
The demystifying of the European politics on enlargement- the case with the Republic of Macedonia

Assoc. Prof. Dr. Liljana Siljanovska
South East European University- Tetovo, Macedonia
l.siljanovska@seeu.edu.mk

DOI:10.5901/mjss.2014.v5n22p486

Abstract

In the accomplishment of the integrative function of EU, it is very important the realization of its politics which is performed with the agreements of the European Union because in it are incorporated the main aims of uniting, known as the realization of the four freedoms. It means a free movement of the people, goods, capital and services. Even though the agreements are considered as a key determinant for the existence and functioning of the Union, the European practice shows that their influence is not as big as it is usually assumed. As a matter of fact, separate acts of an agreement are not a guarantee for the development of a policy, but it can also be said that the absence of concrete acts from a particular field, can't be an obstacle for the development of a concrete policy. It actually deals with the realization of the enlargement policy for separate countries in transition as is the case with the Republic of Macedonia. This country is a member candidate for EU eight years, it has five positive reports for its progress in the essential reforms in the political and economic system, despite the bilateral misunderstanding with Greece about the name issue imposed as an obstacle in defining the date for the beginning of the negotiations. It is to be asked if the European enlargement for the Republic of Macedonia has a double standard in the relation of the political conditions which the rest of the countries in the region had, and became members of the union. Or on the other hand the politicization of the question about euro integration demystifies the European policy of enlargement considering its consistency, deepening and functionality. The citizens in the Republic of Macedonia through the national media create an opinion that the actual European public, created by the euro-diplomats and the actual chair-country of the Union, with its different attitudes in not defining the date for the beginning of the negotiations of the country, seem to problematize the validity of the Copenhagen criteria on the behalf of the imposed problem for the misunderstanding about the name issue from only one country- a member of the Union.

Key words: enlargement policy, demystifying the enlargement, demystification, Copenhagen criteria, consistency, functionality.

Introduction:

When we analyze the policy of European Union enlargement, it is hard to put Macedonia aside. The analysis is always concerning Western Balkans, and because of name dispute Macedonia on the first hand may look like an exemption.

Empirically, the public opinion in Macedonia is clear- all public opinion researches shown great percent of support of EU integration¹, but on the other hand the percent drops few stages down if the name dispute would be condition. Political will with all major parties in the country (even there are few political crises) go in the same direction, even declaratory. But it seems not enough!

General condition is that name dispute with Greece is the main reason because Macedonia did not start the accession negotiations, even the experts will add that on the way more problems were tagged in the reports of the European Commission- all that represented with political The way of functioning of the Union and her real- political events are the best way to demystify her enlargement policy by case of Republic of Macedonia, giving a larger frame for Western Balkans.

¹ Institute for Democracy Societis Civilis- Skopje, Perception of the state of conflict of interests and assessment of progress of Macedonia in European 22 May 2014

Formal Aspect of the Enlargement: Who decides and how the negotiations of accession function?

Even before the political dimension of the problem which Macedonia had for process of accession to European Union, we had to see the formal and legal dimension. For all further strategies it is of great importance to determine in which part of the process of integration Macedonia was “stuck” in?

Accession of new member states is performed only by ratification of all democratically voted governments of member states of EU, which vote together in Ministerial Council of EU. This refers to every stage of the process¹.

When a country apply for accession to EU, member states represented in the Council decide- after they report from the Commission- whether the application is to be accepted and to recognize the country as a candidate for membership. In other words a state which is to access the EU submits the application for membership to the Council, where all the governments of the member states of EU seat. Council requests from the European Commission to evaluate the ability the state to fulfill the conditions for the membership.

If the Commission positively evaluates and the Council agrees of the negotiation mandate, the negotiations formally opened in-between the state candidate and all member states.

