (speech, Washington, D.C., United States, October 27, 2008). The transcript of the briefing is available on: <http://2001-2009.state.gov/p/eur/rls/rm/111455.htm> (accessed on December 1, 2010).

ANALYTICA INTERNS YEARBOOK 2010

their policy toward the country during the first half of Obama's term. In order to demonstrate that, an overview of relevant events following the 2008 United States presidential elections will be presented. That being said, seeing as how the new administration has treated Britain, Israel, India, Poland and the Czech Republic, as opposed to its potential adversaries – such as Russia, China, Iran and North Korea, the matter raised in the respective section below is whether Macedonia has also been placed in that category of ignorantly or intentionally snubbed allies. If so, the question is to what extent Macedonia itself should also shoulder the blame for that state of affairs between the two countries? Furthermore, the change to a Democratic administration in Washington has been regarded as a contributing factor in declining interest of the United States in the country. With the intention of refuting the widely spread notion that Democrats as a whole would stand against Macedonia in the name dispute, the political affiliation of signatories to a number of House and Senate resolutions on the subject matter will be analyzed. Lastly, three scenarios for the future of the American policy toward Macedonia are going to be further laid out. Providing the

starting point for the conclusion, this paper aims to identify and analyze the advantages and disadvantages that necessarily come with them.

II. Blunders, Snubs and Missteps

Presidential snubs have become too much of a commonplace to allies of the United States under the Obama administration, revealing “[its] evident impatience with allies who do not do as they are told.”⁴ Macedonia was not spared from this “innovation of Obama’s foreign policy”⁵ either, given that the country was omitted from the Vice President Joe Biden's trip to the Balkans in May 2009. According to a senior administration official, Biden traveled to Bosnia and Herzegovina, Serbia and Kosovo with the purpose to support the efforts of the aforementioned countries in their bids for accession to the European Union and NATO. This April, a clear message to resolve the name dispute with Greece was sent to Macedonia through not including its President Gjorge

⁴ Robert Kagan, “Allies everywhere feeling snubbed by President Obama,” *The Washington Post*, March 17, 2010, <http://www.washingtonpost.com/wp-dyn/content/article/2010/03/16/AR2010031603322.html> (accessed on December 5, 2010).

⁵ Ibid.

Ivanov among the eleven leaders of central and eastern European countries invited to the ceremonial dinner hosted by President Obama in Prague, “aimed at reassuring and thanking ex-communist allies”⁶, after signing the new nuclear disarmament treaty with Russia. In addition, after a meeting with the Bulgarian Foreign Minister in Washington, D.C., Secretary of State Hillary Clinton went on to her visit in the region this October. The tour was meant to demonstrate the continued commitment of the United States to, yet again, Bosnia and Herzegovina, Serbia and Kosovo. Deputy Secretary of State James B. Steinberg made sure to clarify that the Secretary is not shunning anyone and attributed time constraints as the official reason for bypassing Macedonia, while expressing her regrets over not being able to visit all of the countries in the region on this trip. It is important to note that Macedonia continues to be the only southeastern European country whose leadership has yet to receive an official invitation to visit the White House or State

⁶ “Hillary Clinton in eastern Europe: Big visit,” *The Economist*, July 1, 2010, http://www.economist.com/blogs/easternapproaches/2010/07/hillary_clinton_eastern_europe (accessed on January 10, 2011).

ANALYTICA INTERNS YEARBOOK 2010

Department since President Obama took office. Officials from the Obama administration first visited the country as late as May 2009. Arriving separately the same week in Skopje, Deputy Secretary of State James B. Steinberg and Deputy Assistant Secretary Stuart E. Jones carried the all too familiar message of the importance of finding a mutual agreement in order to put an end to the name dispute, while stressing that this is an issue that requires the efforts of both Greece and Macedonia. The recent visit of Thomas M. Countryman, the current Deputy Assistant Secretary for European and Eurasian Affairs, will be discussed in detail below.

What makes matters confusing is the canceled meeting between the Macedonian Prime Minister Nikola Gruevski and Philip H. Gordon, the current Assistant Secretary of European and Eurasian Affairs, which was originally scheduled to take place in Skopje this May. Returning from an official trip to Morocco, Gruevski decided to land in the capital of Croatia on his way back to Macedonia for reasons unknown. Local policy analysts saw this as an indication that the Prime Minister was

deliberately trying to avoid a possible American pressure from the official on the name dispute. In a Muhammad-and-the-mountain fashion, Gordon flew over to Zagreb where he met with Gruevski. This persistence to convey the message that the resolving the name issue is crucial for the Euro-Atlantic integration of Macedonia, suggests a reinvigorated role of the United States in matters pertaining to the country.⁷ However, this incident also indicates that Macedonia is partly to blame for the redefined relationship between the two countries. The latest in a string of blunders are the anti-NATO statements made by the newly appointed ambassador to the organization itself, Martin Trenevski, which brought no reaction whatsoever from the government. A further one would be the decision to vote in favor of the United Nations General Assembly resolution (document A/65/L.19) urging Israel to withdraw from the occupied Syrian Golan Heights, which

⁷Zhana P. Vozhinovska, "Гордон сепак го најде Груевски," *Дневник*, May 13, 2010, <http://www.dnevnik.com.mk/?ItemID=AD77BFE37279D146B322CEE63BBE3DD3> (accessed on December 5, 2010). For more, see: Stojan Slaveski, "Камбек на Американците," *Дневник*, May 29, 2010, <http://www.dnevnik.com.mk/?ItemID=CED71612EB2B354C87E186870C1CD5F8> (accessed on December 8, 2010).

was adopted on November 30, 2010, with a recorded vote of one hundred eighteen in favor to seven against, with fifty-two abstentions. While it may seem baffling at first that Macedonia would choose to support this resolution when the United States voted against it and member states of the European Union, candidate countries and other European countries abstained, the act itself was a sign of gratitude toward Syria for recognizing Macedonia under its constitutional name only two months earlier. This tit-for-tat approach was employed once again at the Africa-EU Summit in Libya this November where Gruevski met with the dictator of Zimbabwe, Robert Mugabe. Shrouded in mystery, the only news covering the meeting emerged in the Zimbabwean Chronicle, as there was no press release issued to the Macedonian media. It was only after a week's delay that the Prime Minister confirmed that the meeting took place within the summit. The outcome of the meeting was expected, to be exact, Zimbabwe became the 130th country to recognize Macedonia under its constitutional name. On the other hand, the country stands to lose more with these actions hinting of diplomatic realignment.

The name dispute also found its way onto WikiLeaks, a whistle-blowing website, in late November. In fact, the United States diplomatic cables leak provided only a few confidential documents concerning Macedonia. One of these addresses Assistant Secretary Gordon's visit to Paris on September 11, 2009, where he met with Jean-David Levitte, a French diplomat, formerly the French ambassador to the United States, and currently the diplomatic advisor and sherpa to President Nicolas Sarkozy, to discuss the upcoming developments in Macedonia among others. According to the cable, "Levitte expressed optimism that a new Greek government would be "more solid" and allow greater flexibility for progress in the Greek-Macedonian name dispute. [...] Gordon agreed that either a more solid Conservative government or a Socialist government would be a stronger, more flexible partner in the negotiations. He expressed hope that if the international community could convince Macedonia to abandon the idea of a referendum and get Greece to abandon the necessity of changing passports, then progress could be

made."⁸ Another cable has the Assistant Secretary pointing out to several European foreign policy diplomats in Stockholm that the United States are letting Matthew Nimetz, the United Nations-appointed mediator in the name dispute, lead the negotiations, and noted that Deputy Secretary Steinberg has talked to the Greek authorities. Gordon also pointed out that Macedonia should reverse its decision to rename the airport in Skopje after Alexander the Great, but also, that the Macedonian officials have a reasonable case for concerns over their nationality and language.⁹ It should be stressed that these documents represent a small fragment of the many discussions about Macedonia and Greece and may not reflect the whole picture. Nevertheless, they do expose the flawed assumptions of the United States that the Greek government could become more flexible or that Macedonia might drop the idea of a

⁸ "US embassy cables: French and Americans exchange views on Iran," *The Guardian*, November 28, 2010, <http://www.guardian.co.uk/world/us-embassy-cables-documents/225319> (accessed on January 3, 2011).

⁹ "US embassy cables: French and Americans exchange views on Iran," *The Guardian*, November 28, 2010, <http://www.guardian.co.uk/world/us-embassy-cables-documents/225319> (accessed on January 6, 2011).

referendum, and only then progress could be made in the United Nations mediation process.¹⁰

III. A Democratic or a Republican Administration?

Though admittedly non-scientific, the mock polling exercise by *The Economist* that created a global electoral college allowing all one hundred ninety-five of the world's countries to cast their vote for either Obama or McCain in the 2008 presidential election, provided a remarkable illustration of how the candidates were attributed to having a dog of their own in the fight which the name dispute between Greece and Macedonia represents in this particular case. This was evidenced in the results seeing that Greece voted 91 percent for Barack Obama, at the time a Democratic senator from Illinois, and Macedonia was among the minority of counties that during the earlier

¹⁰ Jason Miko, "Викиликс," *Нова Македонија*, December 12, 2010, <http://novamakedonija.com.mk/NewsDetal.asp?vest=12910109253&id=13&prilog=0&setIzdanie=22153> (accessed on January 10, 2011).

