



МЕЃУНАРОДНА НАУЧНА КОНФЕРЕНЦИЈА
БЕЗБЕДНОСНИ КОНЦЕПТИ И ПОЛИТИКИ - НОВА
ГЕНЕРАЦИЈА НА РИЗИЦИ И ЗАКАНИ



INTERNATIONAL SCIENTIFIC CONFERENCE
SECURITY CONCEPTS AND POLICIES - NEW
GENERATION OF RISKS AND THREATS

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04 - 05 Јуни 2017, Охрид

Том II

Скопје 2017

INTERNATIONAL SCIENTIFIC CONFERENCE

**SECURITY CONCEPTS AND POLICIES - NEW
GENERATION OF RISKS AND THREATS**

04 -05 June 2017, Ohrid

Volume II

Skopje 2017

Издавачи:

Универзитет „Св. Климент Охридски“
Битола
Факултет за безбедност – Скопје

За издавачите:

проф. д-р Сашо Коруновски, ректор на
Универзитетот „Св. Климент
Охридски“ – Битола
проф. д-р Оливер Бачановиќ, декан на
Факултетот за безбедност – Скопје

Уредник на изданието:

Доц. д-р Марјан Ѓуровски

Лектор на англиски јазик:

Рози Гроздановска Велеска

Компјутерска обработка:

Оливера Трајанова Ѓорѓијовски
Кемал Рушид

Печати:

АД „Ван Гог“ - Скопје

Адреса на издавачите:

Факултет за безбедност 1000 Скопје
П. Фах 103
тел: 022546211

Универзитет „Св. Климент Охридски“
1ви Мај б.б. 7000 Битола,
тел: 047223788

Publishers:

University “St. Kliment Ohridski”
Bitola
Faculty of Security- Skopje

For the Publishers:

Sašo Korunovski, PhD Rector of
the University “St. Kliment
Ohridski”- Bitola
Oliver Bačanović, PhD Dean of
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Editor in Chief:

Marjan Gjurovski, PhD

Lecturer in English:

Rozi Grozdanovska Veleska

Computer Processing:

Olivera Trajanova Gjorgijovski
Kemal Rushid

Print:

“Van Gog” - LTD Skopje

Address of the Publishers:

Faculty of Security 1000 Skopje
P.O. Box 103
tel: ++389(0)22546211

University “St. Kliment Ohridski”
1 Maj b.b. 7000 Bitola
tel: +++389(0) 47223788

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EUROPEAN UNION'S DILEMMA: DEMOCRATIZATION VIS-À-VIS INTEGRATION

Ivica Josifovic, Dr.Sc

Faculty of Law, University of Goce Delcev - Stip, Republic of Macedonia

ivica.josifovik@ugd.edu.mk

ABSTRACT

At the meeting of the European Council in Copenhagen in June 1993 that determined the criteria for membership into the European Union, democracy was given the first mention as one of the conditions that applicant countries must respect. The priority given to democracy reflects the fact that it is considered a core element of European political identity and an essential characteristic of the countries wishing to be admitted to the EU. The European Union's insistence on the guarantees of democracy is not based on altruism, but rather on self-interest, for it arises from the belief that the process of European integration cannot function with members that do not subscribe to the democratic principles or whose practical application of these principles is inadequate. The paper aims at elaborating the democratization process of the Balkan states, including the Republic of Macedonia, having in mind that they are all aspiring toward European Union membership, but are also facing internal issues and problems, which makes the democratization process of their societies more difficult. It is considered that democracy is the first and fundamental precondition for eventual start of the negotiation process, and it should therefore be on a high level by the time the decision for starting the accession negotiations is taken. With respect to the Republic of Macedonia, in this present context, the decision-making process of the European Council regarding the start of the negotiations is difficult because of the open issues with its neighbours, which on the other hand, leads to disorder of the internal political juncture and a set-back in the integration process. In addition, a short brief of the political crisis in the Republic of Macedonia is given and the (un)successful engagement of the European Union in solving the two-year political crisis. At the end, a conclusion is derived based on the past experiences and understanding the present, offering lessons for future EU policy engagement in the region.

