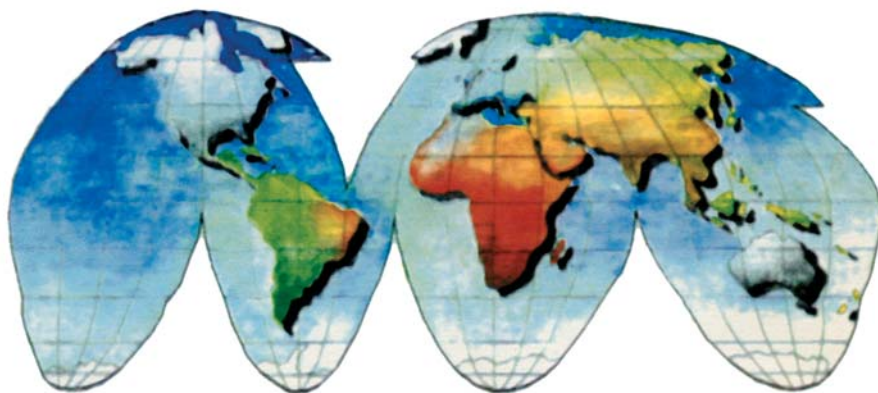


International Issues & Slovak Foreign Policy Affairs

Vol. XXII, No. 4 | 2013



EU ENLARGEMENT: WHAT NEXT?

Péter Balázs

The future of EU enlargement

Jelica Minić

**The dynamics and context of regional cooperation
in the Western Balkans**

Yulia Tyschenko

**Putting the brakes on European integration:
causes and consequences**

© Research Center of the Slovak Foreign Policy Association

All rights reserved. No part of this publication may be reproduced, stored or transmitted in any form or by any means without the prior permission in writing from the copyright holder.

Editors

Peter Brezáni & Tomáš Strážay

Editorial board

Vladimír Bilčík, Peter Brezáni, Ingrid Brocková, Juraj Buzalka, Alexander Duleba, Peter Lizák, Grigorij Mesežnikov, Marek Rybář, Tomáš Strážay

International advisory board

Janusz Bugajski, Erhard Busek, Martin Bútora, Tim Haughton, Csaba Kiss, Irina Kobrinskaja, Adam Michnik, Alexander Pavljuk, Christoph Royen, Jacques Rupnik, Juraj Stern, Soňa Szomolányi, František Šebej, Magda Vášáryová, Kieran Williams, Sharon Wolchik

Editorial office

Research Center of the Slovak Foreign Policy Association
(identification number: 36 077 534)
Staromestská 6/D, 811 03 Bratislava, Slovakia, www.sfpa.sk
Telephone: +421 2 544 33 157
Email: brezani@sfpa.sk, strazay@sfpa.sk

Proofreading

Jonathan McCormick

The quarterly *International Issues & Slovak Foreign Policy Affairs* is a refereed journal. All articles, whether commissioned or unsolicited, are independently and confidentially refereed. The journal is indexed by the Central and Eastern European Online Library (CEEOL), the Columbia International Affairs Online (CIAO), the EBSCO Publishing, Inc., the International Bibliography of the Social Sciences (IBSS), and the ProQuest.

The texts published in the current issue were prepared under the project "Deepening of EU integration in the context of the EU enlargement" supported by the Ministry of Foreign and European Affairs of the Slovak Republic.

The publisher and editors cannot be held responsible for errors or any consequences arising from the use of information contained in this journal. The views, opinions, findings and conclusions or recommendations expressed herein are those of authors and do not necessarily reflect those of the publisher.

International Issues & Slovak Foreign Policy Affairs

Contents

Vol. XXII, No. 4 | 2013

Péter Balázs	
The future of EU enlargement	3
Jelica Minić	
The dynamics and context of regional cooperation in the Western Balkans	21
Ilija Milchevski	
A requiem for a dream: the name issue and the accession of Macedonia to the EU	40
Yulia Tyschenko	
Putting the brakes on European integration: causes and consequences	60
Corneliu Ciurea	
Moldova between West and East: which comes first, Euro-integration or conflict settlement?	71
Book reviews	
Juraj Stern	
Slowakei. Der mühsame Weg nach Westen	84
Contributors	86

Péter Balázs

The future of EU enlargement

Abstract: The twenty-first century began with a vastly unprecedented approach which broke the pattern of EU group enlargements. Three candidates from three different geographical areas of Europe, and with rather divergent political and economic backgrounds, began negotiations with the EU on their future accession: Croatia as a pioneer from the post-war region of the Western Balkans, Turkey as the oldest candidate country (having applied for EU membership in 1987), and Iceland, one of the remaining EFTA states and a member of the European Economic Area. The latest version of the EU's Enlargement Strategy lists all the European states which could be considered for EU membership in the foreseeable future. As Iceland has recently put its accession negotiations on hold, this article focuses on the Western Balkan region and Turkey, giving an overview of some of the specifics of the EU accession process and the actual status of the negotiations under way. Any forecast concerning future EU enlargements with a time horizon of at least ten years from now should consider first of all these countries, with other European states eligible for EU membership being considered only afterward.

Enlargement is a highly visible field of activity and one of the main characteristics of the EU. It holds the attention of the whole European neighborhood in particular, and of the larger world more generally. It has been mostly taken for granted that each decade brings a new wave of enlargement. This article focuses on the Western Balkan region and Turkey, giving an overview of some of the specifics of the EU accession process and the actual status of the negotiations under way.

The unwritten rule that a European Union expansion occurs every decade has been observed since the very first enlargement wave of the 1970s, and has continued without interruption up to the accession of Croatia in 2013. So far, the latter is the only country to have joined the EU in the

2010s, whereas previously the Union seemed to have a clear preference for group enlargements. It must be acknowledged that in a few cases the group accession was divided into two parts, only afterwards being considered as one political act. This was the situation with the EC's Southern enlargement in the 1980s, when Greece entered in 1981, followed after a five year delay by Spain and Portugal in 1986. Similarly, in the 2000s, the "big" Eastern enlargement took place in two subsequent waves: ten new members joined the EU in 2004, and two others from the same region followed in 2007. Today, both double enlargements are being analyzed and evaluated from many aspects as one single political event.

Croatia is the only country to have joined the EU in the 2010s, whereas previously the Union seemed to have a clear preference for group enlargements.

The twenty-first century began with a vastly unprecedented approach which broke the pattern of EU group enlargements. Three candidates from three different geographical areas of Europe, and with rather divergent political and economic backgrounds, began negotiations with the EU on their future accession: Croatia as a pioneer from the post-war region of the Western Balkans, Turkey as the oldest candidate country (having applied for EU

membership in 1987), and Iceland, one of the remaining EFTA states and a member of the European Economic Area. These three very different cases (not to mention the important differences in the size of the three candidates) had to be dealt with simultaneously by the EU's enlargement experts.

The latest version of the EU's Enlargement Strategy¹ lists all the European states which could be considered for EU membership in the foreseeable future. As Iceland has recently put its accession negotiations on hold, two categories remain: the Western Balkan (WB) states, and Turkey as a single specific case. Any forecast concerning future EU enlargements with a time horizon of at least ten years from now should consider first of all these countries, with other European states eligible for EU membership being considered only afterwards.

¹ "Communication from the Commission to the European Parliament and the Council. Enlargement strategy and main challenges 2013–2014," COM(2013) 700 final, October 16, 2013, p. 2. Available online: http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/strategy_paper_2013_en.pdf [accessed on December 2, 2013].

Specifics of the Western Balkan region

The Western Balkans constitutes a new regional challenge to EU enlargement politics. To some extent, enlargement in this region is comparable to the post-Soviet (or post-Cold War) enlargement of the EU involving Central and East European (CEE) countries in 2004 and 2007. The similarities are:

- a larger geographic region with close internal economic and historical ties;
- systemic change in parallel with EU integration;
- national and ethnic tensions within the region;
- a relatively low level of economic development.

At the same time, there are important differences. The most important of these from the standpoint of EU accession are the following:

- post-war situation – reconstruction, refugees, residual tensions;
- poor (or destroyed) infrastructure;
- a strong majority of “new states;”
- some candidates not in possession of an independent monetary system;
- stronger external influences competing with the EU (Turkey, Russia).

Accession conditionality should take into consideration both the similarities and the differences between the lessons and experiences of the Central and East European enlargements of 2004 and 2007, and the future expansion of the EU to the whole of the Western Balkan region (in one or more steps).

One strong similarity with the region of Central and East Europe is that the Western Balkans constitutes a large geographic region with close internal economic and historical ties. This would support a more homogeneous and inclusive regional enlargement strategy on the part of the EU. The second similarity, namely that systemic change is occurring in parallel with EU integration, would also underpin the notion of a parallel and closely coordinated treatment of the candidates. Transportation, energy, telecommunication, and environment infrastructures are based on the outdated Yugoslav legacy, and further weakened by the post-Yugoslav wars. The poor state of the infrastructure and the rather low level of economic development in the Western Balkan area would also support a regional approach. At the same time, the striking differences in the political and economic development – and (more particularly) in the stability – of the

new states favor a differentiated treatment of the candidates, shifting the emphasis onto individual conditionality.

The entire shrinking region of the Western Balkans² is a geopolitical enclave surrounded by EU member states, from Hungary down to Greece, and from the Italian borders of the Adriatic Sea to Bulgaria. This special locality engages deeper EU interests than in the case of the other neighbors situated along the external frontiers of the Union, e.g. the countries of the Eastern Partnership framework program. The Western Balkan countries have only EU neighbors, whereas the EU's Eastern partners are connected by land and sea borders to Russia and other post-Soviet and third states. Any infrastructure connecting the individual Western Balkan countries with each

The Western Balkan countries have only EU neighbors, whereas the EU's Eastern partners are connected by land and sea borders to Russia and other post-Soviet and third states.

other assumes an intra-EU importance as well, facilitating communication among the EU neighbors of the Western Balkan region. A more intensive development of infrastructure with active EU participation would serve two interests simultaneously: a contribution to the economic reintegration of the Western Balkan region, and closer connections between this region and core territories of the EU.

National and ethnic tensions represent another similarity with the CEE region, although their intensity is certainly stronger in the Western Balkans than in any other region of post-Soviet transformation. When comparing the three regions of systemic transformation, one gets rather different pictures of the nature and intensity of the problems. In Central and Eastern Europe, such tensions take the form of discrimination against minorities within individual states, and the persistence of long-standing, nationalist prejudices between direct neighbors, burdening their new relations. In post-Soviet states, contested borders and territories have led to local clashes, short wars, and long-standing "frozen conflict" situations. The successors of former Yugoslavia differ from the abovementioned cases: they suffer from the material, political and moral damage brought on by the post-Yugoslav wars of the 1990s. Since the end of these wars, however,

² From the post-Yugoslav area, Slovenia joined the EU in 2004 and Croatia in 2013. The rest of the Western Balkan region today consists of six states.

the area has not been dominated by territorial disputes. Neither can the internal division of Bosnia and Herzegovina resulting from the 1995 Dayton Agreement be regarded as a “frozen conflict,” but rather a case of “frozen peace” requiring an appropriate follow-up leading to the sustainable peace of the country.³ The secession of Kosovo from Serbia involves residual conflicts in the common border area between the two neighboring states, but the self-declared independence of Kosovo has enjoyed strong international support, contributing to a peaceful settlement of the problem.

From the standpoint of EU relations and longer-term accession perspectives, the post-war situation in the Western Balkan region, aggravated by the low level of economic development, increases the need for external help. Housing reconstruction and improvement of poor or destroyed infrastructure could be accelerated with more assistance from the EU. The return of refugees and the stabilizing of their situation, as well as the handling of residual tensions, would also benefit from EU support.

The state structure of the Western Balkans

The state structure of the eastern half of Europe, including the Western Balkans, is among the newest on the globe.⁴ The divorce of the two components of former Czechoslovakia (in 1993) was completed in an exemplary way. The dissolution of the Soviet Union (in 1991) happened also in a relatively peaceful manner; it was followed, however, by a series of disputes about the secession and/or sovereignty of certain parts of former Soviet Republics, leading to “frozen conflicts” in Moldova and in the South Caucasus region. In parallel – and partly in contrast – with these events, the subdivision of former Yugoslavia provoked bloody wars between people of different ethnicities who had lived together in the same state for three (or more) generations.

Today, five of the six remaining countries of the Western Balkan region are either new (or reborn) states, former federal republics and hence direct

³ G. Toal, A. Maksic, “Is Bosnia-Herzegovina unsustainable? Implications for the Balkans and European Union,” *Eurasian Geography and Economics* Vol. 52, No. 2, 2011, pp. 279–93.

⁴ The European “East,” including the Soviet bloc (members of the Warsaw Pact and CMEA), non-aligned Yugoslavia and isolated Albania, consisted of nine states. With the dissolution of the Soviet Union, Yugoslavia and Czechoslovakia, 30 states now exist on the same geographical territory, 25 of them with a different shape and structure than before 1990.

descendants of the former Yugoslavia (Serbia, Montenegro, Bosnia and Herzegovina, Macedonia), or established by a later secession (Kosovo). In all these countries, state-building is advancing at various stages. This procedure is rather complex, and involves constructing the whole political system and its institutions, shaping a national economy and its infrastructure on a smaller territory, organizing the external relations of the country, and dealing with the many aspects of national identity and its external representation (anthem, flag, uniforms, passports, etc.). The consolidation of a new state is somewhat easier in those cases in which the country existed previously in the same or similar form (Serbia, Montenegro). In the specific case of Bosnia and Herzegovina, the internal post-war consolidation requires more time and patience. For Macedonia and Kosovo, the issue of external recognition

remains unresolved. In the first case, the name of the state is contested, and in the second, its secession from Serbia has not been fully recognized by all EU member states.⁵

In the Western Balkan region, the enlargement policy of the EU is approaching new political and cultural limits regarding the expansion of integration.

The EU can accept and handle only fully consolidated states. Any exception to this fundamental requirement would cause grave consequences, both inside the Union and with respect to its external relations.⁶ For the time being, the different current stages of state building among the individual Western Balkan countries offer a

strong argument in favor of their differentiated individual treatment on the part of the EU. Once a consolidated and internationally recognized status has been reached, further questions may arise, mainly in connection with the size and economic autonomy of some of the Western Balkan countries. With respect to the latter, it must be noted that some candidates do not possess an independent monetary system.⁷

⁵ Five EU member states – Slovakia, Romania, Spain, Greece and Cyprus – have not recognized Kosovo as a new state, influenced obviously by internal political considerations and not by excessive sympathy towards Serbia or conflicted relations with Kosovo.

⁶ The internal compromise of the EU in the case of admitting Cyprus is live proof of this assessment.

⁷ Montenegro and Kosovo are using the euro from an external position, i.e. without being members of the eurozone.

In the Western Balkan region, the enlargement policy of the EU is approaching new political and cultural limits regarding the expansion of integration. The EU's Enlargement Strategy is based on the assumption that candidates are willing and able to accept the "rules of the club," i.e. the legal and institutional system of the Union as represented by the *acquis communautaire*. The willingness factor depends on –the balance of mainly economic gains and sacrifices, and in a legal sense, of rights and obligations – as measured from the point of view of the acceding state.⁸ The ability to implement the *acquis* is largely dependent on the political, cultural and social heritage of the country in question. The consideration of the overall desirability, on balance, of EU accession is also influenced by the presence of other real alternatives to the EU.

In the Western Balkans, this last mentioned factor presents an additional challenge to EU expansion alongside (and simultaneous with) the other challenges. The influence of external players competing with the EU, namely Turkey and Russia, is definitely stronger than in the previous wave of enlargement in Central and East Europe, including the enlargements of 2004 and 2007, and also the accession of Croatia in 2013. Of course, neither Russia nor Turkey can offer an alternative equal to European integration from the politico-institutional standpoint, but both can offer valuable material (mainly trade and energy) support, as well as political, cultural and other assistance, contributing to the improvement of economic conditions outside the EU but in its immediate neighborhood. Russia is exerting its traditional influence in Serbia and Montenegro (and obviously in the whole post-Soviet area), whereas Turkey appears as an attractive partner to countries with Islamic traditions and memories of the Ottoman Empire, such as Bosnia and Herzegovina, Kosovo, Albania and – to some extent – Macedonia. Slovenia and Croatia were the last countries in the region to orient themselves towards the West – a unique political choice for lack of any real alternative. Serbia took a fresh decision in favor of the European option,

The influence of external players competing with the EU, namely Turkey and Russia, is definitely stronger than in the previous wave of enlargement in Central and East Europe.

⁸ F. Schimmelfennig, U. Sedelmeier, "The politics of EU enlargement: theoretical and comparative perspectives," in F. Schimmelfennig, U. Sedelmeier, eds, *The politics of European Union enlargement*, Routledge, 2005, pp. 3–29.

despite the challenge of its close relations with Russia.⁹ Montenegro will most probably follow Serbia on its European path as well. As for each of the other countries of the Western Balkans, the EU must take into consideration Turkey's strong economic and cultural presence there – particularly if it does not offer a credible and concrete accession perspective.

Regional aspects and conditions

The close geographic location of the Western Balkan countries (in the form of an EU enclave), their common historical past, narrow ethnic and cultural ties, and also the post-war situation, are strong arguments for a regional approach to the area. Some elements of this regional thinking are to be found in the EU Enlargement Strategy, but the basic attitude of the Union to the Western Balkan region follows the traditional pattern of country-by-country evaluations and individual EU perspectives.¹⁰ In anticipation of a new political and financial period in the EU beginning in 2014, the Enlargement Strategy stresses four main requirements for the whole Western Balkan region.

Firstly, the complex process of the candidates' systemic transformation, and the institutional aspects of the state building efforts of the majority of them, require greater attention. The relatively low level of economic development increases the threat of corruption and organized crime – the rule of law, therefore, is “at the heart of the enlargement process.”¹¹ Successful judicial reform, and the prevention and elimination of corruption and organized crime, have gained extreme importance in the Western Balkan region.

Secondly, the EU's Enlargement Strategy does not characterize Western Balkan countries as functioning market economies. This judgment is combined with a critical assessment of their economic performance. The EU strategy stresses the high unemployment, particularly among the young, and the need for economic reforms to stimulate growth and improve competitiveness. The general approach is that all Western Balkan states must strengthen their economic governance in order to increase economic output and reach the

⁹ F. Lukyanov, “Russia–EU: the partnership that went astray,” *Europe-Asia Studies*, No. 6, 2008, pp. 1107–19.

¹⁰ “Communication from the Commission to the European Parliament and the Council. Enlargement strategy and main challenges 2013–2014,” op. cit., point 11.

¹¹ *Ibid*, point 2.

quality of an accepted market economy. The latter is an absolute precondition of EU accession.

Thirdly, under the triple pressure of systemic changes, post-war reconciliation and – in many cases – the building of new states, the EU's accession conditionality must emphasize more specifically the functioning of democratic institutions and respect for fundamental rights. These requirements are the logical consequences of accepting the EU's common values and principles. In view of the abovementioned circumstances, the freedom of expression, the protection of minority rights, and the progress of electoral, parliamentary and public administration reforms, have gained momentum in the EU enlargement process.

Finally, two factors shape the EU's requirement for good neighborly relations and regional cooperation: the increased number of states in the region (most of them newly independent), and the post-war situation. All bilateral disputes between candidate countries should be overcome in order to avoid the "importation" of such problems into the EU. The conflict over the demarcation of the sea border between Croatia and Slovenia was a first warning signal in this respect. The most acute conflict situation existed between Serbia and Kosovo, but Serbia's strong motivation to speed up its EU accession process resulted in the country taking a decisive step in April 2013, with the aim of finding satisfactory solutions.

EU perspectives of Western Balkan countries

The European future of the Western Balkan states is closely bound together. If the EU follows its usual enlargement strategy, based overwhelmingly on an individual approach to the candidates¹² – in spite of the special, abovementioned circumstances of the region – the next step would be to split the area into two parts, separating the "easy" from the "difficult" countries.

Without any doubt, Montenegro is the easiest case. Accession negotiations were opened in 2012 and are progressing without major difficulties. The government prepared and adopted a detailed action plan providing a comprehensive reform agenda for strengthening the rule of law. In fact, justice, freedom, security – as well as the independence of the judiciary and

¹² U. Sedelmeier, "Enlargement, from rules for accession to a policy towards Europe," in H. Wallace et al, *Policy-making in the European Union*, Oxford University Press, 2010, pp. 401–29.

the guarantees on fundamental rights – “require a strong political will and enhanced administrative capacity.”¹³ Other accents of the EU Enlargement Strategy emphasize the freedom of expression, the quality of the business environment, and the alleged use of public funds for political party purposes.

