

## EU policy towards Macedonia during the Yugoslav crisis

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### Introduction

The EU<sup>19</sup> policy and its relation to the process of disintegration of the Yugoslav federation has been featured quite a lot. However, within these general EU policy toward the Yugoslavian problem there was an, more or less, individual policy toward each constitutive republics of Yugoslavia. That is exactly the matter that will be dealt in this paper. In this way we will try to present the specific EU policy towards Macedonia as one of the six constitutive republics of the former Yugoslav federation for the period of the duration of the Yugoslav crisis. The logical question here is what exactly we mean by the term "Yugoslav crisis" and precisely what time framework we are talking about. At this point we are not going to specify the exact dates but we are going simply to suggest that "Yugoslav crisis" is a few months period before the declaration of independence by Slovenia and Croatia, including the military actions in these two republics, until the Dayton Peace Agreement for B&H. After this there was a period of stagnation and relatively peaceful conditions in the territory of former Yugoslavia, but only until 1999, when a military conflict broke out in the so-called "southern front" in Kosovo and later in 2001 in Macedonia. However, the conflicts in Kosovo and Macedonia can not be included in the term „Yugoslav crisis“, because of the fact that at that time Yugoslavia did not exist anymore and that these military conflicts occurred in two different sovereign and mutually recognized states<sup>20</sup>. So, in this paper we will try to highlight the most important elements of EU policy towards Macedonia during the Yugoslav crisis and the question which influences this policy had on the newly independent Republic.

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<sup>19</sup> In that time still European Communities - EC

<sup>20</sup> Kosovo conflict occurred in the Serbian province of Kosovo as part of FRY. Macedonian 2001 conflict occurred in the northern parts of Republic of Macedonia.

## **EU policy towards Macedonia in the period from the beginning of the Yugoslav crisis to the Hague conference**

In order to present the politics and relations of the EU towards Macedonia, firstly we must see the behavior of Macedonia during the Yugoslav crisis. Going backwards we can see that the Republic of Macedonia was not one of the leader republics of the dissolution process of Yugoslavia. Rather, we can conclude that largely goes exactly the opposite. Some Macedonian politicians even made efforts together with politicians from the other republics to find a mutually acceptable solution and to rescue the common state. Such example was the Izetbegovic – Gligorov platform<sup>21</sup> which was not accepted by the other republics. So, in a situation where Macedonia could not be qualified as “secessionist” republic, it could not be subject of significant diplomatic activities by the EU. This was the case because of the fact that just before the declaration of independence by both northern Yugoslav republics, the Union had built a common position which consisted of condemnation and disapproval of any kind of unilateral declaration of independence of any republic<sup>22</sup>, but also of condemnation and disapproval of eventual use of force to retain the wholeness of Yugoslavia<sup>23</sup>. Simply, the general EU position was to support the survival of Yugoslavia. So, all the republics which had the same position were not subject of diplomatic action by the EU. Logically, subject of diplomatic action by the EU were the republics that opted for dissolution of Yugoslavia, opposite of the EU position. In accordance with the general tendency of Macedonia to help the federation survive, the main activity of the EU in this initial period, was not directed towards Macedonia, but primarily towards the pro-dissolution Slovenia and Croatia on one hand and towards the federal and pro-centralistic positioned Belgrade and the Yugoslavian national army (YNA) which threatened to use force to preserve the federation on the other hand. However, the joint EU position did not change the mind of decided Slovenia. Nevertheless, the Slovenia decided unilaterally to declare independence. This event gradually transformed the previous political crisis in Yugoslavia into an open military

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<sup>21</sup> 06.03.1991

<sup>22</sup> This position was primarily a message to Slovenia and Croatia

<sup>23</sup> This position was primarily a message to Belgrade and YNA

conflict. The conflict erupted between the Slovenian territorial forces from one side and the YNA from the other side. This conflict was a strong signal for the EU to do something against the war that threatened to extend to the wider Yugoslav territory. This situation forced EU to make more concrete step. The Union's answer consisted of sending the so-called "troika of ministers"<sup>24</sup> with a precise mission in Yugoslavia. The specific objective of the mission was to bring out an immediate cessation of fire and to prevent its further expansion. This EU diplomatic activity resulted with the „Brijuni Agreement"<sup>25</sup>. This document provided a three month delay of the independence declarations of Slovenia and Croatia on one hand and a cease of all military activities by the YNA in Slovenia on the other hand. Specifically for Slovenia, the EU diplomatic activity meant two things, firstly, getting independence, and secondly, withdrawal of the YNA forces from Slovenian territory without further struggle. However, this did not mean cease of the fire that now moved on Croatian territory, which demanded further inclusion of the EU.