ANALYTICA INTERNS YEARBOOK 2010

weeks of voting backed Senator John McCain of Arizona, a Republican incumbent, "in reaction to the hearty enthusiasm for [...] Obama in neighboring Greece"¹¹, as the site's analysis concluded. As a matter of fact, the Greek Prime Minister, Kostas Karamanlis, was quoted at the time as saying that Obama appreciates the support he had been receiving from the Greek-American community, while the Greek Foreign Minister, Dora Bakoyannis, showcased the Democratic candidate as 'hopeful' for Greece by assuring her fellow citizens that Obama had already proven himself to be a keen supporter of resolutions that are in line with Hellenic interests during his brief term in the Senate.¹² Safe to say, Macedonians also observed the elections through the prism of the ongoing dispute with Greece. The fear of uncertainty as to whether the American policy toward Macedonia would undergo a shift in the event Democrats take

¹¹ "Global Electoral College: Obama sweeps the board," *The Economist*, October 28, 2008, http://www.economist.com/node/12498538?story_id=12498538 (accessed on November 5, 2010).

¹² Sinisa-Jakov Marusic, "Macedonia Fears Obama Tilt, Greece Confident," *Balkan Insight*, January 20, 2009, <http://www.balkaninsight.com/en/article/macedonia-fears-obama-tilt-greece-confident> (accessed on November 6, 2010).

control over the White House, contrasted with the confidence in the Republican administration under George W. Bush, gave the final push to the Macedonian diaspora in the United States to support the Arizona senator having already put the constitutional name of Macedonia at the very forefront when it came to making the decision of which candidate the community would officially endorse.¹³ Therefore, it should not come as a surprise that the popular belief was that Obama is pro-Greek, while McCain is for Macedonia. This notion was spread by nationalist media reporting that it was not only the Democratic candidate who would be more likely to favor the Greek position on the issue, but also, Democrats as a whole – and vice versa. Another important factor that should not be dismissed is the fact that the United States recognized Macedonia under its constitutional name in 2004, during George W. Bush's second term in office, hence intensifying the concept that a Republican administration would be more

¹³ Jane Bojadzievski, "Македонската дијаспора за изборите во САД на две недели пред гласањето - Мекејн или Обама?," *Voice of America*, October 22, 2008, <http://www.voanews.com/macedonian/news/a-42-2008-10-22-voa8-86507842.html> (accessed on November 5, 2010).

positively inclined toward Macedonia in the name dispute.

What made the country wary dates back to the time of Obama as a legislator, as he was one of the ten senators who cosponsored a 2007 resolution¹⁴ to stop the alleged hostile propaganda by the former Yugoslav Republic of Macedonia (as the country is referred to in the document) on the grounds that it can severely endanger Greece. The resolution itself refers to a television report showing students in a state-run school in the country being taught that parts of Greece, including Greek Macedonia, are part of Macedonia, and various textbooks, including a Macedonian Military Academy textbook published in 2004, which contain maps showing a 'Greater Macedonia' that extends many miles into territories of Greece and Bulgaria. It goes on to say that the decision of the Macedonian government to rename its capital city's international airport after Alexander the Great is in direct contradiction of the spirit of the 1995

¹⁴ For the full text of S. Res. 300 [110th]: A resolution expressing the sense of the Senate that the former Yugoslav Republic of Macedonia..., please see: <http://thomas.loc.gov/cgi-bin/query/z?c110:sr300>: (accessed on November 10, 2010).

ANALYTICA INTERNS YEARBOOK 2010

United Nations-brokered Interim Accord's section A, entitled 'Friendly Relations and Confidence Building Measures', which attempts to eliminate challenges regarding historic and cultural patrimony, and thus these aforementioned acts constitute a fundamental breach of the international obligations deriving from the spirit of the Accord. Furthermore, the resolution urges Macedonia to adhere to its obligations under Article 7 of the Accord, which directs the parties to promptly take effective measures to prohibit hostile activities or propaganda by state-controlled agencies and to discourage acts by private entities likely to incite violence, hatred or hostility and review the contents of textbooks, maps, and teaching aids to ensure that such tools are stating accurate information. It also urges the country to work with Greece within the framework of the United Nations mediation process so as to reach a mutually-acceptable official name for Macedonia.

This resolution was introduced in the 110th Congress by Senator Robert Menéndez, a Democrat representing New Jersey, and apart from the current President, Barack Obama (who signed on as a lead cosponsor of the legislation)

– it was also cosponsored by seven other senators from the Democratic Party, including Sen. Richard Durbin of Illinois, Sen. Tim Johnson of South Dakota, Sen. John Kerry of Massachusetts, Sen. Carl Levin of Michigan, Sen. Barbara Mikulski of Maryland, Sen. Charles Schumer of New York, and Sen. Debbie Ann Stabenow of Michigan, in addition to Sen. Olympia J. Snowe of Maine, the only Republican to support the resolution due to her Greek heritage. The resolution was referred to the Senate Committee on Foreign Relations on August 3, 2007, where it eventually died – since at the end of each two-year session of the Congress, all proposed bills and resolutions that have not passed are cleared from the books. However, its effects by urging the country to stop the provocations against Greece have been enduring to say the least. That being said, once Barack Obama's victory in the presidential elections was confirmed in November 2008, the Macedonian authorities proclaimed with assurance that a major shift in Washington's policy is not to be expected. The speaker of the Macedonian Assembly, Trajko Veljanovski, and Silvana Boneva, a Member of Parliament representing the ruling party, said that they look

forward to a continuation of the same policies with regards to Macedonia and the other countries of southeastern Europe.¹⁵ Yet others were not so convinced in this. Members of the opposition, including Vlado Buckovski, a former Prime Minister of Macedonia, voiced their concerns over the potential changes that might occur in the following years, as a direct consequence of the election results.¹⁶ In addition, all the doubts concerning the suspected partiality of the Obama Administration toward Greece or its indifference in pushing for a solution to the name dispute within the existing mediation process were widely shared by local policy analysts.¹⁷

¹⁵ "Macedonia Hails Obama Amid 'Name' Woes," *Balkan Insight*, November 10, 2008, <http://www.balkaninsight.com/en/article/macedonia-hails-obama-amid-name-woes> (accessed on November 5, 2010).

¹⁶ *Ibid.*

¹⁷ Sinisa-Jakov Marusic, "Macedonia Welcomes Obama, Thanks Bush," *Balkan Insight*, January 21, 2009, <http://www.balkaninsight.com/en/article/macedonia-welcomes-obama-thanks-bush> (accessed on November 8, 2010). See also: "Balkan Leaders Praise Obama Victory," *Balkan Insight*, January 21, 2009, <http://www.balkaninsight.com/en/article/balkan-leaders-praise-obama-victory> (accessed on November 10, 2010).

ANALYTICA INTERNS YEARBOOK 2010

Members often reintroduce bills and resolutions that did not come up for debate under a new number in the next session, and that is exactly what happened when Senate Resolution 169¹⁸ was introduced in the 111th Congress by Senator Robert Menéndez of New Jersey on June 4, 2009. Having said that, this resolution will also meet the same fate as Senate Resolution 300 of the 110th Congress (later referred to as 'S. Res. 300 [110th]'). Besides urging the government of the former Yugoslav Republic of Macedonia to abstain from hostile activities and stop violating provisions of the aforementioned Interim Agreement, as it was put in S. Res. 300 [110th], this resolution was slightly modified in content. It clearly reflected the Greek stance on the name dispute by urging the Macedonian government to find a mutually acceptable composite name, with a geographical qualifier and for all international uses. Regardless of the fact that the resolution was virtually identical to the one introduced in the previous Congress, it had far fewer cosponsors

¹⁸ For the full text of S. Res. 169 [111th]: A resolution expressing the sense of the Senate that the Government of the former Yugoslav..., please see: <http://www.govtrack.us/congress/billtext.xpd?bill=sr111-169> (accessed on November 10, 2010).

which, again, included Democratic senators for the most part, such as Sen. Barbara Mikulski of Maryland, and Sen. Jeanne Shaheen of New Hampshire, along with Republican Senator Olympia J. Snowe of Maine being the only exception to this rule.

As briefly mentioned above, it should come to no surprise that this Greek-American Senator, without taking into consideration her political affiliation to one of the two political parties, would support a resolution with provisions positioning Greece as a strategic partner and ally of the United States in bringing political stability and economic development to Macedonia and the countries of Balkan region by means of investments and contributions in development aid. Supporting that claim is the fact that Senator Olympia J. Snowe was one of two senators (the other being Senator Robert Menéndez) who placed a hold on the nomination of Philip T. Reeker as the new ambassador to Macedonia in 2008, due to concerns in relation to his views on Macedonia, specifically the statement he had made about pushing for Macedonia's accession to NATO under the temporary name, in spite of the objections

coming from Greece.¹⁹ Nominees for ambassadorial posts are subject to Senate confirmation hearings, and therefore must testify before the Senate Foreign Relation Committee before having their appointment put before the full Senate for a confirmation vote. Ultimately, when the senators lifted their hold on the nomination in August the same year, Reeker was confirmed by the Senate as the new ambassador to the country. In the same manner, if one takes the view that their political affiliation was not the determining factor in choosing to support either Greece or Macedonia, similarities can be drawn between Senator Olympia J. Snowe and both Congressman Earl Pomeroy of North Dakota, and Congressman Harry Mitchell of Arizona (the two representatives have signed the letters in support of Macedonia's NATO membership sent to Secretary Clinton in 2009, and President Obama in 2010, both of which will be discussed in detail later). According to Mark E. Souder, a resigned Republican Congressman from Indiana,

¹⁹ "Сенатот го потврди Рикер за амбасадор на САД во Македонија," *Voice of America*, August 4, 2008, 2010, <http://www.voanews.com/macedonian/news/a-42-2008-08-04-voa3-86507717.html> (accessed on November 15, 2010).