Serbia has speeded up its efforts with the aim of obtaining full EU membership as soon as possible. A major step was the conclusion of the First agreement of principles governing the normalization of relations with Kosovo. This extremely sensitive issue is nearing a solution, seemingly acceptable to both parties and to the EU. The EU accession of neighboring Croatia in 2013 has obviously given a final push to this political decision. Today,

If the EU follows its usual enlargement strategy, based overwhelmingly on an individual approach to the candidates, the next step would be to split the area into two parts, separating the “easy” from the “difficult” countries.

both the government and the opposition in Belgrade equally support the country’s goal of European integration. This solid political background can be extremely helpful during accession negotiations, in which various adaptation problems occur and can lead to conflicts between economic sectors, regions, interest groups, etc. within Serbia.¹⁴ The EU Enlargement Strategy underlines the importance, among other things, of the rule of law, the fight against corruption and organized crime, public administration reform, media freedom, and the protection of minorities.¹⁵ The detailed comparison of Serbian and EU law (the “*acquis* screening” in Brussels “Eurospeak”) began in September

2013. Accession negotiations, in the usual form of an inter-governmental conference, would begin in January 2014 with the participation of Serbia and the 28 EU member states.

Macedonia could easily join these two countries if it depended solely on its own performance. The European Commission has proposed in its Enlargement Report – for the fifth time – the opening of accession negotiations.

¹³ “Communication from the Commission to the European Parliament and the Council. Enlargement strategy and main challenges 2013–2014,” op. cit., point 11.

¹⁴ P. Dragisic, *Serbia and the European Union: a view from Brussels*, Institute for Recent History of Serbia, 2008, pp. 147–157.

¹⁵ Communication from the Commission to the European Parliament and the Council. Enlargement strategy and main challenges 2013–2014,” op. cit., point 12.

However, no decision has been taken by the Council so far. "This calls into question the credibility of the enlargement process, which is based on clear conditionality and the principle of own merits" according to the assessment of the Commission.¹⁶ The position of the Council is obviously determined by the solidarity of the majority of the member states with Greece. This country is the only member state contesting the right of Macedonia to the use of its self-chosen name, which it inherited from the previous state structure as a former republic of Yugoslavia. The debate over the state's name has been ongoing for nearly two decades now, without any hope of a solution. In 2013, upon the invitation of the Council, the European Commission reiterated its intention to present a proposal for a negotiating framework for resolving the name issue, "at an early stage of accession negotiations."¹⁷ This formula would allow the opening of accession talks with Macedonia before resolving the country's name problem, but it would do so by transferring it into the next phase with the hope of finding an acceptable solution within that context, "even before negotiation chapters are opened." This approach visibly depends on a more flexible Macedonian position, softened by the fact that negotiations will already be underway. At the moment, however, there are no political signals supporting this hypothesis.

In the case of Albania, the enlargement strategy of the Commission proposes the granting of candidate country status based on the progress of its performance in the judiciary, in public administration, and in parliamentary rules of procedure. Albania's parliamentary elections in June 2013 proved to be satisfactory, which can contribute to a sustainable dialogue between government and opposition camps that are deeply divided on EU-related reforms.

Bosnia and Herzegovina is, for the time being, at a standstill in the European integration process. There has been only limited progress in the reform of the judicial system. The country should also implement the famous Sejdic-Finci judgment of the European Court of Human Rights in order to eliminate all ethnic discrimination against citizens of the country.¹⁸ Bosnia and Herzegovina has refused to take the necessary measures to adapt its trade

¹⁶ Ibid, point 13.

¹⁷ Ibid

¹⁸ I.G. Barbulescu, M. Troncota, "The ambivalent role of the EU in the Western Balkans - 'limited Europeanisation' between formal promises and practical constraints. The case of Bosnia-Herzegovina," *Romanian Journal of European Affairs* Vol. 12. No. 1, March 2012, pp. 5-26.

to the new situation created by the EU accession of neighboring Croatia. The country does not demonstrate any interest in improving relations with the EU in the short term.

Kosovo has made great efforts to normalize its relations with Serbia, with which it has concluded the First Agreement referred to above. After this important development, the Council authorized the opening of negotiations on a Stabilization and Association Agreement in June 2013. It is possible that this Agreement, which would mark the start of a new phase in relations between Kosovo and the EU, will be concluded in 2014.

In an optimistic scenario, both Serbia and Macedonia could catch up with Montenegro and begin negotiations with the EU in 2014, with the aim of finalizing their accession before the end of the mandate of the next European Parliament in 2019. In this case, the 2010s would bring another group enlargement in which these three countries would be added to Croatia, increasing the number of EU member states from 28 to 31. As a result, the Western Balkans enclave would shrink further, with only three states remaining: Albania, Bosnia and Herzegovina, and Kosovo.

Impact of the Western Balkan enlargement on EU decision-making

The rapprochement between the Western Balkan region and the European Union places numerous impositions on the Union as well. First of all, as compared to all past (and potential future) enlargements of the EU, the Western Balkan area contains the smallest number of inhabitants coupled with the highest number of independent states. The six countries¹⁹ with a political perspective of EU membership have a total population of about 18.3 million. One of them (Serbia) is a “smaller” state, while the other five fall into the category of “little” countries (See Table 1. below). This special characteristic of the region could have a strong impact on the internal institutional structure and functioning of the Union, once all the countries of this region join the EU.

In the hypothetical case of an overall “Western Balkan enlargement” (before Iceland and Turkey), including all the countries of the region, the number of EU member states would grow from 28 to 34. The distribution of the member states by their size would change in the following manner:

¹⁹ Serbia, Montenegro, Bosnia and Herzegovina, (FYR of) Macedonia, Albania, Kosovo.

Table 1. Composition of the EU by the size of the member states before and after a hypothetical WB enlargement

size of MSs	EU-28	WB-6	EU-34
big (38–82 mil)	6	–	6
medium (8–22 mil)	9	–	9
smaller (4–8 mil)	6	1	7
little (..–4 mil)	7	5	12
total	28	6	34

Compared to the current, more or less balanced situation (in which medium sized countries constitute the biggest group), a complete Western Balkan enlargement would bring the category of “little” member states into a strong majority position as far as the number of players is concerned. Of course, the introduction of the double majority voting system (in 2014) would attenuate and counterbalance the direct effect of a sharp increase in the number of smaller member states. Nevertheless, it must be admitted that formal votes rarely take place in the Council, and in the informal group dynamics the actions and positions of the biggest member states are decisive. (The accession of Turkey would modify the relative bargaining power of the six “big” EU member states, and fundamentally change their informal interplays in the preparing of their formal decision-making.) At other occasions, however, in which the formal equality of the states is the rule, a simple majority of seats and speakers can be of importance. For example, at the meetings of the various ministerial councils, as well as in the European Council, all participants have an equal opportunity to take the floor and present their position. Furthermore, in important matters which require unanimity, such as the modification of treaties or the accession of new members, any EU country can use its veto power with equal opportunity.

The rapprochement between the Western Balkan region and the European Union places numerous impositions on the Union as well.

The size of the Western Balkan states’ economies and their populations are practically negligible in comparison to the overall dimensions of the EU. They will obviously be net beneficiaries of the EU budget, but their minor

share of the various EU funds or agricultural subsidies would represent only a minimal load on the Multiannual Financial Framework. The institutional impact of a hypothetical Western Balkan enlargement would be the most significant of all.

The situation of EU-Turkey relations

Turkey represents a major unique and complex problem in EU enlargement. The exceptionally slow progress since its application for EU membership in 1987 is not only testimony of the reluctance of the biggest EU member states to accept Turkey as a member of the organization, but also evidence of a certain lack of creativity and strategic thinking at the centre of Europe. Various reasons for this political constellation have been put forward. The dominant explanation is the difference in cultural and religious heritage. But Turkey is the most successful model of the European modernization of a

country with Islamic traditions.²⁰ Its political and economic elite is both educated and accepted by the transatlantic community. Neither is the geographical location of the Turkish mainland – Asia Minor – a relevant counter-argument, since all major Western based international organizations (NATO, OECD, Council of Europe, WTO, IMF, World Bank, etc.) have incorporated Turkey as a full member – except one: the EU. The reasons for this exclusionary position are to be

found within this organization, and not in a larger context or in Turkey alone. In conjunction with the openness of the EU towards Turkey as a potential member, the evident deficiencies of Turkish democracy should of course be considered. EU–Turkish relations have an impact on the security and competitiveness of the whole continent. With regard to the strategic importance of Turkey, “open ended” negotiations reserving the option for the EU to offer this country a “second best” solution (instead of full EU membership) are neither affordable nor politically feasible.

²⁰ B. Rumelili, “Turkey: identity, foreign policy, and socialization in a post-enlargement Europe,” *European Integration* Vol. 33, No. 2, March 2011, pp. 235–49.

The latest version of the EU enlargement strategy recognizes that Turkey is a “strategic partner” for the EU. With its large and dynamic economy, it is characterized as a “valuable component of EU competitiveness.” Apart from the negotiation agenda, the Enlargement Strategy pays due attention to two important dimensions of EU–Turkey relations, namely foreign policy and energy. The ongoing cooperation and dialogue between the EU and Turkey in foreign policy matters takes into consideration the increased role of Turkish diplomacy in the wider neighborhood of the country, including crisis areas (Syria, Iran, North Africa, Afghanistan and Pakistan), as well as the South Caucasus region, Central Asia and the Western Balkans.²¹ In the field of energy supply the Enlargement Strategy underlines the importance of the ratification of an intergovernmental agreement between Turkey and Azerbaijan on the Trans Anatolian Pipeline Project (TANAP).

The introduction of the Turkish chapter and certain other elements in the EU Enlargement Strategy reflects a growing understanding of the real importance of this country.²² Following this new and so far unusual tone, the report prepared by the European Commission returns to the well-known critiques and advice linked to the extremely slowly progress in accession talks. Generally speaking, EU conditionality can be easily explained and accepted if the rewards for complying with the requirements set by the organization are real and tangible.

In the special Turkish case, however, this is already the second generation of the country’s population which has been living with such staggering and “open ended” EU accession negotiations. No wonder that the hopes of the population have declined along with the popularity of EU rapprochement.²³

With regard to the strategic importance of Turkey, “open ended” negotiations reserving the option for the EU to offer this country a “second best” solution are neither affordable nor politically feasible.

²¹ “Communication from the Commission to the European Parliament and the Council. Enlargement strategy and main challenges 2013–2014,” op. cit., point 17.

²² Z.G. Capan, O. Onursal, “Situating Turkey within the European Union,” *Perspectives on European Politics and Society* Vol. 8, No. 1. April 2007, pp. 98–108.

²³ Support for EU membership among the Turkish population gradually decreased from 75 per cent in 2001 to 41 per cent in 2011.

Perspectives of EU–Turkey accession negotiations

In the strategy paper, the EU Commission recognizes that Turkey has begun a “historic peace process” with its Kurdish minority. In reality, the settlement of this question should have been treated as one of the major preconditions of starting accession talks, just like the complex set of problems connected with Cyprus. The opening of Chapter 22 on Regional Policy represents an important step. This document encourages Turkey to meet the opening benchmarks for two other chapters of key importance: Chapter 23 on Judiciary and Fundamental Rights, and Chapter 24 on Justice, Freedom and Security. It also adds that the signing of the EU-Turkey readmission agreement would launch the visa dialogue, leading to visa liberalization.

The latest version of the EU Enlargement Strategy attempts to give new impetus to the solution of the Cyprus problem as well. Let us recall that negotiations with Turkey began in 2005, following the accession of Cyprus to the EU in 2004. Turkey expressed its reservations about accepting the Republic of Cyprus as an EU member without achieving the unification of the island. For this reason, it refused the implementation of the Additional Protocol (adapting trade regulations between the EU and Turkey to the new realities of EU-25 beginning May 1, 2004) over the issue of including Cyprus as a new member state. Turkey introduced restrictions on vessels and aircraft registered in Cyprus, or whose last port of call was Cyprus. In response, right at the beginning of accession talks (2006), the EU suspended negotiations on eight chapters connected with trade issues. As a consequence, the negotiations were for all practical purposes blocked, leading to further complications.

Turkey’s angry reactions were understandable from a political standpoint, but in the context of accession negotiations they resulted in a mutual hostage-taking situation between the EU and Turkey, where neither of the parties could back away from its initial position. By the end of 2013, the EU Commission launched a renewed call to all parties concerned to resume negotiations on a comprehensive settlement of the Cyprus problem, under the auspices of the United Nations. A satisfactory resolution could give new impetus to the accession negotiations between Turkey and the EU.

In the coming years, both the position of the EU and the follow-up of EU accession negotiations with Turkey will depend primarily on the future political composition of the two main EU decision-making institutions, the European Parliament and the European Council. The new EP, to be elected in May 2014, will hold its first plenary session in July and start regular work towards the

end of the year. Among many other issues, it will be confronted with the almost ten year old negotiation process with Turkey, a candidate of major European strategic importance. The formation of political party groups in the new EP and their power relations will determine the general mood concerning Turkish EU membership and support for particular solutions (regarding the free movement of labor, Cyprus, human rights, etc.).

The political composition of the European Council is continuously changing. In the final months of 2013, Germany, Austria, Luxembourg and the Czech Republic all elected new parliaments, and Poland reshuffled its government. In 2014, in parallel with the above mentioned renewal of the European Parliament, parliamentary elections are due in Hungary, Belgium and Sweden. As to the European perspectives regarding Turkey, the enlargement policy of the new German government²⁴ will be decisive, but in view of the fact that enlargement requires unanimity within the Council, the veto of any member state can create obstacles. The next political milestone from the EU vantage point is 2019, ending the mandate of the European Parliament and Commission, but still within the validity of the next Multiannual Financial Framework (2014–2020). Thus, given the delays, the EU's margin to maneuver is sufficiently large, and does not exceed the limit of Turkey's tolerance as indicated by Prime Minister Erdogan: EU accession before the 100 year anniversary of the foundation of modern Turkey, in 2023.

Both the position of the EU and the follow-up of EU accession negotiations with Turkey will depend primarily on the future political composition of the two main EU decision-making institutions, the European Parliament and the European Council.

Concluding remarks

Within the next ten years, the EU will certainly not expand beyond the Western Balkan region and Turkey. The two EFTA members, Norway and Switzerland,

²⁴ At the time of closing this article, a 'big coalition' consisting of CDU-CSU and SPD is taking shape. The positions of the two components of this coalition as to Turkish EU membership have so far been diametrically opposed.

are not expected to take any initiative in this direction. The six countries of the Eastern Partnership framework program of the EU are at the early stages of the European integration process, and their majority is attracted to the potential gains of deepening relations with neighboring Russia.²⁵ Within the term of the next European Parliament and Commission, i.e. before the end of 2019, only the EU accessions of Serbia and Montenegro are probable. The acceptance of other candidates (first of all Macedonia), and the application of a more courageous regional enlargement strategy in the Western Balkans, depends largely on the willingness of EU member states: both those most influential, and those most closely concerned (such as Greece). In addition, the integration perspective of Turkey will form part of a power game between the biggest EU members.

²⁵ On the eve of the Vilnius Summit (November 28–29, 2013), only Moldova and Georgia are engaged in deepening their relations with EU by signing an Association Agreement. Belarus and later Armenia both opted for the Russia-led Customs Union. Ukraine is trying to balance its position between the EU and Russia. Azerbaijan is going its own individual way, and does not require any special support from the EU.

Jelica Minić

The dynamics and context of regional cooperation in the Western Balkans

Abstract: Regional cooperation in the Western Balkans has demonstrated its viability in the last two decades. In the initial phase, international support was the key factor inducing the re-establishment of regional connections. Since the transfer of ownership from internationally led structures towards those that are regionally owned began in 2008, the flourishing of regional initiatives, networks, task forces, and projects has expanded, and led to the new reality of one or two regional meetings (or meetings devoted to the region) per day in recent years. This article offers a short analysis of the general constellation and main players and mechanisms of cooperation, as well as the chronology, existing challenges, obstacles, and prospects for its further development.

I think the climate in the entire region is better now than it has been in the past 15 years. The relationship between any two countries in the region, especially in the group of countries made up of Serbia, Bosnia-Herzegovina and Croatia, and also Montenegro, has never been better, despite the many open issues.¹

Zlatko Lagumdžija, BiH Minister of Foreign Affairs

What, where, who, why...

Regional cooperation is a global phenomenon which assumes a different form, size and scope in the many areas of political, social and economic life. This

¹ "Relations in region 'never better' – Bosnian FM," *B92 News*, November 28, 2013. Available online: http://www.b92.net/eng/news/comments.php?nav_id=88500 [accessed on December 2, 2013].

article is about the dynamics and context of the regional cooperation within the Western Balkans, but also in the wider Southeastern European (SEE) setting.² It is based on the growing literature on regional cooperation, several mapping and statistical exercises performed by the Regional Cooperation Council, and the personal experience of several years of active engagement in a regional organization.

The more than 15 years which have passed since the signing of the Dayton Peace Agreement and the re-establishment of multilateral cooperation in

At the beginning, regional cooperation in the Balkans was regarded mainly as a peace strategy.

the region justifies the timing of this stock-taking exercise. The great number of players involved requires an appropriate structuring and prioritization in evaluating their role. The aspirations to join the EU and NATO, as well as an extensive reliance on international financial institutions (IFIs) and other donors, imply heavy conditionality – regional cooperation is among the major ones. The external incentives have played

a crucial role in initiating the reintegration of the region, but authentic, indigenous initiatives of various regional players have had a growing role as the process has successfully progressed. From the very beginning top-down course of action has been followed, and in some areas even preceded, by another that was bottom-up (in particular by civil society organizations and local communities).

An active EU enlargement policy and the maintaining of its momentum³ remains a strategic goal for the EU and the Western Balkans. This includes

² The SEE region includes countries that have been granted candidate status (Turkey, the Former Yugoslav Republic of Macedonia, Montenegro, and Serbia), countries aspiring to achieve candidate status and eventually start EU accession negotiations (Albania and Bosnia and Herzegovina, as well as Kosovo* [* – This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo declaration of independence]), countries whose European aspirations are pursued within a different EU institutional framework (Moldova), as well as several EU member states (Greece, Slovenia, Bulgaria, Romania and Croatia).

³ The process of ratification of Croatia's Accession Treaty by the EU was successfully finalized on July 1, 2013 and she became its 28th member; steps were taken by the Commission and Turkey to implement the positive agenda in line with the negotiating framework; accession negotiations with Montenegro, opened in June 2012, have been progressing; the opening of accession negotiations with Serbia is very close and hopefully with the Former Yugoslav Republic of Macedonia as well; the granting of candidate

regional cooperation as an important EU membership pre-condition, but also as a means to foster dialogue, reconciliation and stability across the SEE region. At the beginning, regional cooperation in the Balkans was regarded mainly as a peace strategy. Later on, regional cooperation in SEE was understood as part of the wider context of European and Euro-Atlantic integration, and was seen as instrumental for the core objectives of the EU and NATO in this region. It took some time before it was understood as something valuable in itself – as instrumental in providing the requisites for socio-economic development, competitiveness, and an overall better image of the region before it is fully integrated into the EU.

Thus, the regional cooperation in the Western Balkans is:

- a precondition for reconciliation and for security, stability and prosperity in the Western Balkans;
- part of the conditionality for association and accession to the EU;
- support for socio-economic development in the region (through the coordination of various sectoral policies and donors' assistance, and the development and promotion of regional projects demanding common efforts, networking, or an economy of scale which will attract foreign investors).

Phases and forms

Since the year 2000, when the conflicts and dissolution of the former Yugoslavia ended, regional cooperation in the Balkans has had an exponential growth. Although many countries of the region had already joined various regional organizations established in the previous decade, or even earlier, such as the Central European Initiative (CEI), the Black Sea Economic Cooperation (BSEC), or the Adriatic Ionian Initiative (AII), and in 1996 the South East European Cooperation Process (SEECP) practical, sectoral and SEE region-focused cooperation has flourished only after the achievement of peace arrangements and the basic stabilization of the political climate in the region.

status to Albania is expected; the EC's high-level dialogue on the accession process with Bosnia and Herzegovina has been launched; and the decision to open negotiations for the Stabilization and Association Agreement with Kosovo* has been made. The aspirations of Moldova are being realized within a different institutional framework – the European Neighborhood policy's Eastern Partnership – and the country signed the Association Agreement with the EU on November 28, 2013, including a Deep and Comprehensive Free Trade Area as its essential component.

The SEECP and the Stability Pact for South East Europe provided the operational framework and principal guidance for this process. The first of these was fully regionally owned and operated at the political level. The second was externally induced by the EU and other interested international partners like the US and Russia, in 1999. This was preceded in the same year by the SAP, as the European perspective incentive which combined the real interests of the Balkan countries in peace, stability and prosperity, with a strong external conditionality (the EU and to a considerable extent NATO). That was the playing ground which was defined mostly from outside the region, but supported

Evidently there was, already in the second half of the nineties, an emerging political will for cooperation among the countries surrounding the Western Balkans.

by the region itself. The next phase in the further consolidation of this framework was marked by the Thessaloniki EU–Western Balkans Summit in 2003, which explicitly opened the European perspective to this post-conflict region, and simultaneously offered additional incentives for regional cooperation in concrete areas in which the EU invited the region to follow its key policies (trade liberalization, development of small and medium-sized enterprises, research and development, access to specific EU programs, etc).

