UNIVERZA V LJUBLJANI

FAKULTETA ZA DRUŽBENE VEDE

Sanja Vrbek

Poglobljena evropeizacija skozi zunanje upravljanje Evropske unije: politična pogojenost na področju varstva manjšin

Deep Europeanisation through external governance of the European Union: political conditionality in the field of minority protection

Doktorska disertacija

Ljubljana, 2018

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IZJAVA O AVTORSTVU

Poglobljena evropeizacija skozi zunanje upravljanje Evropske unije: politična pogojenost na področju varstva manjšin

Namen doktorske disertacije je boljše razumevanje procesa evropeizacije v državah kandidatkah Evropske unije (EU), in sicer s pomočjo analize področja varstva manjšin. Doktorska teza izhaja iz ugotovitve, da omejen raziskovalni fokus na sprejemanje in izvajanje pravil EU, ki prevladuje v relevantni literaturi, predstavlja glavni problem, ki vpliva na prezrtje dejanskih učinkov evropeizacije na terenu. Namreč, tudi brezhiben prenos pravil in vedenjske spremembe v državah kandidatkah ne prinašajo nujno boljše politike v smislu koristi za posameznike (tj. pripadnike narodnih manjšin) in družbo kot celoto. Da bi bolje razumeli dejanski vpliv zunanjega upravljanja EU na terenu, je cilj raziskave (ponovna) ocena politik, in sicer z vidika končnih uporabnikov politik, ki so bile s strani EU označene kot uspešne. S tem si doktorska disertacija prizadeva: prvič, odgovoriti na vprašanje, ali je zunanje upravljanje EU sposobno začeti in podpirati takšne reforme, ki rešujejo probleme posameznikov in družbe kot celote v državah kandidatkah; in drugič, prepoznati dejavnike, ki vodijo k reformam, ki učinkovito rešujejo težave na terenu in znatno izboljšajo kakovost življenja končnih uporabnikov določenih politik.

Da bi to dosegli, je doktorska disertacija zasnovana na raziskavi dveh študijskih primerov, in sicer latvijske politike na področju državljanstva in politike enakopravne zastopanosti manjših etničnih skupnosti v javnem sektorju v Makedoniji. Politiki sta izbrani kot rezultata evropeizacije, ki sta uradno priznana kot uspeh predpristopnega pogojevanja EU na področju varstva manjšin v okviru širitve EU v Srednjo in Vzhodno Evropo ter bodočo širitev na Zahodni Balkan. Manjšinske pravice so opredeljene kot najbolj primerno področje za analizo rezultatov evropeizacije, z vidika končnih uporabnikov politik, saj evropeizacija na področju pravic manjšin predvideva prilagoditev politik preferencam in potrebam končnih uporabnikov, tj. pripadnikom narodnih manjšin, kar je bistvo in jedro predpristopnega pogojevanja. Evropeizacija tako predstavlja pristop EU, ki je zasnovan izključno na dobrobiti končnih uporabnikov politik oziroma naslovnikov politik in naj ne bi bil podvržen drugim stranskim vplivom. Takšen kontekst tako zagotavlja legitimno osnovo za analizo rezultatov politike z vidika ljudi, ki jih ta najbolj prizadene, kar je ključni kriterij za oceno kakovosti in uspeha evropeizacije.

Za oceno kakovosti rezultatov politik, ki so bile implementirane v skladu s smernicami EU, doktorska disertacija opredeli uspeh kot poglobljeno evropeizacijo. Slednja je razumljena kot doseganje tako ‘višjega’ cilja EU in kot upoštevanje potreb končnih uporabnikov politik. ‘Višji’ cilj EU se nanaša na sam namen predpristopne pogojenosti EU in njen pričakovani vpliv na družbo, kar na področju pravic manjšin pomeni nediskriminacijo in dejansko enakost pripadnikov manjšin. Poleg ‘višjega’ cilja poglobljena evropeizacija predpostavlja kvalitativno izboljšanje stanja končnih uporabnikov politik (pripadnikov narodnih manjšin) v primerjavi s predpristopnim obdobjem, kar pomeni reševanje njihovih glavnih problemov in odsotnost novih težav, neposredno oziroma posredno povzročenih s strani EU, in sicer v predpristopnem obdobju.

Doktorska disertacija zaznava poglobljeno evropeizacijo kot rezultat uspešnega procesa socializacije, in sicer izhaja iz družbenokonstruktivističnega razumevanja evropeizacije, ki je prepoznan kot najprimernejši teoretični okvir za razlago kakovosti rezultatov evropeizacije. Ključni pogoji za uspešno socializacijo so politična kultura, ki spodbuja krepitev soglasja, in agenti socializacije, ki na podlagi moralnih argumentov redefinirajo interese in identitete

političnih in družbenih akterjev. Vendar pa je družbenokonstruktivistična perspektiva razširjena s teorijo komunikativnega delovanja, in sicer tako, da v analizo vključi vidik končnih uporabnikov politik kot ključno merilo, ki določa, ali je bila sprememba oziroma evropeizacija znatna, pozitivna in pravična oz. ali je bila sprejemljiva za končne upravičence.