Republic of Macedonia is stuck exactly on this segment since the negotiations started. Even though Macedonia had constantly received positive recommendations from the European Commission, just because the system of unanimously voting in the European Council, the application could not pass. Of course, this problem occurred because the name dispute Macedonia had with Greece, and many will say that exactly this problem is the only one which is obstacle of not starting the negotiations and not being on a good way to become the part of big European family. This state are partially true because the name dispute is the major reason, but probably there were other problems because EU does not engage enough energy for speeding the process of integration (if we exclude pre accession dialogue, but it seemed that it had vanished after 24 December 2012 and May Agreement).

In similar way, member states decide when and in which conditions the accession negotiations begin with the state candidates by the political areas – “chapters” (35, and mean adjustment of the local legislation of the state candidate with EU legislation). Member states decide then when the negotiations will be successfully completed (if there was a political will, Macedonia would have a right to solve the name dispute by herself and to complete the chapters for this part of negotiations. Every member state has to agree and to sign the Draft Accession Agreement before state candidate to become state which accesses the EU, and just then this Agreement is to be ratified of every member state in accordance to procedure established with the constitutions of every member state.

The European Parliament should agree, too. Its members were voted directly by the European Union citizens. Policy of enlargement of EU proves good managed accession process, so the enlargement gives at the same time contribution for EU and for candidate states, too.

Candidate states should show that they will be able to play their part fully as a members- and that requires great support of the citizens, and also technical and political compliance to the standards and norms of EU. In the process of applying to the accession EU conducts very meticulous approval procedures for each phase. To help countries to prepare for their future membership the pre accession strategy had been issued. Key elements of this strategy included the agreements which determine the rights and obligations (like the Stabilization and Association Treaty for Western Balkans states²), and also special mechanisms for coordination like Accession and European partnership, in which the concrete targets for reform were determined- and must be fulfilled by the candidate states and states- potential candidates.

Financial support by the EU is another important aspect of pre- accession strategies.

Accession negotiations

Mainly, it was important to emphasize that the term “negotiations” can lead to wrong way. Negotiation for accession is focused to the conditions and time frame of acceptance, conduction and appliance of EU rules from the state candidate- which is applicable to around 90000 pages. These rules, known as “acquis”, (French expression for “agreed”), were not negotiable. For candidate states basically that meant agreeing on that when and how EU rules and procedures would be

¹ European Commission, Understanding Enlargement, page No. 9

² EU ENLARGMENT: A LEGAL APPROACH, EU Enlargement, Alan Mayhew, Oxford and Portland Oregon 2004., page No 22

applied and accepted. It is important for European Union to get the warranty for the date and effectiveness of applying of these rules from the candidate state.

Negotiations were conducted in every candidate state separately, and the speed depended on the progress of the country. Because of that candidate states had stimulus to implement needed reforms on quick and effective way. For some of these reforms very hard and significant transformations of political and economic structures in the country were needed. Hence, it is of great importance that the governments inform the citizens on reasons of such reforms. The civil society support is of essential for this process.

The accession negotiations are conducted between candidate states and EU member states. Negotiation sessions are performed on ministerial or deputy ministerial level, i. e. permanent representatives of member states and the ambassadors and main negotiator of the candidate members.

To make the negotiations easier, whole content of European legislation is cut in "chapters", and for each of them represents certain political theme the areas in which the synchronizing of legislation, institutions and practice in the candidate state was needed. As the base for the technical process of the negotiations, the Commission prepared "screening report" for every chapter and every country. These reports were submitted to the Council. The Commission gave the recommendation whether the negotiations for certain chapter are to be started or it was necessary prior some condones to be fulfilled (or "criteria").

Then, candidate state submitted the negotiation position, On the basis of report given by the Commission, the Council adopts joint view of which the opening of the negotiations.

When EU agrees on joint policy of European legislation and the candidate member accepts it, the negotiations for certain chapter are closed- but only temporarily. Accession process to EU functions on the principle that "nothing was agreed until everything was agreed ", so the definite closing of the chapters happened at the very end of the negotiation process.