Evidently there was, already in the second half of the nineties, an emerging political will for cooperation among the countries surrounding the Western Balkans, as a response to the destabilization of the wider region, and even a “demand” for cooperation in vital areas such as security, transport, energy and trade, where the interdependence is obvious and unavoidable. There was also a readiness among political players and other social actors in the Western Balkans to support regional cooperation in these areas, in order to facilitate reconciliation and to increase security in the region. That is why the SEECP was founded immediately after the Dayton Agreement, laying the groundwork for the flourishing of different regional initiatives after the year 2000. More than ten years later, we have besides the EU the following structure of regional players:

- the SEECP as a strong regional promoter of stabilization and reforms, covering the whole of the Balkans, and fully regionally owned and governed from the very beginning;

- the Stability Pact for SEE has been transformed into the regionally owned Regional Cooperation Council (RCC), which in 2013 celebrated its fifth anniversary as an effective operational arm of the SEECP and the main regional coordination mechanism;⁴ and
- over 50 different regional organizations, initiatives and networks operating in the wide spectrum of areas of common interest for the countries in the region. Most of them have been established by the interested stakeholders in the region, or in cooperation with external partners and, in some cases, by the EU or other international agencies/ organizations.

In his celebrated article on “The Yugosphere,”⁵ Tim Judah envisages the strengthening of the latter process. In the discussions and interviews that followed, he compares the reintegration process to the ocean tides – an inexorable and unstoppable course of events. The gathering speed at which an ever increasing number of local independent mechanisms and institutions of regional cooperation are emerging – and not merely in response to pressure and/or financial inducement from outside the region – helps confirm this point of view. The RCC’s overview, covering over 40 regional structures in Southeastern Europe,⁶ showed that Western Balkan countries were the only ones participating in almost all of these initiatives. The presence of the other countries of the region is significantly lower, indicating that the driving force of reintegration is in fact the Western Balkans, strongly supported by the EU and SEECP. While the EU continues to be the strongest anchor of stabilization and reform, a key role in consolidating regional cooperation is played by the SEECP, as the most relevant regionally-owned and governed political forum, and the RCC, as an effective operational arm of the SEECP and the main regional coordination mechanism in SEE.

⁴ The SEECP high-level event and the RCC’s sixth annual meeting, in May 2013 in Ohrid, had a special significance as they reviewed the RCC’s results following the implementation of the RCC SWP 2011–2013, referred to the SEE 2020, and endorsed the RCC’s new triennial SWP 2014–2016. These documents embody the anchor of a new vision for the RCC, which undoubtedly strengthened its capacity to maintain an all-inclusive and regionally-owned framework. See the official web page of the RCC: www.rcc.int

⁵ T. Judah, “Entering the Yugsphere,” *The Economist*, August 20, 2009. Available online: http://www.economist.com/world/europe/displaystory.cfm?story_id=14258861 [accessed on December 2, 2013].

⁶ The first mapping executed by the RCC, in 2010, included 43 regional initiatives. Innovated overviews, presenting these regional structures in more detail, were given as annexes to the RCC Strategy and Action Programme for 2011–2013 and 2014–2016.

Ultimately, there are specific interests behind the institutions providing the framework for some of the activities through which the multilateral cooperation manifests itself. When establishing and developing regional cooperation, these interests were not guided only by the prospect of European integration. The authentic regional interests emerged and were recognized. It may be said that the characteristics of these interests and those who uphold them differ from one field of cooperation to another. Certain forms of economic cooperation, science, culture, sport, civil society, and local communities, had all beaten their own paths to cooperation already, without too much intervention on the part of institutions – these came later. With increasing frequency, however, it is the governments that stand firmly behind key projects in regulating the regional market, infrastructure, energy and transport. Here the EU has stimulated and assisted the emergence of institutions of cooperation. New bodies of interest are being set up directed at making multilateral cooperation sustainable in the long term.⁷

In 2011, the RCC secretariat conducted a survey of regional initiatives (RIs)⁸ operating within and directed towards the countries of South East Europe, in order to provide an overview of the regional cooperation landscape in SEE and assess possible actions to support institutional strengthening, fundraising, networking, and streamlining of regional initiatives. The RIs were surveyed on general and institutional aspects, funding, projects and actions, and regional coordination activities and needs.

There are four broad groups according to the legal status and institutional characteristics of RIs:

- international inter-governmental organizations (IGOs);
- non-governmental organizations (NGOs);
- donor-funded projects referred to as initiatives; and

⁷ The relative power of the different drivers of regional cooperation has changed over time. This has been well described in two excellent books: D. Lopandić, J. Kronja, *Regional initiatives and multilateral cooperation in the Balkans*, Belgrade: European Movement in Serbia, 2011; D. Bechev, *Constructing South East Europe – the politics of Balkan regional cooperation*, Palgrave Macmillan, United Kingdom, 2011.

⁸ “Regional initiatives in South East Europe – Summary Findings,” Regional Cooperation Council, Sarajevo, March 2011. The survey, which included 30 regional initiatives, provided some basic inputs for the discussion at the “Western Balkans and Europe 2020 – towards convergence and growth” – a regional coordination meeting of the main regional initiatives and the donor community (EU, IFIs, international organizations, and bilateral donors) organized by the RCC on March 30–31 in Brussels.

- networks whose structures and operations are hosted by other, mostly governmental institutions. An RI is defined as any type of incorporated or informal structure, network, or task force active in the region of Southeastern Europe, working in the areas defined as a priority by the RCC secretariat's statute, and undertaking activities in supranational context.

Confirming the prevalent belief, the European Commission remains the single largest contributor to regional efforts in Southeastern Europe, sourcing over 30 per cent of all funds dedicated to RIs either directly through regional programs, or through national IPA contributions. Other individual donors and governments outside of the region aggregately contribute almost half of the RI funding, with the private sector directly financing less than 1 per cent of the overall budgets. The contribution of the governments in the region, which stood at 20 per cent in 2010, signals an ever greater commitment to regional cooperation and indicates an increase of regional ownership in RIs.

The European Commission remains the single largest contributor to regional efforts in Southeastern Europe, sourcing over 30 per cent of all funds dedicated to regional initiatives.

Although the work of RI's was mostly aligned with the priorities of Europe 2020, the conclusion was reached that they could benefit from a strengthened governance mechanism in which systematic benchmarking, peer reviews, monitoring, and reporting (similar to the principles of Europe 2020) would be executed on

regular basis. Associating the regional initiatives further with Europe 2020 (both in policy objectives and governance principles) was expected to help increase the effectiveness of the groups, provide better insight at the level of development of policies in countries and in the region, secure enhanced translation of regionally-agreed reforms to the national level, and, finally, prepare countries for obligations of membership. Most of the respondents indicated that the RCC should have a stronger role in assisting interaction and coordination with donors, as well as coordination with other regional and international organizations.

Much has been built up over the past 15 years. The underlying architecture is becoming visible, but the structure is still fragile, susceptible to shocks and periodic breakdown, and in need of a good deal of patient work.

New phase

A new phase in consolidating regional cooperation and making it more effective is marked by the SEE 2020 strategy,⁹ which has become the backbone of the RCC strategy aligning the region with Europe 2020. The creation of one million new jobs in SEE by 2020 is the most important aim of the strategy, which is named “Jobs and prosperity in the European perspective.” The goal of the SEE 2020 strategy is to improve living conditions in the region and bring competitiveness and development back into focus, closely following the vision of the EU strategy Europe 2020.

The SEE 2020 became the most comprehensive regional strategy aligning the region with the main trajectory of Europe 2020. It is a common endeavor, primarily of Western Balkan administrations with help of other regional initiatives and their external partners, to develop strategic guidelines and sectoral strategies for the period 2014–2020. Regional structures have been involved in this process, and the RCC plays a key coordinating and streamlining role in integrating different regional and national strategies into the wider context of SEE 2020. Most of the RIs are already working in line with the priorities of the Europe 2020 Strategy, as the main European framework for growth. The SEE 2020 was developed on the basis of Europe 2020 flagship initiatives, and amended to suit the needs and specific conditions of the region.

Europe 2020, although largely relevant to the Western Balkans development horizon, does not involve all priority areas that are of major concern for the region’s future. Eleven specific targets have been identified covering smart, sustainable and inclusive growth, along with two additional pillars identified as important by the countries themselves – integrated

⁹ The RCC’s SEE 2020 strategy was adopted in Sarajevo on November 21, 2013 at the Ministerial Conference of the South East Europe Investment Committee. See “South East Europe 2020 Strategy – jobs and prosperity in a European perspective,” Regional Cooperation Council, 2013. Available online: <http://www.rcc.int/download/pubs/SEE2020%20Strategy.pdf/c3f156e62e804f9bdab28a555e6a6d57.pdf> (accessed on December 2, 2013).

Europe 2020, although largely relevant to the Western Balkans development horizon, does not involve all priority areas that are of major concern for the region’s future.

growth (promoting closer regional integration), and governance for growth (emphasizing the importance of good governance). The selection of targets converging with EU 2020 in the areas of trade, investment, employment, education, and governance was influenced by several factors, including the availability of comparable data for measuring progress. The region's Ministers agreed that these regional headline targets should be met by 2020, using 2010 as the base year. In order to meet them, they also agreed on:

- policy measures required at national and regional level;
- the development of a comprehensive set of indicators to measure progress in the attainment of these targets; and
- a governance process for the implementation of the SEE 2020 strategy.

The SEE 2020 framework provides clear advantages for external partners. Whether with respect to the EU or other donors, the SEE 2020 provides a transparent platform for identifying areas of greatest need as well as those of common interest, thus giving a clear regional perspective on donor assistance. It also contributes to the improvement of monitoring capacities as to whether IPA and other donor funding reflects the priorities of the regional cooperation.

In its latest report on the Enlargement strategy and the main challenges of 2013–2014, the European Commission underlined the point that good neighborly relations and regional cooperation remained essential elements of the stabilization and association process, and that regional cooperation needs to be further strengthened, and to be inclusive and regionally-owned. There is also the clear message that the Commission fully supports the work of the South East Europe Cooperation Process (SEECPP) and the RCC, including the SEE 2020 strategy.¹⁰

A stronger focus on the EU Enlargement strategy and the Europe 2020 strategy provides the region and each regional country with a longer-term view, aligns their activities with broader strategies, and makes it possible to measure achieved results.¹¹ The ongoing regional dialogue is expected to

¹⁰ "Communication from the Commission to the European Parliament and the Council. Enlargement strategy and main challenges 2013–2014," COM(2013) 700 final, October 16, 2013, p. 2. Available online: http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/strategy_paper_2013_en.pdf (accessed on December 2, 2013).

¹¹ In the same report, particular importance was given to the improvement of economic governance in the enlargement countries, implying appropriate adjustments in EU assistance to the region. "Through IPA II, the Commission will continue to support reforms

become more structured with a higher involvement of national policy makers in the implementation of regionally agreed issues. Additional project management mechanisms and tools will be put in place to facilitate the tracking, recording, monitoring and managing of an increasing number of activities, and in order to maintain a sufficient level of quality control in delivery. This also requires a stronger platform for reaching out to all stakeholders, involving increased communication as an integral part of all regional activities.

The listed activities imply reforms, the adoption of the *acquis communautaire*, and the establishment of cross-border and trans-border networks between the various players, facilitating the increase of knowledge and the sharing of

experience, and defining a new, more open, competitive but also cooperative, landscape for all national players, whether individual or group. In other words, regional cooperation facilitates the establishment of new interest groups in the region which are not linked only to national resources and capabilities. This implies new rules of the game, both regional and international. It must be underlined that the main external partner is EU, but there are also many international organizations,

international financial institutions and other donors, think tanks, etc.

Among the main advantages of this strategy are knowledge sharing, the size of projects, a joint approach to key trade-related structural reforms, infrastructure development, job creation, regional image and competitiveness, fighting of organized crime and corruption, and in particular, improvement of economic governance in the Western Balkans area. The process of SEE 2020 development has already contributed to the fostering of a new culture of cooperation in the region, as one of the key European values.

The process of SEE 2020 development has already contributed to the fostering of a new culture of cooperation in the region.

leading to the fulfillment of economic criteria and socio-economic development, including through the Western Balkans Investment Framework (WBIF), prioritizing improvement in transport and energy interconnection between the EU and enlargement countries, and to provide technical assistance to support economic governance, dialogue on employment and social issues, the objectives of the RCC regarding a regional 2020 strategy, and agriculture and rural development.” Ibid, p. 6.

Achievements

First, the region is now appropriately represented in different international and regional forums, even prior to its national administrations and other target groups. That a substantial majority of Western Balkan, as well as many other SEE countries are taking part, and even directly financing their participation in numerous regional activities, is proof of the relevance of these activities and a guarantee of their long term sustainability. The effectiveness of regional cooperation is to be measured by the extent of the acceptance, involvement and mutual benefits achieved by the SEE countries participating in each activity. The quality of representation depends on the feeling of ownership and leadership over regional initiatives, but first and foremost on the results achieved.

Second, the intensity of activity is becoming impressive. An analysis carried out by the RCC for 2011¹² included 302 regional events, mostly organized by different regional initiatives, but also by some other partners in the region, primarily from the EU. These events included those of economic and social development in the region (51), justice and home affairs (39), energy and infrastructure (36), security cooperation (32), high-profile political meetings (31), the building of human capital (21), etc. According to the RCC's estimate this represents only about half of the regional events, or events devoted to the region, this year – i.e. those for which there were available data.

Third, existing regional structures exerted their ability to develop important regional coordination and cooperation platforms. The development of multi-annual strategies in different areas has helped regional cooperation development because it has provided a more coordinated approach, addressing the entire complexity of regional cooperation challenges in an inter-connected manner, and helped to identify the horizontally connected issues and to better plan activities in the wider context of regional cooperation. To list just a few of those developed under the RCC auspice: SEEIC,¹³ which launched a development vehicle for the region – the SEE 2020 strategy; the Regional

¹² "RCC Strategy and Work Programme 2011–2013. Self-assessment report on the first year of implementation," Regional Cooperation Council, Sarajevo, February 27, 2012, Annex III. Available online: http://www.rcc.int/docs_archive/19# (accessed on December 2, 2013).

¹³ In 2011, the SEEIC, which was initiated by the Stability Pact and led by the OECD in its initial period, was transferred to the RCC, which transformed it into the most powerful engine within its own structure.

Strategy for Research and Development for Innovation for the Western Balkans; the RCC Task Force on Culture and Society; the establishment of the European Association of Public Service Media in SEE, as a non-profit professional body of public broadcasters; the 2011 –2013 Regional Strategic Document in the area of Justice and Home Affairs, and the Action Plan for its implementation, as well as a related Monitoring and Evaluation Mechanism to measure progress; and a regional mechanism of cooperation between the Chiefs of Military Intelligence, the Heads of the South East European National Security Authorities, the South East European Counter-Intelligence Chiefs Forum, etc.

Other regional structures have their own strategies and working plans, adopted by different line ministries of SEE countries on trade, energy, rural development, health, transport, environment, research and development, education, culture, etc. All of them address some common problems and offer regional tools and mechanisms to facilitate their solution. The listed examples of sectoral planning have significantly helped the further development of regional cooperation in different areas. Obviously, considerable progress

was shown visible in the augmenting of the SEE countries' ability to display a common stance on formulated regionally attainable goals, in the strengthening of their synergy, cooperation and coordination, and in the streamlining of regional initiatives and task forces in SEE. This would not have been possible if regional initiatives had not developed notable analytical capabilities and expertise, which could be put to the further benefit of both the region and the main international partners.

Fourth, an important lesson learned is that regional cooperation is not something that can be defined as "self-existent," but rather as the sum of readiness and mutually acceptable commitments and interests, mostly national ones. Continuous institutional consultations, therefore, have been used as instruments in reaching consensus, building upon various national interests, and finding the common denominator. This was especially so in the phase of initiating activity and finding solutions for issues of disagreement.

Fifth, the selected objectives and areas of intervention have undergone several screening phases before they were included in the various sectoral strategic documents. The process of identifying and prioritizing actions to

*Regional cooperation
is not something that
can be defined as
"self-existent."*

be taken included reviews of national strategies, donor plans, and actions, engaging considerable human and other resources. Regional initiatives and task forces increased mutual consultations, as well as consultations with other regional and international partners. The process resulted in objectives that were deemed relevant and credible.

Sixth, regional consultative and/or monitoring mechanisms have been initiated or already created in most of the priority areas of cooperation, providing additional measurement of progress along the path towards the European and Euro-Atlantic integration of the Western Balkans. The fact that some of the most sensitive security institutions in countries of the region were motivated to develop mutually beneficial cooperation is a great success in itself.

Seventh, by promoting a complex integrated approach, including inter-sectoral, multi-level and multi-stakeholder dimensions, as well as a “bottom-up” approach to match the “top-down” one, and through strengthening the role and capacity of local authorities, civil society and media, regional initiatives have gained additional room to reach expected results in priority areas, and to shape an appropriate strategic framework covering the SEE region.

Eighth, although a wider range of stakeholders has been involved, the coherence and complementarities of fundamental regional processes, mechanisms and networks have increased, contributing to the more harmonized strategic approaches of different regional initiatives, and have strengthened cross-border and inter-institutional trust and cooperation in many areas.

Ninth, the exponents of the new regionalism, from Björn Hettne to Mario Tel,¹⁴ have stressed the importance of the institutions. It is doubtless that numerous regional initiatives have contributed to the general advancement and strengthening of institutions in the Western Balkans. But the development of these initiatives has also depended on the strengthening of institutional capacities within their member countries. This means that the development of institutional capacities at both the national and regional levels has given birth to a plethora of multilateral institutions. At the same time, directly or indirectly, this process is contributing to the meeting of obligations stemming

¹⁴ B. Hettne, A. Inotai, O. Sunkel, eds, *Comparing regionalisms – implications for global development*, UN World Institute for Development Economics Research, Palgrave Macmillan, 2001; and M. Telo, *European Union and new regionalism – regional actors and global governance in post-hegemonic era*, Ashgate Publishing Company, Burlington, 2007.

from the process of European integration. Here the connection between regional cooperation and European integration is very visible.

Tenth, regional cooperation has also opened or facilitated access to various European programs. Regional initiatives, and in particular the RCC, contribute to the programming of the IPA Multi-beneficiary Program (IPA MB) through the participation of their experts in IPA MB working groups and IPA MB coordination meetings. The aim has been to ensure that both current IPA and incoming IPA II priorities¹⁵ correspond to regional priorities, and to focus attention on the need for beneficiaries to cooperate amongst themselves and liaise with other key stakeholders and the donor community.

*More and more,
a commitment to
common goals is
helping to change
national policies.*

The RCC and other regional structures, such as the Energy Community Secretariat (ECS) and the South East European Transport Observatory (SEETO), as active participants of the donor coordination process within the International Financial Institutions Advisory Group (IFI AG) and the Steering Committee of the Western Balkan Investment Framework (WBIF), contribute to a better defining of regional cooperation priorities.¹⁶

In short, the main achievements of Western Balkan countries in their mutual relations in recent years are the continual strengthening of functional

¹⁵ “IPA II introduces some important innovations, notably the focus on defining long term policies and strategies in a limited number of priority sectors, which will be aligned with the needs and capacities of each country. Clear targets and realistic indicators will be set and linked to multi-annual sector assistance. If countries meet the necessary standards of public financial management, they will be able to benefit from budget support – a further incentive for reform. Incentives will be available to countries that advance on their reform path. In case of underperformance, funds will be reallocated. The management of IPA programmes will be further streamlined, mainly through fewer and larger projects.” See “Communication from the Commission to the European Parliament and the Council. Enlargement strategy and main challenges 2013–2014,” op. cit., p. 3.

¹⁶ The level of effective use of regional cooperation has been increased, but not to a very satisfactory level. One indicator of this is the insufficient use of IPA funds during the period 2007–2012. Although this was mainly due to the low level of national administrative capacities, it was understood that greater knowledge and information sharing, as well as a greater number of well-designed regional projects providing a critical mass of human resources, skills, size of coverage, and funds raised would have helped the implementation of certain key accession-related activities, and speeded up acquis adoption as well.

and sectoral cooperation, the improvement of multilateral political relations, and the improving, albeit oscillating, bilateral political relations.¹⁷ More and more, a commitment to common goals is helping to change national policies. This progress has contributed to the advancement of the EU enlargement countries of SEE in achieving an array of specific targets in different areas.