Key words: *Democracy, integration, European Union, Republic of Macedonia.*

1. INTRODUCTION

If we refer to the political series "House of Cards", in which the main character Francis Underwood played by Kevin Spacey points out that "democracy is overrated", the same point could be stressed out in the case of the Republic of Macedonia. This is due the fact that if the house of cards represents the vertical designation of democracy, it means that the lowest layer is represented by the citizens and if that layer is shaken, democracy is lost. After ending the last armed conflict in the Balkans, the states pursued the building of their democratic societies. But, dilemmas regarding security and unresolved state issues continue to dominate throughout the entire region. Fears that the instability in one state may spread through the entire region continue to define EU's policies of engagement and accession. As a result, sometimes the interest of stability is a priority over other

considerations, including the consolidation of democracy. Such approach underestimates the key lesson on European integration: democracy is the most appropriate policy for solving security issues and for state-building. In theory, the democratic consolidation of the Balkans should be a win-win solution; in practice, the road is full of political traps and dilemmas.

Building democratic regimes in the region corresponds with state-building. In the heart of the problem lies the state and its weakness for undertaking the necessary reforms for EU integration and solving the internal issues and issues with its neighbours. In the heart of the solution lies the democracy as insurance for the region to consolidate the states and societies. EU's enlargement experience with Central and Eastern Europe confirmed that, although building democracies should be the result of domestic political processes, external factors may have a role in supporting the systematic transformation. In a time when the enlargement process is struggling to be effective, the re-assessment of the relations between the EU and the Balkans is of key importance. After the accession of Croatia in 2013, given the risk that the accession pace is slowed down and overshadowed by the economic and political crisis in the EU, Europe is losing the Balkans again on nationalism and violence, as well as its influence at the expense of other actors that may not share the same views and values.

Therefore, the EU is caught in a dilemma: how to keep the EU membership hope in the Balkan states? Furthermore, leaving the states in a limbo may lead to aggravation of their weak democracies. Macedonia, a candidate since 2005, is in a constant blockade for starting the accession negotiations because of the name issue with Greece. As a result, in Macedonia almost every two years there is a political crisis triggering inter-ethnic tensions, infringing democracy and threatening the stability, falling behind with reforms and Euro-Atlantic integration. While the EU member-states could agree on the priority status of Croatia and Serbia as strategic for the whole region, similar treatment was not offered to smaller states, such as Macedonia and Albania. Achieving the balance depends not only on rigorous application of conditions: the problem is in the credibility. EU membership criteria have changed over the years, reflecting internal development, as well as the growing nuisance regarding the enlargement and potential consequences. This leads towards speculations that the democratic conditionality is used as an excuse to keep the Balkans out of the EU with no exceptions.

The consolidation of democracy was not always an EU priority. The European Commission calls for security and functioning of democracy, as well as fight against corruption and organized crime. However, the stability of institutions, rule of law, freedom of press and civil society are equally important indicators. These aspects have been given less attention and more could be made in addressing the unresolved issues that are preventing national parliaments in the decision-making and implementation process. In the short and long term, the key answers to this dilemma may only be found in the support of the complete democratization of the Balkans. This is in the interest of the citizens, but also in EU interest in order to ensure that the future enlargement will not cause the return of the EU solidarity and that all future EU member-states are consolidated democracies.

2. DEMOCRATIZATION OF THE BALKANS!?

The survival of peace relations, the continuous organization of free and fair elections and progressive regional cooperation in many areas are only part of the progress made by the Balkan states, including Macedonia. However, these achievements are mostly endangered by unresolved issues which are harmful for the region. The name issue with

Greece continues to harm the democratization and inter-ethnic relations in Macedonia. The stubborn positions of Serbia and Kosovo regarding the independence continue to undermine the transformation. The democratic weakness of Albania results in a political dead-end over the years and the B&H remains trapped in war rhetoric with the potential of destabilization.