Na tej podlagi se uspešna socializacija razume kot proces, ki oblikuje stališča družbenih in političnih akterjev v državi kandidatki, usmerjen k skupni ideji o politični rešitvi, ki ustreza tako potrebam končnih uporabnikov politik (pripadnikov narodnih manjšin) kot tudi 'višjemu' cilju EU (nediskriminaciji in dejanski enakosti pripadnikov manjšin). Prav tako je uspešna socializacija odvisna od pristopa EU, ki ga vodi jasno opredeljen cilj, neobremenjen z drugimi interesi (npr. gospodarski, varnostni), ki upošteva potrebe končnih uporabnikov politik pri definiranju vsebine predpristopnih pogojev in oceni uspešnosti politike.

Za analizo učinkov socializacije in kakovosti rezultatov evropeizacije v okviru dveh študijskih primerov se doktorska disertacija opira na kvalitativno analizo dokumentov EU (in dokumentov ter poročil drugih pomembnih mednarodnih akterjev), politično diskurzivno analizo parlamentarnih razprav in medijskih člankov ter na intervjuje z nacionalnimi političnimi in družbenimi akterji, vključenimi v proces sprejemanja in izvajanja politike. Na tej podlagi raziskava pride do zaključka, da rezultati politike v obeh študijskih primerih niso izpolnili pogojev za poglobljeno evropeizacijo. V primeru Latvije diskriminacija na podlagi državljanskega statusa ni bila odpravljena. Nasprotno: če so bili v predpristopnem obdobju nedržavljani diskriminirani v primerjavi z državljani, so od vstopa v EU diskriminirani v primerjavi tako z latvijskimi kot tudi drugimi državljani EU. Poleg tega je predpristopni proces EU z uvedbo dodatne ravni diskriminacije na ravni EU po vstopu Latvije v EU normaliziral in legitimiral njihov diskriminatoren status. V primeru politike enakopravne zastopanosti v Makedoniji se problem strukturne diskriminacije na etnični osnovi ni le ohranil, temveč se je povečal z diskriminacijo na podlagi politične pripadnosti. Namesto boja proti diskriminaciji se je politika enakopravne zastopanosti spremenila v skorumpirano orodje političnih strank za družbeni nadzor volivcev.

Doktorska disertacija tako ugotavlja, da zunanje upravljanje EU ne more podpreti reform, ki obravnavajo in rešujejo probleme v državah kandidatkah v korist končnih uporabnikov politik (pripadnikov manjšin in družbe kot celote). To je posledica strukturne naklonjenosti zunanjega upravljanja EU k marginalizaciji vidika končnih uporabnikov politik in k odtujitvi od 'višjega' cilja, tj. nediskriminacije in učinkovite (dejanske) enakosti. Razlog, ki preprečuje poglobljeno evropeizacijo, je državo-centričen oziroma elitističen in ideološko pristranski pristop EU, ki ga vodijo predvsem neoliberalni in varnostni vidiki. Lokalni kontekst je prepoznan kot glavni dejavnik, ki določa, kateri vidik EU (gospodarski ali varnostni) bo prevladal kot ovira socializaciji oziroma poglobljeni evropeizaciji. Namreč, v nestabilnem političnem kontekstu, ki se sooča z varnostno grožnjo, še zlasti na področju politik, kjer gospodarski in varnostni cilji trčijo eni ob druge, izvajanje neoliberalne gospodarske agende pade v senco varnostnih vidikov EU. Vendar pa to ne pomeni, da je EU na splošno opustila neoliberalno agendo, in sicer, da njeni gospodarski pomisleki ne predstavljajo več dejavnikov, ki preprečujejo poglobljeno evropeizacijo, ampak pomeni, da se gospodarski cilji EU interpretirajo bolj fleksibilno, znotraj določenega političnega področja, kjer trčijo ob njene varnostne cilje.

Poleg tega kontekstualne razlike med obema študijskima primeroma, ki izhajajo iz različnega kroga širitve EU (nejasne obljube o članstvu v EU in pokonfliktni izzivi v primeru Zahodnega Balkana, v nasprotju z državami, ki so vstopile v EU leta 2004), niso bile prepoznane kot pomembni dejavniki, ki vplivajo na kakovost rezultatov evropeizacije. Rezultati evropeizacije

v obeh primerih, ne glede na bolj oziroma manj ugoden kontekst, predstavljajo nazadovanje in neuspeh z vidika končnih uporabnikov politik, tj. nedržavljanov v Latviji in pripadnikov manjših etničnih skupnosti v Makedoniji. Na podlagi teh dveh študijskih primerov doktorska disertacija pokaže, da v sedanjem političnem in gospodarskem kontekstu ni mogoče doseči poglobljene evropeizacije. V takem okolju so namreč človekove pravice in pravice manjšin podrejene prioritetam politične in gospodarske integracije držav kandidatk v sistem EU ter cilju varnostne stabilnosti v državah kandidatk. To pomeni, da se vprašanja človekovih in manjšinskih pravic obravnavajo samo do stopnje, ko ne predstavljajo več ovir za uveljavitev gospodarskih in varnostnih ciljev EU. Ko se to doseže, problematika diskriminacije in neenakosti postane nevidna za EU, izključitve na nacionalni ravni pa ne le ostanejo, ampak se hkrati lahko prenesejo tudi na raven EU.

