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**Equitable representation in the EU accession process – the case of the Republic of
Macedonia**

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ABSTRACT

In the Western Balkans, the EU has been an actor that has significantly engaged in the promotion of improved minority policies in the framework of its political criteria for accession. This paper examines the formal and informal story of EU conditionality in relation to the equitable representation policy in the case of Macedonia. The study adopts the process-based definition proposed by Hughes et al, according to which EU conditionality “includes not only the formal technical requirements on candidates but also the informal pressures arising from the behaviour and perceptions of actors engaged in the political process”.¹ In order to unpack this specific policy of political conditionality, the study conducts the analysis at two levels: the formal and informal, with the latter understood as stakeholders’ understanding of the process. At the first level of analysis, the paper examines how the EU has conceptualized equitable representation issues in its strategic documents in relation to Macedonia and how the latter has responded to these requirements from the EU in the national strategic documents for European integration. At the second level of analysis, this “dialogue between documents”, is complemented by an examination of how equitable representation has been implemented in practice through available data and open ended interviews of this author conducted for the purposes of PhD research. For the purposes of this paper, data from semi-structured interviews in Brussels and Skopje are used. In addition to EU and national officials, the interviewees also include representatives of international organizations as well as civil society organizations. The paper provides an original empirical contribution to the study of the impact of the EU political conditionality in candidate countries.

¹ HUGHES, J., SASSE, G. & GORDON, C. 2005. *Europeanization and Regionalization in the EU's Enlargement: The Myth of Conditionality (One Europe or Several?)*, Palgrave MacMillan.

Introduction

As a candidate country for EU membership, Macedonia is subject to conditionality in the area of minority policies primarily through the Copenhagen criteria for accession.² The first Copenhagen criterion states that in order to join the EU, a new member state must ensure the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.³ Conditionality in relation to the protection of minorities was also part of the last enlargement round which was completed in 2004 and in 2007 with the accession of Bulgaria and Romania to the EU. In the Western Balkan countries that are in the queue for EU accession, minority policies are of increasing importance, because of the region's multiethnic character and the legacy of recent inter and intra-state conflicts. Scholars and practitioners have highlighted that the democratic consolidation of the region depends upon the management of minority issues.

In these contextual conditions, the EU has been an actor that has significantly engaged in the promotion of improved minority policies in the framework of its political criteria for accession. Despite EU's involvement in these policies, the question how external pressures have affected and interacted with domestic institutional and policy changes remains still unanswered. In light of the significance of the EU as an actor in the domestic minority politics in the candidate countries, this paper aims to examine the interplay between EU conditionality and domestic factors with respect to equitable representation policy in the case of Macedonia. The paper examines how the EU has conceptualized equitable representation conditionality in relation to Macedonia and how the latter has responded to the EU requirements. The study argues that conditionality needs to be understood as a process encompassing both its formal and informal elements and emphasizes the problems of analysing political conditionality as a variable. Using equitable representation as an example, the paper illustrates the complexity of EU conditionality in relation to the political criteria and the significant role domestic politics plays in these processes.⁴

Despite its importance in the literature, a consensual definition of conditionality and is missing both within literature and in practice. This study adopts the process-based definition proposed by Hughes et al (2005a), according to which EU conditionality "includes not only the formal technical requirements on candidates but also the informal pressures arising from the behaviour and perceptions of actors engaged in the political process" (p.2). Hughes et al (2005a) distinguish "between *formal conditionality*, which embodies the publicly stated preconditions [...] of the 'Copenhagen criteria' and the [...] *acquis*, and *informal conditionality*, which includes the operational pressures and recommendations applied by actors within the Commission [...] during their interactions with their CEEC counterparts" (p.26). This definition, according to Sasse highlights the pitfalls of linear causality models the inherent politicisation of conditionality over time (p.19). Hence, this study in line with Sasse (2009) understands the minority condition as a construct, thereby recognising that any notion of compliance is a construct and a political judgement (p.20). While acknowledging the

² The paper recognizes the influence of other international organisations such as the UN, Council of Europe and OSCE on minority policies in the region, however, is primarily interested in examining the role of EU in these processes.