Demystification of the negotiations: What will Republic of Macedonia negotiate for if she gets the date for negotiations?

Hypothetically, if Macedonia receives the date tomorrow for the start of the negotiations, she will have to open thirty five chapters. These thirty five chapters are only the synchronization (harmonization) of European with local legislation, i.e. our laws should be in accordance to those from the European Union. Looking back, the number of chapters vary from constituting EU up to today, which meant countries entered the EU before should not answer all the chapters.

This is a kind of myth, because in reality not all of the standards are applicable for all member states, and to those who wish to become member those standards are obligatory.

This "not so fair" policy had been justified by the request from the EU a new members to have legal and political system which guarantee stability and is a warranty that the new members will be competitive in social, economic and ecological way with the member states and will contribute and not be a burden for the EU.

This provisionary request was not accurate in the time of big enlargement of EU, at time when Bulgaria and Romania were accepted for only geostrategic purposes, when they did not completed the criteria but were accepted just because the Union needed their geostrategic positions.

Nevertheless, this cannot refer to the all themes from the chapters, so some of the standards are universal and very important even very hard to be obtained. All experts say that the biggest problem is that EU gives more priority to the bringing of new laws and not to their implementation of candidate members which traditionally become labile on this matter.

Chapters¹:

1. Free movement of goods	18. Statistics
2. Free movement of workers	19. Social Policy & Employment
3. Right of Establishment & Freedom To Provide Services	20. Enterprise & Industrial Policy

¹ European Commission, Understanding Enlargement, Page No 9

4. Free Movement of Capital	21. Trans-European Networks
5. Public Procurement	22. Regional Policy & Coordination of Structural Instrument
6. Company Law	23. Judiciary & Fundamental Rights
7. Intellectual Property Law	24. Justice, Freedom & Security
8. Competition Policy	25. Science & Research
9. Financial Services	26. Education & Culture
10. Information Society & Media	27. Environment
11. Agriculture & Rural Development	28. Consumer & Health Protection
12. Food Safety, Veterinary & Phytosanitary Policy	29. Customs Union
13. Fisheries	30. External Relations
14. Transport Policy	31. Foreign, Security & Defence Policy
15. Energy	32. Financial Control
16. Taxation	33. Financial & Budgetary Provisions
17. Economic & Monetary Policy	34. Institutions
	35. Other Issues

Whether the enlargement is policy of member states or is it a concern of the whole Union?

Mainly this can be seen as a non-important question, but it is of magnificent importance because is wide connected to the authority so therefore with the power.

If we consider the enlargement as part of the foreign policy of EU than that would be portfolio of High Commissioner of EU for foreign affairs (Catherine Ashton), because she is the one who represents EU, and she is president of European Council for Foreign Relations and is one of the vice presidents of the Commission even she is responsible in front of the Council. Having no unity in the diplomacy may be emphasized as a dead end Macedonia is now in, because European diplomacy has no power in solving bilateral disputes, and name problem with Greece is bilateral one.

Even though, the new **European External Action Service (EEAS)** helps to EU- which now has the status of legal entity- in strengthening of her position on global level, promotion of her interests and values, development policies, primarily in area of international trade policies, development policies and humanitarian aid, in order to create international standards which globalisation will modify in accordance to the European norms and promote the European model of global rule¹. Foreign policy of EU is based on principles of international law and respects the values of the United Nations, and therefore Millennium Development **Goals of UN (good governance, human and minority rights, environmental protection and social inclusion) were horizontally included in the developmental help from EU. Relations with the third countries as EU calls them were regulated with cooperation agreements and the financial instruments have geographical scope. Key word in this relations is “cooperation” and not more, and the least “membership”.**

On the other hand if on enlargement we see as a internal policy of EU, then this is to be addresses to the Commission and the Commissioner Štefan Füle. In that case European values are generic, foreign policy becomes national policy and the interests of candidate states were identical to member states of EU. EU regulates the relations with the candidate members with special agreements, and the main goal of her financial instruments to help the candidate states to overcome the transition from candidate state to a member state of EU.