Rešitev tega problema je radikalno preoblikovanje predpristopnega pristopa EU tako, da EU v središče postavi potrebe oziroma perspektive prebivalcev (končnih uporabnikov politik) v državah kandidatkah. To vključuje celovito strategijo, ki usklajuje in oblikuje prioritete EU na podlagi potreb prebivalcev v državah kandidatkah. V sedanji situaciji je lahko taka strategija v koliziji z gospodarskim ciljem EU (npr. politika redistribucije) ali v določeni meri izven njenega mandata (npr. politika priznanja in družbene integracije). Zato takšna sprememba zahteva ponovni razmislek in preoblikovanje samega projekta EU. Brez take spremembe pa ni mogoče premagati sedanjega stanja pragmatičnih kompromisov med vrednotami EU in njenimi gospodarskimi in varnostnimi vidiki.

Ključne besede: evropeizacija, Makedonija, Latvija, politika na področju državljanstva, politika enakopravne zastopanosti, varstvo manjšin.

Deep Europeanisation through external governance of the European Union: political conditionality in the field of minority protection

The goal of the Ph.D. thesis is to address the main shortcoming of our knowledge about Europeanisation and to provide a better understanding of the Europeanisation process in the European Union (EU) candidate countries, by analysing the field of minority protection. The Ph.D. thesis departs from the observation that the limited research focus on rule adoption and implementation in the relevant literature represents a problem for assessing the actual effects of Europeanisation on the ground. This is because even an impeccable rule transfer and behavioural change do not necessarily bring about better policies in candidate countries, in terms of benefits for individuals (i.e. persons belonging to minorities) and the society at large. To understand better the actual impact of the EU's external governance on the ground, the Ph.D. thesis (re)assesses policy outcomes, endorsed by the EU as successful Europeanisation, from the aspect of policy recipients/final beneficiaries. By this, the Ph.D. thesis endeavours: firstly, to establish whether the EU's external governance has the capacity to initiate and support such reforms that can address and resolve problems as they affect individuals and societies in candidate countries; and secondly, to identify factors that lead to fully-fledged reforms that substantially address the problems on the ground and thereby significantly improve the quality of life of the final beneficiaries.

To achieve this, the Ph.D. thesis relies on a two-case-study research design. It analyses Latvia's citizenship policy and the equitable representation policy of smaller ethnic communities in the public sector in Macedonia – both officially recognised as successful in terms of fulfilling the EU pre-accession conditionality criterion on minority rights, in the context of the Central and Eastern European (CEE) and the Western Balkan (WB) enlargements. Minority rights are identified as the most suitable policy area for the analysis of Europeanisation outcomes from the perspective of the final beneficiaries. Europeanisation in the area of minority rights assumes accommodation of the preferences and needs of the final beneficiaries, i.e. persons belonging to national minorities, as the core of the pre-accession conditionality. Moreover, the process presupposes an EU approach free of any other considerations but the well-being of the final beneficiaries/policy recipients. Therefore, such a context provides legitimate grounds for the analysis of policy outcomes primarily from the aspect of the people most affected by them, as a key issue determining the quality and success of Europeanisation itself.

To assess the quality of the policy outcomes instigated and installed under the EU guidance, the Ph.D. thesis defines success as deep Europeanisation. The latter is understood as accommodation of both, the EU 'higher' goal and the needs of policy recipients/final beneficiaries, whereby the EU 'higher' goal refers to the very purpose of the EU pre-accession conditionality and its expected impact on society. In the area of minority rights, this goal, in fact goals, are non-discrimination and substantial equality. In addition to reaching the EU 'higher' goal, the definition of deep Europeanisation also presumes a qualitative improvement of the state of affairs of the final beneficiaries (persons belonging to minorities) in comparison to the pre-reform period; namely, a solution of their main problems and the absence of new concerns (in)directly instigated by the EU pre-accession approach.

Deep Europeanisation is considered to be a result of a successful socialisation process; therefore the Ph.D. thesis departs from the social constructivist understanding of Europeanisation, as it is considered to be the most appropriate theoretical framework for

explaining the quality of Europeanisation results. In this context, political culture conducive to consensus building and norm entrepreneurs who redefine political and societal actors' interests and identities on the basis of moral arguments, are identified as crucial conditions for successful socialisation. The constructivist perspective, however, is complemented by the conceptual framework of the theory of communicative action, which enables us to extend the analysis with the inclusion of a value judgment of the final beneficiaries as the key criterion that determines whether a change brought about by Europeanisation has been substantial, positive and just (i.e. acceptable for the final beneficiaries).

On this basis, the Ph.D. thesis approaches the issue of successful socialisation as a process that shapes political and societal attitudes in a candidate country towards a common idea of a policy solution that accommodates both, the needs of the final beneficiaries (persons belonging to minorities) and the 'higher' EU goal (non-discrimination and achievement of substantive equality). Moreover, successful socialisation is perceived as dependant on an EU's approach led by a clearly defined goal, uncompromised by other considerations (e.g., economic or security concerns). Such an approach also enables us to include in the analysis the aspect of the final beneficiaries in the definition of the pre-accession conditionality and the assessment of the policy outcome.