Where was the Republic of Macedonia at this time? Before the Conference for the Former Yugoslavia in The Hague, the Republic of Macedonia already had applied to the Union as an individual (though still part of the Federation) with a memorandum entitled "The international position of Macedonia and its status in the Yugoslav community." In this memorandum the Republic expressed its views and stood for survival of Yugoslavia as a union of sovereign states with some federal elements. The memorandum mentioned also the "European processes". Malevski(2006,p.26) said „The Disintegration of the economic and the political system of Yugoslavia in form that has been existing until today, faced with the need of fundamental reconstruction of the state. This process of reorganization of relations between the Yugoslav republics should correspond with the European processes. This means mutual respect for the independence and sovereign position of each state as a precondition for higher forms of integration.“ If we analyze the positions of the Republic of Macedonia expressed in the Memorandum, we will notice that they are practically the same solutions that

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<sup>24</sup> The troika comprised the past, present and coming foreign Ministers of the Presidency of the European Council of ministers

<sup>25</sup>a document signed on the Brijuni islands near Pula, Croatia, on 7 July 1991 by representatives of the Republic of Slovenia, Republic of Croatia and the Socialist Federal Republic of Yugoslavia under the political sponsorship of the European Community.

later the EU offers at the Hague Conference about the Former Yugoslavia. So the Macedonian positions were in the line with those of the EU. The Memorandum itself is very significant for Republic of Macedonia, because the Republic referred directly to the EU as individual, not as a part of the federation; consequently it imposed itself as participant and as a stricken party that can not be ignored in future decisions and projections about Yugoslavia.

### **Hague Conference on Former Yugoslavia**

The success or failure of the EU diplomatic which resulted in signing the Brijuni Declaration can be debated. It might have been successful for Slovenia, but has not fulfilled the main objective of the EU mission in Yugoslavia, which was preventing the further spread of fire. However, here we are more specifically interested in the EU chosen approach of dealing with the beginning of the wars in Yugoslavia. The original method chosen by EU was an ad hoc approach to the solving of the conflicts. So, at the moment there was a specific (military) problem in Slovenia and according to the selected ad hoc approach, the specific issue discussed was the situation in Slovenia.

After the outbreak of military conflict in Croatia EU understood that the problem has not been solved at all and appointed a mediator to work on solving the Yugoslav problem which was already defined as European problem. This is due to at least two facts. First, USA gave the “main player” role to the EU and second EU<sup>26</sup> was not the same any more after Maastricht. One of the main changes made with this treaty was the introduction of the Unions pillar system. According to this, one of the three pillars was European Common Foreign and Security policy - CFSP<sup>27</sup>. Unlike the first pillar<sup>28</sup>, in the second (CSFP) pillar and in the third pillar<sup>29</sup> the principle of supranationalism is replaced with the principle of intergovernmentalism. The reason for this is

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<sup>26</sup> The Treaty of Maastricht signed on 7 February 1992 transformed the EC into the European Union

<sup>27</sup> The historical origin of CFSP was the European Political Cooperation (EPC) introduced by the Single European Act from 1986

<sup>28</sup> European Communities

<sup>29</sup> Justice and Home Affairs

the fact that the issues treated outside the first pillar, were much more sensitive for the member states in a terms of their sovereignty. Because of this, the decision methods in the second and the third pillars, in the most of the cases, requires unanimity among the member states. CFSP was necessary, among others, to improve the perception of EU as an economic giant but a political pygmy. So, if EU wants to be a global player, the logical way of thinking is that EU must be player and main manager in its own yard. For first special mediator was appointed Lord Carrington and later Lord Owen. The diplomatic activity of the EU lasted much more opposed to some previous and euphoria statements regarding to the success of the EU in bringing peace in Yugoslavia after the Brijuni agreement. So, during its dealing with the Yugoslav problem EU organized series of conferences in The Hague<sup>30</sup> and together with the UN was organizer of the London Conference<sup>31</sup> and the Geneva Conference<sup>32</sup>.