¹Access to the EU: what will We Negotiate for? FOOM, MCER. Skopje 2010, Page No 9

Though, candidate states are obliged to harmonise their development plans/ policies with the priorities of EU, because membership into the Union is their primary target. Horizontal issues had been integrated in all national policies and national interests had been protected with the already existing instruments of EU. And also, financing of candidate members per capita costs more than is given to the third countries, what is somehow natural because the Union invests in herself.

It seems that the results were missing in the both way of the policy, global financial crisis had been concentrated in the most the efforts of member states of EU in direction of protection of the monetary union, which can be understood. The only success story in enlargement is the one for Croatia. The crisis already have influenced EU, but had more impact on reform process of countries interested in accession. Lack of initiative of Western Balkan states is obvious, but there is a lack of projects of EU, like visa liberalization which nicely promoted the accession. The strategy of EU for the Western Balkans (PSA) should be revised, and the focus to move from "stabilization" (in fact, limiting and crisis management only) to association (development and reforms).

Investment Framework, WBIF, 21 October 2009), in order to join and coordinate different financial sources and grants and having advantage in getting them for the project which are priorities for Western Balkans, with the initial focus on infrastructure, included social infrastructure, support for MSP, energy efficiency, and other investment sectors. Still the new instrument will give wished results only if the reform process in the region goes forward in timely manner. Successful reforms usually should go hand by hand with the political agenda, and in this case this is accession to EU.

Process of the enlargement is not less attractive, even it became an obstacle for EU and states wishing to become part of it. Some candidate states have an argument that the access can be dangerous if it comes too early, namely because of bilateral disputes in the region, forgetting at the same time that the enlargement policy was exactly the instrument which obtained efficient solving of conflicts and was peace warranty of the region.

EU does not like bilateral problems; therefore Macedonia is in dead end

"Political overviews which were not connected to the real progress made in reforming were not part of the accession process"- this was said several times from the EU officials, members of the European Parliament, political leaders, even political analysts. In its Strategy for Enlargement 2009-2010¹, the Commission clearly states that: "Bilateral questions should not stop the process of enlargement. Bilateral disputes should be solved by both involved sides that had responsibility to find the solution in the spirit of good neighboring relations having in mind the interests of EU".

Macedonia has few bilateral problems(the biggest is with Greece), but after receiving negative vote from Bulgaria in Council of Europe, another one was created- but was eventually slowly cured so far. Western Balkans countries also have their own problems. Positive initiatives from the region are few, including that one promoted from the Regional Council for cooperation and which are mostly "politically lead" not realistic efforts for managing the essential political problems in the region.

Some of the political analysts believe that so called "uncompleted states" from the Western Balkans (Bosnia and Herzegovina, Kosovo, and so even Serbia to some extent) significantly make hard and even make it impossible the rule of law and performing of reforms.

Evidently EU is not ready to "import" bilateral disputes, but on the other hand she wishes to become the major global player who will be able to promote the European values and standards in future developing events on global level, especially in the field of environmental protection, human rights, and at the end but not less important in the field of safety and security. And therefore this efforts looked a bit confuse.

From the EU perspective as a global player, former Commissioner for Enlargement Olli Rehn, presented his views in his speech in front of European Center for Policy in Brussels on 22 October 2009: "Let me first ask you a question of conscience: Would you elect somebody who has a messy backyard at home to your city council?"

Following the same logic, the EU's credibility as a global actor stands or falls by our ability to shape our very own neighborhood."

For illustration, we must see the situation on the Western Balkans: Macedonia has the problem with the name with Greece, also recognition of the church with Serbia; Serbia has the problem with Kosovo; Montenegro and Croatia have the border

¹ COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL, Enlargement Strategy and Main Challenges 2009-2010, 45

problem with Prevlaka; Albania has dispute with Greece; Bosnia and Herzegovina and Kosovo have the problem with statehood. All of this disputes and problems are in the heart of Europe and will disappear only of sincere efforts for their solvation will be made. EU cannot delay the resolving of these problems or to try to solve them without "offering a carrot" which in this case is speeding of the process of enlargement.