To analyse the effects of socialisation and the quality of the Europeanisation outcomes in the context of the two case studies, the Ph.D. thesis relies on a qualitative analysis of EU documents (and documents/communication of other relevant international actors), a political discourse analysis of parliamentary debates and media coverage, as well as interviews with selected national political and societal actors involved in the process of adoption and implementation of the policies on minority protection. On this basis, the Ph.D. thesis demonstrates that the policy results, in both case studies, have not fulfilled the conditions for deep Europeanisation. In the case of Latvia, discrimination on the grounds of citizenship status has not been eliminated. On the contrary: if in the pre-accession period non-citizens were discriminated *vis-a-vis* Latvia's citizens, since the country's accession to the EU they have been discriminated in comparison to both Latvia's and other EU citizens. Moreover, the EU pre-accession approach has normalised and legitimised their discriminatory status by establishing yet another level of discrimination – i.e. the EU level, after Latvia joined the EU in 2004. In the case of the equitable representation policy in Macedonia, not only has the problem of structural discrimination on ethnic basis remained but it has also been enhanced by discrimination on political grounds. Instead of fighting discrimination, the policy of equitable representation has turned into a corrupt instrument used by political parties for societal control.

Hence, the Ph.D. thesis infers that the EU's external governance cannot support reforms that would be able to address and resolve problems on the ground, in candidate countries, for the benefit of the final beneficiaries (persons belonging to minorities and society as a whole). This is due to the structural inclination of the EU's external governance to marginalise the perspective of the final beneficiaries and deviate from the EU 'higher' goal, i.e. achievement of non-discrimination and effective equality. To be precise, the overly state-centric/elite-centric and ideologically biased EU approach, led primarily by neo-liberal and security considerations, is identified by the Ph.D. thesis as the core reason that has prevented deep Europeanisation in the two cases under examination. The local context is recognised as the main factor determining which EU considerations (i.e. economic or security) are likely to prevail as an inhibiting factor of socialisation, and thus of deep Europeanisation. Namely, in an unstable political context facing many security threats and, in particular, in policy areas where economic and security goals collide, implementation of the neoliberal economic

agenda is likely to be suppressed by security considerations of the EU. However, this does not imply that neoliberal goals are abandoned by the EU in general, in the sense that they no longer represent inhibiting factors, but that they are interpreted more flexibly within a specific policy area – where they collide with the EU security goals.

Apart from this, the contextual differences between the two case studies, deriving from the different enlargement cycles (a vaguer membership prospect given to the WB in comparison to the CEE countries and post-conflict challenges of the former), have not proven as relevant factors impacting the quality of the Europeanisation results. The Europeanisation outcomes in both cases, regardless of the more/less favourable context, have demonstrated a regression and a failure from the aspect of the final beneficiaries, i.e. non-citizens in Latvia and persons belonging to smaller ethnic communities in Macedonia. Thus, based on the two case studies, the Ph.D. concludes that the ideal of deep Europeanisation cannot be achieved within the present political and economic context. In such a context, minority and human rights violations are predominantly approached from the perspective of their impact on the political and economic integration of a candidate country within the EU system, and on the candidate's security prospects. Therefore, they are tackled only to the point where they no longer represent an obstacle to the economic and security goals of the EU. Once this is achieved, problems of discrimination and inequality become invisible for the EU, while local exclusions at the national level are appropriated and translated at the EU level.

A solution to this problem is a radical redesign of the EU's pre-accession approach around the needs and main concerns (i.e. the perspective) of individuals, i.e. final beneficiaries in candidate countries. This implies a comprehensive strategy that aligns EU priorities with the most burning issues and concerns of individuals in candidate countries. At the present moment, this might be considered to be in collision with the EU's economic agenda (e.g. redistribution), or to some extent out of its mandate (e.g. recognition and societal integration). Therefore, such a change would require a process of rethinking and transforming the very basis on which the EU project relies. In the absence of such a change, the future of candidate countries does not have a viable prospect to overcome the current situation of trade-offs among EU values, economic objectives and security considerations.

Key words: Europeanisation, Macedonia, Latvia, citizenship policy, policy of equitable representation, minority protection.

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List of abbreviations

ANA	Albanian National Army
ACRR	Agency for Community Rights Realisation
CARDS	Community Assistance for Reconstruction Development and Stabilisation
CEE	Central and Eastern European
CFSP	Common Foreign and Security Policy
CoE	Council of Europe
DLBRM	Democratic League of the Bosniaks in the Republic of Macedonia
DPA	Democratic Party of the Albanians
DPT	Democratic Party of the Turks
DPSM	Democratic Party of the Serbs in Macedonia
DRF	Democratic Roma Forces
DRM	Democratic Reconstruction of Macedonia
DU	Democratic Union
DUI	Democratic Union for Integration
ECJ	European Court of Justice
ECRI	European Commission against Racism and Intolerance
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EEA	European Economic Area
EFTA	European Free Trade Association
ERT	European Roundtable of Industrialists
EU	European Union
FCNM	Framework Convention for the Protection of National Minorities
FDI	Foreign Direct Investments
GDP	Gross Domestic Product
HCNM	High Commissioner on National Minorities
ICTY	International Criminal Tribunal for the former Yugoslavia
IMF	International Monetary Fund
FNPM	Farmers' National Party of Macedonia
LDP	Liberal Democratic Party
LPM	Liberal Party of Macedonia
MISA	Ministry of Information Society and Administration
MPs	Member of Parliament
NA	New Alternative
ND	New Democracy
NATO	North Atlantic Treaty Organization
NDF	New Democratic Forces
NDP	National Democratic Party
NGO	Non-governmental organisation
NLA	National Liberation Army
NSDP	New Social Democratic Party
OECD	Organisation for Economic Co-operation and Development
OFA	Ohrid Framework Agreement
OSCE	Organisation for Security and Co-operation in Europe
PDAM	Party for Democratic Action in Macedonia
PDP	Party for Democratic Prosperity
PEF	Party for a European Future