Unlike the original ad hoc EU approach for solving specific conflicts, the Union decided now, on the Hague peace Conference under the leadership of Lord Carrington to use a different approach to the Yugoslav issues. „Peace Conference was, theoretically, exactly what Yugoslavia needed because it aimed to consider the country as a whole and to develop a coordinated approach to all conflicts in the region rather than merely deal with immediate flash-points, such as that in Croatia, in isolation.. while conditions in B&H and Macedonia should be equally part of the agenda as those in Slovenia and Croatia."(Bennett 1995, p.176).The goal of this peace conference was to find an solution for the ongoing war in Croatia and a comprehensive solution for other conflicts in Yugoslavia. All the Yugoslav republics were represented. Even the Kosovo Albanians and Vojvodina Hungarians had their representatives. So thanks to this new EU approach, Macedonia officially became part of the common EU policy agenda and the situation in Macedonia rose to the level of equal importance with the situation in Croatia, which was a war field at that time. Why was this so important for the Republic of Macedonia? The answer is, because through The Hague Conference, for the first time in history, the Republic of Macedonia took part at an international

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<sup>30</sup> 09.1991

<sup>31</sup> 08.1992

<sup>32</sup> 09.1993

conference presented by its own representatives and became an equal participant. This international conference discussed, among other things, about the future of Macedonia. This is certainly the beginning of an independent Macedonian foreign policy. The Macedonian representatives at this conference were Kiro Gligorov, as Minister of Foreign Relations, Denko Malevski and Vasil Tupurkovski as members of the Presidency of Yugoslavia (Gligorov 2001). They were sitting side by side with their colleagues from Serbia- Milosevic, Croatia –Tugman, B&H - Izetbegovic, Slovenia – Kucan, Montenegro- Bulatovic. The Macedonian representative Kiro Gligorov had a speech at the Conference and presented his views (Gligorov 2011). According to his views, first, Macedonia believed that despite all the difficulties the existence of Yugoslavia was still possible in a new form but on the principle of affirmation of the sovereignty of the republics; second, the concerns of the international community and especially the EC were legitimately and justified; third, there was need for cessation of all military actions as precondition for negotiations; fourth, the republics needed mutual recognitions as a basis for equality in the future status of the Yugoslav community and fifth, Macedonia was committed to good neighborhood relations and had willingness as well as to play a role of an active factor of peace and stability in the Balkans. Undisputable is the fact that the Hague Conference was very important for Macedonia. However, if we make a real critical review of The Hague Conference, we can find out that although originally it had a working agenda that treats Yugoslavia as a whole and all the problems in all the republics as equal, in reality it appeared to be mediating in finding a solution between the big republics, like Serbia and Croatia. This can be also confirmed with the following interview part given by Lord Carrington (The death of Yugoslavia 1995) "We decided to see people who actually mean something, the Presidents Milosevic and Tugman and we set them on the table and began to talk to them." We can conclude that this picture has been repeated more or less on all future conferences organized by EU and with the time the primacy of the agenda was mainly concentrated on B&H, as well as on the main actors, Croatia and Serbia, while all the other republics were only formally part of the agenda. Just for illustration we will take the example of the London Conference in which Macedonia was

presented by President Gligorov, ministers Maleski, Frckovski and Vice President of the Parliament Dzheljadin Murati. Although there were Macedonian representatives on this Conference, the Macedonian question was not treated here.” Before we began with the regular work with determination of the agenda, I asked the Conference to consider the issue of the Macedonian recognition. But unfortunately the issue did not come into agenda.” Gligorov (2001) However, as a solution which would avoid further military, the Hague Peace Conference suggested creating a form of states association, a kind of confederation. It proposed respect for the minority rights and recognition of the former internal administrative boundaries as international borders. In this way further military actions could be avoided and the region (probably faster than Eastern Europe) could very soon advance towards EU membership. This solution was in accordance with the Macedonian interests, because it was meant to avoid further military conflicts that could be easily transferred in the Macedonian territory. It would also help Macedonia to achieve two huge historical and strategic goals, first, to become practically independent and to be recognized by Serbia and second to speed up its course towards EU membership. Therefore, Macedonia<sup>33</sup> has generally positive disposition towards the EU plan. However this plan was not successful<sup>34</sup> and the war in Yugoslavia has been just stirring up, so the Macedonian path to independence became additionally complicated.