³ In cases when the paper analyses issues discussed under the heading on minority protection in the EU reports, it uses the term "minority". When discussing national policies, the paper uses the term 'non-majority community' which has been introduced in the country's legislation and political discourse to refer to all the communities following the signing of the Ohrid Framework Agreement in 2001. Due to this contextual specificity, this paper uses both terms at the expense of uniformity of terminology.

⁴ The paper does not take a normative stance on the role equitable representation policy has played in post-Ohrid Macedonia. For a discussion the justification and potential problems of equitable representation policies in democratic consolidation DASKALOVSKI, Z. Year. The Macedonian Integration Model: Minorities and Affirmative Action Policies In: MARIA, G., ed. Inclusion Unaffordable? The Uncertain Fate of Integration Policies and the Demonisation of Minorities and MIgrants in Central and Eastern Europe 2009 Riga. Centre for Public Policy Providus.

limitations that this approach has for making generalised conclusions, this research considers that the recognition of the constructed nature of conditionality in the political sphere is a starting point for its analysis in the context of EU accession.

The paper utilizes qualitative methods, i.e. document analysis and open-ended interviews. It is primarily based on EU and national documents prepared for the process of Macedonia's European integration. From the perspective of the EU it examines the annual Progress Reports issued from the European Commission (EC) on Macedonia (2005-2009)⁵ and the Accession/European Partnerships prepared in this period. These documents contain the EC's assessment on the political criteria and the recommendations which the EU puts forward to the candidate countries and potential candidate countries, which concern the work of the parliament, government, judiciary, anti-corruption policy, protection of human rights and minorities and regional cooperation. On the national side, the paper looks into the yearly National Plans for the Adoption of the *Acquis* (NPAA) and the Contribution to the Progress Reports from the national authorities in the period 2006-2010. In addition, data from open-ended interviews in Brussels and Skopje with EU and national officials, as well as NGOs and think tanks conducted late 2010 and early 2011 have been used.

The study adopts a chronological approach to the issue under consideration, i.e. tracks and explains the developments in EU conditionality in relation to minority protection over time. The methodological approach for this study is grounded in process tracing approaches and largely follows the work of Gwendolyn Sasse on the Eastern enlargement. The data collected through archive and field work are analysed at two levels. First, the paper examines the devising of the EU priority through the formal EC documents and interviews with EC officials in Brussels. Second, the study looks at the domestic response of the national governments to the EU conditionality through the national strategic documents and interview data at the national level. The domestic response is also analysed through the adoption of specific legislation or policies and their implementation. In this manner, the paper also engages in the study of the "document dialogue" between the EU and the national level and triangulates these findings with the interview data.

The paper is organized in two major sections. The first section of the paper provides a theoretical background on the role of international actors in the development and implementation of minority policies. This section builds upon two strands of literature – democratisation studies as well as research on political conditionality in the context of EU accession. The objective of this theoretical background is to provide an analysis of the current research this study builds upon as well as to provide justification for the definitions and approach it utilizes. Building upon this theoretical overview, the second section of this paper provides an empirical analysis of the understanding of conditionality in relation to equitable representation in both EU and national documents in the post-2005 period in which Macedonia has been a candidate country for accession. Overall, the analysis highlights the difficulties in considering minority conditionality as a variable and points to the need to analyse political conditionality as a process defined by the interactions between EU and domestic actors.

Theoretical framework

International actors and minority policies in democratisation literature

Early literature on post-communist transition and democratisation focused on the domestic factors as crucial for the democratisation processes, without a major examination of the role of external actors in these processes, starting from the premises of the transition theorists of the 1960s and 70s (Offe, 1997). Similarly, theories and models of national mobilisation such as Roger Brubaker's (1995) triadic nexus model were largely posited on

⁵ The 2010 Progress Report issued on 9th of November 2010 is not included in the analysis.

the relationship between the homeland, the minority and the kin state, neglecting the role of international factors. However, in the late 1990s, the role of international factors in these processes was recognised and literature came to a conclusion that domestic developments are the result of interactions between domestic and international actors (Schmitter, 2001). Hence, international actors were incorporated in the study of the transition and democratic consolidation of the post-communist world (Pravda, 2001). In light of these findings, authors have also called for a revision of Brubaker's model into a quadratic nexus, inserting the international actors as a fourth variable in his model (Smith, 2002). The international actors, however, play a different role in relation to various contexts, cause while in some cases, as CEE they represented a model or framework for integration, while in other cases like the Western Balkans they directly intervened in the domestic developments (Mandelbaum, 2000 p.9).