PFD	Party of Free Democrats
PFL	Popular Front of Latvia
SAA	Stabilisation and Association Agreement
SDUM	Social Democratic Union of Macedonia
SFRY	Socialist Federal Republic of Yugoslavia
SIOFA	Secretariat for Implementation of the Ohrid Framework Agreement
SDUM	Social Democratic Union of Macedonia
SPM	Socialist Party of Macedonia
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
TMP	Turkish Movement Party
UPE	United Party for Emancipation
UPRM	United Party of the Roma in Macedonia
URM	Union of Roma in Macedonia
USA	United States of America
USSR	Union of Soviet Socialist Republics
VMRO-DPMNE	Internal Macedonian Revolutionary Organisation-Democratic Party for Macedonian National Unity (*Внатрешно Македонска Револуционерна Организација Демократска Партија за Македонско Национално Единство ВМРО ДПМНЕ)*
WB	Western Balkans

1 Introduction

1.1 The research problem and the research goal

External governance of the European Union (EU, also Union) has been recognised to have a great transformational power over accession countries (Friis and Murphy 1999; Schimmelfennig and Sedelmeier 2004).[1] The trust in its capacity for radical change has been in particularly boosted since the EU enlargement to Central and Eastern Europe (CEE), perceived and 'advertised' as the greatest success of the EU enlargement strategy (Kelley 2003; 2004; Schimmelfennig and Sedelmeier 2004; 2005; Schimmelfennig, Engert and Knobel 2006; Elbasani 2008; O'Brennan 2008; Schimmelfennig 2008). In this context, the idea of Europeanisation has gained prominence as a process leading to change of the political and economic setting within candidate countries. As such it has been considered to be the most certain path to modernisation and prosperity (Anastasakis 2005), and the best guaranty for democratic consolidation, respect for human rights, minority protection, conflict resolution and political stability (Schimmelfennig 2005).

However, the meaning of 'Europeanisation' is relative, not only in theoretical terms referring to the discussion of its (post)ontological status (Caporaso 1996; Radaelli 2000)[2] but also regarding the symbols and myths it transcends in different local contexts (Anastasakis 2005). Thus, if Europeanisation for the less advanced candidate countries implies a ticket to modernisation and structural transformation, it represents a steady process of adjustment for the more developed states (*ibid.*). Moreover, despite the less favourable domestic conditions in the former, the Europeanisation process is characterised as deeper, broader and even more thorough than the adaptation of the current member states (Grabbe 2001; 2002). The speed of

[1] The general understanding of the concept of external governance refers to the impact of EU rules and policies beyond the Union's borders (Lavenex and Schimmelfennig 2009). As such, EU's external governance implies export of EU rules and modes of governance to non-member countries – countries participating in the European Economic Area (EEA), countries participating in the Organisation for Economic Co-operation and Development (OECD), candidate countries, countries from the European neighbourhood, as well as to other international organisations (Schimmelfennig 2010). However, in the context of the Ph.D. thesis this concept is limited exclusively to the EU relationship with candidate countries during the pre-accession process.

[2] Radaelli (2000, 7) distinguishes the concept of Europeanisation from the concept of political, i.e. European, integration. He argues that the latter belongs to the ontological stage of research and thus, is concerned with issues such as: whether European integration strengthens the state, weakens it, or triggers 'multilevel governance'. Differently, the former is recognised as a post-ontological concept interested in the effects of political integration, i.e. of the functioning of EU institutions once they are set in place.

adjustment and the communist legacy (which the CEE countries eagerly wanted to get rid of) made candidates more open and less resilient to EU's influence, as well as prone to greater convergence with EU institutional models (*ibid.*). Furthermore, the asymmetrical relationship between the EU and candidate states (Dimitrova 2002; Grabbe 2002; Moravcsik and Vachudova 2003), in spite of its coerciveness, has been perceived as crucial for the transformation of these countries, together with clear conditionality linked to the attractive prospect of membership (Schimmelfennig 2005).

Moreover, the EU integration is "almost universally recognized" (Belloni 2009, 313) as the most successful strategy for bringing peace and prosperity even to troublesome regions, such as the Western Balkans (WB). Both experts on Europeanisation and European policy makers have no dilemma about positive and long lasting effects of the EU integration process on the WB countries (Demetropoulou 2002; Anastasakis 2005; Atanasova 2008; Belloni 2009). Although in a short and medium term this can be a painful, as well as politically and socio-economically expensive process, in the long run, the benefits of modernisation, prosperity, co-operation, and coexistence are perceived as inevitable (Anastasakis 2005). Thus, even the idea of the 'Balkan exceptionalism' (Jano 2008; Papadimitriou and Gateva 2009), implying the problematic 'non-European' features inherent to this region, has not challenged substantially such trust in the transformative power of the Union.