ANALYTICA INTERNS YEARBOOK 2010

who cofounded a 'Macedonian Friendship Group' in the Congress with New Jersey Democrat Bill Pascrell, Democratic Congressman Earl Pomeroy based the decision to support Macedonia on his personal stay in the country in 1973, while he was an exchange student living in Yugoslavia, and Democratic Congressman Harry Mitchell previously served as the Mayor of Tempe, Arizona, whose oldest sister city is Skopje, the capital of Macedonia.²⁰

These Senate Resolutions successfully paint the picture that the Democratic Party as a whole is more favorably inclined toward Greece than Macedonia in the name dispute, because of the overwhelming percentage of Democrats who cosponsored them, compared to that of Republicans. In fact, of the ten cosponsors of S. Res. 300 [110th], nine senators, that constitute 90 percent of the total, are members of the Democratic Party, and one senator, *accounting for the remaining* 10 percent, is a member of the Republican Party. Similarly, of the four

cosponsors of Senate Resolution 169 of the 111th Congress (later referred to as 'S. Res. 169 [111th]'), three senators, *accounting for 75 percent of the total, are members of the Democratic Party*, and one senator, making up the *remaining* 25 percent, is a member of the Republican Party. However, this does not constitute sufficient evidence in order to dispel the notion of a 'pro-Republican' Macedonia or confirm that popular belief. For that reason, the identical counterparts to S. Res. 300 [110th] and S. Res. 169 [111th], which were introduced in the House of Representatives by Congresswoman Carolyn Maloney of New York, a member of the Democratic Party, in 2007 and 2009, i.e. House Resolution 356 of the 110th Congress²¹ (later referred to as 'H. Res. 356 [110th]'), with a total of one hundred twenty cosponsors, excluding Republican Congressman Mike Conaway of Texas who withdrew his initial cosponsorship of the resolution, and House

Resolution 486 of the 111th Congress²² (later referred to as 'H. Res. 486 [111th]'), with twenty-six cosponsors, will also be used to validate or reject the aforementioned hypothesis. Interestingly, the analysis of these House resolutions shows that they do not seem to differ notably in terms of the percentage split between the number of Democratic and Republican cosponsors from those presented above, given the fact that H. Res. 356 [110th] was cosponsored by eighty-six Democratic representatives who constituted a strong 72-percent majority, with only 28 percent of the cosponsors being Republicans, and 74 percent of the cosponsors of H. Res. 486 [111th]'s are Democrats, and the remaining 26 percent are members of the Republican Party. On the other hand, ninety-nine members of the House of Representatives who cosponsored the legislation in 2007 have decided not to do so regarding the new version of the resolution introduced in 2009. This can be interpreted as an indication that a significant number of representatives are

²⁰ Vedran Andonovski, "Интервју со Марк Саудер, конгресмен на САД," *Voice of America*, June 13, 2009, <http://www.voanews.com/macedonian/news/a-42-2009-06-13-voa4-86595492.html> (accessed on November 15, 2010).

²¹ For the full text of H. Res. 356 [110th]: Expressing the sense of the House of Representatives that the former Yugoslav Republic of..., please see: <http://thomas.loc.gov/cgi-bin/query/z?c110:H.RES.356>: (accessed on November 10, 2010).

²² For the full text of H. Res. 486 [111th]: Expressing the sense of the House of Representatives that the former Yugoslav Republic of..., please see: <http://thomas.loc.gov/cgi-bin/query/z?c111:H.RES.486>: (accessed on November 10, 2010).

ANALYTICA INTERNS YEARBOOK 2010

trying to avoid taking a position on the matter for as long as possible, despite the fact that the resolution itself is not even guaranteed to come to a vote.

In order to create a ranking of the states by assessing the number of cosponsors of the resolution representing them, H. Res. 356 [110th] will serve as the representative sample because it gained the largest number of cosponsors out of the four presented here. The primary purpose of this ranking is to explain the legislative behavior by establishing a direct correlation between the electoral concerns of representatives of similar constituencies in terms of the respective state's demographic makeup, and the influence of ethnic interest groups in the United States, such as the Greek-American lobby – as opposed to the oversimplified explanation that the two political parties would simply choose to support one side in the name dispute more than the other. California ranks first with twenty-nine representatives cosponsoring the resolution; New York, second, with sixteen representatives, New Jersey, third, with nine representatives, Illinois and Massachusetts tying for the fourth place with eight representatives;

Florida and Pennsylvania tying for the fifth place with six representatives; Connecticut and Ohio tying for the sixth place with four representatives; Colorado and Virginia tying for the seventh place with three representatives; Maryland, Michigan, Nevada, Rhode Island, and Texas tying for the eighth place with two representatives; and Arizona, the District of Columbia, Georgia, Guam, Kentucky, Missouri, Nebraska, New Hampshire, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, and West Virginia tying for the ninth place with one representative.

As expected, the ranking is analogous to the top ten states with the highest population of Greek-Americans, according to the Demographic Profiles²³ based on the 2000 United States Census data. More specifically, that being New York, ranking first with a population of 159,763; California, second, with a population of 125,284; Illinois, third, with a population 95,064; Massachusetts, fourth, with a population of 78,172; Florida, fifth, with a population of 76,908; New Jersey, sixth, with a population of

²³ "Census 2000 Demographic Profiles," *U.S. Census Bureau*, <http://censtats.census.gov/pub/Profiles.shtml> (accessed on November 23, 2010).

61,510; Pennsylvania, seventh, with a population of 56,911; Ohio, eighth, with a population of 50,609; Michigan, ninth, with a population of 44,214; and Texas, tenth, with a population of 32,319. When the percentage of people claiming Greek ancestry is measured on a state level, Connecticut ranks fourth with 0.81 percent of its population.²⁴ Upon a closer examination of the states with more than five representatives who cosponsored H. Res. 356 [110th], the percentage of Democratic cosponsors ranges between 67 and 87 percent, and that of Republicans ranges between 13 and 33 percent for the states of California, Illinois, New Jersey, New York, and Pennsylvania. It is of interest to note the exceptions to the rule. These include Massachusetts, as all of the state's eight representatives are members of the Democratic Party, and Florida, for the reason that it is the only state in which Republican

²⁴ According to the Demographic Profiles based on the 2000 United States Census data, New Hampshire, ranks first with 1.24 percent of its population claiming Greek ancestry; Massachusetts, second, with 1.23 percent; New York, third, with 0.84 percent; Connecticut, fourth, with 0.81 percent; Illinois, fifth, with 0.77 percent; New Jersey, sixth, with 0.73 percent; Rhode Island, seventh, with 0.62 percent; Maryland, eighth, with 0.59 percent; Utah, ninth, with 0.52 percent; and Florida, tenth, with 0.48 percent.

ANALYTICA INTERNS YEARBOOK 2010

cosponsors, in particular, five Republican members of Congress from Florida, including Rep. Gus Bilirakis, Rep. Virginia Brown-Waite, Rep. Lincoln Diaz-Balart, Rep. Mario Diaz-Balart, and Rep. Ileana Ros-Lehtinen, are the dominant group, accounting for 83 percent of the total. In view of that, Florida presents a strong case against the claim that every Republican administration to come would benefit Macedonian interests.

Another convincing case providing a solid ground to dismiss the popular belief that Democrats as a whole are pro-Greek, are the congressional letters on the accession of Macedonia to NATO sent to Secretary of State Hillary Clinton²⁵ and President Barack Obama²⁶ in 2009 and 2010, respectively. The letter *addressed* to Secretary of State Hillary Clinton was signed by a total of fifteen members of

²⁵ *The full text of the 2009 letter addressed to Secretary of State Hillary Clinton and complete list of signatories is available on:*

[http://umdiaspora.org/images/Macedonia.Clinton.May.2009\[1\].pdf](http://umdiaspora.org/images/Macedonia.Clinton.May.2009[1].pdf) (accessed on November 25, 2010).

²⁶ *The full text of the 2010 letter addressed to President Barack Obama and complete list of signatories is available on:*

<http://umdiaspora.org/images/MacedoniaNATOCongressLtrtoObama.pdf> (accessed on November 25, 2010).

Congress. The signatories expressed their firm willingness to work with the Secretary of State in order to reach a speedy and equitable resolution to the name dispute preventing the Euro-Atlantic integration of Macedonia, despite the fact that it has met all the required criteria for membership in NATO – and, as pointed out in the letter, the fact that the country is a participant in NATO's combat operations in Afghanistan, has served as the key staging area for NATO during the intervention in Kosovo, and currently functions as the logistical support center for NATO's Kosovo forces. However, what is relevant for this study is that a large majority (67 percent) of the signatories to letter in question are members of the Democratic Party. Sent ahead of the visit of Macedonian Defense Minister Zoran Konjanovski to Washington, D.C., the letter addressed to President Obama was signed by nineteen members of Congress. They urged the Obama Administration to actively encourage the NATO allies of the United States to offer Macedonia a formal invitation to become a member of the alliance at the Lisbon Summit in November, 2010. Attention was drawn, yet again, to the demonstrated commitment of Macedonia to the organization by serving as the

key staging area for the NATO intervention in Kosovo in 1999, its participation in Operation Iraqi Freedom from 2003 to 2008, and being among the top four largest troop contributors per capita to the ISAF in Afghanistan with 244 troops partnered with the Vermont National Guard²⁷. Copies of the letter were also sent to Vice President Joe Biden, Secretary of State Hillary Clinton, and Secretary of Defense Robert Gates. For the second time, a majority of the signatories, 63 percent, are members of the Democratic Party. Notable among those are Congressman Russ Carnahan of Missouri, and Delegate Madeleine Z. Bordallo, who is Guam's non-voting representative in Congress. Their signatures to the letter can be regarded as politically unexpected, since the former cosponsored both H. Res. 356 [110th] and H.