The recognition of the role of external actors has been developing in parallel with the establishment of accession standards for democracy and rule of law by international organisations such as the Council of Europe, OSCE and the EU. Since membership in these institutions was the most important foreign policy goal of the new independent states, these requirements were an important factor in the development of the domestic politics of minority protection. The strategies of these international organisations were nevertheless different. On the one hand, the CoE and the OSCE had a strategy of socializing the post-communist elite from within, i.e. following the countries' accession. The EU and NATO had the opposite strategy of socializing countries from outside, through the imposition of conditions for the respect of minorities for the accession process (Schimmelfennig, 2002). Regardless of the specific approach of the respective organisation, minority protection requirements have figured prominently among the democratic conditions for accession into these international organisations.

Furthermore, literature has considered minority protection as one of the areas in which international actors stand at the core of the democratic consolidation process (Pravda, 2001). In line with these developments, Smith (2002) argues that any theory on the national question in the region needs to incorporate a "systematic discussion of the role assumed by international organisations" (p.9). The most comprehensive set of democratic conditions was coined in the framework of the EU pre accession policy through the Copenhagen criteria for accession. The Copenhagen criteria, hence, directly state that in order for any country to join the EU, it must ensure among other matters, "respect for and protection of minorities". As a result, Vermeersch (2004) concludes that international organisations, in particular the EU have become an integral part of minority politics in the candidate countries. Hence, with the advancement of the transition process, international actors and their role in the domestic minority politics have gained prominence both at the policy level and in terms of academic literature.

Despite their inclusion in the Copenhagen criteria a common standard on minority rights at the EU level is largely missing. From a legal perspective, De Witte (2002) argues that the meaning of the Copenhagen condition respect for and protection of minorities has not been developed in EU law. The lack of a consensual standard on these matters however, is not an issue specific to the EU, because in general there is no internationally agreed definition of minority. This lack of consensus according to Jackson Preece (2005) exists because "the problem of minorities often manifests itself in efforts to distinguish between those who belong to a political community and those who do not" (p.9). Due to these difficulties, academic research in this area has been adopting separate definitions of minority policies in light of the specific elements under analysis. Vermeersch (2003) in his analysis of minority rights in CEE understands the term 'minority rights policies' "as a wide range of policies which have in common that they all in one way or another recognize and accommodate the demands of communities distinguishing themselves from majority populations by religious, linguistic, cultural and other characteristics that are considered ethnic" (p.1).

In terms of the formal EU requirements, as illustrated from the 2004-2007 enlargement, these have most commonly included the alignment with the non-discrimination directives, ratification of the Council of Europe Framework Convention on National Minorities and adoption of governmental strategies and programs for the inclusion of the Roma minority (Rechel, 2008 p.174). In the Western Balkan countries, as demonstrated by the cases of Croatia and Macedonia especially, equitable representation of minorities/non-majority communities in the wider public sector has been appearing as the new requirement from the EU, which has not been analysed in the context of EU accession policy (2006a, 2006b). The inclusion of this requirement and the monitoring of its implementation largely confirm the findings of research which have pointed the importance of 'implementation' in the light of EU conditionality policy. Notably, it has been argued that the Commission adopted its own definition of minorities which included all the communities residing in these countries which was not limited to the formal recognition of minority rights, but also included implementation (De Witte, 2002 p.142). Recognizing the importance of De Witte's argument, this research will consider minority/non-majority policies as a wide set of both formal policies, but also their respective implementation.

EU Political conditionality and minority policies

Political conditionality in its widest terms is a policy instrument which involves "the linking of development aid to demands concerning human rights and (liberal) democracy in recipient countries" (Sørensen, 1993 p.2). This wide notion of political conditionality is most commonly used in relation to development studies and although it shares some similarities with EU political conditionality, there is a substantial difference between these two instruments (See Crawford, 2001). The main instrument used in the former is the "threat of the reduction or ending of development assistance funds" (Uvin, 1993 p.67-68). In turn, the main instrument used in the EU political conditionality is the carrot of membership in the Union, while the main threat is exclusion. In light of this difference, political conditionality has also been defined as a mechanism that "entails the linking, by a state or international organisation, of perceived benefits to another state (such as aid, trade concessions, cooperation agreements, or international organization membership) to the fulfilment of conditions relating to the protection of human rights and the advancement of democratic principles" (Smith, 2001 p.37). When referring to EU conditionality, this research adopts the latter definition and focus on the literature linked with the EU accession process, rather than general conditionality literature. Furthermore, it is also important to note that inferences from economic conditionality (IMF and the World Bank) to political conditionality are problematic because of the different nature of the problems they address (Kelley, 2004 p.430).