The Balkan states are part of the extended form of democratic transition with a prospect for eventual consolidation (Pridham, 2008; pp. 56-70). This is true; having in mind that in a significant number of cases, states and their borders are still disputed (Balfour and Basic, 2010). According to some studies, there is no “consolidated democracy” on the Balkans, but Macedonia, Serbia and Montenegro are classified as “semi-consolidated democracies”, while Albania and B&H are classified as “transitional governments” or “hybrid regimes”, and Kosovo as “semi-consolidated authoritative regime”. On the other hand, other studies indicate that only Serbia and Croatia are democracies, while the others may be collectively described as faulty democracies: they conduct free elections, but fail to secure civil and political rights or effective separation from government authorities. In other words, besides the rule of law by elected representatives, democratic performances in the region still remain without actual positive dynamics (Linz, 2002; pp. 21-35, Merkel, 2004; pp. 33-58).

Closer observation of the quality of democracy in these states may help in understanding the political dynamics and the EU options for successful influence over the region. The distinction between formal and effective democracy is useful as it enables critical assessment of democratization regarding formal criteria and essential characteristics of democracy (Kaldor and Vejvoda, 1997; pp. 59-82). Put in other words, a difference should be made between institutional/procedural aspects of democracy and the extent to which they are implemented in practice. Truly, democratic regimes are not successful everywhere with the same efficiency and there are shortcomings. By this reason, attention should be put on terms like “facade democracy” and “effective democracy”, indicating that the difference rests on the “rule of law” and in its fundamental manifestation: right of freedom (Linz and Alfred, 1996).

The main reason of democracy is to entitle ordinary people with civil and political rights for guiding their lives based on their preferences. From this point of view, the right entitling people to make their own choices on individual issues and their voice to be counted for collective issues are tools in the first line of democracy. The legislative involvement of these rights creates formal democracy as a necessary component of effective democracy, although the formal rights are not enough for effective democracy. In order to have effective rights and freedoms, decision-makers must respect and follow these rights. And democratic freedoms are effectively respected only to the extent to which the elites are bound with the rule of law. Elite corruption violates civil rights and infringes the rule of law (Rose, 2001; pp. 93-106).

3. DEMOCRATIZATION VIS-À-VIS INTEGRATION: THE CASE OF THE REPUBLIC OF MACEDONIA

The EU enlargement process leads to the emergence of a unique model of democratic promotion through integration (Dimitrova and Pridham, 2004; pp. 91-112). This model was developed in the 90’s for the enlargement with Central and Eastern Europe, and with the formalization of the membership criteria at the Copenhagen European Council, known as the Copenhagen criteria. The European Commission played – and still plays – an important role in monitoring the progress through annual reports. Tight

monitoring procedures induce the degree of fulfilment of the political criteria (stable institutions that guarantee democracy, rule of law, respect for human rights and freedoms and respect for the rights of national minorities) by each candidate-state.

It is necessary to stress out that the Copenhagen criteria are additional and not anticipated in the basic EU Treaties. It is *in abstracto* decision and refers to the states that eventually acquire a candidate status. The decision has a political, not a legal character and it does not obligate the EU member-states. But the moment of their emergence is one thing; the actual moment is something different. In contemporary conditions, the completeness of the Copenhagen criteria functions as a legal category. This is partly because of the fact that only one aspect of membership criteria, only the political criteria as formal/legal and written, are for the first time introduced in the Amsterdam Treaty. The political dimension that these political conditions have is that they need to be fulfilled by the time the European Commission draws up the opinion for the accession and the state acquires fulfilment of additional criteria which are not included in the EU acts. In other words, the European Commission has the legal obligation to assess only the fulfilment of the political criteria, but it does not mean that other criteria are less important.

The enlargement policy towards the Western Balkans and Turkey follows the same pattern as the states from Central and Eastern Europe, but it introduces new aspects towards the process of political conditionality. These reflect internal disturbance, as well as the specific regional and statehood context. The difficulties in implementing and adopting some of the institutional novelties with the Lisbon Treaty and the issues regarding the capacities to cope with internal differences shall, most likely, hinder the EU from manifesting some enthusiasm towards the enlargement. Also, the rise of euro-sceptic and anti-immigration political parties add additional flame to the problem. It is quite enough to observe some of the policies in EU member-states regarding refugees, migrants and asylum-seekers and to understand that the enlargement is becoming a sensitive issue.