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<sup>33</sup> The same as Slovenia, Croatia and Bosnia

<sup>34</sup> Mostly because of the Milosevic disagreement

## **Badinter Arbitration Committee and the implications of its opinions on Macedonia**

Hague Conference is important for Macedonia also for another thing. Namely, the decision to organize this kind of peace conference was made at the EC Counsel Meeting held on 27<sup>th</sup> August 1991. At this meeting it has been made also a decision to establish the Arbitration Committee. Actually, the Committee has been established to help by providing legal opinions to the work of The Hague Peace Conference. Thus, these opinions would have strong influence on the policy of the Union toward Yugoslavia, i.e. Macedonia respectively. The head of the Commission was Robert Badinter, a famous lawyer and Chairman of the Constitutional Court of France. The Commission was composed by legal experts. Its members were the presidents of constitutional courts in Belgium, Germany, Italy and Spain<sup>35</sup>. Regarding the opinions of the Commission, there were some discussions in terms of their weight. Although foreign ministers of the EC initially agreed that they should be legally binding, normally for the parties that would accept its jurisdiction, later they were only treated as advisory. The reasons for this reduction of the importance of the Commission decisions is given by the authors Lukic & Lynch (1996): "in order not to allow legal opinions in advance to prevent any political agreements...This implicated that virtually anything can be negotiated." So, the point was not to allow the legal aspects and the law to be an obstacle to any possible political agreements. In this particular case we can say that the law was subordinate to the politics. However, the Badinter Commission was composed of leading experts in law who came from different EU countries in order to be neutral and to build their views based on purely legal and not political grounds.

The commission was called to give its opinion about the legal consequences of the dissolution of Yugoslavia on 15 specific questions. We will make a brief analysis of some of these issues that we think were relevant for the creation of EU policy towards Macedonia. The first question on which Badinter Commission gave its opinion was asked personally by the Lord

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<sup>35</sup>Irene Petry, Roman Herzog, Aldo Corasaniti and Francisco Tomás y Valiente respectively.



Carrington and was a question with paramount importance. In fact it has been searched for a legal interpretation of the process of disintegration of Yugoslavia. Thus, Serbia and Montenegro believed that all those republics that have decided to become independent (including Macedonia) should be considered as secessionist ones and that SFRY should continue to exist with the republics that would decide to stay (at least Serbia and Montenegro). On the other hand, all the other republics (including Macedonia) and above all Slovenia and Croatia, thought that this is not a secession process but a disintegration process in accordance with the will of the founding republics and therefore all these six republics are equal successors to the former federation in a way that none of them alone can claim to be sole heir of the former federation. The opinions of the Commission took the position of second view and concluded that Yugoslavia was in the process of dissolution. On 4th July 1992 the Commission concluded that the process of dissolution of Yugoslavia had been finished and that the SFRY no longer existed. Also according to the legal interpretation of the Badinter Commission all former republics are legal successors of the former Yugoslavia. In this way Serbian views on Serbia and Montenegro as sole successors of Yugoslavia fell into water. It was a legal question concerning the Republic of Macedonia. The outcome of opinion was favorable for Macedonia. According to the opinion all the republics that declare independence, can not be considered as secession states created by cutting a territory from a previous state, but as successor states of former Yugoslavia with all rights and obligations arising from it. So thanks to this interpretation, the Republic of Macedonia participated later in the division of joint property of Yugoslavia, of the diplomatic and consular offices around the world and so on.

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

one was that they do not have right to establish a new state or joint other countries on its own will. This question and this opinion did not have any direct relevance for Macedonia but certainly they had great importance in the international law, especially for countries that have a high minority population (including Macedonia).