²⁷ Expressing his appreciation for the joint endeavors of the governments of Macedonia and the United States in combating terrorist activities around the world, Democratic Senator Patrick Leahy of Vermont recently submitted a resolution recognizing the cooperation between Vermont and Macedonia through the joint military partnership between the Vermont National Guard and the Macedonian Army. For the full text of S. Res. 673 [111th]: A resolution expressing the sense of the Senate that it values the active participation of the..., please see: <http://thomas.loc.gov/cgi-bin/query/z?c111:S.RES.673>: (accessed on November 29, 2010).

ANALYTICA INTERNS YEARBOOK 2010

Res. 486 [111th], and the latter cosponsored H. Res. 356 [110th].

Without a doubt, the party that has provided more benefit to Macedonia than the other since its independence is the Republican Party. That being said, this analysis shows that one cannot classify any party as being pro-Macedonian – and vice versa, because not all Republicans are for Macedonia, and not all Democrats are for Greece. As that has been covered above, “[t]here are a handful Republicans who advocate loudly for Greeks, and a couple of Democrats who voice their support for Macedonians. But, by and large, the elected members of Congress belonging to the Democratic Party would favor the position of Greece on the name issue, while the elected Republican members of Congress would favor that of Macedonia.”²⁸ In this regard, the Macedonian community in the United States rightfully positioned the John McCain, the

²⁸ Jason Miko, “Што да се очекува од американските избори,” *Нова Македонија*, October 28, 2010, <http://www.novamakedonija.com.mk/NewsDetal.asp?vest=1028101047183&id=13&prilog=0&setIzdanie=22118> (accessed on November 20, 2010).

Republican presidential candidate in 2008, as a better alternative than Barack Obama.

IV. Possible Future Scenarios and Their Viability

The first half of Obama's term focused more on domestic politics. For that reason, the first scenario would not necessarily be a new one, but rather a continuation of the inactive role providing moral support and encouragement, which the United States has assumed under the leadership of Barack Obama. On the positive, the administration will keep on supporting the Euro-Atlantic integration of Macedonia, because both the country and the region fit into their broader conception of European security. At the same time, officials will also point out that it is high time for courageous political leadership that will resolve the dispute and promote the political stability and economic prospects of southeastern Europe, as occasionally done in the past. On the other hand, “[i]f the Obama administration wants to contribute toward solving the so-called name issue and recognize Macedonia for what it has accomplished, it needs to give a bit more attention to Macedonia. It can start by engaging

Macedonia at a higher level, removing the belief that it is one-sided in favor of the Greeks and their unprecedented request. An invitation to the prime minister to visit the president would be a helpful start.”²⁹

Janusz Bugajski, the Director of the New European Democracies Project and Senior Fellow in the Europe Program at the Center for Strategic and International Studies, provides the second scenario as he makes the case that the United States should not have a leading role in resolving the name dispute at the moment. Rather, given the fact that the country does not have stake in this particular issue, it should provide a strong complementary role to the mediation process led by the United Nations in order to bring Greece and Macedonia closer toward reaching a mutually-acceptable official name for Macedonia.³⁰ However, in case of a

²⁹ Jason Miko, “Miko: A place at the table for Macedonia,” *The Washington Times*, September 3, 2010, <http://www.washingtontimes.com/news/2010/sep/3/a-place-at-the-table-for-macedonia/> (accessed on November 20, 2010).

³⁰ Jane Wojadzievski, “Јануш Бугајски: САД да имаат силна дополнителна улога во решавање на спорот со името,” *Voice of America*, Maj 12, 2010, <http://www.voanews.com/macedonian/news/macedo>

ANALYTICA INTERNS YEARBOOK 2010

severe estrangement of the Albanian population from the majority, seeing that there is a real danger that the bi-ethnic coalition government could ultimately collapse if there is no progress in the achieving the strategic goal of Euro-Atlantic integration, the name dispute will become important, but again, not essential, to the Obama administration as it will understand that the longer the issue remains unresolved the greater the chance for political instability within Macedonia that will inherently damage American security interests in the region.³¹ The considerable Albanian minority in Macedonia has continuously shown a general understanding, but no particular sympathy, of what is on stake for the ethnic Macedonians in the name dispute with Greece. Therefore, their main concern is the general welfare that is to be achieved through the country's admission to the European Union and NATO. It is evident that there are a number of diametrically opposed views between the two major ethnic groups within the country.

nia/Macedonian-VOA-Bugajski-93602424.html (accessed on December 1, 2010).

³¹ Janusz Bugajski, "Resolving the Macedonian Name Dispute" in *Wider Europe*, Vol. 1, No. 3 (Center for Strategic and International Studies:, 2010), <http://csis.org/files/publication/050110.WiderEuropeSummer2010.pdf> (accessed on December 2, 2010).

According to a poll commissioned by Dnevnik, a Macedonian daily, 56 percent of the Albanian ethnic community assessed that if there is not a solution to the name issue, the continued existence of Macedonia as a state will be jeopardized.³² Furthermore, the results of a survey conducted by the Gallup Balkan Monitor in cooperation with the European Fund for the Balkans found that the establishment of a 'Greater Albania' is increasingly backed by 53 percent of the Albanian population in Macedonia, which is 9 percent more than in 2008. The public support for a country made up of Albanians from Albania, Kosovo and Macedonia among Kosovar Albanians has dramatically increased from 54 percent in 2008 to 81 percent in 2010. The only NATO member of the three, Albania is the also the only country where the support fell by 5 percent from by

³² *Saso Kokalanov*, "Нема расположение за компромис," *Дневник*, May 25, 2010, <http://www.dnevnik.com.mk/?ItemID=CA7F10B5347C3848ACF9C40BDE6D633F> (accessed on November 27, 2010). See also: *Tatjana Popovska*, "Владиното стана јавно мислење," *Дневник*, May 26, 2010, <http://www.dnevnik.com.mk/?ItemID=9F234C1D340E994D9855E10C13F9F10E> (accessed on November 27, 2010).

dropping from 68 percent to 63 percent, in 2009 and 2010, respectively.³³

The European Union would certainly welcome any breakthrough in the deadlocked dispute as an important contribution by the Karamanlis government to the stability of the region, which will also be in line with the Thessaloniki agenda for the Western Balkans. Seeing that the integration of southeastern Europe into the Euro-Atlantic community continues to be a priority for the United States, a final resolution of the dispute would result in unblocking the main obstacle to the country's entry into NATO, and thus it would also complete America's mission in Macedonia. The important thing to note is that the current administration does not plan on walking away from the problem, but at the same time, it does not seek to impose a strict deadline in the current negotiations as it cannot impose a solution per se. The aforementioned complementary role should not be a question of

³³ Gallup Balkan Monitor, *Insights and Perceptions: Voices of the Balkans* (Summary of Findings 2010), http://www.balkan-monitor.eu/files/BalkanMonitor-2010_Summary_of_Findings.pdf (accessed on November 30, 2010).

ANALYTICA INTERNS YEARBOOK 2010

American pressure to whichever of the two countries, rather of potential incentives for both Greece and Macedonia to come to a final agreement with the assistance of the United States. But for that to be viable, as stated above, a more high-level engagement by the Obama administration is needed to reinforce the current United Nations mediation process, in addition to a clear message from Washington that in the long-term absence of a resolution to the name dispute, the region itself will become increasingly insecure.³⁴ Even so, the Bucharest summit has shown that American support alone would not be enough to secure the accession of Macedonia to NATO. Therefore, in order to ensure that the country continues to be up on the agenda, the United States ought to work with its key allies in Europe, including Britain, France, and Germany. Having said that, the current Deputy Assistant Secretary for European and Eurasian Affairs stressed that both sides have become accustomed to relying on the United States, instead of on themselves, and that even if the administration decides to actively engage in the name dispute at some

³⁴ Bugajski, "Resolving the Macedonian Name Dispute".

point, the energetic and visible diplomacy of the past would not be employed again. Consequently, it looks unlikely that any efforts resembling those of then-Assistant Secretary of State for European and Eurasian Affairs, Daniel Fried, in 2008, which were supported by both former President George W. Bush and Secretary of State Condoleezza Rice, are to be expected on the agenda in the second half of the President's term.³⁵

The third option for the Obama administration envisions a withdrawal of the bilateral recognition of Macedonia under its constitutional name, much in the vein of the Greek posture on the name dispute, and thus referring to the country as the former Yugoslav Republic of Macedonia, unless it accepts a new international name that describes only its territory.³⁶ That proposal of a mutually acceptable composite

³⁵ "Не потпирајте се на САД за името," *Дневник*, October 28, 2010, <http://www.dnevnik.com.mk/default.asp?itemID=DA054CBAC647954B9DCDD2B96CF6A089&arc=1> (accessed on December 3, 2010).