Obstacles and challenges

Obstacles to the overall advancement of regional cooperation still exist. Since the year 2000, this progress has not been uniform due to challenges of different nature, in particular: oscillating bilateral political relations and open issues within the region, the economic and financial crisis with its social consequences, developments within EU and on the broader international scene, and the not-always-full use being made of all opportunities in certain areas of cooperation. Fragmentation, lack of coordination, insufficient institutional capacity, and uneven development in different areas of cooperation were the main obstacles which have gradually been overcome. Although regional cooperation structures are more or less known to the central authorities, not all of them actually know how to resort to the tools that are available. To this list of issues which need an appropriate regional response, we could add also the necessity to address regional cooperation in a more strategic manner, and to develop monitoring and evaluation mechanisms with more measurable and specific indicators. Moreover, several regional initiatives have met serious problems regarding financial or political support. Some of these problems are a reflection of the European and global economic crisis, but some are related to the relevance and effectiveness of the initiatives themselves.

It is the common understanding that the appropriate implementation of numerous activities at the regional level needs, primarily, more civil society and private sector involvement. There is a need for more inter-sectoral cooperation, and the inclusion of local authorities and civil society as the

¹⁷ The EC constantly underlines the importance of the bilateral dimension: "There needs to be a renewed effort to overcome bilateral disputes among enlargement countries and with member states. Bilateral issues need to be addressed by the parties concerned as early as possible and should not hold up the accession process. Developments in Serbia and Kosovo in particular have shown that countries can make progress towards overcoming the legacy of recent conflict, in line with the very principle on which the European Union was founded." See "Enlargement strategy and main challenges 2013–2014," *op. cit.*, p. 2.

major implementers of the bottom-up approach, which is inevitably necessary to complement the so far predominantly exercised top-down approach. A multi-stakeholder involvement is needed in order to ensure a balanced representation of different interests and a consensus based development.

There is still a risk that planned activities will not be achieved in all areas, jeopardizing the sustainability of intervention. That is why many regional initiatives are requested to focus their activities and base them around several core initiatives that will make their work even more coherent and sustainable. It is important to notice that this shift is already occurring, and it is becoming evident that fragmented projects and activities are giving way to more structured, longer-term processes.

The experience has clearly demonstrated that where communication has been approached in a strategic manner, as part of policy planning, information on regional cooperation has reached a larger number of stakeholders and has

One of the main challenges for the further development of regional cooperation is the political will of its main players.

had a more significant impact compared with approaching communication as an afterthought, or as a technical and fragmented affair. A proper dissemination of information on regional cooperation is of the highest political value, and is becoming one of the pillars in the work programs of many regional initiatives.

One of the main challenges for the further development of regional cooperation is the political will of its main players – their commitment and readiness to look for common solutions to common problems. The lack of appropriate institutional, human, and financial strength capacities to support political willingness is often a barrier to satisfactory results. This means that commitments are not always coupled with the tools needed to reach the objectives, or to put forward the appropriate governance mechanisms and incentives which are agreed at the political level. There is a problem of intra-governmental coordination within SEE administrations, which is a structural problem affecting many areas of governmental responsibility. There are many physical barriers to better communication in the region (transport and communications infrastructure, for example). Moreover, the further evolution of the EU enlargement policy, if it becomes even more demanding in particular regarding its regional approach, will have a substantial impact on multilateral cooperation in the Western Balkans.

Finally, the changes envisaged in the SEECP¹⁸ aimed at strengthening this initiative will also influence both political and sectoral cooperation in the region via the changing balance between the wider SEE framework and the Western Balkans.

Some of the obstacles and challenges listed above are of a substantial, and some of a functional, nature. But the direction of changes is clear, and the general climate is in favor of regional cooperation.

Prospects

The results achieved so far, the general political and economic context, and a clear vision for the future, will to a large extent shape the strategic orientation of the region and of each individual country for the period beyond 2013. The regional dialogue and multilateral cooperation will need, first of all, a growing political support. This should be followed by an appropriate pattern of coherently structured further work (in its political, operational, and financial aspects) at the regional level, in correlation with possible changes within the EU and its pre-accession assistance. In the next period, it will be of key importance to continue the vision-building process and to identify priorities of future regional cooperation through comprehensive and transparent consultations with all relevant stakeholders in the region – particularly national authorities, regional initiatives, task forces, and main donors (primarily the European Commission). Stability and growth are the key objectives of common action, and this is the only way to achieve them on a long term basis.

It is evident that there is a feeling of community and mutual responsibility in the region, given the shared governance of numerous (about 50) regional organizations, initiatives, networks and projects. The development of both sectoral and overarching strategies at the regional level shows that there is a common set of interests.¹⁹ But is there a clear answer regarding the direction of the future regional integration in the Balkans? There are three main lines of its development: of thought:

¹⁸ “SEECOP Ohrid Declaration of the formal meeting of the ministers of foreign affairs,” Ohrid, May 31, 2013, p. 4.

¹⁹ For example, the SEE 2020 with the main messages: (i) job-creating growth through a renewed focus on competitiveness and regional economic integration, (ii) support for accession (functional integration, *acquis* adoption, good governance).

- multilateral and bilateral political arrangements/agreements (SEECF is the most prominent example);
- formal and informal multilateral cooperation based on the convergence of political regimes, economic policies, and security arrangements – CEFTA 2006, Energy Community Treaty, South East Europe Transport Observatory, Regional School for Public Administration, Standing Working Group for Rural Development, South East Europe Health Network, Regional Environmental Centre, and other numerous SEE regional task forces and initiatives;²⁰
- passive integration through participation in the European integration process and various EU structures – association and accession process, participation in numerous European programs.

There are a number of accession related issues that have a regional dimension (enhancing reforms, preparations for negotiations, etc.), implying a more direct and concrete role of RIs within the EU enlargement process in the Western Balkans. The RIs need to be given stronger leverage from EU institutions, in terms of being recognized, promoted and supported as key instruments for introducing and implementing a regional approach to economic recovery and development.

Certain changes in the new cycle of pre-accession assistance²¹ (in the EU's new financial perspective) are very indicative: a tailor made approach, flexibility, equal opportunity for all but rewards for the successful, greater stress on the regional acquiring of necessary knowledge and capacity building, as well as a strengthened regional perspective in infrastructure development, giving additional impetus to existing, or to the creation of new regional structures (Energy Community Treaty, Transport Community Treaty to be launched, Western Balkan Investment Framework for donor coordination, etc.).

Based both on achievements and lessons learned, RIs should evolve to a new stage, as the region needs a more coherent and consolidated cooperation based on genuine ownership and leadership. The process of evaluation, and thinking about modalities of a future course of action regarding cooperation in SEE, has already been initiated within the SEECF and the RCC, and the outcome of this debate will influence the *modus operandi*, mandate and other

²⁰ Just to underline that civil society organizations were the first to re-establish regional cooperation after and even during the most recent conflicts in the Balkans.

²¹ "Roadmap for planning and programming. Instrument for Pre-Accession Assistance (2014–2020)," EC DG Enlargement, Ref. Ares (2013) 65573-18/01/2013, January 18, 2013.

aspects of the work of RIs beyond 2013. The RIs would also benefit from an innovated SEECF pattern of a more focused, thematic and concrete mode of operation, ensuring commitment at SEECF high level meetings in addressing the issues of crucial importance for the region, and in the implementation of related decisions.²²

The support from SEECF will be manifested, first of all, through a high level political commitment to implement agreed strategic decisions and policy measures in different areas of regional cooperation. This political structure has proved itself able to provide a favorable political climate for important structural reforms and the development of a new image for the SEE region. Established as a “safety net” in the nineties, it evolved into an important structure contributing to the European and Euro-Atlantic integration of its member countries, and has a growing importance in defining developmental goals and projects in the region through its operational arm, the RCC.

Thus the long term development of regional cooperation is closely linked with the further evolution of the SEECF and the EU enlargement policy, and to how deeply rooted certain measures will become – namely, measures undertaken to interlink regional players, and to establish a long lasting structure of interests that could hold the region together even if most of these countries join the EU in the foreseeable future. Perhaps a Nordic Council, a Baltic Council, or a Visegrad Group, in an existing or slightly changed format, may be expected to evolve from the existing structures of regional cooperation in SEE. There are many factors influencing developments in the region, and the biggest challenge is to identify appropriately the real resources and long term opportunities, as well as the potential and achievable readiness to combine them at the regional level. It may be regarded as a sign of maturity that the process of assessing the costs and benefits of regional activities is already underway.

The long term development of regional cooperation is closely linked with the further evolution of the SEECF and the EU enlargement policy.

²² “Solidarity in action. Joint statement of the ministers of foreign affairs of the South East Europe Cooperation Process (SEECF),” Ohrid, May 31, 2013, with joint commitments on disaster risk reduction and climate change adaptation. This was the first thematic document adopted at the high-level annual meeting of the SEECF, introducing the new practice of political support for specific sectoral actions identified as regional priorities.

Ilija Milchevski

A requiem for a dream: the name issue and the accession of Macedonia to the EU

Abstract: This paper examines the role of the name issue between the Republic of Macedonia and Greece, as a factor ultimately defining the dynamics of the process of accession of the Republic of Macedonia to the European Union. The impact of the name issue as a decisive factor is identified during two key periods of the relations between the EU and the Republic of Macedonia. During the first period, the name issue caused a substantial delay in the process of international recognition of the Republic of Macedonia. As a result of this delay, Macedonia missed the most favorable moment for EU accession – the historic enlargements of 2004 and 2007. During the second period, the resolution of the name issue was imposed by the Council as an additional criterion (outside the Copenhagen criteria) for the start of accession negotiations, effectively blocking the accession of Macedonia to the European Union.

Since the fall of communism in Eastern Europe, the Republic of Macedonia has shared a common dream with the overwhelming majority of Central and Eastern European countries – the dream of meeting the standards of the European Union and becoming a part of the united European family in the foreseeable future. The process of Macedonia's integration, however, didn't go as smoothly within the EU as was initially hoped. As with other post-communist countries in Central and Eastern Europe, Macedonia faced

This article expresses only the personal views of its author, and therefore does not reflect the views of any institution or organization.

serious difficulties in the implementation of the political and economic reforms necessary for its transition towards democracy and a free-market economy. The regional context, marked by the violent break-up of the former Yugoslavia, further complicated the already painful process experienced in the rest of Central and Eastern Europe. The decade of post-Yugoslav conflicts not only divided the countries of the region (eventually called the “Western Balkans”) from the rest of post-communist Central and Eastern Europe (including their Southeastern European neighbors, Bulgaria and Romania) in terms of security, stability, democratic consolidation and economic performance, but it also fragmented the region, severing the communication, economic and societal ties that existed during the Yugoslav era. (It would not be overstating the matter to say that some of these ties were even older, dating from Ottoman and Habsburg times.)

*The process of
Macedonia's
integration didn't go as
smoothly within the EU
as was initially hoped.*

Unlike the other post-communist countries of Central and Eastern Europe and the Western Balkans, Macedonia has faced a very serious additional obstacle in its path towards European Union membership. This obstacle wasn't generated only by the already difficult process of political and economic transition (especially in the post-Yugoslav context), nor by the values and standards of the EU, which were often found to be just as difficult to adopt by other post-communist candidate countries. Without underestimating the seriousness of the other objective difficulties and problems faced along the path towards EU membership (more or less experienced by the other candidate-countries), the most serious and decisive obstacle which has ultimately defined the dynamics of the process for Macedonia is one that has nothing to do with the standards and basic values of the EU. This obstacle is the refusal of the oldest EU member in Southeastern Europe – Greece – to accept the very name and identity of its neighbor – the Republic of Macedonia.

The essence of the name issue

Undoubtedly, the name issue has deep historical roots, stemming from the perceptions of both sides concerning their own history and identity. Still, it is a relatively new phenomenon, which surfaced as a foreign policy issue during

the process of the dissolution of the Yugoslav federation and the consolidation of one of its constituent states, Macedonia, as a fully independent member of the international community.

In the context of the inevitable dissolution of the Yugoslav federation, the Parliament of the Republic of Macedonia decided (on August 7, 1991) to hold a national referendum on the issue of the independence of the country. The referendum was scheduled for September 8, 1991.¹ During the preparation

Although essentially un-European and opposed to the basic values of the EU, the name issue has become the main obstacle in the process of the international recognition and European integration of Macedonia.

period for the referendum, Greece had already expressed its position on the issue of the independence of Macedonia. On August 27, 1991, the Greek Foreign Minister, Antonis Samaras, sent his Memorandum on Yugoslav Macedonia to his colleagues in the European Community. With this document Greece raised its objections to the possible independence of Macedonia, claiming that it would result in catastrophic consequences for the security of the entire region.² This security-based argument against Macedonian independence was repeated in the semi-official publication called *The Macedonian affair: a historical review of the attempts to create a counterfeit*

nation, distributed by the Greek Foreign Ministry in 1991. This time it was accompanied by “historical/cultural” arguments, denying the existence of the contemporary Macedonian nation and Macedonian language, labeling them as “counterfeit,” “non-existent,” and “invented to serve specific purposes,” and ultimately claiming the exclusive right to the name “Macedonia” for Greece alone.³

¹ “Odluka za raspishivanje na referendum vo Republika Makedonija,” *Sluzhben vesnik na Republika Makedonija*, No. 37, 1991.

² T. Michas *Unholy alliance: Greece and Milosevic's Serbia*, College Station: Texas A&M University Press, 2002, p. 45.

³ *Ibid.*, pp. 51–2. For the full content of this publication see: *The Macedonian affair: a historical review of the attempts to create a counterfeit nation*, Athens: Institute of International and Strategic Studies in Athens, 1991. Available online: <http://www.hri.org/docs/affair.html> [accessed on October 30, 2013].

These two arguments have formed the essence of the Greek position on the name issue since 1991, and continue to be so today without any significant changes. According to the official website of the Greek Ministry of Foreign Affairs, which presents the name issue as one of the four national foreign policy priorities:

Against this historical background, the former Yugoslav Republic of Macedonia declared its independence in 1991, basing its existence as an independent state on the artificial and spurious notion of the “Macedonian nation,” which was cultivated systematically through the falsification of history and the exploitation of ancient Macedonia purely for reasons of political expediency.⁴

Although essentially un-European and opposed to the basic values of the EU (such as respect for and preservation of all European identities, whether majority or minority), the name issue has become the main obstacle in the process of the international recognition and European integration of Macedonia, and ultimately even a pre-condition for the start of accession negotiations with the European Union.

The delay in international recognition caused by the name issue

Facing the inevitable dissolution of the Yugoslav federation, the Council of the European Communities adopted (on December 16, 1991) its Declaration on the guidelines for recognition of new states in Eastern Europe and the Soviet Union,⁵ and its Declaration on Yugoslavia.⁶ These documents regulated the conditions for recognition by the European Community and its member states of those constituent states (Republics) of the Yugoslav federation that “wish to be recognized as independent States.” Alongside the general conditions holding for all Republics of the former Yugoslavia, the Declaration on Yugoslavia contains the following specific condition for an un-named Yugoslav Republic:

⁴ “FYROM name issue,” Ministry of Foreign Affairs of the Hellenic Republic. Available online: <http://www.mfa.gr/en/fyrom-name-issue/> [accessed on November 1, 2013].

⁵ “Declaration on the guidelines for recognition of new states in Eastern Europe and the Soviet Union,” *European Journal of International Law (EJIL)* Vol. 4, No. 1, 1993.

⁶ “Declaration on Yugoslavia,” *European Journal of International Law (EJIL)* Vol. 4, No. 1, 1993.

... The Community and its Member States also require a Yugoslav Republic to commit itself, prior to recognition, to adopt constitutional and political guarantees ensuring that it has no territorial claims towards a neighbouring Community State and that it will conduct no hostile propaganda activities versus a neighbouring Community State, including the use of a denomination which implies territorial claims...⁷

Although it is not explicitly stated, it is clear that the un-named “Yugoslav Republic” mentioned in this condition is Macedonia, while the “neighboring Community State” is Greece. Given the political context, marked by the already published Greek position on the issue of the name of the Republic of Macedonia, it is clear that the other member states had taken into consideration the Greek security based arguments when establishing the position of the European Communities on the issue of recognition of the independence of the constituent Republics of the former Yugoslav Federation.

On December 19, 1991, the Macedonian Parliament adopted the Declaration on the international recognition of Macedonia as sovereign and independent state,⁸ expressing the desire for international recognition as an independent state. On the next day, the Macedonian Foreign Minister Denko Maleski, sent a letter to the Presidency of the Council of the European Community, formally requesting the recognition of the independence of the Republic of Macedonia by the European Community and its member states. In accordance with the Declaration on Yugoslavia, the Macedonian application for recognition, along with applications for recognition submitted by other Yugoslav Republics, were subject to evaluation by the Arbitration Commission of the Conference for Yugoslavia.⁹

⁷ Ibid

⁸ “Deklaracija za meġunarodno priznavanje na Republika Makedonija kako suverena i nezavisna drzhava,” *Sluzhben vesnik na Republika Makedonija*, No. 57, 1991.

⁹ The Arbitration Commission was established by the International Conference for Yugoslavia, in order to resolve the legal issues that emerged in the process of dissolution of the Yugoslav federation. The president of the Commission was Robert Badinter (for this reason, the Commission is also known as “the Badinter Commission”), the president of the Constitutional Court of France, while the other members were Roman Herzog, Aldo Corasaniti, Francisco Tomás y Valiente and Irene Petry – presidents of the Constitutional Courts of Germany, Italy, Spain and Belgium respectively. Although formally advisory and non-binding, the opinions of this Commission were of crucial importance in resolving the most important issues in the process of dissolution of the Yugoslav federation, such as the issue of rights of succession of the Federation (Opinion No. 1), the issue of the right for self-determination (Opinion No. 2) or the issue of the status of borders between the

On January 11, 1992, the Arbitration Commission published its Opinion No. 6 on the recognition of the Socialist Republic of Macedonia by the European Community and its member states. Accordingly, the Arbitration Commission concluded that

... the Republic of Macedonia satisfies the tests in the Guidelines on the Recognition of the New States in Eastern Europe and in the Soviet Union and the Declaration on Yugoslavia adopted by the Council of the European Communities on 16 December 1991...¹⁰

Moreover, regarding the Greek considerations reflected in the European Community Declaration on Yugoslavia of December 16, 1991, the Arbitration Commission explicitly took the view

... that the Republic of Macedonia has, moreover, renounced all territorial claims of any kind in unambiguous statements binding in international law; that the use of the name "Macedonia" cannot therefore imply any territorial claim against another state...¹¹

and

... that the Republic of Macedonia has given a formal undertaking in accordance with international law to refrain, both in general and pursuant to Article 49 of its Constitution in particular, from any hostile propaganda against any other State...¹²

In spite of the Arbitration Commission's Opinion, the Council of the European Community decided on January 15, 1992 to postpone recognition of the Republic of Macedonia, recognizing only the independence of Slovenia and Croatia.¹³ This decision of the Council was clearly influenced by the determined Greek refusal to allow recognition of the Republic of Macedonia, regardless of the fact that the Arbitration Commission had presented a meritorious

Republics (Opinion No. 3). Unlike Opinion No. 6 on the issue of the international recognition of Macedonia, the Commission's Opinions on these issues were fully respected and accepted as the legal basis for dissolution of the Yugoslav federation.

¹⁰ "Opinion No.6 on the recognition of the Socialist Republic of Macedonia by the European Community and its member states," Conference on Yugoslavia Arbitration Commission, Paris, January 11, 1992. Published in *European Journal of International Law (EJIL)* Vol. 4, No. 1, 1993.

¹¹ *Ibid*

¹² *Ibid*

¹³ J. Pettifer; *The new Macedonian question*, London: MacMillan Press LTD, 1999, p. xxviii.

opinion on Greece's security based considerations reflected in the European Community Declaration on Yugoslavia. This decision of the Council may also be regarded as an initial breach of the conditionality principle of the European Union's policy towards Macedonia – in this case, as in others that followed, the country clearly met the conditions prescribed by the EC/EU (as verified by an authorized and competent institution, in this case the Arbitration Commission), yet in the end, the EC/EU failed to deliver the expected reward (in this case, international recognition).

In spite of the Arbitration Commission's Opinion, the Council of the European Community decided on January 15, 1992 to postpone recognition of the Republic of Macedonia, recognizing only the independence of Slovenia and Croatia.