The EU has been praised for its capacity to bring positive change to the WB despite the perception of its incompatibility with European political traditions and 'ways of doing things' (Demetropoulou 2002). Thus, the EU has been recognised as the main factor of stability within the heterogeneous and potentially inflammable WB environment, by taming down tensions between majorities, minorities and sovereign governments through its instruments for conflict management and post-conflict reconstruction (Milanese 2001). Nevertheless, it is debatable how substantial this success is within the global system of minority protection criticised for its almost complete subordination to the interests of states and its tendency to reduce minorities to "passive objects" of state protection (Roter 2003, 128).

Optimism and trust in the positive, transformative role of the EU derive from the idea of the EU as a 'cosmopolitan project' (Hansen 2009). Departing from the presumption that the nation state was the actor most responsible for many of the atrocities in recent history, the EU integration is recognised as the most efficient antidote against the conservative and intolerant sentiments inherent in the nation state. Thus, supranational integration is seen as a guarantee

for progress and human rights based environment capable of overcoming ethnocentric tendencies of the nation state (*ibid.*).

In more practical terms, this is explained by the gravity model of democratisation, which captures the EU's positive impact on third countries (Emerson and Noutcheva 2004). The basic idea of this model is that powerful democratic countries serve as a reference and a role model for their close surrounding; thus, they represent a centre of democratic gravity (*ibid.*). The success of convergence with the democratic model depends on "the reputational quality and attractiveness of that democracy, its geographic and cultural-historical proximity, and its openness to the periphery" (*ibid.*, 2). The openness implies different stages of contractual relations between a third country and a democratic gravity centre, ranging from liberalised migration rules and trade to a prospect of political integration. The strength and advantage of the EU in comparison to the United States of America (USA, also US), both recognised as democratic gravity centres, derive from the EU's opportunity for "political integration of the periphery into the centre" (*ibid.*). Thus, by providing a clear prospect of full integration and enjoying a significant degree of physical proximity, the EU is capable of perpetuating a "fast track democratisation" (*ibid.*, 4) of the countries under its scope of gravity.

Additionally, the overwhelmingly positive idea of the EU's external governance derives from the methodological framework and research focus applied within the relevant literature. In this context, Hughes, Sasse and Gordon (2004, 523) criticise Europeanisation research conducted on the basis of macro-level democratisation and marketisation indicators, such as Freedom House ratings, Foreign Direct Investments (FDI) and Gross Domestic Product (GDP). According to them (and other critics, e.g., Belloni 2009), this approach leads to a rather narrow research focus, resulting in a misleading, overly positive picture of the actual state of affairs in candidate countries. Hence, it has been argued that by changing the perspective from 'macro to micro' and placing the analysis within a concrete policy area, where the *acquis* is rather 'thin' and lacks a legal basis, the limitations of the EU's approach to deliver effective policy solutions become more evident (Topidi 2003; Bieber 2005). By shifting the research focus to specific policy areas, many policy outcomes that have been positively assessed by the EU can be problematised as suboptimal at best.

As an answer to the narrow macro approach, some authors (e.g., Hughes, Sasse and Gordon 2004; Noutcheva 2006) have suggested an in-depth analysis of individual policies and focused on both domestic and EU factors that shape Europeanisation results. Regarding the

domestic conditions, it has been argued that certain domestic systemic conditions featuring a liberal democratic and a capitalist system need to exist before the process of Europeanisation takes place (Schimmelfennig 2005; Noutcheva and Bechev 2008; Dolenec 2009). In this context, Noutcheva and Bechev (2008) have noted that a fruitful change cannot occur in a domestic context captured by rent-seeking elites who delay reform as a strategy for keeping their beneficial status. Moreover, Schimmelfennig (2005) has argued that success is conditioned by the balance, i.e. ratio of liberal and illiberal political actors within candidate countries. Namely, the impact of the EU on democratisation of the candidate countries can be effective only in a context where liberal or mixed political party constellations dominate the political space (Schimelfenning 2005; Dolenec 2009).

Some authors go even further by arguing that for successful Europeanisation all political actors, without exceptions, need to have "liberal-democratic goals in the first place" (Devrim and Maršić 2009, 6). Similarly, Vachudova (2001) has explained different Europeanisation trajectories by the (non-)existence of strong opposition to communism, which has been recognised as the crucial factor shaping ruling elites' responses to EU incentives. Other relevant domestic conditions that have affected policy results of the Europeanisation process are institutional legacies, choices made during the early stages of democratisation, "entrenched power of veto actors" and preferences of key political actors (Noutcheva and Bechev 2008, 117; Papadimitriou and Gateva 2009; Petersen 2010).

In addition to the domestic features necessary for successful Europeanisation, scholars[3] have also referred to the EU level for identification of the shortcomings of the EU's approach that impact the outcome of the process. These shortcomings can be systematically separated into two general categories that can be designated as procedural and as substantial deficiencies. The procedural deficiencies refer to intrinsic features of the Europeanisation strategy such as a lack of clarity of the conditionality criteria; a lack of synchronisation among different EU institutions; a technocratic approach; the prevalence of functional and *realpolitik* considerations over its normative agenda; a top-down approach and coercion.[4] The other group, i.e. substantial problems, derive as unintended problematic by-products of the

[3] E.g., Grabbe (2002), Lendvai (2004), Noutcheva *et al.* (2004), Bechev and Andreev (2005), Noutcheva (2006), Pridham (2007), Anastasakis (2008), Chandler (2008), Noutcheva and Bechev (2008), Belloni (2009), Zuokui (2010).