³⁶ Robert Menéndez and Olympia J. Snowe, "Menendez/Snowe: Macedonian quandary," *The Washington Times*, September 24, 2008, <http://www.washingtontimes.com/news/2008/sep/24/macedonian-quandary/> (accessed on November 17, 2010).

name with a geographical qualifier and for all international uses has been vastly backed by prominent Greek-American representatives and other members of Congress who support Hellenic issues. Greek lobbyists have also written a letter, supported by a considerable number of academics, which stood at three hundred sixty-two signatories as of March 27, 2010, requesting the new President to reverse the decision of his predecessor regarding Macedonia. Out of the three, this option is deemed the least likely to happen. That is because both the former and current administration have used Macedonia's constitutional name when referring to it, while showing their eagerness to welcome the country into NATO. In fact, at the Strasbourg summit in April 2009, President Obama affirmed that the United States look forward to the day when 'Macedonia' would be welcomed to the alliance as a fully fledged member, which may be regarded as evidence supporting the aforementioned claim. President Ivanov also managed to briefly meet with President Obama at the Lisbon summit this November. The American president once again expressed his regrets that the country continues to be outside

ANALYTICA INTERNS YEARBOOK 2010

the alliance and assured the Macedonian President that the United States remains committed to resolving the issue.³⁷

V. Conclusion

Much like the conduct of foreign policy by previous administrations, the first half of Obama's term has been marked with more continuity than change. Any changes that did occur were insignificant, to say the least, because the administration focused on its internal problems. In addition, no dramatic shifts are to be expected concerning the countries of southeastern Europe in the second half of Obama's term. That being said, the intensity of the American commitment to Macedonia's accession to the NATO has fallen considerably when compared to the efforts of the previous administration, which went to great lengths to persuade the two sides to find a solution to the name dispute. President Obama has been shying away from the issue, and that is because the

United States has interests as a global player and partner in both Greece and Macedonia. On the one hand, the administration has supported the Euro-Atlantic aspirations of Macedonia, but on the other hand, it also respected the Greek veto to Macedonia's bid for accession to the European Union and NATO – thus, the administration's posture regarding the name dispute has since shifted to one of neutrality.

The recent Republican victory in the House of Representatives at the midterm elections this November may not change America's foreign policy, but it does have the potential to be favorable for Macedonia as there are a number of newly elected congressmen that are familiar with the remaining challenges for the country. One of them is John Boehner, the Republican speaker of the House, who can at least be relied on to listen the Macedonian position on the issue, having previously met with the Macedonian authorities on their visits to Washington, D.C. Nevertheless, the seat of the utmost importance to Macedonia was the Senate seat once held by President Obama before his move to the White House. That is because the Democratic candidate was none other than

Illinois State Treasurer Alexi Giannoulias, who served as the National Chairman of Greek-Americans for Obama. Fortunately, Illinois elected a Republican senator. Now that Obama is certain to meet significant resistance against his legislation on domestic matters over the next two years, it is foreign policy that will probably mark the second half of his term. Macedonia is not expected to be on the agenda.

³⁷Zhana P. Bozhinovska and Svetlana Jovanovska, "Клуч за НАТО ќе бараме во САД," *ДНЕВНИК*, November 22, 2010, <http://www.dnevnik.com.mk/?itemID=F6483EB8A8D43248AB58A41E45B67B63&arc=1> (accessed on November 26, 2010).



name: **Sara van den Hof**
degree: Masters` in European Politics and Society
country: Netherlands
e-mail: s.a.vandenhof@hotmail.com

EVOLVING EU MEMBERSHIP CONDITIONALITY: IMPLICATIONS FOR THE WESTERN BALKANS

Introduction

In the early 1990s, the formerly communist countries of Central and Eastern Europe indicated their desire to join the European Union (EU).¹ In order to regulate this process and to minimize the impact of enlargement on the existing member states, the EU made accession conditional upon the fulfillment of certain requirements, specified at the Copenhagen Council of 1993. The so-called 'Copenhagen Criteria' outline a set of political, economic and legislative conditions that must be met for a country to be allowed to join the Union.

In 2004, ten countries, of which eight were formerly communist, were judged to have satisfied the Copenhagen Criteria and were admitted to the EU: Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia. The accession of Bulgaria and Romania was postponed until 2007. For various reasons, the countries of the Western Balkans were not included in the 2004 enlargement.² Together with Iceland and Turkey they are part of the current enlargement round.

The process of EU accession consists of several stages. Although not a formal

requirement, the process usually begins with the conclusion of an Agreement by the EU and the prospective member state – in the case of the Western Balkans these are Stabilisation and Association Agreements (SAA).³ The next step consists of applying for membership to the European Council, which then decides whether the application should be forwarded to the Commission. If it is, the Commission sends out a questionnaire comprising upwards of 2000 questions. On the basis of the answers to these

³ SAAs are part of the Stabilisation and Association Process, launched by the EU in the late 1990s in recognition of the need for a more regional approach toward the Western Balkans. The SAP subsequently became the primary framework for relations with the region. Its aim is to enhance regional cooperation and stability on the one hand, and to deepen countries' association with the European Union on the other, ultimately leading to EU membership. In recent years, however, the emphasis of the SAP has increasingly shifted toward closer association, with the goal of regional stability receiving less attention.

¹ A list of acronyms is provided at the end of this article.

² The term 'Western Balkans' commonly refers to Albania and those countries which used to be part of Yugoslavia (Bosnia and Herzegovina, Croatia, Macedonia, Montenegro and Serbia), with the exception of Slovenia, which joined the EU in 2004. Kosovo was never a constituent republic of Yugoslavia but is considered a Western Balkans country.

ANALYTICA INTERNS YEARBOOK 2010

questions an Opinion is compiled, in which the Commission recommends a country to be allowed to proceed to the next step in the accession process or outlines further changes that need to be implemented first. Subsequently, membership negotiations are opened and the chapters of the *acquis communautaire* are closed when the required benchmarks are met. The penultimate step in the accession process is ratification of the accession treaty by the EU member states and the candidate country; accession to the Union constitutes the final stage.⁴

To date, all countries of the Western Balkans, with the exception of Kosovo, have concluded SAAs with the EU, although those of Serbia and BiH have not entered into force yet as they have not been ratified by all EU member states. At present, Croatia, Macedonia and Montenegro are the official candidates for membership, but accession negotiations have only been opened with Croatia. Albania and

⁴ An explanation of EU enlargement terminology can be found on http://ec.europa.eu/enlargement/glossary/index_en.htm.

Serbia have also applied for membership but have not yet been granted candidate status.

There is an extensive body of literature on the nature and effectiveness of membership conditionality, first applied during the pre-accession process culminating in the 2004 and 2007 enlargements.⁵ However, less information is available on the use of conditionality in the EU's relations with the Western Balkans. In one of the few papers on the subject, Othon Anastasakis concludes that the application of conditionality in the Western Balkans is becoming stricter. On the other hand, however, he also finds that greater flexibility is introduced

⁵ See e.g.: Grabbe (2006), Hille and Knill (2006), Hughes, Gordon and Sasse (2004), Schimmelfennig and Sedelmeier (eds.) (2005), Sedelmeier (2006) and Vachudová (2005).

In 1995, Austria, Finland and Sweden joined the European Union in the fourth enlargement round. However, these countries had applied for membership before the Copenhagen Criteria were specified – in 1989, 1992 and 1991 respectively. Accession negotiations were opened several months before the Copenhagen Council of June 1993, on 1 February 1993 (<http://www.delmkd.ec.europa.eu/en/europe-a-to-z/eu-timeline.htm>, accessed November 2010). It can therefore be concluded the Copenhagen Criteria did not apply to Austria, Finland and Sweden.

as requirements are adapted to the circumstances on the ground.⁶

Data and Methods

Possible Outcomes

The differences in the levels of progress in the pre-accession process made by the countries in the Western Balkans make them an excellent case for examining the evolution of the EU's application of conditionality. More specifically, the variation in progress made across the region suggests two possibilities. Firstly, it could indicate that the EU is becoming stricter in its application of conditionality, strengthening and expanding the conditions that must be met before rewards are distributed. Secondly, it could imply the EU is not consistent in its application of conditionality, applying stricter benchmarks in some countries than others. Thirdly, however, it is also possible that analysis of these documents will reveal

⁶ Othon Anastasakis, 'The EU's political conditionality in the Western Balkans: towards a more pragmatic approach', *Southeast European and Black Sea Studies*, volume 8, number 4, pp. 368-9, 373. See also: Pridham (2007) and Trauner (2009).

ANALYTICA INTERNS YEARBOOK 2010

conditionality is evolving in a third way which is not anticipated here. The first two possible outcomes are in line with Anastasakis' findings on the nature of EU political conditionality in the Western Balkans. However, his conclusions are not based on in-depth analysis of EU documents. The documents produced by the European Commission during the pre-accession process provide an excellent source to investigate the evolution of conditionality: they demonstrate how *the EU perceives* levels of progress in the region and, crucially, which rewards it attaches to them.

Case Selection and Methods

In order to examine how conditionality is evolving, this paper focuses primarily on the application of conditionality at earlier stages in the accession process (the granting of candidate status and the opening of accession negotiations). This approach was selected as none of the countries of the Western Balkans have joined the EU to date. Moreover, it is valid because 'all... stages [of the pre-accession process] are being used to maximize the potential leverage of the EU on applicant

states.'⁷ Table 1 shows which cases are examined in this paper.

Table 1 *Case Selection – Countries and Time Frames*

<i>Country</i>	<i>Commissi on</i>	<i>Grantin a</i>	<i>Opening Accession</i>
<i>Slovenia</i>	July 1997	Novemb	March
<i>Croatia</i>	April 2004	June	October
<i>Albania</i>	November	n/a	n/a
<i>Montene</i>	November	n/a	n/a

Slovenia was included because a country that has completed the accession process was required to facilitate a proper comparison across time; moreover, the country used to be part of Yugoslavia, a characteristic it has in common with most of the countries currently in the pre-accession process. BiH and Kosovo are not included because they have not yet applied for membership. Serbia is excluded because the Commission has not yet issued an Opinion on its application for membership, which was filed on 22 December 2009. Macedonia is excluded because the name dispute with Greece is an important reason it has not yet been allowed to open accession

⁷ Anastasakis, 'The EU's political conditionality in the Western Balkans', pp. 368-9.

negotiations – including it would distort the findings.