Whereas literature commonly uses both terms democratic and political conditionality, Anastasakis (2008) in his work on the Western Balkans argues for the use of the term political conditionality instead of democratic conditionality. The use of this specific terminology underlines the importance of the political transformation without the unquestionable inclusion of the democratisation aspect (p.366). Anastasakis (2008) also highlights that "from a substantive point of view EU political conditionality can run counter to democratisation, at least in the short term when some of the prescriptions and order instead of elections and/or civil society development" (p.366). While taking into account these debates and the official terminology adopted by the EU, for the purpose of consistency this analysis accepts the term political conditionality. This term is suitable both as it corresponds with the EU usage of this term, but also since the analysis does not presuppose the democratising effects of EU conditionality.

Models for analysing conditionality – the external incentives model and process-based approaches

Schimmelfennig and Sedelmeier (2005) have developed three models for the examination of the effectiveness of conditionality – the external incentives model, the social

learning model and the lesson drawing model and have applied them in two alternative contexts: democratic and *acquis* conditionality. In their research, conditionality is “a bargaining strategy of reinforcement by reward, under which the EU provides external incentives for a target government to comply with its conditions” (Schimmelfennig and Sedelmeier, 2004 p.662). The conclusions of their research indicate that rule transfer from the EU to the CEECs and the variation in its effectiveness are best explained according to the external incentives model and are linked to the high credibility of EU conditionality and the low domestic costs of rule adoption (Schimmelfennig and Sedelmeier, 2005).

The external incentives model, albeit useful, has been under criticism in recent literature from several aspects primarily in relation to political conditionality. First, in the case of minority protection policies, this model is not adequate due to the presupposed determinacy of the EU rules. Rational choice explanations of conditionality assume an existent consensus between both sides on the content of EU rules and the benchmarks for their fulfilment. On the other hand, as already explained, minority protection conditionality is highly flexible. Grabbe (2006) points to the analytical difficulties of grasping conditionality since it has become a moving target, thereby contesting the rational choice hypothesis of conditionality as a set of clearly defined rules. Moreover, “the EU puts different emphasis on the way it justifies its policy of conditionality to domestic actors in the various Western Balkan countries – a differentiation closely linked to the specificity of each case” (Noutcheva, 2007). As a result, this underlying hypothesis of existence of a consensual understanding on the side of both the candidate country and the EU is strongly contested in academic literature, especially in relation to political conditionality.

Pridham (2007) concludes similarly that compared with accessions during previous decades, the EU enlargement to the East, “political conditionality has become broader in its scope, [and] much tighter in its procedures” (p.468). In this sense, the Commission has pursued a more interventionist attitude in comparison, to the previous enlargement, a shift noted already with respect to Bulgaria and Romania (Pridham, 2007). This shift is especially prominent in the case of minority politics, thereby moving the EU “down the path of high and low politics, thereby, into areas traditionally regarded as internal to states” (Pridham, 2002 p.203). In these conditions, the costs of compliance of target states inevitably rise, especially having in mind the low credibility of membership, thereby creating bleak predictions for the effectiveness of conditionality in the Western Balkans. Sasse (2009) has argued that the link between low domestic adoption costs and effective conditionality undermines the very notion of conditionality (p.18). Hence, albeit being able to sufficiently warn against difficulties in the Western Balkans, the external incentive model does not provide further tools for analysing the role and impact of EU in these complex conditions.

It is nevertheless necessary to qualify that the setting of criteria in the minority area is difficult primarily due to the complex nature of these policies. Brusis (2005) concludes that conditions “are likely to have a more tangible direct impact in issue areas where the EU has a more prescriptive *acquis*” (p.316). Authors have further argued that if the conditionality criteria pertain to an issue area perceived as problematic for national identity, a different line of reasoning will be triggered than in cases where the criteria are considered unproblematic. According to them, national identity determines the logic of social action that governments will follow when responding to the Union’s conditionality criteria (Freyburg and Richter, 2010 p.266). Overall, as a result of these difficulties of framing the EU’s impact in relation to minority protection in an external incentives model, research has recommended its use predominantly in relation to prescriptive *acquis* policies.