The issue of the international recognition of Macedonia remained within the cognizance of the European Community in the following year, 1992. During that year, Macedonia was recognized by only a handful of states – led by neighboring Bulgaria, which recognized the independence of Macedonia on January 15, 1992, and was followed by (among others) Turkey, Croatia, Slovenia, Bosnia and Herzegovina, and UN Security Council permanent members Russia and China – while the rest of the international community awaited the decision of the EC.¹⁴ The EC's position was itself subjected to substantial shifts in the course of the year. On May 2, 1992 the Council of the European Community (General Affairs) declared that the

Community and its member states were “prepared to recognize that State as a sovereign and independent State, within its present borders, under a name which is acceptable to all parties concerned.”¹⁵ However, the European Council declared on June 27th in Lisbon that “it is prepared to recognize the Republic within its present borders under a title which does not include the term ‘Macedonia.’”¹⁶ Finally, the United Kingdom's Presidency (during the second half of 1992) appointed a special representative in order to establish the basis for an agreement between Greece and Macedonia

¹⁴ *Ibid.*, p. xxv.

¹⁵ “Commission of the European Communities v Hellenic Republic, Case 120/94 R, Order of the Court of 29 June 1994,” Court of Justice of the European Communities, point 16.

¹⁶ *Ibid.*, point 17.

that would resolve the name issue and the issue of the international recognition of Macedonia. The special representative, Ambassador Robin O'Neill, submitted his report to the European Council meeting in Edinburgh (December 11–12, 1992), stating that the Macedonian government was ready to take the following steps if the member states agreed to recognize the Republic of Macedonia:

- to adopt the denomination “Republic of Macedonia (Skopje)” for all international requirements;
- to conclude a treaty with the Hellenic Republic confirming the inviolability of their common frontiers;
- to alter Article 49 of its Constitution in order to remove the reference to the Republic’s protection of the “status” and the “rights of citizens of neighbouring countries who are of Macedonian origin;” and
- to conclude with the Hellenic Republic a treaty of good relations and to exchange letters on important issues.¹⁷

In spite of the special representative’s report, Greece objected to allowing the recognition of Macedonia by the European Community. Recognizing the deadlock in its decision making procedure regarding this matter, the EC finally decided to transfer the issue to the authority of the United Nations.

On January 25, 1993, Greek Foreign Minister, Michalis Papakonstantinou, sent a Memorandum to the UN Secretary General and UN Security Council, in which he expressed Greece’s “strong objections” to Macedonia’s admission to membership under the denomination mentioned in its application,¹⁸ claiming that “it introduces an element of further destabilization to the southern Balkans, in both the short and the long term perspective.”¹⁹ Further on in the Memorandum, Greece presents and further develops its security based

¹⁷ Ibid, points 18–22.

¹⁸ The Republic of Macedonia submitted its application for admission to UN membership on July 30, 1992.

¹⁹ “Application of the Interim Accord of 13 September 1995 (the former Yugoslav Republic of Macedonia v. Greece), Judgment of 5 December 2011,” I.C.J. Reports 2011, p. 644, point 16; D.A. Floudas, “Pardon? A conflict for name? FYROM’s dispute with Greece revisited,” in G. Kourvetaris, V. Roudomotof, K.S. Koutsoukes, eds, *The new Balkans: disintegration and reconstruction*, New York: East European Monographs, 2002; M. Papakonstantinou, “Memorandum of Greece,” Letter dated January 25, 1993 from the Minister for Foreign Affairs of Greece to the Secretary-General. Available online: <http://www.macedonian-heritage.gr/OfficialDocuments/MEMORAND.html> [accessed on November 5, 2013].

arguments against Macedonia's admission to UN membership under its constitutional name. On February 3, 1993, Macedonia responded with its own Memorandum to the Security Council, criticizing the recalcitrant behavior of Greece and its destabilizing influence in the region.²⁰

Taking into consideration the arguments presented by both sides, the UN Security Council adopted (on April 7, 1993) its Resolution 817 (1993), which, *inter alia*,

notes that a difference has arisen over the name of the State, which needs to be resolved in the interest of the maintenance of peaceful and good-neighbourly relations in the region;

welcomes the readiness of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, to use their good offices to settle the above-mentioned difference;

[u]rges the parties to cooperate with the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia in order to arrive at a speedy settlement of their difference; and

[r]ecommends to the General Assembly that the state whose application is contained in the document S/25147 be admitted to membership in the United Nations, this State being provisionally referred to for all purposes within the United Nations as 'the former Yugoslav Republic of Macedonia' pending settlement of the difference that has arisen over the name of the State.²¹

On the basis of the recommendation offered in Security Council Resolution 817 (1993), the General Assembly admitted the Republic of Macedonia to membership in the United Nations on April 8, 1993, under the provisional reference "the former Yugoslav Republic of Macedonia."²²

Following its admission to the United Nation, the number of states that recognized Macedonia increased substantially. During December

²⁰ "Pardon? A conflict for name? FYROM's dispute with Greece revisited," *op. cit.*

²¹ "Security Council Resolution 817 (1993)," United Nations Security Council, April 7, 1993. Available online: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N93/203/74/IMG/N9320374.pdf?OpenElement> [accessed on November 5, 2013].

²² "General Assembly Resolution A/RES/47/225," United Nations General Assembly, April 8, 1993. Available online: <http://www.un.org/documents/ga/res/47/a47r225.htm> [accessed on November 5, 2013].

1993, six member states of the European Union²³ recognized Macedonia and established full diplomatic relations. The process of recognition and establishment of the diplomatic relations with the rest of the member states of the Union (except Greece) continued during the following year, and was completed with the establishment of full diplomatic relations between the Republic of Macedonia and the Republic of Ireland on December 13, 1994.²⁴ The United States of America also recognized the Republic of Macedonia, on February 8, 1994.²⁵

In reaction to the recognition of Macedonia by its partners and allies, Greece escalated its activities against its northern neighbor. On February 16, 1994, the Greek government declared an unilateral embargo on the “movement of goods from or to Skopje” across its borders, “with the exception of goods vital for humanitarian reasons, such as food and pharmaceutical products.”²⁶

The admission to UN membership partially resolved the issue of the international recognition of Macedonia. Besides bilateral recognitions granted by a substantial number of states, UN membership opened the doors for admission to UN agencies and other international organizations related to the UN. On the other hand, bilateral relations with Greece were at their lowest point. The Macedonian economy was suffering severe damages caused by the Greek unilateral embargo, and diplomatic communication between the two countries was virtually non-existent. Official Greek representatives even refused to participate in the negotiations mediated by the UN envoy Cyrus Vance,²⁷ which were based on UN Security Council resolutions 817(1993) and 845 (1993). Greece also effectively blocked the membership of Macedonia

*In reaction to the
recognition of
Macedonia by its
partners and allies,
Greece escalated its
activities against its
northern neighbor.*

²³ Federal Republic of Germany, Kingdom of Denmark, Kingdom of Holland, Republic of France, Republic of Italy and the United Kingdom of Great Britain and Northern Ireland.

²⁴ “Commission of the European Communities v Hellenic Republic ...,” op. cit.; Official web site of Macedonian Ministry of Foreign Affairs: <http://www.mfa.gov.mk/?q=nadvoresna-politika/bilateralni-odnosi> (accessed on November 5, 2013).

²⁵ “Commission of the European Communities v Hellenic Republic,” op. cit., point 26.

²⁶ Ibid, point 27.

²⁷ T. Michas, *Unholy alliance..*, op. cit., p. 47.

in a number of important European regional organizations (the Council of Europe, the Organization for Security and Cooperation in Europe, the NATO initiative Partnership for Peace, etc.), as well as official recognition and the establishment of diplomatic relations between the EU and Macedonia.

Influence of the name issue on relations between Macedonia and the EU

During 1995, as part of their concerted efforts to stop the war in former Yugoslavia and stabilize the region, representatives of the international community (with the USA in the leading role) achieved an important breakthrough in relations between Greece and Macedonia. On September 13, 1995 in New York, Greece and Macedonia signed (as “Party of the First Part” and “Party of the Second Part” respectively) an Interim Accord as the basis for improvement of their bilateral relations. Alongside provisions regulating, inter alia, mutual recognition, the establishment of diplomatic relations (at the level of Liaison Offices), confidence building measures, human and cultural rights, etc., the Interim Accord stipulates that:

Upon entry into force of this Interim Accord, The Party of the First Part agrees not to object to the application by or the membership of the Party of the Second Part in international, multilateral and regional organizations and institutions of which the Party of the First Part is a member; however, the Party of the First Part reserves the right to object to any membership referred to above if and to the extent the Party of the Second Part is to be referred to in such organization or institution differently than in paragraph 2 of the United Nations Security Council Resolution 817 (1993).²⁸

The Interim Accord (Article 11 in particular) removed the Greek blockade against the membership of Macedonia in a number of important international and regional organizations. Regarding relations with the European Union, it created the conditions for extending official recognition, which was followed by the establishment of diplomatic relations between the EU and Macedonia

²⁸ “Interim Accord,” September 13, 1995, Article 11 (1). Available online: <http://www.mfa.gov.mk/sites/default/files/hag/Vremena-spogodba-1995.pdf> [accessed on November 7, 2013].

on December 22, 1995.²⁹ Still, the delay in the process of international recognition had long-term consequences for the accession of Macedonia to the EU. Because of this delay, Macedonia missed the strong early momentum towards the re-unification of Europe, which was ignited by the wave of democratization in Central and Eastern Europe and which ultimately resulted in historical enlargements of the EU in 2004 and 2007. While CEE countries (including Slovenia, also formerly a constituent part of the Yugoslav Federation, and countries from Macedonia's own Southeastern European neighborhood, Bulgaria and Romania) were signing their agreements for association with the EU during the period 1991–1996, Macedonia was still struggling for wider international recognition. While CEE countries were being recognized as official candidate countries and were preparing to start (or had already started) their accession negotiations during the period 1996–2000, Macedonia was establishing its relations with the European Union at a basic level, without any certain perspective for future membership.

Still, Macedonia held a strong position as the most advanced country (in many areas that are relevant to the EU membership criteria) in the newly established region of the Western Balkans.³⁰ This position was recognized during the process of the creation and promotion of the new policy framework for relations between the European Union and the Western Balkans – the Stabilization and Association Process, which recognized the Western Balkans countries as “potential candidates” for EU membership.³¹ Macedonia was the first country to sign

Macedonia was the first country to sign the new type of association agreement, designed specifically for Western Balkans countries – the Stabilization and Association Agreement.

²⁹ “Hronologija na odnosite so EU,” Secretariat for European Affairs of the Government of the Republic of Macedonia. Available online: http://www.sep.gov.mk/content/?id=8#.Up8AmOJ_3ZI (accessed on November 9, 2013).

³⁰ In fact, the Western Balkans was defined and recognized as a separate region on strictly political terms – after the definition of the final scope of the expected enlargement of the EU (enlargements of 2004 and 2007) – and consisted of Southeastern European countries that were neither members of the Union, nor had any certain perspective for future membership (Europe Agreement and subsequent status of candidate-country).

³¹ The status of Western Balkans countries as “potential candidates,” from the point of view of possible EU membership in the future, was defined by the Santa Maria da Feira European Council on June 19–20, 2000. See “Presidency conclusions. Santa Maria

the new type of association agreement, designed specifically for Western Balkans countries – the Stabilization and Association Agreement, which was signed between the Republic of Macedonia and the European Union and its Member States on April 9, 2001 in Luxembourg.³²

The historic Thessaloniki European Council, held on June 19–20, 2003, opened the perspective for the future membership of the Western Balkans countries, expressing the commitment that they “will become an integral part of the EU, once they meet the established criteria.”³³ During the preparation period for the summit, on May 27, 2003, the Greek parliament ratified the Stabilization and Association Agreement between the EU and Macedonia. Although this constitutes the usual act of parliamentary recognition of international obligations, in the context of Macedonian–Greek relations, and the name issue, it may be perceived as a unique and unrepeated gesture of good will on the Greek side. Specifically, the Stabilization and Association Agreement is the first and only international agreement signed by (inter alia) the Hellenic Republic and the Republic of Macedonia, and ratified by the Greek parliament.³⁴

Within the window of opportunity opened by the Thessaloniki European Council, the Republic of Macedonia made substantial progress in its relations with the European Union. Following the completion of the process of ratification of the Stabilization and Association Agreement,³⁵ Macedonia submitted its

da Feira European Council,” European Council, June 19–20, 2000, point 67. Available online: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/00200-r1.en0.htm [accessed on November 10, 2013].

³² “Hronologija na odnosite so EU,” op. cit. For the full content of the Agreement see “Stabilization and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part.” Available online: http://ec.europa.eu/enlargement/pdf/the_former_yugoslav_republic_of_macedonia/saa03_01_en.pdf [accessed on November 10, 2013].

³³ “Thessaloniki European Council. 19 and 20 June 2013. Presidency Conclusions,” Council of the European Union, October 1, 2003. Available online: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/76279.pdf [accessed on November 10, 2013].

³⁴ H. Kondis, “Bilateral relations between Greece and the former Yugoslav Republic of Macedonia,” in E. Kofos, V. Vlasidis, eds, *Athens-Skopje: a uneasy symbiosis (1995–2002)*, Athens: Hellenic Foundation for European and Foreign Policy (ELIAMEP), 2005, p. 77.

³⁵ The process of ratification of the Stabilization and Association Agreement (SAA) by the EU and its member states was completed in January 2004 with its ratification by Belgium. The SAA entered into force on April 1, 2004.

official application for EU membership on March 22, 2004 and was granted official candidate-country status on December 17, 2005.³⁶

The crucial breakthrough in the process of Macedonia's EU integration during the period 2000-2005 was achieved because of the determined efforts of the Macedonian political elites (driven by their consensual commitment to EU integration as one of the country's strategic foreign policy objectives), but also due to the favorable political context created by the Interim Accord (and the gradual improvement in relations with Greece which was enabled by it); by the enhanced attention of the EU towards the Western Balkans (as defined within the Stabilization and Association Process, launched after the Kosovo War of 1999, as well as at the Thessaloniki Council of 2003); and, last but not least, by the balanced position of the EU and its institutions towards the name issue. In this regard, the European Commission's Opinion on Macedonia's application for membership notes that "[s]ustained efforts are needed in this area [regional co-operation], in particular in order to resolve the name issue with Greece in the interest of good neighbourly relations."³⁷ On the other hand, the Commission's analytical report notes that:

Relations with Greece have improved in the last few years. . . However the dispute over the name of the country has remained an open issue since 1993. . . In 1995, an Interim Agreement created a framework for bilateral relations which stated, amongst other elements, that talks would continue between the two parties under the auspices of the UN to find a compromise. Article 11 (1) of this Agreement stated that 'Upon entry into force of this Interim Accord, . . . [Greece] agrees not to object to the application by or the membership of the . . . [former Yugoslav Republic of Macedonia] in international, multilateral and regional organisations and institutions of which . . . [Greece] is a member; however, . . . [Greece] reserves the right to object to any membership referred to above if and to the extent the . . . [former Yugoslav Republic of Macedonia] is to be referred to in such organisation or institution differently than in paragraph 2 of the UN Security Council Resolution 817 (1993).'³⁸

³⁶ "Hronologija na odnosite so EU," op. cit.

³⁷ "Communication from the Commission. Commission opinion on the application from the former Yugoslav Republic of Macedonia for membership of the European Union," COM (2005) 562 final, {SEC (2005) 1425}, {SEC (2005) 1429}, European Commission, November 9, 2005, p. 4. Available online: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2005:0562:FIN:EN:PDF> (accessed on November 13, 2013).

³⁸ "Analytical report for the opinion on the application from the former Yugoslav Republic of Macedonia for EU membership," COM (2005) 562 final, {SEC (2005) 1425},

By emphasizing the obligations of Greece stemming from the Interim Accord, the Commission built a strong argument supporting its recommendation for granting a status of candidate country, against any possible objections by Greece within the Council. Following the Commission's recommendation, the European Council granted candidate country status to the Republic of Macedonia, without any reference to the name issue.³⁹

Since late 2004, official Greek representatives have frequently stated that their country will not agree to the accession of Macedonia to NATO or the EU unless a solution to the name issue is found.

However, the favorable political context has already begun to deteriorate. Since late 2004, official Greek representatives have frequently stated that their country will not agree to the accession of Macedonia to NATO or the EU unless a solution to the name issue is found,⁴⁰ clearly ignoring the obligations stemming from Article 11(1) of the Interim Accord. The negotiation process was also intensified, resulting in a number of proposals by the Special Envoy of the Secretary-General of the United Nations, Mathew Nimetz, for resolving the name issue. All of these proposals were partially

or totally rejected by one side or the other. Besides different modalities for the naming of Macedonia, these proposals also contained modalities for the (re)naming of the Macedonian language, the Macedonian nationality, etc., which was clearly outside the scope of negotiations as defined by UN Security Council Resolutions 817(1993) and 845(1993), and the Interim Accord. Inclusion of these issues as a part of solution "packages" clearly indicated that the goals on the Greek side within the negotiations process were much broader than

European Commission, November 9, 2005, p. 33. Available online: http://ec.europa.eu/enlargement/archives/pdf/key_documents/2005/package/sec_1425_final_analytical_report_mk_en.pdf [accessed on November 13, 2013].

³⁹ "Brussels European Council. 15 and 16 December 2005. Presidency Conclusions," Council of the European Union, January 30, 2006, points 23–5. Available online: http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/87642.pdf [accessed on November 13, 2013].

⁴⁰ See Appendices I and II in "Case concerning the application of Article 11, Paragraph 1, of the Interim Accord of 13 September 1995 (the former Yugoslav Republic of Macedonia v. Greece). Reply. Volume I," International Court of Justice, June 9 2010. Available online: <http://www.icj-cij.org/docket/files/142/16358.pdf> [accessed on November 15, 2013].

those publicly announced – i.e. they included both the name issue, and the forcing of solutions favorable to Greece for certain issues regarding the self-identification of the majority of citizens of Macedonia, effectively denying them a significant portion of their basic human rights. In other words, it became obvious that behind the public security-based objections of Greece towards the name of the neighboring country there were essentially cultural and historical considerations, stemming from the Greek inability and refusal to accept the ethnic and cultural identity of the majority of citizens of Macedonia. At the same time, it became obvious that the main pillar of Greece's negotiation strategy was the employment of the effective veto power – stemming from Greek membership in NATO and the EU, organizations that were built, inter alia, upon the principles of democracy and the protection of human rights – as the main instrument of pressure that would ultimately force the other side to accept all Greek demands, including the discriminatory ones.

The process of deterioration of the political context reached its climax during the NATO Bucharest Summit in April 2008, when Greece blocked the expected and previously announced membership invitation for the Republic of Macedonia.⁴¹ The Greek blockade was soon repeated in the EU. On October 14, 2009, the European Commission published its conclusion that the Republic of Macedonia “sufficiently fulfills the political criteria set by the Copenhagen European Council in 1993 and the Stabilization and Association Process,” and recommended “that negotiations for accession to the European Union should be opened.”⁴² However, the Council noted the recommendation of the Commission, and decided to return to the matter

⁴¹ “Bucharest summit declaration – issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Bucharest on 3 April 2008,” NATO, April 3, 2008, point 20. Available online: http://www.nato.int/cps/en/natolive/official_texts_8443.htm (accessed on November 16, 2013); “Application of the Interim Accord of 13 September 1995 ...,” op. cit.

⁴² “Communication from the Commission to the European Parliament and the Council. Enlargement strategy and main challenges 2009–2010,” COM(2009) 533, European Commission, October 14, 2009. Available online: http://ec.europa.eu/enlargement/pdf/key_documents/2009/strategy_paper_2009_en.pdf (accessed on November 16, 2013); “The former Yugoslav Republic of Macedonia 2009 Progress Report. Commission Staff Working Document accompanying the Communication from the Commission to the European Parliament and the Council Enlargement Strategy and Main Challenges 2009–2010,” COM(2009)533, {SEC(2009 1335)}, European Commission, October 14, 2009. Available online: http://ec.europa.eu/enlargement/pdf/key_documents/2009/mk_rapport_2009_en.pdf (accessed on November 16, 2013).

during the next Presidency.⁴³ This postponement of the decision for the opening of accession negotiations was clearly the result of an inability to reach the consensus needed for such a decision due to Greek objections, which were based on the name issue and on a strategy of resolving it on terms dictated by Greece. In this way, the Council's conclusions emphasized the importance of the name issue, stating that "maintaining good neighborly relations, including a negotiated and mutually acceptable solution to the name issue, under the auspices of the UN, remains essential."⁴⁴

The Greek blockade in 2009 marked the start of a new phase in the accession of Macedonia to the EU, in which the process was turned into a sort of endless cycle. In each subsequent year the Commission has repeated its recommendation for the opening of accession negotiations, while the Council has either postponed the decision on the issue or simply ignored the recommendations of the Commission. The cyclical nature of the process drastically limits the soft power of the EU to positively influence the political process in Macedonia by employing the conditionality principle, which proved to be the most effective tool at the Union's disposal during previous enlargements. Namely, it is impossible to implement the conditionality principle in a effective manner, in a situation in which the incentive for the implementation of a particular reform – the opening of accession negotiations, the opening or closing of a particular chapter, etc. – is not certain. Or, even worse, in situation in which it *is* certain that, regardless of the reforms implemented in fulfillment of the Copenhagen criteria, the negotiations will not start unless an additional condition – a solution to the name issue under terms dictated by Greece (some of which are in their essence quite opposed to the values embedded in the Copenhagen criteria, such as respect and the protection of human rights) – is fulfilled.