This paper takes a chronological approach. It first examines the degree of compliance with the Copenhagen criteria that Slovenia had achieved when it was granted candidate status and when accession negotiations were opened. This process is then repeated for Croatia. Next, it investigates the Commission's evaluation of Montenegro's compliance with the Copenhagen Criteria when it was granted candidate status. Lastly, it examines Albania's compliance with the Criteria and the recommendations regarding the granting of candidate status and/ or the opening of accession negotiations the Commission formed based on this. This information is then used to determine how EU membership requirements are evolving and the implications this has for countries in the pre-accession process.

Sources

As indicated above, for its primary sources, this paper principally uses the Opinions issued by the European Commission after a

ANALYTICA INTERNS YEARBOOK 2010

country has applied for membership, although in the case of Croatia the 2005 Progress Report is also taken into consideration. Due to space and time constraints, this paper focuses on those sections in the Opinions that relate to the political and economic criteria, leaving out the sections on the *acquis communautaire* and the capacity to take on the obligations of membership

Findings

Slovenia

The Commission Opinion

Slovenia applied for EU membership on 10 June 1996 and the Commission issued its Opinion in July 1997. The Opinion comprises 132 pages and is divided into three main sections. The introduction charts the context of Slovenia's application for membership and the nature of relations between the EU and Slovenia. The second and largest section of the report evaluates the extent to which Slovenia has met the Copenhagen Criteria, discussing the four conditions separately. The last section summarises the findings of the second section

and provides the Commission's conclusion, i.e., its actual opinion and recommendation regarding Slovenia's membership application.⁸

The Commission Opinion is predominantly positive about Slovenia's degree of compliance with the membership criteria. Regarding the political conditions, the report notes that the Slovenian '[p]arliament functions satisfactorily'⁹, the '[c]entral government works normally and smoothly' and '[t]he judiciary is independent of the other branches of government.'¹⁰ However, the inefficiency and delays in the functioning of the judicial system are identified as problematic. The Opinion is also largely positive regarding civil and political rights, although it does note a few remaining difficulties, relating to provisions for (land) ownership by foreigners, the return of property seized during communism, and nationality issues arising from the disintegration of Socialist Yugoslavia. Economic, social, cultural and

⁸ Commission of the European Communities. 'Agenda 2000 – Commission Opinion on Slovenia's Application for Membership of the European Union', DOC/97/19, Brussels, 15th July 1997.

⁹ *opus cit.*, p. 15.

¹⁰ *opus cit.*, p. 16 (second and third quote).

minority rights are recognised and guaranteed.¹¹ The section on the political criteria concludes by stating that 'Slovenia is a democracy with stable institutions which guarantee the rule of law, human rights and respect for, and the protection of, minorities.'¹²

The section on compliance with the economic criteria for membership is less positive. It states '[t]here is evidence on the existence of a significant shadow economy in Slovenia,'¹³ as well as noting little headway has been made with the liberalization of capital flows. The most significant remaining issue concerns the reform of public finance and, in particular, the absence of a VAT regime.¹⁴ Although it identifies changes that still need to be implemented, the Opinion does conclude that Slovenia has made considerable progress in reforming its economy, and that '[it] can be regarded as a functioning market economy' and '...should be able to cope with competitive pressure and market forces within the Union in

¹¹ *opus cit.*, pp. 17-21.

¹² *opus cit.*, p. 21.

¹³ *opus cit.*, p. 24.

¹⁴ *opus cit.*, pp. 25, 34.

ANALYTICA INTERNS YEARBOOK 2010

the medium term, provided that rigidities in the economy are reduced.¹⁵

The Commission concludes its Opinion on Slovenia's application for membership by stating that '[i]n the light of these considerations, [it] recommends that negotiations for accession should be opened with Slovenia.'¹⁶

Croatia

The Commission Opinion

Croatia applied for EU membership on 21 February 2003. The Commission issued its 132-page Opinion, structured in the same way as that on Slovenia, on 20 April 2004.¹⁷ The Opinion notes that '[p]arliament functions satisfactorily, its powers are respected and the opposition fulfils its role.'¹⁸ Although the institutional structure of the executive is in line with the Copenhagen political criteria, certain

provisions regarding the civil service are not. There are also problems regarding the functioning and independence of the judiciary. The Commission also observes that corruption constitutes a significant problem in Croatia, although efforts have been made to address this issue. In general, few problems regarding civil and political rights are identified. There are some issues pertaining to the rules on media ownership and, again, there are problems pertaining to foreign (land) ownership and the return of property seized under the Yugoslav era. No problems regarding economic, social and cultural rights are observed. The report notes that minority rights are guaranteed, although the relationship with the Serbian minority is somewhat strained. The Roma population suffers a high degree of exclusion from mainstream society. Croatia also features in a large number of cases currently before the ECHR. The country has high numbers of Internally Displaced People and refugees as a consequence of the Yugoslav Wars of the early 1990s, which also created a significant housing problem.¹⁹ The section on the Copenhagen political criteria concludes that 'Croatia has

stable democratic institutions which function properly respecting the limits of their competences and co-operating with each other.'²⁰

Regarding the economic criteria, the Opinion notes '[t]here is an increasing political consensus on the essentials of economic policy,'²¹ although there are long-standing problems regarding public finance, high deficits and high levels of unemployment. The absence of price liberalization continues to form a problem, as does the slow progress regarding privatisation. In addition, problems concerning market entry and exit remain. Moreover, the ineffectiveness of the judiciary has an adverse impact on the harmonisation of legislation with the *acquis communautaire*. The Opinion also identifies the pervasive use of the euro, rather than the Croatian currency, as a potential problem. Few problems are foreseen concerning Croatia's capacity to cope with competitive pressure and market forces. Progress has been made in several related areas related to this.²² Although further efforts are required, the

¹⁵ Both quotes: *opus cit.*, p. 39.

¹⁶ *opus cit.*, p. 118.

¹⁷ Commission of the European Communities, 'Communication from the Commission; Opinion on Croatia's Application for Membership of the European Union', COM(2004) 257 final, Brussels, 20 April 2004.

¹⁸ Commission, 'Commission Opinion on Croatia's Application', p. 13.

¹⁹ *opus cit.*, pp. 15-24, 27-9.

²⁰ *opus cit.*, p. 37.

²¹ *opus cit.*, p. 43.

²² *opus cit.*, pp. 44, 46-8, 50-3.

ANALYTICA INTERNS YEARBOOK 2010

Opinion states 'Croatia can be regarded as a functioning market economy.'²³

The Opinion also includes a section on Croatia's relations with the International Criminal Tribunal for the former Yugoslavia. It notes that cooperation has been improving, and '[i]n April 2004 the Prosecutor stated that Croatia is now co-operating fully with ICTY', although further efforts are required to apprehend Ante Gotovina, a former general lieutenant in the Croatian army indicted by the ICTY for war crimes committed against Croatian Serbs. It also observes Croatia actively participates in regional initiatives. With the exception of Serbia and Montenegro and Bosnia and Herzegovina, relations with the successor states of the former Yugoslavia and Albania are good.²⁴

The Commission concludes its Opinion on Croatia's application for membership by stating that '[i]n the light of these considerations, [it] recommends that

negotiations for accession should be opened with Croatia.'²⁵

The 2005 Progress Report

Croatia was granted candidate status in June 2004, two months after the Commission Opinion was published. However, accession negotiations were not opened with the country until October 2005, more than a year after Croatia had become an official candidate for membership. The November 2005 Progress Report on Croatia yields important insights into the reasons for this delay. It notes that '...the European Council decided in December 2004 that accession negotiations would be opened on 17 March 2005, *provided that there was full cooperation with the UN International Criminal Tribunal for the former Yugoslavia in The Hague (ICTY)*.'²⁶

Negotiations were not opened in March 2005, as Croatia's cooperation with the ICTY had not been confirmed to the General Affairs and External Relations Council. As soon as the ICTY Chief Prosecutor did confirm this, on 3 October 2005, negotiations began. Crucially, however,

²⁵ *opus cit.*, p. 121.

²⁶ European Commission, 'Croatia 2005 Progress Report', SEC (2005) 1424, Brussels, 9 November 2005, p. 7; emphasis added.

'[t]he Council agreed that less than full cooperation with the ICTY at any stage would affect the overall progress of negotiations and could be grounds for their suspension.'²⁷

Montenegro

Montenegro applied for EU membership on 15 December 2008. The Commission issued an Opinion on its application on 9 November 2010, replacing the Progress Report for 2010. This Opinion is structured somewhat differently from previous ones. The actual Opinion is only 13 pages long and summarises the situation in Montenegro. It is accompanied by a 132-page Analytical Report, the structure of which resembles the previous Opinions quite closely.²⁸

The Commission Opinion and Analytical Report

²⁷ *opus cit.*, p. 8.

²⁸ European Commission, 'Communication from the Commission to the European Parliament and the Council; Commission Opinion on Montenegro's application for membership of the European Union', COM(2010) 670, Brussels, 9 November 2010; European Commission, 'Commission Staff Working Document; Analytical Report accompanying the Communication from the Commission to the European Parliament and the Council; Commission Opinion on Montenegro's application for membership of the European Union', SEC(2010) 1334, Brussels, 9 November 2010.