Rationalist explanations of conditionality have been under criticism due to their focus on power politics, which is not always adequate for grasping the nature of conditionality. To illustrate this point, Grabbe (2006) examines the restrictions of the free movement of people in the 2004 and 2007 accession, thereby concluding that “the candidates did not just respond to the material incentives provided by the EU’s exercise of power” (p.202). Grabbe

(2006) goes on to argue that “for the CEE candidates, the puzzle lies in their continued implementation of EU policies despite the imposition of a transition period and despite high levels of uncertainty” (p.3). She explains this phenomenon through the locking in the process of “Europeanization which had a momentum and logic independently of the negotiations” (Grabbe, 2006 p.3).

Lastly, the external incentives model has been under criticism because of the risk to overestimate the effects of the EU conditionality. As already explained, the simultaneity of the processes of Europeanization and democratisation makes it increasingly difficult to account separately for the developments linked to each of them separately. Moreover, as the EU appeared as an actor in the CEE countries at a point when early transition choices had already been made, there is no possibility to study the effectiveness in absence of alternative setting without the EU as an actor. As a result, demonstrating causal links between the externally induced conditions and the domestic policy choice has been increasingly difficult. Brusis (2005) by analysing the use of European Union conditionality in the regionalisation of the Czech Republic and Slovakia argues that “domestic factors were of key importance for the trajectories and outcomes of regionalisation” (p.295). The external incentives model, according to Brusis (2005) “does not allow the interference that the domestic change is driven by EU incentives because the Union applies conditionality or because domestic actors justify their decision as driven by EU conditionality” (p.297).

In response to these difficulties, recent empirical studies of conditionality have pointed to its flexible nature and have proposed process-based definitions attempting to incorporate the variety of different influences in the application of conditionality. As already explained in the introduction, this paper accepts that EU conditionality includes not only the formal technical requirements on candidates but also the informal pressures arising from the behaviour and perceptions of actors engaged in the political process. Hughes et al (2005b) have argued that conditionality is better explained as a multiplicity of actors, perceptions, rewards and sanctions, including both its formal and informal features. This definition, according to Sasse highlights the pitfalls of linear causality models and the need to take seriously the inherent politicisation of conditionality over time (p.19). Hence, this study in line with Sasse’s (2009) arguments understands the minority condition as a construct, thereby recognising that any notion of compliance is a construct and a political judgement (p.20).

The wide and process-based definition of conditionality underpins this study due to several reasons. First, this definition and approach provide for the possibility to examine the process of construction, application of conditionality and its outcome, thereby taking into consideration the changes of conditionality over time. Similarly, this approach provides for the possibility to examine the role of the EU as an actor on the domestic political scene, due to the interventionist attitude the EU has pursued in this region. Second, a narrow definition of conditionality is not appropriate because the “Copenhagen criteria do not define the benchmarks or the process by which EU conditionality could be enforced and verified” (Hughes et al., 2005b p.25). Third, the process-based definition of conditionality is necessary due to the contextual peculiarities of this process. Research has commonly argued that “the EU applied differentiated pressure across applicants, dependent on whether minority protection was regarded as problematic and security relevant in the particular case” (Schwellnus, 2008 p.187). Fourth, the process-based approaches highlight the importance of domestic actors for the success of EU conditionality and thereby include them as important elements for analysis. Lastly, this approach is much more suitable when looking at the case of the Western Balkans, because of the already demonstrated multifaceted nature of the conditionality process. While acknowledging the limitations that this approach has for making generalised conclusions, this research considers that the recognition of the constructed nature of both conditionality and minority protection is a starting point for any detailed analysis.