The Greek blockade in 2009 marked the start of a new phase in the accession of Macedonia to the EU, in which the process was turned into a sort of endless cycle.

⁴³ "Council conclusions on enlargement/stabilization and association process. 298th General Affairs Council meeting, Brussels, 7 and 8 December 2009," Council of the European Union, December 7–8, 2009. Available online: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/genaff/111830.pdf (accessed on November 16, 2013).

⁴⁴ *Ibid*

Additionally, a blockade of the opening of accession negotiations means also a blockade of other effective instruments closely related to the process of negotiation, such as the process of screening the legislation of candidate countries, which is an essential tool for identifying all possible weaknesses in each of the Chapters, and subsequently for defining the agenda for the implementation of necessary reforms. In practice, it means that the Union is not only unable to provide incentives for the successful implementation of the necessary reforms, but would also be unable to formulate effective reform tasks for the candidate country after a certain level of alignment is reached.

In the current period, there are two existing opportunities to break the endless cycle and return the accession process to the right track. The first is the recent judgment of the International Court of Justice, which stipulated that Greece violated its obligations stemming from the Article 11 (1) of the Interim Accord, by blocking the membership invitation for Macedonia at the Bucharest NATO Summit in April 2008. Regarding Macedonia's request for an order of the Court that Greece "henceforth refrain from any action that violates its obligations under Article 11, paragraph 1, of the Interim Accord," the Court did not consider this necessary, because "[a]s a general rule, there is no reason to suppose that a State whose act or conduct has been declared wrongful by the Court will repeat that act or conduct in the future, since its good faith must be presumed."⁴⁵ Unfortunately, Greece has repeated exactly the same acts and conduct, while the EU has so far ignored the judgment of the International Court of Justice. The second opportunity stems from the proactive stance of the Commission, which is constantly trying to overcome the existing situation and push the process forward. In the course of its efforts, the Commission has developed a new instrument – the High Level Accession Dialogue (HLAD) – with the clear intention to keep up the pace of institutional reform in several priority areas, in spite of the Greek blockade within the Council. So far, this instrument has proved useful and has for the most part fulfilled its purpose. Still, HLAD has its obvious limits – it cannot serve as substitute for accession negotiations, and it cannot remain effective in the long term without appropriate incentives (opening of accession negotiations, at least on a portion of the Chapters, opening of the screening process, entering the second phase of association as stipulated by the Stabilization and Association Agreement, etc.) being offered by the Council. The Council, for its part, has so far ignored the results of HLAD, despite its initial commitment

⁴⁵ Application of the Interim Accord of 13 September 1995...,"op. cit.

to the process.⁴⁶ Therefore, the future development of the process of the accession of Macedonia to the EU remains uncertain.

Conclusions

The name issue has proven itself to be one of the most decisive factors influencing the dynamics of the accession of Macedonia and its overall relations with the European Union. The delay in the international recognition of Macedonia, caused by this issue, has had long-term consequences in its relations with the EU. Because of this delay, Macedonia missed the strongest period of momentum towards the re-unification of Europe, which ultimately resulted in the historic EU enlargements of 2004 and 2007 and the accession of the majority of the post-communist countries of Central and Eastern Europe. Macedonia achieved its most significant breakthrough on the path towards EU membership during the period in which the name issue was regulated by the Interim Accord, and

Greece respected its obligations as stipulated by that document. Greece's unilateral breach of the Interim Accord in April 2008, and the continuation of such acts and conduct (declared as wrongful by the International Court of Justice) by objecting to the opening of accession negotiations between Macedonia and the EU, have resulted in a new deadlock in the Macedonian

The future development of the process of the accession of Macedonia to the EU remains uncertain.

⁴⁶ Compare: "Press release. 3251th Council meeting. General Affairs," PRESSE 287, PR CO 37, Council of the European Union, June 25, 2013. Available online: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/genaff/137614.pdf [accessed on November 28, 2013]; with "Council conclusions on enlargement and stabilization and association process. 3210th General Affairs Council meeting. Brussels, December 11, 2012," Council of the European Union, December 11, 2012. Available online: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/genaff/134234.pdf [accessed on November 28, 2013]; and "The former Yugoslav Republic of Macedonia: implementation of reforms within the framework of high level accession dialogue and promotion of good neighbourly relations. Report from the Commission to the European Parliament and the Council," COM(2013) 205 final, European Commission, April 16, 2013. Available online: http://ec.europa.eu/enlargement/pdf/key_documents/2013/mk_spring_report_2013_en.pdf [accessed on November 28, 2013].

accession to the EU. Because of the very nature of the name issue, the Greek demands which are contrary to the spirit of the Copenhagen criteria and to some of the basic values of the EU, the position of the EU towards the judgment by the International Court of Justice, and the ambivalent positions adopted within some EU institutions towards the efforts of the Commission to overcome the existing deadlock, there is a lack of clear perspective for the future development of the process of accession of Macedonia to the Union.

Yulia Tyschenko

Putting the brakes on European integration: causes and consequences

Abstract: For Ukraine, the European integration process means a priori the modernization of the country, the implementation of reforms, and the deepening of democratic transformation. The Ukrainian government, however, has made the decision not to sign the Association Agreement – officially for the purpose of conducting a more detailed study and developing a complex of measures, which Ukraine must undertake in order to renew lost production capacity and regain the direction of trade and economic relations with Russia and other CIS countries. Russian–Ukrainian relations between August and October of this year may be characterized as a trade war, which is still ongoing. The controversy between the proponents of EU integration and the advocates of deeper relations with the Customs Union is taking place against a background of the recent record-breaking support by ordinary Ukrainians for the European trend in Ukraine policy. The current loss of Ukraine by the EU means that the crisis in the Eastern Partnership’s policy towards the post-Soviet area is ongoing, and also demonstrates a lack of viable approaches and mechanisms of interaction and influence on the side of the EU toward processes within the given countries.

The events unfolding around the possibility of signing the Association Agreement between Ukraine and the EU are full of dramatic and painful political discussions as well as geopolitical controversies. Practically on the eve of the Eastern Partnership Summit in Vilnius held on November 21, 2013, the Ukrainian government made the decision not to sign the Association Agreement.¹ That decision was made with the purpose of conducting a more

¹ “Уряд прийняв розпорядження про призупинення процесу підготовки до укладання Угоди про асоціацію з ЄС,” Ukrainian Government Portal, November 21, 2013, Available

detailed study and the development of a complex of measures, which Ukraine must undertake in order to renew lost production capacity and regain the direction of trade and economic relations with Russia and other CIS countries. It was also made with a view towards developing the domestic market, up to an appropriate level that would ensure equal relations between Ukraine and other EU member states – which is a basic principle of international law and a foundation of the country's economic security. There are doubts as to whether this decisive step was in line with the constitution, as it was taken non-transparently and counter to the strategic trends of the country's development, as previously declared by the government.

The government's decision caused mass rallies within the country, with over 100,000 people participating in protest meetings on November 24 alone. Commenting on the government's position, Foreign Minister Leonid Kozhara said that currently neither Ukraine nor the EU was ready to sign the agreement.² According to Ukraine's

State Statistics Service, in July–September 2013 when Russia applied new restrictive measures to Ukraine, in connection with Kiev's plans to sign the Association Agreement with the EU, exports dropped by 576 million US dollars, or 13.1 per cent.³ The fragile Ukrainian economy felt significant pressure. In turn the government refused to meet IMF requirements for obtaining a credit of 14.3 billion US dollars, as the requirements involve taking unpopular steps in social policy, which the president is also unwilling to take in the year before the presidential elections of 2015.

The government also proposed that Russia take part in further negotiations between Ukraine and the EU in order to help settle a number of economic

The government's decision caused mass rallies within the country, with over 100,000 people participating in protest meetings on November 24 alone.

online: http://www.kmu.gov.ua/control/uk/publish/article?art_id=246864953 (accessed on November 21, 2013).

² "Л. Кожара: МЗС України і Росії підписали План взаємодії на 2014 рік і обговорили підписання Угоди з ЄС," *UAONLINE*, October 28, 2013. Available online: http://uaonline.com.ua/повну_74389.html (accessed on November 26, 2013).

³ "За півтора роки український експорт до Росії скоротився на \$4,2 млрд," *BBC Ukraine*, November 26, 2013. Available online: http://www.bbc.co.uk/ukrainian/business/2013/11/131126_trade_ukraine_russia_az.shtml (accessed on November 26, 2013).

issues. Such proposals actually demonstrate a sharp turn in policy in regard to previous declarations of the Ukrainian ruling elite. Both the government and the president have declared that Ukraine would need up to 160 billion euros for the adjustment and support of the economy during the transition stage after signing the Association Agreement.⁴ At the same time, the following issues were not duly raised or included in the agenda during the Ukraine–EU negotiations of 2012 and 2013. And the unreasonableness of these numbers raises questions as to their conformity with reality.

During the period between August and October 2013 trade wars were observed between Russia and Ukraine, which are still ongoing. Russia actually began introducing restrictions for imports of Ukrainian products, increasing its economic pressure. Within the package of proposals for Ukraine from Russia, there is the traditional issue of entry to the Customs Union – the Ukrainian proposals concerning the formula 3+1 not receiving Russian support. At the same time, the participation of Ukraine in projects of Euro–Asian integration above the level of a free trade zone is incompatible with its simultaneous participation in the Euro-integration project. If Ukraine delegates a part of its sovereign rights to the supranational association EEA–EEC (in which the present Customs Union of Russia, Belarus, and Kazakhstan will be included beginning 2015), this will make the implementation of the already initialed agreements with the EU impossible (according to the principles of EU economic policy), destabilize Ukraine’s cooperation with WTO members, and require changes both to Ukrainian legislation and its constitution.

It’s worth mentioning also the social context of the current mood regarding support for the direction of EU integration in the country’s development. Thus the controversy between proponents of EU integration and advocates of deeper relations with the Customs Union is taking place against a background of the recent record-breaking support by ordinary Ukrainians for the European trend in Ukraine policy. The last three years have seen the

⁴ “Янукович розповів, скільки грошей хоче від Європи,” *Evropeiska pravda*, November 27, 2013. Available online <http://www.pravda.com.ua/news/2013/11/27/7003189/> (accessed on November 27, 2013).

highest percentage of respondents (having grown from 39 to 47 per cent) who believe that signing the Agreement with the EU is more beneficial for the country than accession to the Customs Union.⁵ In one such instance (the survey conducted by the sociological group “Rating” in October 2013), 53 per cent of surveyed Ukrainians support the accession of Ukraine to the European Union, whilst 35 per cent “do not support” and another 12 per cent “do not know.” Most people believe that signing the DCFTA with the European Union is more beneficial for Ukraine (47 per cent) than entry to the Customs Union with Russia, Belarus and Kazakhstan (34 per cent), while 19 per cent “do not know.” Most respondents think that for the EU the possible signing of the agreement would be rather a victory (49 per cent) than a defeat (3 per cent), while 30 per cent think it will mean neither a victory nor a defeat.

As a result, in the West and the North there is much more support for signing the Agreement with the European Union, and in the South and Donbas for joining the Customs Union. Meanwhile, the Center and the East of the country are specifically transitional regions, where support for the two directions of integration is about 50–50 per cent, with this difference: that the Center is somewhat more in favor of the agreement with the EU, and the East the agreement with the Customs Union.

The intrigue surrounding the potential chance for signing the agreement still remains on the agenda, as on November 25, 2013 the joint statement of the presidents of the European Commission Jose Manuel Barroso and of the European Council Herman Van Rompuy pointed out that offers as to the signing were still open, and expressed disapproval of the pressure being applied to Ukraine by Russia.⁶

⁵ Survey audience: population of Ukraine at the age of 18 and older. Sample set: 2,000 respondents. Method of survey: personal formalized interview with a respondent (face to face). Survey representation error (with the probability of 0.95): for numbers close to 50 per cent the error is no bigger than 2.2 per cent, for numbers close to 30 per cent – no bigger than 2 per cent, for numbers close to 10 per cent – no bigger than 1.3 per cent, for numbers close to 5 per cent – no bigger than 1 per cent. Term of the survey: September 26–October 6, 2013. Results are available at the official website of the sociological group Rating. Available online: <http://ratinggroup.com.ua/en/products/politic/data/entry/14073/> [accessed on November 27, 2013].

⁶ “Joint statement by the President of the European Commission José Manuel Barroso and the President of the European Council Herman Van Rompuy on Ukraine,” European Commission – MEMO/13/1052, November 25, 2013. Available online: http://europa.eu/rapid/press-release_MEMO-13-1052_en.htm [accessed on November 25, 2013].

A political dialogue on the fulfillment of the EU requirements

For Ukraine, the European integration process means a priori the modernization of the country, the implementation of reforms, and the deepening of democratic transformation. On March 30, 2012 the parties initialed the Association Agreement and the Deep and Comprehensive Free Trade Area.⁷ Nonetheless, during 2012 the EU criticized the situation in Ukraine on many occasions, particularly regarding the application of selective justice to former government members. Hence during 2012 there were discussions within Ukraine concerning the problem of the parliamentary elections of 2012 and their compliance with international standards, as well as about whether the events following the elections contributed to settling the problem of selective justice and avoiding such problems in future, and about the implementation of reforms, which was pointed out in the mutually agreed Association Agenda between Ukraine and the EU.

The year 2013 has seen numerous complicated negotiations between Ukraine and the EU about the possibility of meeting specific criteria. The possibility of signing the Association Agreement between Ukraine and EU is thus connected with Ukraine's progress in implementing a number of criteria in accord with the conclusions of the EU Council (approved on December 10, 2012 at the meeting of foreign ministers of EU member states). Later the so-called "Füle list" appeared which included 19 positions, and later 11 components (originally made up of 19, and later 11, criteria or requirements). The particular requirements were agreed upon during the 16th Ukraine-EU summit in late February 2013.⁸

On February 13, 2013, the Government approved a plan of action for 2013⁹ with respect to the integration of Ukraine into the European Union, which would allow it to meet the EU's specific criteria and requirements.

As early as February 22, 2013, the Ukrainian parliament approved a resolution "On the implementation of the Euro-integration aspirations of

⁷ "Янукович: Підписання Асоціації з ЄС позитивно вплине на вихід Європи з кризи," *Unian*, September 25, 2013. Available online <http://www.unian.ua/news/596933-yanukovich-pidpisannya-asotsiatsiji-z-es-pozitivno-vpline-na-vihid-evropi-z-krizi.html> (accessed on November 27, 2013).

⁸ "Перед саммитом Украина-ЕС Азарову передали 11 требований," *Ukrainskaia pravda*, February 26, 2013. Available online: <http://www.ppravda.com.ua/rus/news/2013/02/26/6984342/> (accessed on November 27, 2013).

⁹ "Plan on priority measures for European integration of Ukraine for 2013," Cabinet of Ministers of Ukraine resolution of 13 February 2013, No. 73, February 13, 2013.

Ukraine and the conclusion of the Association Agreement between Ukraine and the European Union,”¹⁰ in which representatives of all parliamentary factions declared that the European perspective of Ukraine must become a unifying factor; consolidated an overwhelming majority of political forces, and announced that they would do all within their power to ensure the fulfillment of the requirements necessary for signing the Association Agreement between Ukraine and the EU, as elaborated in the resolutions of the European Parliament and the conclusions of the EU Council, and approved on December 10, 2012¹¹ at the meeting of foreign ministers of EU member states. This would promote the complete implementation of the measures agreed upon with the European Union – mainly in the framework of the Association Agenda between Ukraine and the EU and the Action Plan regarding liberalization by the European Union of the visa regime for Ukraine – and would ensure the initialing of alterations to the agreement between Ukraine and the EU on the liberalization of visa issuance.

As the date of signing of the Association Agreement between Ukraine and the EU was approaching, it was necessary not only to solve the problem of selective justice for the opposition leaders, but also to continue the implementation of reforms, and to pass a number of draft laws in the field of court reform, elections, and the reform of law-enforcement bodies and prosecutors’ offices. However, in spite of these projects, of the positive dynamics, and of the declaration of joint political will in parliamentary statements, the joint efforts of the parliament and the government – especially in regard to EU integration laws – remained for a certain time quite mediocre.

The mediocre performance of the parliament may thus be viewed as a result of the continual distrust between the ruling power and the opposition. The opposition complained about the doubtful European character of certain

For Ukraine, the European integration process means a priori the modernization of the country, the implementation of reforms, and the deepening of democratic transformation.

¹⁰ “Заява «Про реалізацію євроінтеграційних прагнень України та укладення Угоди про асоціацію між Україною та Європейським Союзом,” Verkhovna rada of Ukraine, 2013. Available online: /rada.gov.ua/news/Novyny/Povidomlennya/73132.html (accessed on November 27, 2013).

initiatives, as well as the absence of dialogue and mutual understanding with the “majority” regarding content and approaches. As a whole, the legislative situation illustrates the differences in the approaches and interests of various political forces regarding the principles for reforming law-enforcement structures and making constitutional changes. Unfortunately, however, there is a lack of discussion and dialogue even within Parliament itself concerning such changes. The positive side of the situation was the so-called “motivation by Europe” for finding, if not a consensus, then at least a compromise, within the walls of the legislative representative organ, which on a large scale is

The joint efforts of the parliament and the government – especially in regard to EU integration laws – remained for a certain time quite mediocre.

one of the points of the democratic political process. How ready the parties are for this is not a rhetorical question. A plan for the implementation of the Agreement has not been prepared, and in any case such a step has probably lost its meaning considering the recent political decisions of the president and the government.

During 2013 a number of anti-corruption laws were adopted, which in itself is gratifying. Besides this, further initiatives along these lines were agreed upon between the ruling

power and the opposition. Examples of those laws that were passed are the Law of Ukraine “On making changes to some legislative acts of Ukraine about the implementation of the state anticorruption policy (draft law No. 2837),”¹² “On making changes to some legislative acts of Ukraine about bringing the national legislation in line with the standards of the Crime Convention on the counteraction to corruption (2802),”¹³ and others. At the same time, there

¹¹ Council conclusions on Ukraine, 3209th Foreign Affairs Council meeting,” December 10, 2012. Available online: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/134136.pdf [accessed on November 23, 2013].

¹² “Проект Закону про внесення змін до деяких законодавчих актів України щодо реалізації державної антикорупційної політики,” Verkhovna rada of Ukraine, 2013. Available online: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=46638 [accessed on November 23, 2013].

¹³ “Проект Закону про внесення змін до деяких законодавчих актів України щодо приведення національного законодавства у відповідність із стандартами Кримінальної конвенції про боротьбу з корупцією,” Verkhovna rada of Ukraine, 2013. Available online: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=46598 [accessed on November 23, 2013].

are certain issues that require further attention, such as anticorruption legislation implementation, political will, principles for creating a special institution for counteracting corruption, and guarantees for its independence and impartiality. The State Investigation Bureau has not been founded and a reform of the bodies of internal forces has not been carried out.

Regarding the independence of the court system, the norms of draft law No. 2522a as proposed by President Viktor Yanukovich (“On making changes to the Constitution of Ukraine concerning strengthening the guarantees of independent judges”)¹⁴ are controversial. They are meant to change the current procedure of appointing and dismissing judges, to decrease the role of political actors, and to provide the main authority in the resolving of judge-related issues for those bodies comprised mainly of judges. But such changes are quite critically and cautiously perceived by the opposition, given the atmosphere of total distrust, as well as the absence of inclusiveness and the transparent and equal participation of all sides in the reform process. Still, after the positive evaluation of such proposals by the Venetian Commission, Parliament approved the above-mentioned draft law.

Up to now the draft for making changes to the constitution, for its reconsideration by the Constitutional Assembly, remains unprepared. Through changes to the constitution the powers of the European Court of Auditors of Verkhovna Rada have already been expanded. This body currently controls not just expenditures but also receipts to the state budget. Nevertheless, local budgets are not yet within its jurisdiction.

At long last, on December 15, 2012, the Parliament was able to appoint elections in 5 controversial constituencies. For a year since the elections they have been looking for a way to hold repeat elections in these same constituencies, because the law itself did not provide for the possibility of declaring as invalid elections in single-mandate constituencies. The issues of the openness of the election system, and the transparency of the financial activities of candidates and parties, remain current. Moreover the changes to election legislation proposed by the Ministry of Justice – despite some positive moments – do not fully embrace the whole range of issues related to its improvement. Furthermore, problems remain with the election of three majority deputies who were stripped of their mandates. The date of

¹⁴ “Про попереднє схвалення законопроекту про внесення змін до Конституції України щодо посилення гарантій незалежності суддів,” Verkhovna rada of Ukraine, 2013. Available online: <http://zakon4.rada.gov.ua/laws/show/636-18#n9> [accessed on November 23, 2013].