The third opinion was given as a response to a question asked again by the Republic of Serbia. The question demanded clarification and interpretation of the dispute between the republics about the former internal - administrative boundaries between the republics, specifically between Croatia and Serbia, B&H and Serbia, whether they are borders in terms of international law. The opinion of the Commission was to confirm or deny the Serbian-Montenegrin claim that these former national boundaries had a purely administrative character and accordingly they can not automatically become international and interstate borders. Although this question does not directly mention Republic of Macedonia, it was still of great interest for it. The legal basis that can be used as an argument for the former administrative republic borders between Serbia and Macedonia depended directly on the legal interpretation of the former internal republican borders by the Commission. According to the possible results of its legal interpretation, the former internal borders could become international or be contested by Serbia as purely administrative and they can be redefined. The response of the Commission may be interpreted as positive for Croatia, B&H and Macedonia. Especially important for Macedonia was the interpretation of the Commission that „the borders between Croatia and Serbia, B&H and Serbia and between other possible adjacent independent states may not be altered except by agreement between them " and that „according established principles of international law amending the external borders by force can not produce any legal effects,,. (Lukic& Lynch 1996) This was positive for Macedonia because it emphasized the principle that no one is allowed to use force to alter boundaries and even though this happens it can not be legally recognized.

Particularly interesting for comparison is the opinion no. 5 given by the Commission regarding the request for recognition of the independence of

Croatia by the EU. Thus, the Commission<sup>36</sup> reserved the current recognition of Croatia's independence, believing that Croatia must first improve the minority rights through legal amendment of their own legislation.

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

## **Contradictions**

The commission was created with the task to provide legal opinions on the Hague Peace Conference organized by the EU. So, any Commission opinion had a great legal weight and logically it should be taken into consideration during the building of common foreign policy of the EU. However, if we make a comparison between the content of the legal opinions No.5 and No.6 and their real effect through the conduct of the Union, we can conclude that the EU acted quite contrary to what was the opinion of the committee that EU created. Why do we need this comparison? Because through this comparison we can see the approach of the EU towards the Yugoslav issue and accordingly we can infer the EU policy towards Macedonia. The previous conclusion reveals one thing. The approach of the EU was primarily a political and the international law was on second place.

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<sup>36</sup> On 11.01.1992

Thus, because of the individual interests of member countries (mainly Germany) Croatia was given the recognition (for which the Commission<sup>37</sup> had expressed reserves in terms of meeting the requirements for its recognition) and at the same time the recognition of the independence of Macedonia was postponed (although the Commission<sup>38</sup> confirmed adamantly that Macedonia fulfilled all conditions set by the EU for its recognition) because of the opposition by the Greek government (whose arguments the Commission had already declared as not relevant). The reason for this political decision by the EU consisted of various interests of its different member states. While the republics of Slovenia and Croatia had their own strong supporter in the EU member states expressed primarily in the face of powerful Germany, the Republic of Macedonia not only that did not have a strong supporter within the Union, but it had quite the opposite of that in the face of its first neighbor Greece, both EU and NATO member. "the German government decided to recognize the independence of Croatia and Slovenia on 19.12.1991. ... because of consideration of the sensibility of its partners, the recognition was not implemented until 15th Jan.1992., date when 12 member states of the EC agreed with it. "(Lukic & Lynch 1996). The previous quotation reveals Germany's position as a strong supporter of Slovenia and Croatia, which not only lobbies but also puts pressure on the other members to recognize their independence. Lobbying by a powerful state as Germany certainly gave results. This placement of activities resulted in a decision by the EU member states to recognize the independence of Slovenia and Croatia. In contrast, the Republic of Macedonia remains unrecognized for a longer period, despite the positive opinion given by the Commission, i.e. by the Europe top legal experts, and because of placing individual political interests on first place and treating the law as secondary importance. The harsh reality Macedonia was able to feel already on the EU summit held on 15.01.1992, where the member states of the Union decided to recognize the independence of Slovenia and Croatia, but not the independence of Macedonia.

In terms of EU policy towards Macedonia we can notice one more thing. EU did not treat the name issue as a real issue and as a potential significant problem. At the same time, the denial of the name by the