This section has presented an examination of the role of international actors in the development of minority policies in democratisation and conditionality literature. It has shown

that whereas earlier research on the transition process did not consider international actors as important for the domestic minority politics, post-communist literature recognized the role of external actors in democratisation processes through their role in setting standards for democracy development. As a result of these developments, international actors have become significant for the development of domestic minority policies. The section has also shown that although the EU is the most prominent actor in this respect which has set standards for accession in the field of minority policies, its standards in this policy area are flexible and context specific. In light of these arguments, the theoretical overview reflected upon the mechanism of conditionality as the main instrument of Europeanization in the candidate countries. Having presented the rational institutionalist model and the process – based approaches for the study of conditionality, the section justifies the use of the latter for the purposes of this analysis. In line with this approach, this paper argues that conditionality in relation to minority policies needs to be analysed as a process taking into consideration its formal and informal features, changes over time and the role of domestic actors in its application. Hence, the following section applies this approach to the study of the conditionality in relation to equitable representation in the case of Macedonia.

Equitable representation in the EU conditionality in the case of Macedonia

The equitable representation policy has been a defining condition of the EU's approach in the Western Balkans as evident both from the cases of Croatia and Macedonia. This EU condition in essence requires the country to achieve equitable and adequate representation of non-majority communities at all levels of the administration. The origins of the conditions related to the equitable representation in the specific case of Macedonia are to be found in the OFA and the SAA reports, although stronger emphasis on the issue is given since 2005 with the Progress Reports. This policy was also considered as one of the most contentious ones of the OFA and was bound to encounter more problems than the political representation (Ilievski, 2007, Bieber, 2005). Several interviewees argued that even though the equitable representation was relatively easy to negotiate as part of the OFA, its implementation was bound to be faced with problems (Author's interview in Skopje, December 2010). Furthermore, my interviewees argued that since this change required systemic and administrative, rather than political efforts, it was expected that it would create discontent. Despite of the likely problems in the implementation, the interviewees highlighted also that unlike other international organizations, the EU supported this policy from its very beginning both financially and institutionally (Author's interview in Skopje, December 2010).

In relation to EU documents, the need for achieving equitable representation was clearly highlighted in the Analytical Report of 2005 and has been continuously raised as an issue of concern by the EC (2005). Similarly, in 2006 the EC put forward both a short-term and mid-term priority in the European Partnership requiring the adoption and implementation of a medium-term strategic plan for equitable representation in the public administration and its implementation (2006b). In 2008, this priority of the European/Accession partnership was kept with emphasis for the need of its upgrading and implementation (2006a). As part of the European/Accession partnerships, equitable representation was an element of the highest form of EU conditionality on which the progress of the country is assessed. The adoption of strategic documents on equitable representation and their implementation is therefore one of the key formal conditions which were stipulated by the EU in relation to Macedonia. Not surprisingly, the EU assisted the adoption of this strategic document with an EU funded project of technical assistance which provided the assistance of foreign experts to work on the preparation of this document (Author's interview in Skopje, December 2010).

The obligations in relation to equitable representation are to be found in the national documents as well. The 2006 NPAA undertakes the obligation for adoption of a Medium-

Term Strategy for Adequate and Equitable Representation of the members of the Communities in the Public Administration (2006c). The same point is to be found in the Action Plan for the European partnership 2005 which sets a deadline for this activity in the first half of 2006 (2006d). This Action Plan was adopted in early 2006 in light of scheduled parliamentary elections in July of the same year. Having in mind the political sensitivity of the issue, the likelihood of adoption of such a medium term strategy in half a year prior to the parliamentary elections was unlikely at the time. The Strategy was nevertheless adopted in January 2007 by a new Government at the time. The interviews for this thesis have highlighted the significant role of external actors in the preparation and adoption of the Strategy (Author's interview in Skopje, December 2010). Since 2008, the EU and national documents consider this Strategy as a basis for the further promotion of the equitable representation of the non-majority communities (2008b). Furthermore, the NPAA 2008 is the first Government document which also refers to the allocation of funds for the implementation of the strategy and takes on the obligation for quarterly institutional reporting on the Strategy. Nevertheless, the reporting on the implementation of the Strategy has been a weak point of the entire process, as highlighted by both EU and national interviewees. The reporting on the Strategy has been solely conducted on the basis of statistical increase in employment at the central level, which has not been accompanied by a thorough assessment of its impact. This example illustrates the difficulty in assessing EU conditionality solely on the grounds of formal conditions, since the formal "on paper" adoption is problematic for assessing the role of EU conditionality.