The difficulties with the accession of Romania and Bulgaria in 2009 and the perception, *ex post facto*, that the accession was made in a fast manner, lead to the adoption of a tougher line regarding the conditions. The combination of this perception, the increased focus on good governance and the situation in the Balkans lead to a more complex mosaic of conditions, benchmarks and expectations, reflected in different degrees of integration. The Balkans is a heterogeneous region with states that entered the EU in 2013 (Croatia), through states that are “perpetual” candidates (Macedonia), to states whose statehood is being blocked and have no formal relations with the EU (Kosovo).

In the case of the Republic of Macedonia, without an elaboration of the entire crisis, I will stress out two déjà-vu situations. First, in 1998 Slovakia received a negative report regarding the fulfilment of the political criteria for the same reasons Macedonia is facing today. During the period from July 1997 until September 1998, in Slovakia there was a lack of stability in the institutions, reflected in the election of the President, controversial use of the presidential authorities, absence of the opposition from Parliament, dysfunction of its commissions, as well as the decision-making by the Constitutional Court. The elections in Serbia in April 2016 were won by the Serbian Progressive Party, a right-wing party, ruling on the principle of economic progress and growth, but with the media under its control. Slovakia is a member-state since 2004 and the EU has certain sympathies towards Serbia. Second, the crisis and the events from 24 December 2013, resulting in a boycott of the Parliament by the largest opposition party in 2013 and their return after establishing the Inquiry Commission; the crisis with the tap-wired materials, again resulting in a boycott of the Parliament by the largest opposition party in 2015 and

their return after establishing the Inquiry Commission. If you want something not to be solved, establish an Inquiry Commission.

Almost 25 years of independence, 10 years of a candidate-status and 8 recommendations for starting the accession negotiations, Macedonia today seems like going back from where it started. It simply needs to begin learning the basics of democracy again. The divided political culture, the inability of the political actors to react adequately and in the interest of the citizens, the lack of compromise and corrosion in the political dialogue, have raised the form of the continuous and protracted crisis leading towards distrust in the institutions. Without seeking and pointing to who is guilty, it is necessary to urgently restore the confidence in the institutions and build a system based on checks and balances, as the absence of democratic institutions may jeopardise the stability (for example, the events in Kumanovo). The crisis showed a high level of polarization and political commitments are necessary through dialogue and in the institutions for building the political peace on democratic basis. The return of democratic values requires patience and hard work, especially from the domestic actors. And in addition to my personal opinion that Macedonia should show seriousness and credibility, as well as capacity and capability to face the domestic crisis without international mediation, the EU should act more decidedly because the crisis in the Balkans is in EU's backyard and the past is an experience that the EU cannot wipe out.

We have brought ourselves to a very extensive use of "rule of politics" instead of "rule of law". Macedonia could be a case study where many constitutional and legislative issues are solved under the "rule of politics" principle, equal to the "peace in house" principle, thus derogating the established law. Classical examples are: first, the President's abolition as a quasi-judicial authorization to interfere in the judicial branch, where the legal practice knows no situations of withdrawal of an already given abolition, thus revoking consequences in creating a precedent for all future similar situations; and second, the dissolution of the Parliament and the return of its members after its dissolution.

So far, the fault is also on the EU side, which failed to valorize Macedonia's progress regarding its Euro-integration, only to shrug shoulders and let the pigheadedness of one EU member-state to be infinite. Therefore, in my opinion, the EU is not interested in active and long-term commitments, as the migration crisis additionally infringes the internal political situation. A large number of EU member-states do not fulfill their democratic conditionality, and if a debate is to be opened, half of the member-states do not deserve to be part of the Union. The question that could hypothetically be raised in this direction is: Is Macedonia going to be awarded with a negotiations date if it conducts the most regular elections, establish the best judiciary, implement administration and media reforms and reduce corruption to the lowest possible level? The answer, short and clear, is NO. the EU is without an answer how to integrate Macedonia outside the political conditionality. It could call upon the alibi that the reform process is ours, the integration process is for our own benefit; it is true that we make this country for ourselves, not for Brussels, but the fact prevails that, even if there was no political crisis, the EU has no answer for our integration. The EU policy towards Macedonia undermines the Union's credibility as an actor contributing to long-term stability and democratic standards. Instead of general solutions, including the unblocking of the negotiations, the EU representatives approach towards an approval of the emergent agreement whose implementation was questionable since the beginning.