[4] E.g., Grabbe (2002), Moravcsik and Vachudova (2003), Lendvai (2004), Noutcheva *et al.* (2004), Anastasakis (2005), Bechev and Andreev (2005), Pridham (2007), Anastasakis (2008), Atanasova (2008), Chandler (2008), Noutcheva and Bechev (2008), Agné (2009), Belloni (2009), Zuokui (2010), Risteska (2013), Sicurelli (2015).

Europeanisation process and take the form of a 'Potemkin harmonisation,' democratic deficit and depoliticisation of societies.[5]

Among these deficiencies, the problem of 'the lack of clarity' has been recognised as the key feature distinguishing the political from the *acquis* conditionality, and as such, it is especially evident in areas covered by the political conditionality (Grabbe 2002). A policy area which stands out as one of the most affected by this problem is minority protection. Minority protection is the 'weakest link' of the Union not only because of the lack of a legal basis, but also because of the absence of common institutional models accepted and shared by member states. Differences across EU member states have additionally complicated the situation, as they make it impossible for the Union to set a clear reference to 'good practices' for aspirant countries, which would allow it to compensate for the lack of an own legal basis and commonly shared rules in this issue-area.

The problem of vagueness of rules, according to some authors (e.g. Noutcheva and Bechev 2008), poses a high risk for a subjective and partial EU assessment as it leaves a wide leeway for both domestic and EU actors to manipulate with the extent of the reform or the assessment of its success. Nevertheless, although this represents a realistic risk for the success of pre-accession reforms, it should not be taken for granted that the lack of clear rules automatically leads to a failure of Europeanisation. This 'leeway', as much as it bears certain risks, simultaneoulsly also has an overseen potential for positive developments that could lead to a substantial change. Namely, this 'vagueness' of strictly defined rules and models to be implemented by candidate countries could actually contribute to a more inclusive and deliberative pre-accession process, beyond its dominant top-down framework. This could open the door for a bottom-up impetus and for the establishment of an environment in which domestic actors would be encouraged better to adapt EU pre-accession requirements to a particular local context; and thus, to come up with more suitable, tailor-made policy solutions for the benefit of the people most affected by the change.

Therefore, some authors (e.g., Sellar and McEwen 2011), when analysing the situation at the EU level, see this problem of vagueness as an advantage and argue that precisely this 'lack of clarity' perpetuates EU integration and enables further development of the EU project.

[5] E.g., Grabbe (1999), Jacoby (1999), Grabbe (2001), Zubek (2001), Knaus and Martin (2003), Bechev and Andreev (2005), Grabbe (2006), Pridham (2007), Anastasakis (2008), Chandler (2008), Noutcheva and Bechev (2008), O'Brennan (2008), Belloni (2009), Petersen (2010), Risteska (2013).

According to this view, 'norm vagueness' generates contradicting views about the EU goals and motives by different actors who aim to assert power at different governance levels (*ibid.*). No matter how contradictory or particularistic their interests are, their 'confrontation' occurs under a single European framework, which indirectly contributes to furthering EU integration. In particular, the different and sometimes contradictory understanding of 'Europe' and 'European governance' contributes to deeper Europeanisation (*ibid.*, 291). Officials from different governance levels contribute to the development of the EU project by bending meanings to the policies that fit their needs and interests, and by strategically instrumentalising contradictory views (*ibid.*).[6]

Although this conclusion draws on the idea of Europeanisation understood as EU integration, some of the arguments are also relevant in the context of the EU's external governance. Namely, strategic instrumentalisation of the vagueness of EU norms is a strategy applied by political actors within candidate countries for pursuing interests that are at odds with those of the EU. This, however, in most cases and different from the conclusions of Sellar and McEwen (2011), has negative implications for the quality of the Europeanisation process. By taking the form of 'listening to foreigners', which is "a strategy of telling the Westerners what they want to hear, so as to attract Western attention and money" (*ibid.*, 297), local political actors pursue the process of rule adoption and implementation that only formally satisfies EU standards. Therefore, this situation poses an additional argument for researchers to look into the reasons as to why the positive potential of the existing leeway (i.e. the possibility for a bottom-up reform that simultaneously complies with the EU accession requirements and appropriately addresses specific local needs) is not utilised in the context of the pre-accession process.

Also, the EU's external governance has been criticised for its lack of synchronisation among different EU actors. The European Commission has a mandate to guide the EU integration process of the candidate countries; however, other EU institutions – the Council of Foreign Ministers, the High Representative of the European Union for Foreign Affairs and Security

[6] To prove their point, Sellar and McEwen (2011) refer to the EU cohesion policy. In this context, they argue that different, i.e. contradictory views of Europe held by actors at supranational, subnational and national levels have been the main drivers of Europeanisation in this area. Namely, semi-codified sets of 'best practices' have been strategically used by all these levels of governance, with the purpose of pursuing their own individual development goals. This has created both, top-down and bottom-up flows of influence, which have been able to "accommodate an evolving model of European development that promotes differentiation in individual project implementation and further blurs institutional competences on all levels" (*ibid.*, 291). Eventually, the process has resulted in a stronger influence of both, subnational and supranational levels; while at the same time the nation-state (although brought in line with the EU preferred development norms) has maintained its sovereignty.