Kiev's mayoral elections has not been set, and the controversial ruling of the Constitutional court de facto preserves the current political situation.¹⁵

Certain changes have been made to legislation concerning the carrying out of the decisions of the national courts as to social payments owed by the state. Nevertheless, problems with implementing the decisions of the European Court of Human Rights are still there.

Experts have observed some positive moments following the implementation of the new Code of Criminal Procedure (in particular, a significant decrease in the number of people in pre-trial detention centers), and the launching of a system of free legal aid and a national preventive mechanism against torture. A number of improvements have also been entered to the Code of Criminal Execution as to the regime of prisoners' detention.¹⁶

European factors as criteria for making decisions are gradually losing their influence in Ukrainian politics.

A new draft law concerning the Prosecutor's office was voted in after the first reading, which received recommendations from the Venice Commission, but final changes have not still been approved.

Neither the ruling power nor the opposition are willing to make alterations to Ukraine law on the principles of counteracting discrimination, which is an issue not only for the achievement of visa liberalization but first of all for the protection of rights and the ensuring of real equality for the citizens themselves. However, there is a lack of such awareness in Parliament.

In its turn, Parliament has not reached an agreement regarding a solution to the " Tymoshenko problem " and the creation of possibilities for treating prisoners abroad.

Despite a certain progress, the parties lacked not only the political will to pass decisions but also the ability to conduct an equal discussion. In the

¹⁵ "СТЕНОГРАМА Засідання круглого столу «Обговорення зауважень та рекомендацій Європейської комісії «За демократію через право» (Венеціанської Комісії) та ОБСЄ/БДІПЛ стосовно кодифікації виборчого законодавства України» від 11 вересня 2013 року," Ministry of Justice of Ukraine, September 11, 2013. Available online: <http://www.minjust.gov.ua/news/44182> (accessed on November 26, 2013).

¹⁶ "Асоціація з ЄС: як Україна виконує умови для підписання Угоди," *eu/ua.blogspot.com*. Available online: <http://eu-ua.blogspot.com/2013/10/1-2013-18-11.html> (accessed on November 30, 2013).

long run, the current situation will improve only when European integration induces reforms not only in content and implementation but also with respect to a process in which the interests of different parties are taken into consideration.

Given all of this, and the present status quo of European integration policy, further complex changes will most likely slacken off. Moreover, European factors as criteria for making decisions are gradually losing their influence in Ukrainian politics, which therefore endangers political dialogue and makes future political scenarios for the country's development quite bleak with respect to the development of plurality, democracy, and the protection of rights of various minorities.

Instead of conclusions

The current loss of Ukraine by the EU means that the crisis in the Eastern Partnership's policy towards the post-Soviet area is ongoing, and also demonstrates a lack of viable approaches and mechanisms of interaction and influence on the side of the EU toward processes within the given countries. Thus Armenia, under the pressure of Russia, has slowed down its advance toward Europe after receiving certain signals from Moscow. And just the other day, Azerbaijan rejected its own preparation for the association, proposing to the EU instead the signing only of an agreement of cooperation.

The internal political situation in Georgia and Moldova remains complicated. Russia today is trying to dominate the post-Soviet region and to engage other countries in its zone of influence. To a certain degree, the EU also – apart from political declarations of support for the countries' European aspirations – is not providing real opportunities in the economic sphere in order to change the situation. The development of events demonstrates that cooperation in the format of the Eastern Partnership is not taking place efficiently enough. In the case of Ukraine, the EU for many reasons has not provided clear guarantees for the European perspective, without which the process of association has neither clear boundaries nor criteria for performance evaluation. In turn, Ukraine – in the process preparing for signing the Agreement – has not consented to all of the EU's requirements, especially those related to settling the problems of so-called selective justice. Among all the countries of the Eastern Partnership, Ukraine was closest to signing the Agreement with the EU: economically it is the strongest and politically it has the widest plurality. But

the ongoing process of “putting on the brakes” will have a negative effect on the general EU integration climate of this region, will engender disorientation, and could increase social apathy.

In terms of the development of Ukraine’s political association with the EU, in the situation which is unraveling we can observe the most pessimistic scenario, in which the date of the possible signing of the Agreement is postponed for an indefinite period of time. The consequence of this for Ukraine will be a deepening of the economic and political crises, the danger of a setback to democracy, social conflicts, and a fortifying of the monopoly of vertical power: During 2014, new elections to the European Parliament will take place, and Ukraine will be busy getting ready for presidential elections. Already now the opposition leaders are using EU integration rhetoric as slogans for the election campaign.

A drop in the dynamics of the dialogue with Ukraine will lead to a further slowdown of democratic change in the region of CIS countries.

But the non-signing of the Association Agreement increases the chances that this election will be held in a non-transparent and manipulative way. In this time of indefiniteness the Ukrainian rulers could conclude agreements with Russia that would render impossible further development of the political association with the EU. Any decisions made in this direction will have an opaque and behind-the-scenes character, without social inclusion or discussion. The risk of rolling back the democratic transformations in

Ukraine – however ambiguous and far from the standards of transparency and democracy they have often been previously – is growing.

In the current conditions it will be worthwhile for the EU to continue its dialogue with Ukraine and the other countries of the Eastern Partnership. A drop in the dynamics of the dialogue with Ukraine will lead to a further slowdown of democratic change in the region of CIS countries. If it is really interested in the development of its partnership with the above-mentioned countries and Ukraine, the EU will carry on with its development of an inclusive dialogue with the various parties involved (civil society, authorities, oppositional forces, independent trade unions). The concentration of its efforts on the support and development of projects relating to contacts between people, the mobility of young people, the initiatives of civil society, scientific cooperation, and the development of the humanitarian sphere and people’s diplomacy, seems only logical.

Corneliu Ciurea

Moldova between West and East: which comes first, Euro-integration or conflict settlement?

Abstract: Negotiations for European integration show an increasing trend, however, the reality concerning negotiations on the Transnistrian conflict settlement is quite different. Two years after their start, the situation has become tense in the Security Zone. Tiraspol administrative actions are aimed at obstructing the European integration of Moldova, and Russia still has plans to create a military base on the left bank. The aim of this article is to approach this problem from a different angle – that the euro-integration process may in some ways be inversely proportional to the reintegration of Moldova.

Relationship between the Europeanization of Moldova and the settlement of the Transnistrian conflict

The official resumption of the “5 +2”¹ negotiations in Fall 2011, along with the reopening of dialogue between Chisinau and Tiraspol, opened up the prospect of change in the eastern part of Moldova for the reintegration of the country. But if negotiations for European integration show an increasing trend, the reality concerning negotiations on the Transnistrian conflict settlement is quite different. Two years after their start, the situation has become tense in the Security Zone. Tiraspol administrative actions are aimed at obstructing

¹ The 5+2 format includes the following participants: Moldova and Transnistria, the mediators: Russia, Ukraine and the OSCE, as well as the United States and the European Union, as observers.

the European integration of Moldova, and Russia still has plans to create a military base on the left bank.

The last two meetings between Moldovan Prime Minister Iurie Leanca and Transnistrian leader Yevgeny Shevchuk showed the real nature of the situation which exists between the two banks of the Dniester river. During the first meeting, which took place in Tiraspol in September, Iurie Leanca tried to persuade the Transnistrian leader to accept the European path. Shevchuk's response left no room for interpretation: "Tiraspol does not want to give

If negotiations for European integration show an increasing trend, the reality concerning negotiations on the Transnistrian conflict settlement is quite different.

up Russian protection."² In this way it was clearly shown that these two entities have a radically different approach towards their political orientation – Chisinau is looking for a European association and Tiraspol is focused on a Eurasian trajectory. The worsening of the relationship between the two factions was even more evident during the meeting between Leanca and Shevchuk held in Landshut, Germany, on October 30, 2013.³ There the Transnistrian leader said that the only real solution to the Transnistrian conflict depends on the civilized divorce of the two parties

involved. Shevchuk stated: "This should be done according to the model of the Czech Republic and Slovakia, or Serbia and Montenegro. The international recognition of Transnistria will bring only benefits, given that this will stabilize the region."⁴ It was the first time Shevchuk had stated so clearly the idea of a total separation, which he repeated insistently during his televised interview later on Transnistrian TV.

The present round of changes had already started in March 2013. In particular, Moldova then unilaterally decided to establish control of the

² "A incercat sa-l convinga, insa nu a reusit. Ce au discutat Sevciuk si Leanca la Tiraspol," *Inprofunzime*, September 13, 2013. Available online: <http://www.inprofunzime.md/stiri/politic/a-incercat-sa-l-convinga-insa-nu-a-reusit-ce-au-discutat-sevciuk-1.html> [accessed on November 1, 2013].

³ "Şevciuk: Moldova şi Transnistria trebuie "să divorţeze" în mod civilizată," *Flux*, November 1, 2013. Available online: <http://www.flux.md/editii/201340/articole/15369/> [accessed on November 1, 2013].

⁴ *Ibid*

migration of citizens at six checkpoints – Gyrbovets (AneniiNoi), Hadzhimus (Causheni), Dubasari, Criuleni, Rezina, and Sanatauka (Floreshti) – a decision which later took the form of a law that was voted in by the Moldovan parliament. That decision imposes limitations on citizens living in Transnistria who hold only Russian passports and form a quarter of Transnistria's population (about 150,000 people). The Moldovan authorities claimed that they did this in order to establish order on the future Eastern border of the European Union, which Moldova plans to join.⁵ Later, Chisinau gave more explanations and defined more precisely the criteria for differentiating between foreigners who come to Moldova and Transnistrian residents who do not have a Moldovan passport. Parliament also repealed the law which imposed fines on people from Transnistria with no Moldovan passports. Apparently the conflict over the checkpoint issue is settled for the time being, but there are still questions relating to the future number of checkpoints and the procedure for registration – voluntary or involuntary.

Another important source of tension is the Security Zone, a large territory which covers the areas situated on both banks of the Dniester river. Tensions increased during the night of April 26–27, 2013 in the Security Zone of Moldova. The Transnistrian authorities unilaterally installed two checkpoints between the village of Varnița (a commune that remains controlled by the Moldovan government) and the city of Bender (controlled by the separatist authorities of Transnistria). This led to clashes between Moldovan civilians, who tried to remove the checkpoints, and the Transnistrian militia, who intervened to stop them. The conflict was brought to an end a few hours later by the Unified Control Commission, a joint mechanism established to monitor, among other things, the Security Zone. Transnistria claimed that the new checkpoints were aimed at combating smuggling.⁶

Several other problems appeared in the Security Zone in the Fall of 2013 which were linked to the Transnistrian authorities' attempt to retaliate against the Europeanization of Moldova (in relation to border management and entering the Deep and Comprehensive Free Trade Area). The most important

⁵ "Proiectul privind punctele interne de control pe Nistru a fost aprobat," *Infoprut*, October 11, 2013, Available online, <http://www.infoprut.ro/2013/proiectul-privind-punctele-interne-de-control-pe-nistru-a-fost-aprobat.html> [accessed on November 1, 2013].

⁶ "Tensions grow at Moldova-Transnistria Security Zone," *Global Voices*, May 1, 2013, Available online: <http://globalvoicesonline.org/2013/05/01/tensions-grow-at-moldova-transnistria-security-zone/> [accessed on November 1, 2013].

of these was the Transnistrian authorities' announcement of the expulsion of the representatives of the Moldovan police from the Security Zone.⁷

This tense situation can be explained in terms of a basic contradiction which exists between two goals – euro-integration of Moldova, and the need to reintegrate the country. On the one hand, Moldova is looking to sign the Association Agreement and to obtain a liberalized visa regime. If signed, the Association Agreement will drastically change the EU's trade regime with the Republic of Moldova. Transnistria is refusing to join the Free Trade

Moldova is facing a situation in which, after signing the Association Agreement, it could theoretically have two different trade regimes.

Zone and to implement technical and phytosanitary standards. In fact, Moldova is facing a situation in which, after signing the Association Agreement, it could theoretically have two different trade regimes. On the other hand, Moldova's aspirations for a liberalized visa regime has very much upset Tiraspol due to the checkpoints which were installed by Chisinau, and which to Transnistrians look like a real border: Even the country's biggest political party, the

Party of Communists of Moldova, has attempted⁸ to remove the Leanca Government from parliament by holding it responsible for "selling" the country in the process of creating these 6 checkpoints.

This double contradiction between euro-integration (trade regime, visa liberalization) and reintegration is spoiling the negotiation process in the "5+2" format. The trade-off nature of this relationship – more euro-integration less reintegration, or vice versa – is not yet recognized by the Moldovan authorities, who consider euro-integration a "good for everything" process. The aim of this article is to approach this problem from a different angle – that the euro-integration process may in some ways be inversely proportional to the reintegration of Moldova.

⁷ "Tiraspolul: Până pe 1 decembrie, inspectoratul de poliție din Tighina să fie închis," TV 7, November 1, 2013. Available online: <http://tv7.md/ro/news/tiraspolul-pana-pe-1-decembrie-inspectoratul-de-politie-din-tighina-sa-fie-inchis-28931.html> (accessed on November 1, 2013).

⁸ "Pentru cine și de ce au fost instalate punctele de control migrațional," *Bloguvern*, October 22, 2013. Available online: <http://bloguvern.md/2013/10/22/pentru-cine-si-de-ce-au-fost-instalate-punctele-de-control-migrational> (accessed on November 1, 2013).

“All good things go together” is not necessarily about euro-integration and Transnistria

As mentioned above, the Moldovan authorities see only a positive relationship between the reintegration of Moldova and euro-integration. This is one of the two pillars of the Moldovan Government’s approach to the connection between EU integration and reintegration. For example, Moldova’s prime minister believes that Transnistrians could change their minds about the European Union and redirect their sympathies toward the EU, once the so-called Transnistrian authorities appreciate objectively the situation in which they find themselves. He states the following:

It is a purely ideological approach that has nothing in common with reality. They [Transnistrians] must understand that after the signing of agreements in Vilnius, we are the direct beneficiaries, politically and financially. We are ready to put at their disposal EU funded projects related to infrastructure, water, and sewerage, but with certain conditions. How can a small island [Transnistria] exist in the ocean [EU] which is based on other rules? It is impossible.⁹

This point of view is supported by one of Moldova’s leading think-tanks, the Expert Grup, which places EU integration clearly before reintegration, supposing that the first process will automatically trigger the second.

We emphasize that the right strategic approach should be that the European integration of Moldova be treated as a precondition for the country’s reintegration, and not vice versa. Improving the business environment, increasing the competitiveness of the economy, and better living standards – which are the likely outcomes of Moldova’s moving closer to the EU – will also facilitate the country’s reintegration. . . Gradually, these economic and social pressures will persuade the political elite in the region to adopt a new approach, given that the interests of the economic elite of Transnistria will be more and more opposed to the geopolitical interests of Russia.¹⁰

⁹ “Leancă prevede reintegrarea R. Moldova: „Transnistria este o insulă care nu va putea exista într-un ocean,”” *Ziarul National*, November 12, 2013. Available online: <http://ziarulnational.md/leanca-despre-transnistria-o-insulita-nu-va-putea-exista-intr-un-ocean>(accessed on November 12, 2013).

¹⁰ V.Prohntitchi, A.Lupusor, “Transnistria and DCFTA: a little stone that overturns a great wain?” *Policy notes*, 2nd series, No. 1, February 2013, Available online: <http://www.expert-grup>.

In fact, this “conventional” approach regards Transnistria as a temporary obstacle which could occasionally hamper the process of Moldova’s association with the EU, but cannot stop it. In time this trend will be reversed, and the EU attraction will exert its charm on the Transnistrian region. This idea was well formulated by the former Prime Minister’s adviser, Nicu Popescu.

Obviously, Transnistria would play a potential role in certain scenarios of destabilization of the country. Obviously, Transnistria is included in some possible tactics to destabilize the situation, but I think that, at present, neither Moscow nor Tiraspol can block the process of European integration.¹¹

Summing up, the first pillar of the government’s strategy in dealing with the question of Transnistria and EU integration rests on the notion that EU integration should be promoted at any cost, even at the expense of the Transnistrian conflict settlement. Such an approach could be “derived” from the way the Moldovan government has treated the most sensitive issues related to the Transnistrian conflict – visa liberalization and the free trade area. In the field of visa liberalization, the government promoted the idea of the installment of checkpoints between river banks, which clearly gave priority to European integration, to the detriment of country reintegration. It should be mentioned that this step was very badly received both by the Transnistrian authorities and the Moldovan opposition, who perceived it as an attempt to create a border.¹² In the field of free trade, the Moldovan government negotiated an agreement with EU, irrespective of the reticence of Transnistria. This was based on the highly optimistic evaluation that the DCFTA will strongly benefit Moldova and will hit the Transnistrian economy severely in the event of its refusal to take part in it.¹³ In fact, the recent alternative papers stress

[org/ro/biblioteca/item/791-transnistria-%C8%99i-zona-de-liber-schimb-aprofundat-%C8%99i-cuprinz%C4%83tor-buturuga-mic%C4%83r%C4%83stoarn%C4%83-carulmare?&category=7](http://ro/biblioteca/item/791-transnistria-%C8%99i-zona-de-liber-schimb-aprofundat-%C8%99i-cuprinz%C4%83tor-buturuga-mic%C4%83r%C4%83stoarn%C4%83-carulmare?&category=7) [accessed on November 1, 2013].

¹¹ “Interviu cu Nicu Popescu: Rusia nu are puterea de a opri integrarea europeană a R. Moldova. *Radio Europa Liberă*. 20.08.2013,” Foreign Policy Association, Moldova, August 21, 2013. Available online: <http://www.ape.md/libview.php?l=ro&idc=153&id=2024> [accessed on November 1, 2013].

¹² “Punctele de control al migrației de-a lungul Nistrului – noul subiect de dispută înainte de reluarea negocierilor 5+2,” *Radio Europa Liberă*. October 1, 2013. Available online: <http://www.europalibera.org/content/article/25123626.html> [accessed on November 1, 2013].

¹³ “The impact of the EU–Moldova DCFTA on the Transnistrian economy: quantitative assessment under three scenarios,” Berlin Economics, June 2013. Available online: http://get-moldau.de/download/policypapers/2013/2013.06.04_DCFTA%20Transnistria_en.pdf [accessed on November 1, 2013].

more the potential for a crisis related to EU integration, which could occur if Transnistrian interests are not accommodated.¹⁴ The basic idea here is that leaving Transnistria out of the DCFTA will deepen the animosities between the two sides, and, because the crux of the matter is not economics but politics – and despite the possible worsening of Transnistria’s terms of trade – Tiraspol will not give up.

The governmental approach seems to be very euro-optimistic, and is based on the disputable premise that the other side will think rationally and consider seriously the advantages of economic integration with the EU. On the contrary, however, an alternative approach is equally legitimate – it is rational also to give preeminence to politics instead of prioritizing the economy, and to pursue a pro-Russian policy according to strong feelings of identity as Transnistria is doing. Additionally, according to some data, the Russian financial help given to Transnistria exceeds the assistance given to Moldova by the EU (i.e. it represents more than 60 per cent of the Transnistrian budget, as compared with 10 per cent in the case of the European help given to Moldova).¹⁵

The second pillar of the government’s strategy regarding the relationship between EU integration and the reintegration of the country rests on the premise that the process of Moldova’s European association will not be dependent on the reintegration of the country. This discussion was made prominent for the first time in 2001, when Moldova was accepted as part of the Stability Pact for Southeastern Europe, and was asked before this accession not to raise two issues within that format: a. EU membership and b. the Transnistrian conflict settlement.¹⁶ At that time, the EU was not interested in getting too involved in the process of Transnistrian conflict settlement. Gradually the EU’s stake in this problem increased substantially, beginning with the EU’s inclusion in the 5+2 negotiation format in 2005. Step by step, the EU approach changed dramatically. If in 2001 Moldova

¹⁴ «Владимир Ястребчак, «Влияние Углубленного и Всеобъемлющего Соглашения о Зоне Свободной Торговли между Республикой Молдовой и Европейским Союзом на ситуацию вокруг Приднестровья,» АРЕ, 2013

¹⁵ «Transnistria dezvoltă ‘direcțiile de perspectivă în cooperarea cu Rusia,» *Epoch Times România*, October 2, 2013. Available online: <http://ro.stiri.yahoo.com/transnistria-dezvolt%C4%83-direc%C5%A3iile-perspectiv%C4%83-%C3%AEn-cooperarea-cu-rusia-155100943.html> [accessed on November 1, 2013].