In future, the EU should intensify the monitoring over the institutional performance and the decision-making process, as well as work on developing more active

diplomacy. Dysfunctional institutions and disrespect of democratic practices are dangerous for the Western Balkans and its integration in order to justify the EU policy of neutrality regarding internal political developments. The political tensions in Macedonia raised the question whether the EU could or should have done more in the early phase of the negative tendencies. The EU should also give significant emphasis on the democratic processes, and not only on the result regarding the number of adopted laws. In parallel, there should be more realistic communication on the ground about the enlargement process and promoting bigger public understanding of the pros and cons on European integration. The EU is increasingly focusing on issues regarding the rule of law and strengthening the judiciary, but even more on democracy. Only the behaviour which is legally-binding and the implementation of rights may make democracy significant in a substantive sense.

4. CONCLUSION

Consolidation of democracy is the best short-term and long-term approach for creating suitable conditions for completion of any unresolved issues. It is a precondition for the enlargement process, as well as the assurance that the Balkan states will be in a condition to undertake the necessary principles and the EU membership obligations. The EU significantly focuses on the rule of law and judiciary issues, especially in response to the fears that the organized crime and corruption might spill-over in the rest of the Europe. But democracy is more than that.

While the rule of law, corruption and organized crime are key problems for Western Balkan citizens, the EU and the entire region will benefit from an approach which is equally wider and deeper in promoting real and substantive democracy. Wider, in the sense that the whole spectrum of formal rights is necessary for achievement of effective democracy; and that the democracy could not function, *inter alia*, without freedom of expression and freedom of association. Deeper, in the sense that effective democracy is in need of real imposition of legally based rules and practices. Only legally-binding behaviour and implementation of rights may make democracy significant in a substantive sense. Therefore, the EU needs to focus on formal and substantial criteria in the assessment process of democracy in the Balkans.

The accession process should not be only on ticking reforms and adopting legislation. It should also be about the decision-making process and the extent in which the principles imposed by conditionality are applied in practice. This means use of wide range of diplomatic tools and political pressure over the Western Balkans states. This could also secure a more positive narrative for the enlargement, which the EU needs very much. Since the rejection of the Constitutional Treaty, the difficulties regarding the adoption of the Lisbon Treaty, through the economic crisis and the actual migrant/refugee crisis, the rhetoric has moved away from the grand peace and prosperity strategy throughout entire Europe. A new narrative is needed focused on the positive facts that the democratic transformation of the region in the past years is an achievement that must be consolidated. The success to make the Balkan states democratic is a great challenge for the EU and the governments, as well as a crown of the EU enlargement policy.

The EU influence in the region relies on attraction; its attraction relies on credibility. This is increasingly disappearing, especially after the financial crisis and the current migrant/refugee crisis. The best practices expected from the Western Balkan states should be followed by the EU and its member-states. The European Commission's impulse for wider anti-corruption strategy shall also increase the efforts in the candidate-states regarding the fight against corruption. It is the only way for effective addressing of the

member-states' concerns regarding the capacity of Western Balkan states to preserve their commitments in all phases of the accession process, as well as after the accession in the EU. It may also contribute to avoiding the non-enlargement policy, which still persists with the election of the new European Commission. This is especially important, having in mind that the next round of enlargement is not going to take place before 2020. The European Commission announced itself, as things are standing now, that the enlargement shall be put aside in order for the EU to consolidate from within.

One important lesson that could be learned from the Croatian negotiation process is to start with the most difficult reform areas. Chapter 23 on the judiciary and the Fundamental rights could not be addressed in several months. Therefore, the Western Balkan states should intensify their efforts in reforming the key areas, such as corruption, strengthening the independence and accountability of the judiciary, improvement of the quality of public administration – all key elements for functioning of the rule of law.

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