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<sup>37</sup> Opinion no.5

<sup>38</sup> Opinion no.6

neighboring Republic of Greece turned into one of the top priorities in its foreign policy and Greece used all the possible mechanisms in all organizations whose member it is (including EU) to resolve this issue according to its own national interest. Thus, immediately after the positive opinion about the recognition of the independence of Macedonia given by the Badinter Commission, on the next EU summit<sup>39</sup> the name issue was for the first time officially raised by Greece “,immediately after the meeting where the EU recognized the independence of Slovenia and Croatia, Michelis on 15<sup>th</sup> January hold a press conference in Rome and said that (the recognition of Macedonia) it was only delayed for a short time to clear up some Greek reservations and it would not need more than a few weeks to find a solution. The name issue was not a real problem according to his opinion, nor did the EU make it a precondition for the recognition.” (Mirchev 2006, p.98). This way of minimizing the significance of the name issue was an integral part of the original policy of the Union towards Macedonia. At the EU summit held in Lisbon on June 27<sup>th</sup>, 1992 there was a full victory of the Greek diplomacy and of the lobbying performed inside the Union. At the same summit, the EC concluded that they would recognize the Republic of Macedonia as an independent state only if it rejects the word “Macedonia” from its name. In this way the problem, which according to the original terminology used by EU officials was not a problem nor a precondition for recognition of the republic, now officially became both. This Greek position toward Macedonia's name became practically a common position of all EU members countries.

With the action of the EU towards Yugoslavia, i.e. Macedonia, it can be noticed a certain contradiction of the desired objectives of the Union and the acts it made in reality. Thus, Macedonia step out of Yugoslavia in a fully legitimate and peaceful way through the use of exclusively democratic means, not by going into any military conflict with the YNA. It signed an agreement with YNA for YNA's peaceful departure from the country. With all this facts we can conclude that Macedonia was the only republic of former Yugoslavia which left the federation in a peaceful and democratic way. So, Macedonia was the factor of safety and peace. “Macedonia was the only country which was not directly involved in crises and wars in the 1990s. For a long time,

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<sup>39</sup> 15.01.1992

Macedonia has been recognized as a kind of oasis of peace." (Mahncke, Ambos & Reynolds 2004)

Because of all these facts the attitude of the EU can be characterized as surprising. Namely, one of the Union's main objectives concerning the Yugoslav issue, determined already with the Brijuni Agreement, was to prevent further spread of the fire. According to that, the Union decided to recognize Slovenia, Croatia and B&H, despite the other reasons, in order to prevent the aggressive ambitions of Serbia on the territory of Croatia and B&H. So, in accordance with the objectives of EU policy and in accordance with the positive opinion of the Commission established by the EU, the Union was expected to support this peaceful approach to Macedonia, especially because of the fact that Macedonia was in a similar situation like B&H and because almost every one of its neighbors sit right on Macedonia. By delaying the recognition of Macedonia, instead of helping to strengthen the safety and security in this part of the Balkans, EU influenced directly the process of returning of almost one century old appetites of Macedonia's neighbors that already had separated Macedonian territory in 1913. By delaying the recognition EU practically created an unrecognized territory, a part of the former federation that did not have even army. This could easily be interpreted by the neighbors of Macedonia as a message of the great powers that the territory of Macedonia can be recomposed. "In February 1992, the Greek prime minister calls for meeting the leaders of Greece, Bulgaria, Romania and Serbia (at that time still belonged to the Yugoslavia). Bulgaria did not agree to attend at this 'mini-Balkans Summit', another international forces intervened too, so the meeting canceled." (Mirchev 2006, p.85). The guest list was not at random. These states are the states that had signed the Bucharest Peace Agreement<sup>40</sup> according to which Macedonian territory had been divided between them. Now with the collapse of Yugoslavia, Macedonia was ones again seen as unrecognized territory that can be subject of a new division. The question here is, why EU (with its policy) allowed anybody to interpret in this way its policy and why EU allowed somebody to heat the passions for a possible new military conflict, this time on the territory of Macedonia, which could easily include countries outside the former Yugoslav