²³ *opus cit.*, p. 54.

²⁴ *opus cit.*, pp. 30-7.

ANALYTICA INTERNS YEARBOOK 2010

The Commission Analytical Report notes that '[t]he Constitution is broadly in line with European standards. However, in a number of areas the legal framework allows for political interference by parliament, notably in the judiciary and prosecution and election of the Ombudsman.'²⁹ It also notes there are still some problems regarding elections and that parliament's legislative and administrative capacity remains limited.³⁰ The Report observes that the executive works adequately, although significant difficulties are observed regarding the public administration. Moreover, the independence of the judiciary is not sufficiently guaranteed. Corruption continues to be problematic despite efforts to address this issue. Human rights are broadly respected, although there are a number of cases pending against Montenegro in the ECHR. There are problems relating to access to justice and improvements in prison conditions are progressing slowly. On the positive side, efforts are being made to reduce the trafficking of human beings through Montenegro and the media is largely free and pluralistic. Progress has been made regarding all

²⁹ Commission, 'Analytical Report Montenegro', p. 9.

³⁰ *opus cit.*, p. 10.

spheres of civil and political rights, although further efforts are still required.³¹ The Report notes that '[t]he country enjoys good inter-ethnic relations,' although problems of social exclusion remain for the Roma and other population groups. In addition, mechanisms for addressing the significant number of IDPs also remain insufficient. Montenegro is cooperating well with the ICTY and maintains good relations with the other countries in the region.³²

The section on compliance with the economic criteria starts on a positive note, observing that Montenegro has demonstrated commitment to structural reforms and that economic growth was high until the global financial crisis hit in 2009.³³ The Report notes that '[I]ike the overall economy, the labour market registered accelerated structural change in recent years.'³⁴ However, informal employment has been on the rise again since the crisis hit and suggests some areas are resistant to change. Nevertheless, efforts to stabilize the financial system have been observed. The Commission also observes

³¹ *opus cit.*, pp. 14-5, 18-29.

³² Commission, 'Analytical Report Montenegro', p. 30.

³³ *opus cit.*, pp. 38-9.

³⁴ *opus cit.*, p. 39.

that both price liberalization and privatization have progressed very far, although obstacles to market entry and exit remain. Access to the judicial system in the context of (land) ownership issues has improved in recent years.³⁵ Crucially, the report notes that '[t]o become a functioning market economy Montenegro needs to address [existing] imbalances, as well as existing weaknesses, notably in the financial sector and the functioning of labour markets.'³⁶

The Commission Opinion concludes by stating that Montenegro has made progress toward fulfilling the political Copenhagen criteria, but that further efforts are needed. It also notes that the country cannot yet be considered a functioning market economy and recommends accession negotiations be opened when the required changes have been implemented.³⁷ Nevertheless, the Opinion concludes by stating that '[i]n the light of the progress made so far, the Commission recommends that the Council should grant Montenegro the status of candidate

³⁵ *opus cit.*, pp. 40-3.

³⁶ *opus cit.*, p. 45.

³⁷ Commission, 'Commission Opinion on Montenegro's Application', pp. 10-1.

ANALYTICA INTERNS YEARBOOK 2010

country.³⁸ Candidate status was officially granted on 17 December 2010.

Albania

Albania applied for membership of the European Union on 28 April 2009. The Commission issued its Opinion together with that on Montenegro on 9 November 2010. It consists of 13 pages and is accompanied by a 126-page Analytical Report.³⁹

The Commission Opinion and Analytical Report

The Report's finding that '...the Albanian Constitution sets out a reasonable framework for a democracy run in accordance with the rule of law'⁴⁰ is rather negative in comparison to the evaluation of other countries. The Report notes that the conduct of the most recent parliamentary elections constituted an

³⁸ *opus cit.*, p. 12.

³⁹ European Commission, 'Communication from the Commission to the European Parliament and the Council; Commission Opinion on Albania's application for membership of the European Union', COM(2010) 680, Brussels, 9 November 2010; European Commission, 'Commission Staff Working Document; Analytical Report accompanying the Communication from the Commission to the European Parliament and the Council; Commission Opinion on Albania's application for membership of the European Union', SEC(2010) 1335, Brussels, 9 November 2010.

⁴⁰ Commission, 'Analytical Report Albania', p. 10.

improvement, although it did not meet all requirements. There are also considerable problems relating to the functioning of parliament. The 2009 elections resulted in a political paralysis that is harmful to democracy and has yet to be overcome. Considerable problems are also observed in relation to the functioning of the executive, the public administration and the judiciary. Levels of corruption remain high throughout. Efforts to improve the human rights situation have not yet come to fruition, and attempts to facilitate access to justice and to improve prison and pre-trial detention conditions have only been partially effective. Serious problems concerning human trafficking also remain. Discrimination against the LGBT community remains and there are continuing problems concerning guaranteeing women's and children's rights. Provisions for the socially vulnerable and people with disabilities also remain inadequate. The implementation and guarantee of labour and property rights also remains an issue of concern. Although inter-ethnic relations in the country are generally good, problems remain concerning access to education in minority languages and the situation of the Roma minority is problematic

in many ways. Despite its overall negative tone, the Report is quite positive regarding Albania's role in regional issues.⁴¹

The section on the Copenhagen economic criteria notes '...there is a broad domestic consensus on the fundamentals of economic policy.'⁴² There has been strong economic growth, but there have been continuous trade and current account deficits. Monetary policy is largely adequate but there are concerns regarding the extensive use of the euro rather than the Albanian currency. There are problems concerning the legal framework underpinning the market economy and significant difficulties regarding (land) ownership pertain.⁴³ The Report concludes that '...while some progress has been recorded, the business climate remains hampered by the weak rule of law.'⁴⁴ Programmes aimed at enhancing the labour market are inadequate. The country's electricity supply continues to encounter significant problems despite efforts to address this issue; the same problem is observed in

⁴¹ Commission, 'Analytical Report Albania', pp. 10-2, 13-35.

⁴² *opus cit.*, p. 40.

⁴³ *opus cit.*, pp. 40-1, 43.

⁴⁴ *opus cit.*, p. 44.

ANALYTICA INTERNS YEARBOOK 2010

relation to (capital) investments. The rail and telecommunications infrastructure is also very weak. Crucially, the Report notes that further efforts are needed before Albania can be considered a truly functioning market economy.⁴⁵

The Commission Opinion concludes progress toward meeting the political criteria has been made and that Albania can be considered a parliamentary democracy,⁴⁶ but also that '...the effectiveness and stability of democratic institutions is not sufficiently achieved.'⁴⁷ Regarding the economic conditions, the report notes that despite enhanced stability, Albania cannot yet be considered a functioning market economy.⁴⁸ In view of these findings, '[t]he Commission considers that negotiations for accession to the European Union should be opened with Albania once the country has achieved the necessary degree of compliance with the membership criteria and in particular the Copenhagen political criteria requiring the stability of institutions guaranteeing notably

⁴⁵ *opus cit.*, pp. 44-8.

⁴⁶ Commission, 'Commission Opinion on Albania's Application', pp. 5, 10.

⁴⁷ *opus cit.*, p. 5.

⁴⁸ *opus cit.*, p. 10.

democracy and rule of law.'⁴⁹ Crucially, the Commission does not recommend granting Albania candidate status.

Analysis

The aim of this paper is to determine how the EU's application of membership conditionality is evolving and to analyze the implications of these changes for the countries in the pre-accession process. The previous sections provided a summary of the Commission Opinions issued for the four countries examined here. This section describes the resulting pattern and, more importantly, analyzes how the EU's application of membership conditionality has evolved and the implications for countries' membership prospects.

Granting Candidate Status – Relaxing Conditionality?

The Opinions reveal rather varying levels of compliance with the Copenhagen political and economic criteria. The Opinion on Slovenia is most positive, concluding that the country is a democracy with stable institutions as well as a

⁴⁹ *opus cit.*, p. 11.

functioning market economy. The Opinion on Croatia includes similar observations, although it also identifies some areas that need to be improved, in particular concerning the economic criteria. The Opinion on Montenegro is more negative: it does not describe the country as a democracy with stable institutions and states that further reforms are necessary before it could be considered a functioning market economy. The Opinion on Albania is most negative, arguing that although the country can be considered a democracy, it is not the stable and functioning democracy envisaged by the Copenhagen Criteria. Moreover, it does not yet have a functioning market economy.⁵⁰

The levels of compliance described in the Opinions correspond to the degree of progress the countries have made in the pre-accession process: Slovenia has been a member of the EU since 2004, Croatia is nearing the end of its accession negotiations, Montenegro recently received candidate status, and Albania needs to make further progress before the EU will consider granting it candidate status. However, the overall degree of correspondence

⁵⁰ Commission, 'Analytical Report Albania', p. 10; emphasis added.

ANALYTICA INTERNS YEARBOOK 2010

is not the focus of this research. Rather, it aims to identify how membership conditionality is applied at various points during the pre-accession process. Focusing on the degree of compliance with the Copenhagen political and economic criteria at the points of granting candidate status and of opening accession negotiations produces a rather different picture.

When the Commission recommended granting candidate status to Croatia, Montenegro and Slovenia, these countries had achieved rather different levels of compliance with the membership conditions. More specifically, over time the degree of compliance with the Copenhagen criteria achieved when candidate status is recommended becomes lower. This seems to suggest that the Commission is becoming more flexible, rather than stricter, in its application of membership conditionality. In turn, this would imply no lessons were learned from the experience of Romania and Bulgaria's accession, which was widely considered to have happened too early, i.e. before the countries had satisfactorily

fulfilled the membership conditions.⁵¹ It would also suggest Anastasakis' finding that conditionality is being applied more strictly is incorrect. However, before accepting this somewhat counterintuitive outcome, the application of membership conditionality must also be examined in the context of the opening of accession negotiations.