What will the newest balance bring to the power in the European Parliament?

The last elections for the European Parliament, which took place in May 2014 seemed to bring new political tendencies in the European Union. The results were clear: even the Conservatives won and Social- Democrats took the second place, European public opinion showed a need for major changes in the philosophy of functioning of the Union. Therefore, not only the ones who wanted the enlargement to slow down got more power, but in the European Parliament powerful became the ones which countries wanted to get out of the Union.

France and the Great Britain were the exact example for this- in France at the latest election won right wing Marie Le Pen and in Great Britain the national party of Nigel Farage who supported secession from the European Union. At the same time in all other European countries the radical parties who were against the enlargement gained a few more parliamentary members.

Not to forget that there were many conventional parties who had hard attitude towards the enlargement. The Great Britain for a long time placed different requests to stay in the European Union. That even more complicated the inner state in EU and contributed the Union to stay busy with the internal affairs and put the enlargement in the second place.

Four scenarios, the conclusion

The Centre for Southeast Europe Studies from Graz, Austria, published the analysis "Unfulfilled promise: Completing the Balkans Enlargement", where in wider aspect the possible scenarios for enlargement of EU in Balkans were analyzed, and therefore we could see four scenarios for Macedonia depending the future attitude of EU in the process of enlargement.

The First scenario¹ so called "Standard approach" means prolonged and slow accession of Western Balkans States to EU and that would mean hard conditions for membership for Macedonia, which would be very hard to obtain, and also prolongation of tolerance of bilateral reasons for blockade of Euro- integration of certain countries.

The Second Scenario² was so called "In the footsteps of Turkey", meant extension of the negotiations for the accession but with no significant movements, and by that it would be clear to the political elite and citizens that the possibility for accession was very small . But Turkey succeeded to develop self- sustaining economy, but the states of Western Balkans will be sentenced for setback.

The third scenario³ meant giving up on EU enlargement and start of new uncertainties in Western Balkans and also for Macedonia, which was called by the creators *The Ukrainian* scenario. Continued crisis in EU and resistance to the enlargement, by this scenario, could engage other global actors to the region, as Russia or Turkey, and by that Balkans can become collateral victim of the competition in world political scenario.

The fourth scenario⁴ was the only one predicting EU enlargement dynamics moving to Western Balkans, but that may be possible only with no change in Brussels politics which claims in the moment that there was no obstacle in accepting new members- which was hardly possible. According to this scenario, all states of Western Balkans having ambitions to become a EU members would have started immediate accession negotiations and all hard to be obtained chapters would be removed from the beginning to the end of negotiations.

¹ Centre for Southeast Europe studies, policy paper: THE UNFULFILLED PROMISE: COMPLETING THE BALKAN ENLARGEMENT, page No 7

² Centre for Southeast Europe studies, policy paper: THE UNFULFILLED PROMISE: COMPLETING THE BALKAN ENLARGEMENT, Page No 11

³ Centre for Southeast Europe studies, policy paper: THE UNFULFILLED PROMISE: COMPLETING THE BALKAN ENLARGEMENT, Page No 14

⁴ Centre for Southeast Europe studies, policy paper: THE UNFULFILLED PROMISE: COMPLETING THE BALKAN ENLARGEMENT, Page No 18

Exactly from here is the conclusion that demystification of Macedonian case (who represents the clearest case of problematic condition for being in bilateral dispute):

The European Union did not publicly put the enlargement in the second place, but in fact the political situation of the Union and the opinion of some important factors as France and The Great Britain say the opposite- that the EU will not enlarge, and exactly because of this Macedonia will eventually stay stuck in this long process and will live "The Turkish Scenario".

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