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<sup>40</sup> 1913

federation. This projection of the future was not in interest of the Union, if not for other reasons then because of its apparent inability to deal with already existing war conflicts on European soil and consequently a new war conflict would be hard to handle. An explanation of the possible reasons besides these gives Mirchev (2006, p.84): "The practice showed that the international community despite the obvious positive Macedonian behavior does not possess mechanisms that would work positively for Macedonia." He (Mirchev 2006, p.87) continues: "In this sense, the example of Macedonia is a small part of the mosaic of controversies of the new reality in the world and the European order." We agree with this position which suggests that it is more likely that there was a lack of appropriate mechanisms in the post cold war Europe, through which EU would have achieved its own goals, rather than the Union deliberately would practice such a dubious policy. So, because of the Greek reserves, shown in relation with the right of one of the successor republics from the former Yugoslavia to continue to use its name, now as an independent state, the process of recognition of Macedonia was postponed and additionally complicated. Thus the security of this part from the Balkans was threatened. So, the interests of individual EU member states (Greece) were the reason for the controversial behavior of the Union toward Macedonia. It was so, because EU had no additional mechanisms except those that were already established, and Greece as a member maximally abused them for its own national interests and advantages before the general interests of the Union. Promoting individual state interests on first place and putting the position of the Union on secondary place, has been already seen in the EU. "National interest meant a lot more than a coherent European action, as in the case of the rapid German recognition of Slovenia and Croatia 1991 despite the disagreements with partners from the EC." (Mahncke, Ambos & Reynolds 2004). One of the reasons was the CFSP unanimously decision making process. According to this system practically, each member state has the right to veto any important decision in this policy. But, this was not the only reason. One example is the Greek economic embargo<sup>41</sup>, when Greece unilaterally closed the border with Macedonia and in this way cut off the closest sea connection to Macedonia. The Greek border was in the same

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<sup>41</sup> On 02.1994

time the EU border, so the Greek trade embargo to Macedonia meant also the EU trade embargo to Macedonia. It was expected the EU institutions to react to this step of Greece, and they did it. The Commission asked the European Court of Justice to bring the case of the possible violation of the Maastricht treaty, article 225 – taking unilateral measures against the Community law. But, just before the Court gave its verdict, the Commission suddenly withdrew the lawsuit. This example clearly shows that the problem was not only in the CFSP limitations mostly because of the unanimity decision process. Namely, the example above was legally part of the first pillar filed in which the supranational decision making prevail. So what can we suggest is that the principle of solidarity between member states was implemented in this case (through the EU institutions). The problem arise because the solidarity between member states in this case means working against the EU general interests. This is just illustration that EU suffered from not having appropriate mechanism. This kind of situation had influence on CFSP in general and through Macedonia individually.

Although Greece successfully managed to channelize its positions in the official positions of the Union, within the EU there were other opinions as well. “Internal tensions within the Union were publicly shown on January 20, 1993 by the Danish Minister of Foreign UffeEllemann-Jensen which has attracted the attention of Greek members of the European Parliament when he characterized the Greek position as ‘ridiculous’ and expressed hope that the Security Council would very soon recognize Macedonia and that many of the Member States of the Communities would support this.”(Gallagher 2005, p.7) Such statements we can consider much more as a kind of contraction on the Greek position than existence of member states that strongly supports Macedonia. Nevertheless, they were a strong support for the young independent Republic of Macedonia and a stimulus for the country to continue fighting for the establishment of better relations with the EU.

In the later years EU dedicated much more attention to Macedonia and was one of the main factors for the stability in Macedonia especially during the 2001 conflict. Macedonia was the first country from the western Balkan that has signed the Association and Stabilizations Agreement<sup>42</sup>. Macedonia was

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<sup>42</sup> 04.2001



the place where EU sent its first policy mission<sup>43</sup>. Macedonia has obtained official status of EU candidate country<sup>44</sup> and the Commission is constantly giving its opinion about the Macedonian progress in the fulfilling of the Copenhagen criteria and becoming a member. Apart of the good mutually relations between Macedonia and EU there are still same problems... But this is broader and another topic.

## **Conclusion**

We can single out three important conclusions.

First, a large part of the Yugoslav crisis was managed by the EU which did not handle the best in that role. In this context, the EU did not cope with the process of Macedonian independence the best too. If the interest of the Union was to stop further escalation of the wars in Yugoslavia, in this case Macedonia should have been much more supported. We can note a certain contradiction because the Union actually worked against its own interests because the lack of appropriate mechanisms at the beginning of the post cold world. In this way, the EU policy toward Macedonian in the time of the Yugoslav crises was quite controversial.

Secondly, we can conclude that the most attention and energy of the external EU policy during the Yugoslav crises was directed towards the situation in Slovenia, Croatia and later to Bosnia and Herzegovina. Only a small part of their diplomatic activity has been directed towards Macedonia. But we must note that the relations between EU and Macedonia will be much more improved in next couple of years and Macedonia will have much more attention by EU.

Finally, while Croatia and Slovenia had a strong EU supporter member, we can not say the same for Macedonia.

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<sup>43</sup> EUFOR Concordia, 03. 2003- 12.2003

<sup>44</sup> 03.2004

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