From 2008 and onwards, EC pressure in Macedonia in relation to minority policies was primarily focused on the equitable representation in the police and the armed forces. This is illustrated both in the EU and national strategic documents. The NPAA 2008 and 2009 deal with the issue of equitable representation with strictly defined targets exclusively in relation to the police reform, which was ongoing at the moment following the adoption of the new Law on police (2008b, 2009b). These targets are the most precise benchmarks in relation to equitable representation which are to be found in any of the European or national documents. This was also confirmed by the interviews with EU officials who underlined that the equitable representation was chosen as a suitable benchmark due to its potential of quantification (Author's interview in Brussels and Skopje, October 2010 and February 2011). In the 2008-2009 period the communication between the country and the EC focused solely on the so-called "key priorities" of the 2008 Accession partnerships which included the police reform issue, but not the minority policies and equitable representation in general (2006a). In 2008, the Government immediately after the publication of the Progress Report adopted a document with activities for the implementation of the most important recommendations from the Progress Report. This document called Blueprint on the Realisation of the Recommendations in the EC Progress Report on the Republic of Macedonia 2008 which was evaluated positively by the EC, deals with minority policies solely in relation to increasing representation in the police forces. The document puts forward specific targets for minority representation in the police forces for 2008, 2009 and 2010 (2008a). Furthermore, this is the first document with precise numbers which has commonly been attributed to the fact that the country received definite benchmarks from the EU (Author's interview in Brussels, October 2010).

Due to this focus on the police forces it is not surprising that the Contribution to the Progress Report which the Macedonian government adopted in June 2009 also focuses solely on the equitable representation in the police structures (2009c). Interviews with European officials in Brussels have pointed to the equitable representation in the police as one of the success stories of the impact of the EU in Macedonia (Author's interview in Brussels, October 2010). Interviews with national officials have largely confirmed this observation and have considered that the EU pressure has brought results in relation to the equitable representation in the police (Author's interview in Brussels, October 2010). The latter have emphasized that the main reasons for the success in this area have been clear

benchmarks which were given to the countries in informal communication as well as the parallel reforms taking place for the purposes of the visa liberalisation process. The same remark was continuously made by think tanks working on these issues as well (Author's interview in Brussels, October 2010). The link with the visa liberalisation process in relation to the effectiveness of conditionality largely confirms the findings of recent research which argues that "the key to understanding the understanding the compliance of Macedonia, whose membership prospect is less certain or even questionable, is to take into account policy conditionality in addition to membership conditionality", mainly referring to the visa liberalisation process (Trauner, 2009).

The opinions on the "success story" of the equitable representation in the police, however, are not widely shared in relation to the overall project of equitable representation in the country. The interviewees highlighted that these were in essence separate processes managed by different institutions. The way in which the policy is being implemented at the central level of the state has been commonly criticized for its lack of effective planning and transparency. Furthermore, the undertaken obligation on the regular reporting on the Strategy on equal representation mentioned above was never realised. The institution responsible for the general enforcement of this policy, the Secretariat for the implementation of the Ohrid Framework Agreement was without a minister for several months in 2008, despite of regular EU pressure, putting into question the effectiveness of the EU conditionality on this issue. The SIGMA initiative which prepares yearly assessments for the EC which are used in the preparation of the Progress Reports criticizes the project in its reports in the last couple of years. In the 2009 report it states that "this well-intended tool, developed for putting into practice the principle of equal representation of the various minorities, quite often enters into contradiction with the merit system, because it provides additional room for partisan-influenced recruitment" (2009a). Furthermore, reports on recruitment of employees which are being employed on paper, rather than in practice have been a common occurrence.

The interviews with the European and national officials have also been quite illuminating on this issue. European officials commonly agreed that the pressure for equitable representation had been instrumentalised in the domestic context, but at the same time pointed out that the manner of implementation was dependent on the national authorities (Author's interviews in Brussels and Skopje, October 2010, February 2011). OSCE employees which are highly involved in this issue were also critical of the manner of implementation of this policy, but on the other hand have pointed that this is a system which has been put in place and which cannot be stopped immediately (Author's interviews in Skopje, February 2011). National officials interviewed for this paper stressed that the EC's mechanical approach which emphasized statistical increase in the administration had contributed to the worsening of this problem (Author's interviews in Brussels and Skopje, October 2010, February 2011). Furthermore, it was also highlighted that due to the focus on statistical increase, some of the practical measures in assisting these processes such as the establishment of a unique system for collection of data for the public sector were never realised. Officials directly working on this issue also mentioned that for years there have been no sanctions against the state bodies which do not respect the equal representation principle (Author's interviews in Skopje, December 2010). Lastly, common criticism was put on the requirement to complete targets within a short period of time. An official working on the issue stated that "They (read: the EU) put pressure on the Government and later they stepped back and required a professional approach – it is impossible to bring about professional results in two years" (Author's interviews in Skopje, March 2011).