¹⁶ N. Popescu, «Noile oportunități de soluționare a problemei în Transnistria prin mecanismele Europei moderne,» *EuroJournal.org*, 2004. Available online: http://www.policy.hu/npopescu/publications/ue_trans.pdf [accessed on November 1, 2013].

was accepted into the Stability Pact while being asked not to raise the EU membership issue because of the Transnistrian conflict, in 2009 the new democratic government admitted that Moldova's EU membership (or at least EU association) could be obtained irrespective of the Transnistrian conflict.

The governmental approach seems to be very euro-optimistic, and is based on the disputable premise that the other side will think rationally and consider seriously the advantages of economic integration with the EU.

This optimism of the Moldovan government was reinforced by several successive statements of EU officials. The most important of these was made by Jose Manuel Barroso, who declared during his visit to Chisinau in November 2012 that European integration is independent of the Transnistrian conflict settlement dynamics.¹⁷ This statement was very much propagated in the mass media and was considered as a kind of EU engagement not to consider the Transnistrian conflict as an impediment in the process of Moldova's association to the EU. This optimism was quickly dissipated by two other statements of European officials made at the beginning of 2013, which reinstilled a political realism in the Moldovan

approach towards the European Union.

On March 20, 2013, in response to a question by a Radio Free Europe correspondent about how realistic the goal of liberalizing visas for Moldovans was, given the Transnistrian conflict and the presence of Russian troops on the left bank of the Dniester, Enlargement and Neighborhood Policy Commissioner Füle made a statement that confused the public in Moldova. Füle's statement, which originally appeared in the Moldovan press, was translated thus:

I hope, for the good of the citizens living on the left bank, that a solution to this conflict will be found as soon as possible. Because when this

¹⁷ In fact, the statement was more nuanced: "There are some connections, but we cannot make a direct link between the Transnistrian issue and European integration." See: "Jose Manuel Barroso: We cannot make a direct link between the Transnistrian issue and European integration," *Tribuna*, November 30, 2012. Available online: <http://tribuna.md/en/2012/11/30/jose-manuel-barroso-we-cannot-make-a-direct-link-between-the-transnistrian-issue-and-european-integration/> [accessed on November 30, 2012].

problem is solved, all citizens of the Republic of Moldova will benefit from a liberalized visa regime.¹⁸

After the naturally concerned reaction of civil society and the public provoked by this statement, Radio Free Europe issued a corrected translation.¹⁹ The meaning of it, however, was clear – visa liberalization is dependent on Transnistrian conflict settlement.

The anxiety of Moldovan society generated by Füle's statements was amplified by the other statement mentioned above, made on March 21, 2013 by the Head of the EU Delegation to Moldova, Dirk Schübel. The European diplomat somehow managed to resume the interdependence argument between the liberalized visa regime offered to Moldova and the settlement of the Transnistrian conflict: "If the European Union agrees with this visa free regime it is obvious that *we need to make sure that the border is as protected as it should be*. Under the circumstances we have today with Transnistria, this is more difficult."²⁰ This statement presents the Moldovan authorities with a task related to the dialogue on EU visa liberalization that is far too difficult – securing the Eastern border, either through access and control of the Transnistrian section (452 kilometers) of the Moldovan–Ukrainian border, or by creating a securitized border on the Dniester.²¹

These statements were followed by several steps which proved that there is still a strong connection between EU integration and reintegration. The adoption by the parliament of the law related to border checkpoints, mentioned above, is very illustrative in this regard. This was done in the period when Moldova finished the first phase, of law adoption, and was beginning the second phase, its implementation. It may be admitted that the decision taken was a response to Schübel's statement about the appropriate protection of

¹⁸ "ERATĂ: Declara iali Ștefan Füle despre liberalizare avizelor," *Radio Europa Liberă*, March 21, 2013. Available online: <http://www.europalibera.org/content/article/24935149.html> [accessed on March 21, 2013].

¹⁹ The corrected translation reads: "I hope, for the good of the people of Transnistria, that the solution of the Transnistrian issue will be found soon, because the sooner it is found, the sooner all citizens of Moldova will benefit from a visa-free regime." See: *Ibid*

²⁰ "EU asks Moldova to secure its Eastern border," *Moldova.org*, March 22, 2013. Available online: <http://politicom.moldova.org/news/eu-asks-moldova-to-secure-its-eastern-border-235912-eng.html> [accessed on March 22, 2013].

²¹ C. Ciurea, E. Tugui, "Transnistrian conflict and Republic of Moldova European integration: the case of the liberalized visa regime," *Moldova's Foreign Policy Statewatch*, Issue 66, March 2013. Available online: <http://viitorul.org/doc.php?l=en&id=4134&idc=358> [accessed on November 1, 2013].

the Eastern border. This decision stirred the political atmosphere in Moldova and triggered some acid statements in Tiraspol and Moscow. For example, the issue was discussed between the Deputy Minister of the Minister of Foreign Affairs of Russia, Grigori Karasin, and the Moldovan Ambassador in Russia, Andrei Galbur.²² The Russian diplomat expressed his country's concern about this new regime of crossing the administrative border line with Transnistria, created by Chisinau, and expressed his hope that the new regime will not be detrimental to Russian citizens living in Transnistria.

In the area of the DCFTA, the European Union is not pushing things too far, and is looking for a way somehow to integrate the Transnistrian region into the

*The process of
Moldova's association
to the EU was seen
by Russia as highly
conflict-driven.*

future free trade area with Moldova. It was unofficially announced that after Moldova's signing of the Association Agreement (with the DCFTA included), Transnistria will enjoy a transitory trade regime till the end of 2015. This means that Transnistria will be able to export goods to the EU according to the current Autonomous Trade Preferences regime which was given to Moldova. Such a prolongation of the preferential trade

regime, exclusively for Tiraspol, is a sign of the EU's reluctance to view separately the two banks of the Dniester, and of its desire to keep them together in one format. This approach runs contrary to the initial position of Moldova, which admitted the possibility of keeping Tiraspol out of any EU association format (based on the premise that Tiraspol would itself refuse to take part in the association process), thereby causing some damage to left bank economy. This was seen as a means of obtaining a competitive advantage, and of showing the Transnistrian citizens the benefits of EU integration on the right bank of the Dniester, which could finally persuade the Transnistrian leaders (in the medium or long term) to accept the reintegration of the country. The same regional competitive advantage has been sought in the case of visa liberalization regime – Moldova wants to obtain this regime before Ukraine, and especially before Russia, in order to show Transnistrian citizens the benefits of receiving a Moldovan passport, which would allow them to travel in Europe with no visa.

²² "Rusia a luat act de intenția Moldovei de a instala posturi migraționale la hotarul administrativ cu Transnistria," *Noi.md*, June 18, 2013. Available online: http://www.noimd/md/news_id/23710 (accessed on November 1, 2013).

The Transnistrian conflict settlement is thus seen by Moldovan authorities as a byproduct of signing the Association Agreement and obtaining a liberalized visa regime for Moldova and Ukraine. Squeezed between Moldova and Ukraine as parts of the DCFTA, and with no geographical contact line with Russia, Transnistria will be unable to resist much, and will be forced to join the pro-European club. The Transnistrian and Russian sides are fully aware of these dangers but still they don't want to give up, making rather threatening statements and occasionally blocking Moldovan and Ukrainian exports to Russia.²³ It might be mentioned also that the process of Moldova's association to the EU was seen by Russia as highly conflict-driven, which is an indication that from the geopolitical perspective, euro-integration is contradictory to the process of the reintegration of Moldova.

Two different visions of the contradiction between the EU association of Moldova and the reintegration of the country

As a consequence of these different, contradictory approaches, we can crystallize two very different ways of viewing the relationship between EU integration and reintegration in Moldova. The first, which may be called the conventional one, is to a large extent shared by the Moldovan ruling political elite. It says that the economy is more important than politics and rational calculations more acceptable than feelings of identity, and that the reintegration of the country will necessarily follow upon the EU integration process, if it happens to be successful. This optimistic approach is backed by an additional geopolitical argument: Transnistria is a region situated between Ukraine and Moldova and should follow the path adopted by these two countries. The economic model of Transnistria, based on the substantial financial aid of Russia, is unsustainable in the long run, and this will gradually persuade Transnistria to switch to a more functional and income-generating economic mechanism. This approach suggests less attention being given to Transnistria, focusing on the European association, signing the DCFTA irrespective of what Transnistria is doing, and securitizing by any means Moldova's Eastern border. In a way, this way of thinking is subservient to the principle "do your duty and leave the rest to the God," because it tends

²³ "Russia threatens Moldova over its EU relations," *euractiv.com*, September 3, 2013. Available online: <http://www.euractiv.com/europes-east/russia-keeps-threatening-neighbor-news-530198> [accessed on November 1, 2013].

to overlook the negative consequences and overrate the benefits of the EU integration process.

The second approach is more or less consistent with the way Moldova's main opposition party, the Communists, assess the situation in Transnistria. The Communists are very worried about the last developments in the region, and think that the general atmosphere of the conflict settlement process is gradually degrading. To their mind, the latest attempts of the Moldovan government to install checkpoints on the administrative border line with Transnistria show that Chisinau is willing to accept a deeper separation by creating a border regime with Transnistria. They are not convinced at all about the future benefits of Moldova's entering the DCFTA, because this could lead to

the worsening of its relationship with Russia and the diminishing of bilateral trade. The Communists consider reintegration to be much more important than EU integration, and hold gloomy prospects for the future of Moldova in the event it does not seriously consider the risks involved in neglecting Transnistria. They are especially afraid of possible provocations within the Security Zone, which potentially could lead to armed conflicts and bloodshed. In other words,

this model is focused on concerns and difficulties more than on Moldova's capacity to solve problems, and it lacks the willingness to engage Moldova in a radically modernizing path of development.

This second approach may be regarded as a rather "unconventional" one, despite the fact that it is inspired by a kind of realistic thinking which takes into account possible risks and costs. It is not widely shared in Moldovan society due to its semblance to the so-called "Cassandra voice." It predicts a not very bright future for Moldova, in the event that the geopolitical contradictions between West and East become deeper and deeper. Transnistria is not going to switch from one loyalty to another and it will remain a Russian thorn in the regional architecture, which is attempting desperately to switch their loyalties toward the European Union. It advises the implementation of less ambitious projects, staying calm and not moving any stones, because Moldova could be buried by a geopolitical avalanche. At the same time, it suggests engaging in consistent negotiations with Transnistria and devising real proposals for conflict settlement, based on a so called "package approach" which could

The decision taken at the Vilnius summit will not be able to change the confrontation of two radically different beliefs.

deliver gains to all negotiation partners. This unconventional approach is distrustful of the economic determinism promoted by the previous model, and perceives identity beliefs as deeply engrained in the souls of the population, which makes any settlement by the application of grand solutions difficult.

These two approaches represent the two different states of mind which characterize the Moldovan population. The first approach reflects the general aspirations, dreams and cravings of the majority of citizens. It is an invitation to rise above mundane constraints, and to change radically the orbit of Moldova's geopolitical rotation. The second approach advises landing on solid and realistic ground, and pretends to the suppression of certain illusions: EU association is not tantamount to EU integration, Transnistria is an anchor which keeps Moldova paralyzed and blocked, and there is no way out of the "sovereignty trap" dilemma of Moldova except tenuous and persistent negotiations with Moscow and Tiraspol. In this regard, the decision taken at the Vilnius summit will not be able to change the confrontation of these two radically different beliefs.

Slowakei. Der mühsame Weg nach Westen

By Hannes Hofbauer, David X. Noack. Vienna: Brennpunkt Osteuropa PRO MEDIA, 2012. 248 p. ISBN 978-3-85371-349-5.

In comparison with the Czech Republic, Slovakia has always been relatively neglected among German-speaking authors. One must therefore appreciate the efforts of authors H. Hofbauer and D.X. Noack, who have attempted to introduce Slovakia to the German speaking reader. The authors have managed to describe Slovakia in a rather complex way – beginning with the arrival of the Slavs in our territories and continuing up to the present day. Their book is mainly aimed at providing a political and economic overview of the country. It is worth mentioning that the authors have quite succeeded in achieving this goal, and that their analysis is suitable for the public at large.

Within the space of 17 chapters the book captures events from the fifth century up to 2012, while tending to focus more on contemporary history, i.e. the twentieth century. The structure of the work corresponds with this aim. The first ten chapters, which may be regarded as an introductory to the issues of recent decades, are dedicated to the period up until 1989, and are designed for readers who have come across this topic for the first time. The subsequent chapters, which take up two thirds of the publication, are the most crucial ones. The book is suitable mainly for the German (rather than the Slovak) general public, and is meant primarily to clarify contemporary events for this readership.

Although on the whole the book is to be appreciated, nonetheless one feels obliged to draw attention to certain inaccuracies, which should be kept in mind by the authors should publication ever be reprinted. For instance, the authors see the relationship between Slovakia and the Czech Republic between the two world wars in only a negative light, which can be seen as a misinterpretation. The authors fail to mention that the fields of education and culture, as well as public administration, would not have existed in Slovakia without the leadership of the Czech Republic. They completely ignore the fact that the first Slovak university (Comenius) was founded by Czechs, and that it would not have functioned without Czech professors and teachers. They focus exclusively on their economic and political analysis of the period, which results in a one-sided evaluation. This can be regarded as a distortion of the reality and a significant shortcoming of the work.

In connection with the period of 1939–1945, certain very important facts are missing – the final solution of the “Jewish problem,” as one example. The authors neglect such a serious matter as the Slovak racial laws, which in fact were more

strict than the German ones. They also do not mention another significant fact, namely that Slovakia was the only country actually paid by Germany (500 Reich marks) for every deported Jew. They do not draw enough attention to the Slovak National Uprising, which as a whole was not successful, as the authors put it; but they forget that the uprising did succeed in keeping some of the German elite forces occupied, preventing them from fighting elsewhere. It would also be worth mentioning that, among the occupied territories, Slovakia had the highest percentage of surviving Jews, because Slovaks generally did not agree with the solution to the “Jewish problem.”

The authors also do not pay enough attention to the important period of 1966–1968, which culminated in the “Prague Spring.” This period is very significant and helps us to understand better the democratic process which got underway after November 17, 1989. In spite of this fact the book dedicates just two pages to the topic, which seems quite disproportionate.

Some ambiguities are also visible in the chapter dedicated to the period 1989–1993. The authors claim on page 69 that Vladimír Mečiar was the leader of VPN in the first free elections. This, however, is not true. On pages 88 to 90, the authors offer a description of the relationship between Slovaks and Hungarians. Unfortunately, they focus only on the problems. It is a pity they did not actually try to contact the people themselves. To their surprise, they might have learned that in those villages and towns where both ethnic groups live side by side, there are no big conflicts. The conflicts are in the north of Slovakia, where no Hungarians live, and most of these problems are artificially created by politicians on both sides who are trying to gain some political capital from the issue. There are also certain inaccuracies in relation to the Mečiar period, and also in the part dedicated to the subsequent years. Unfortunately, the authors did not allow enough room for assessing the fundamental domain of science and education. An assessment of these two fields is mandatory for an understanding of the whole. A section dealing with the negotiation process during the period leading up to entry into the European Union and NATO is also missing. Hence the related implementation of European laws is not mentioned in the book either.

Although this review has been focused mainly on pinpointing the book’s shortcomings, one cannot take any credit away from its positive impact. Thus it can be recommended to the reader abroad who would like to know more about Slovakia.

Juraj Stern
President of the Board of Directors
Slovak Foreign Policy Association

Contributors

Péter Balázs works at the Budapest-based Central European University, which he joined in 2005. During his professional career he served as the Hungarian ambassador to Denmark, Germany and the EU. He was also Government Representative in the European Convention drafting the Constitution, the first Hungarian Commissioner responsible for regional policy, and Foreign Minister of Hungary. Alongside his government and diplomatic career he has been teaching and conducting research into international relations. He was nominated Professor of Corvinus University in 2000. His research activities are centered on the foreign policy of the EU and problems of late modernization and European integration of the eastern side of the continent.

Corneliu Ciurea has been political analyst at the Institute for Development and Social Initiatives (IDIS) “Viitorul” since 2009. He graduated from the National School of Administration and Political Science in Bucharest, and the Academy of Economic Studies in Moldova. He worked for TeleRadio-Moldova (1994–1996), was the director of the of the weekly *Democrația* (2002–2009), and has lectured at the Institute of Political Science and International Relations at Moldova State University, as well as at the Institute of International Relations of Moldova at the University of European Studies. Between 2010 and 2011, he was an OSCE expert on political party legislation. Since 2010, he has been coordinator of the National Convention on the EU in Moldova project. He is author and co-author of numerous articles and studies.

Ilija Milchevski worked for the Euro-Balkan Institute, the first independent research institution in the Republic of Macedonia, for thirteen years. His principal areas of research were international relations, European integration, and regional issues of Southeastern Europe. Since July 2013, he has worked for the Parliamentary Institute, the research service of the Assembly of the Republic of Macedonia. Ilija Milchevski holds a Master’s degree in International Political Relations and Security from Sofia University St. Kliment Ohridski, and a Bachelor’s

degree in Political Science from the University of Sts. Cyril and Methodius in Skopje. Currently he is working on his PhD thesis in the area of Southeastern European studies.

Jelica Minić has broad-based experience gained by working in a diversity of institutions within the field of European integration and regional cooperation, including media, academia, NGOs, government and regional organizations. She has developed and managed national and international projects in her capacity as scientific researcher and part-time lecturer, Secretary General of the European Movement in Serbia, Assistant Minister for Foreign Affairs of the State Union of Serbia and Montenegro (2000–2004), and Deputy Secretary General of the Regional Cooperation Council (2008–June 2013). She coordinated the German Marshall Fund (ad hoc Fund for Serbia in the year 2000), was team leader of the European Integration Fund (EAR 2004–2006), and team leader of the UNDP Serbia National Human Development Report 2008. She has published over 200 articles, essays and book chapters, and was editor of several books and reviews.

Yulia Tyschenko works at the Ukrainian Center for Independent Political Research where she coordinates the “National Convention on the EU in Ukraine” project. She also worked at the National Institute for Strategic Studies (NISS) as well as in the office of the National Security and Defense of Ukraine. She was also the monitoring coordinator for the implementation of the agenda of the EU–Ukraine Association Agreement. In her research, she focuses on domestic politics, minority rights, non-discrimination, civil society and European integration.

Guidelines for contributors

Although many articles are commissioned, unsolicited articles are welcomed. Authors may expect to hear a decision within two months of acknowledgement. *International Issues & Slovak Foreign Policy* is a refereed journal.

Articles should be original and deliver the data that are accurate, meaningful and timely. It should not be under consideration elsewhere. The text should be submitted to editors in the simple Word document format with and abstract summarizing the main points. The length of contributions should not exceed 6,000 words.

Quotation should be clearly gathered in a manageable proportion as footnotes. Footnotes should be presented as follows:

Books

P.J. Katzenstein, *Tamed power Germany in Europe*, Ithaca and London: Cornell University Press, 1997, pp. 195–6.

Articles in journals

I. Samson, "The Visegrad Four: from loose geographic group to security internationalization?," *International Issues & Slovak Foreign Policy Affairs* Vol. XVIII, No. 4, 2009, pp. 57–73.

Articles in Volumes

T. Butko, "Unity through opposition. Islam as an instrument of radical political change," in B. Rubin, ed., *Political Islam. Critical concepts in Islamic studies*, London: Routledge, 2007, p. 26.

Articles in newspapers:

"David Cameron deploys 10,000 more police to stop London riots," *The Washington Post*, August 9, 2011.

Articles available online:

"David Cameron deploys 10,000 more police to stop London riots," *The Washington Post*, August 9, 2011. Available online: http://www.washingtonpost.com/world/cameron-deploys-10000-more-police-to-stop-london-riots/2011/08/09/gIQAqz2B4I_story.html (accessed on August 9, 2011).

Documents

"Joint communication to the European Council, the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Region. A partnership for democracy and shared prosperity with the Southern Mediterranean," COM(2011) 200 final, European Commission/High Representative of the Union for Foreign Affairs and Security Policy, March 8, 2011.

Editor reserves the right to structure the text by adding sub-headings, unless this is already done by the author. Articles should be written in English. Authors will be sent the edited and proofread articles for checking on the understanding. Contributors of accepted articles will be asked to assign copyright to the publisher.

We also welcome reviews of new books (1,500 words).

For submission or correspondence, please contact:

**International Issues
& Slovak Foreign Policy Affairs**
Staromestská 6/D
811 03 Bratislava
Slovak Republic
Tel.: +421 2 5443 31 57
Fax: +421 2 5443 31 61
E-mail: brezani@sfpa.sk
strazay@sfpa.sk



Published by

Research Center of the
Slovak Foreign Policy Association

Staromestská 6/D, 811 03 Bratislava, Slovak Republic

www.sfpa.sk