Opening Accession Negotiations – Enhanced Conditionality

In its Opinion on Slovenia, 'the Commission recommends that negotiations for accession should be opened...'⁵² Interestingly, it does not mention the granting of candidate status separately; rather, receiving candidate status and opening accession negotiations are perceived to be one and the same step in the

⁵¹ See: *n.n.*, 'Bulgaria's and Romania's EU membership damaged the credibility in the enlargement', 28 December 2009, <http://www.euinside.eu/en/analyses/bulgarias-and-romantias-eu-membership-damaged-the-eu>; *n.n.*, 'EU: Bulgaria, Romania Still Too Corrupt', 25 July 2009, http://www.novinite.com/view_news.php?id=106167; both accessed December 2010.

⁵² Commission, 'Commission Opinion on Slovenia's Application', p. 118.

pre-accession process. In line with this idea, the granting of candidate status and the opening of accession negotiations were only a few months apart in the case of Slovenia.

The Commission Opinion on Croatia resembles that on Slovenia in some ways, but differs in two important respects. Firstly, the Commission set further conditions, in addition to the Copenhagen Criteria, for Croatia to meet before it could be granted membership status. These additional conditions are specifically related to the Stabilisation and Association Process and concern, *inter alia*, cooperation with the ICTY. Secondly, although the Commission Opinion does not mention the granting of candidate status and the opening of accession negotiations as two separate events, a distinction between these steps was introduced. This is demonstrated by the fact that, as noted, the opening of accession negotiations was made conditional upon full cooperation with the ICTY. More specifically, the opening of accession negotiations was indeed postponed due to inadequate cooperation with the ICTY, *after* Croatia had been granted candidate status.

ANALYTICA INTERNS YEARBOOK 2010

Of the four Commission Opinions analyzed here, the one on Montenegro is the first to include an explicit distinction between the granting of candidate status and the opening of accession negotiations.⁵³ The Commission recommended granting Montenegro candidate status, although it becomes clear from the Opinion that the country has not yet fully met the political and economic Copenhagen Criteria.⁵⁴ However, the Commission also recommended only opening accession negotiations when these criteria have been met. The Commission Opinion on Albania also argues further efforts to meet the Copenhagen Criteria need to be made before accession negotiations can be opened. However, the subtle difference lies in the fact that, unlike the Opinion on Montenegro, the one on Albania

⁵³ The Commission Opinion on Macedonia, published on 9 November 2005, is the first to make this distinction (Commission of the European Communities, 'Communication from the Commission; Opinion on the application from the former Yugoslav Republic of Macedonia for membership of the European Union', COM(2005) 652 final, Brussels, 9 November 2005).

⁵⁴ It is important to note here that the Commission observation that 'further efforts are required' does not necessarily mean the Copenhagen Criteria have not been met; further efforts were required of Croatia, although it was considered to have met the Copenhagen Criteria, whereas in the case of Montenegro, further efforts were required *in order to meet* the membership conditions.

does not recommend the country is granted candidate status.

The previous paragraphs demonstrate that the evolution of the EU's application of conditionality is best described as involving a two-fold development. Firstly, the level of compliance countries had achieved when they were granted candidate status has become lower over the years. Secondly, however, the Commission began differentiating more between the granting of candidate status and the opening of accession negotiations. In practice, this means that conditionality is now applied before opening accession negotiations as well as before granting candidate status. The increased differentiation between the steps in the accession process is particularly clear in the case of Croatia, where accession negotiations were postponed after the granting of candidate status. It is also apparent in the 2010 Opinion on Montenegro.

Implications

It is difficult to tell at this stage what implications the increased level of differentiation between the stages of granting candidate status

and of opening accession negotiations means countries will have for the membership prospects of the countries currently in the pre-accession process. On the one hand, it has become easier for countries to obtain candidate status. It is not unlikely that the Commission has become more flexible in recommending the granting of candidate status to 'appease' countries in the pre-accession process. Granting candidate status – without opening accession negotiations – before a country has met the required conditions could be considered a largely symbolic gesture that 'costs' the EU relatively little. Concurrently, it can serve to prevent complaints from pre-accession countries that the EU is halting progress toward membership.

However, (additional) conditions now need to be fulfilled before accession negotiations are opened, effectively introducing another step in the pre-accession process. The examples of Macedonia, which has been an official candidate since 2005 but which did not receive a Commission recommendation to open accession negotiations for several years, and of the postponement of accession negotiations with

ANALYTICA INTERNS YEARBOOK 2010

Croatia in 2005 suggest the EU will not hesitate to halt the accession negotiations if it feels the membership criteria have not been adequately satisfied.⁵⁵ In this sense, it is likely that the changes observed in recent years will translate into a tightening of the conditions that need to be met before accession negotiations are opened. Effectively, this means the EU's application of conditionality is becoming stricter overall, extending the pre-accession process and making it more difficult for countries to join.

Conclusion

The aim of this paper was to determine how the EU's application of membership conditionality is evolving in the context of the enlargement into the Western Balkans. It used Albania, Croatia, Montenegro and Slovenia as case studies. The introduction to this paper suggested two possible explanations for the different levels of progress in the pre-accession process made by these countries: they were hypothesized to result either from the EU

⁵⁵ At present, accession negotiations with Macedonia have not yet been opened, despite Commission recommendations to do so. However, this is largely due to the country's name dispute with neighbouring Greece.

becoming stricter in the application of conditionality, or from inconsistencies in the use of conditionality. However, analysis of the Commission Opinions issued during the pre-accession process suggests an alternative possibility. Slovenia, Croatia, Montenegro and Albania had achieved different levels of compliance with the Copenhagen political and economic criteria when the Opinions were issued – and granting candidate status was recommended for the first three. More specifically, this paper demonstrates that it has become easier for countries to acquire the status of candidate member state, which suggests a loosening of membership conditionality. However, this is compensated by the fact that conditionality is now applied separately for the opening of accession negotiations. Previously, countries had to meet more conditions to become a candidate state, but once they were, accession negotiations followed swiftly. It would therefore be incorrect to describe the changes in the application of membership conditionality as evidence of either a tightening or of double standards in the application of conditionality. Rather, it should be concluded conditionality is now applied *in a*

different manner than before, although the previous section explains these developments are likely to increase the length of the pre-accession process, making it more difficult for countries to become member states.

List of Acronyms

BiH	Bosnia and Herzegovina
ECHR	European Court of Human Rights
EU	European Union
ICTY	International Criminal Tribunal for the former Yugoslavia
IDP	Internally Displaced Person
SAA Agreement	Stabilisation and Association Agreement
SAP Process	Stabilisation and Association Process

ANALYTICA INTERNS YEARBOOK 2010

Sources Used

Anastasakis, Othon, 'The EU's political conditionality in the Western Balkans: towards a more pragmatic approach', *Southeast European and Black Sea Studies*, volume 8, number 4, pp. 365-77.

Commission of the European Communities. 'Agenda 2000 – Commission Opinion on Slovenia's Application for Membership of the European Union', DOC/97/19, Brussels, 15th July 1997.

Commission of the European Communities, 'Communication from the Commission; Opinion on Croatia's Application for Membership of the European Union', COM(2004) 257 final, Brussels, 20 April 2004.

Commission of the European Communities, 'Communication from the Commission; Opinion on the application from the former Yugoslav Republic of Macedonia for membership of the European Union', COM(2005) 652 final, Brussels, 9 November 2005.

European Commission, 'Commission Staff Working Document; Analytical Report

accompanying the Communication from the Commission to the European Parliament and the Council; Commission Opinion on Albania's application for membership of the European Union', SEC(2010) 1335, Brussels, 9 November 2010.

European Commission, 'Commission Staff Working Document; Analytical Report accompanying the Communication from the Commission to the European Parliament and the Council; Commission Opinion on Montenegro's application for membership of the European Union', SEC(2010) 1334, Brussels, 9 November 2010.

European Commission, 'Communication from the Commission to the European Parliament and the Council; Commission Opinion on Albania's application for membership of the European Union', COM(2010) 680, Brussels, 9 November 2010;

European Commission, 'Communication from the Commission to the European Parliament and the Council; Commission Opinion on Montenegro's application for membership of the European

Union', COM(2010) 670, Brussels, 9 November 2010;

European Commission, 'Croatia 2005 Progress Report', SEC (2005) 1424, Brussels, 9 November 2005.

<http://www.delmkd.ec.europa.eu/en/europe-a-to-z/eu-timeline.htm>, accessed November 2010.

n.n., 'Bulgaria's and Romania's EU membership damaged the credibility in the enlargement', 28 December 2009,

<http://www.euinside.eu/en/analyses/bulgarias-and-romanias-eu-membership-damaged-the-eu>, accessed December 2010.

n.n., 'EU: Bulgaria, Romania Still Too Corrupt', 25 July 2009,

http://www.novinite.com/view_news.php?id=106167, accessed December 2010.

DISCLAIMER

The views presented in this yearbook are those of the authors and do not necessarily represent those of Analytica.

INTERNS'

YEARBOOK



Analytica

www.analyticamk.org
info@analyticamk.org

Dame Gruev No:

7-8/3 1000 Skopje

Phone/Fax:

00 389 (0)2 3121 948