Overall, the analysis of the role EU conditionality has played in the equitable representation policy points to a set of divergent conclusions. The study of the EU documents and the interviews points that this policy since the signing of the OFA was at the forefront of EU conditionality and was also supported by EU funds and assistance. However,

conditionality itself was not sufficient for bringing about substantial results. The domestic actors and the interaction with the domestic context resulted in mixed results of the policy and highlighted the need for re-examination of the methods of its implementation. On the other hand, the strict benchmarking in relation to the equitable representation in the police in parallel with the reforms related to the visa liberalisation process brought about more effective implementation in this specific sector. At a more general level, although there was no major domestic opposition to equitable representation, hence no major political costs, the policy was not put into practice as expected. Subsequently, it has become an issue receiving increasing criticism from both European and national officials and administration. As a result, one can argue that the example of equitable representation as an element of EU conditionality confirms the findings of the research on shallow Europeanisation (Goetz, 2005). Overall, this preliminary analysis highlights the need to consider the EU conditionality in light of the domestic actors and context in order to be able to account for its outcomes, but also the process of its application.

Conclusion

The presented paper has examined how the EU and national documents, as well as stakeholders have understood and applied conditionality in relation to equitable representation of non-majority communities in the case of the Republic of Macedonia. The research argued for understanding conditionality related to minority protection as a process, taking into consideration all of its formal and informal elements. The analysis is based on a chronological examination of official documents prepared by the EC and national authorities for the purposes of Macedonia's accession process. In addition, the author uses data from interviews in Brussels and Skopje with EU and national officials, as well as NGOs and think tanks working in this area. The data collected through archive and field work was analysed first in relation to how the EU treated the issue at stake in its documents. The paper then moved on to the national level and examined the domestic response of the national governments to EU conditionality through the national strategic documents, adoption of specific legislation or policies.

In order to set the theoretical context in which the paper operates, the first section provided clarifications on the terminology used and a background on the debates surrounding EU political conditionality and minority protection. This analysis of the existent literature located this paper in the literature on democratisation and EU conditionality and highlighted the need for examining the role of international actors in the study of minority policies. In relation to the existent models of analysing the role of conditionality in candidate countries, the paper presented the rational choice institutionalist model as well as the more recent process-based approaches. The analysis showed that the rational choice model most notably due to the preposition of consistency of demands is not suitable for the analysis of political conditionality, especially minority policies. On the other hand, the process-based approach which emphasizes the need to analyse conditionality as a process encompassing all its formal and informal features is considered to be more useful for this analysis. Hence, this paper adopted a definition of conditionality as a process and underlined the need to trace its construction from the EU level to its application at the national level for the purposes of its analysis.

The empirical part of the paper dealt with the post-2005 period when Macedonia became a candidate country for accession. The analysis focused on the issue of equitable representation. This policy was part of the OFA obligations and was also a formal element of the EU Progress Reports and the European/Accession Partnerships. In response, the national strategic documents contain information and plan activities for the adoption of the necessary documents and implementing this principle. However, with the exception of the equal representation in the police, this reform at the national level has been encountered with discontent on the manner of its implementation. Subsequently, it has become a subject which has received increasing criticism from both European and national officials and

administration, highlighting that even more specific benchmarks in such policy areas are not a guarantee of success, as sometimes expected in conditionality literature.

In conclusion, the analysis of the EU, national documents and interview data with EU and national officials regarding the minority protection as part of the EU political conditionality point to its increasingly flexible and context specific nature. The examination of the documents dealing with these issues indicates that the EU conditions in this field cannot be understood as clear cut variables for analysis. The empirical study of the equitable representation policy highlighted the need for analysing conditionality as a process and over a longer period in order to be able to grasp the changes and shifts in the conditions and the reasons behind these changes. Furthermore, this paper highlights that conditionality needs to be analysed at the EU and national level in order to nearly grasp this mechanism its complexity.

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