Policy, the European Parliament, as well as individual member states, have a significant role in the process in which they try to impose their interests over certain issues (Pridham 2007). Thus, the EU multi-level and multi-actor governance often represents a hurdle for the Union to speak with one voice. This is particularly evident in the area of human and minority rights where the European Parliament and the Council often hold different positions – the former usually pursues a stricter approach, in contrast with the pragmatic Council led by geostrategic considerations (Pridham 2007; Sicurelli 2015).[7]

The EU's inability to speak with one voice generates institutional tensions, which negatively affect the operationalisation of the conditionality and is responsible for unclear (expectations of the) results a candidate country needs to deliver. Thus, unsynchronised agendas, different interests within the EU, as well as conflicting assessments by different EU institutions send contradictory messages that not only fail properly to guide the reform process but they also undermine potentially favourable domestic factors (Belloni 2009).

Moreover, the European Commission, which has been guiding the accession process, has to a great extent shaped it in a technocratic manner. This implies the setting off, as much as possible, quantified objectives and thresholds as a safeguard for an objective and merit-based assessment (Lendvai 2004; Bechev and Andreev 2005; Atanasova 2008). Unfortunately, this approach resulted in a prevalence of the form over substance. The progress is often formally approached and assessed as the level of institutionalisation, with the main focus being on issues such as the allocation of budgetary means, the number of staff or conducted trainings (Atanasova 2008). Moreover, as pointed out by Lendvai (2004, 5), the assessment is limited to the "input and direct output, rather than on the impact, sustainability and relevance to the overall /…/ policy reform." Usually, the Commission takes effectiveness and efficiency as the

[7] Throughout the EU history, the European Parliament has undergone a significant transformation: in the beginning its role was limited to consultation and co-operation with the Council; later, it progressed to co-decision; and with the Lisbon Treaty it was additionally strengthened by the ordinary legislative procedure, established as the main decision-making procedure for adoption of EU legislation (Consolidated Version of the Treaty on European Union and the Treaty on the Functioning of the European Union 2016, Articles 289 and 294). In the context of the Common Foreign and Security Policy, the consultative role of the European Parliament has been also strengthened. The High Representative for Foreign Affairs and Security Policy has been obliged to regularly consult the European Parliament and ensure that its views are duly taken into consideration; he/she is also obliged to engage twice a year in a debate on the progress of the implementation of the Common Foreign and Security Policy, including the Common Security and Defence Policy (*ibid.*, Articles 36). However, it is questionable to what extent this legal changes have translated into a substantial impact of the European Parliament. A representative example is the case of Hungary; namely, since 2011 the European Parliament has been warning about the problematic developments and the serious deterioration of the state of democracy, rule of law and human rights. However, a more concreate action by the EU has been lacking, even after the 2017 parliamentary resolution which called for triggering the procedure laid out in Article 7 of the Treaty on European Union (TEU) (European Parliament 2017).

key indicators for measuring progress, while putting other important aspects of the quality of the reform at the end of its list of priorities (Bechev and Andreev 2005, 21; Risteska 2013).

In this context, some authors (e.g. Chandler 2008; Zuokui 2010) have argued that the technocratic image promoted by the EU, rather than securing an objective assessment, serves to mask the problem of politicisation of the accession process. What is implied here is that the EU decisions about the process of European integration of (potential) candidate countries, instead of being primarily based on the technical benchmarks set by the Union, are led by political considerations.[8] As Chandler (2008, 525) argues, the self-promoted image of a technocratic Union aims to disguise this shortcoming with the purpose to reassure sceptic member states about future enlargement, while, at the level of candidate countries, it aims to ease the reform process by transforming controversial political problems into technical issues. And precisely here emerges the key paradox: while at the EU level the 'technocratisation' supports politicisation of the decision-making process, at the same time, at the level of candidate countries it contributes to de-politicisation of societies and the political process in general (*ibid.*, 527).

De-politicisation in candidate countries occurs as a result of the transformation of political problems into technical issues by which the EU endeavours to pave the way for adoption of politically sensitive reforms (Chandler 2008). This results in a limited public debate since for technical issues, a political debate in ideological terms (deliberating on the very substance of policies and their wider societal impact) is obsolete. Technical issues presume questions referring to the pace of reform, timing or resources, rather than questions about the reform as such. Thus, Chandler (*ibid.*, 527) rightly observes that at the level of candidate countries this situation degrades the political process, by "hollowing-out the opportunities for domestic debate and engagement."[9]

In addition, the EU's external governance has been criticised for the prevalence of functional and *realpolitik* over a normative agenda (Anastasakis 2008). This implies that the Union is keener on pursuing sustainable and viable, rather than appropriate and optimal policy

[8] This is evident in a number of cases when the decision of the EU to enter or deepen relations with a candidate or a potential candidate was led by political considerations (see further in this chapter). A representative example is the case of Macedonia and the signing of the Stabilisation and Association Agreement (SAA) in 2001, when it was obvious that the country was not fulfilling the conditions as it was in the middle of a military crisis.

[9] This is very much in line with the conclusion of Grabbe (2001), presented later in this chapter, that the pre-accession process in candidate countries contributes to strengthening the position of the executive at the expense of the parliament.

solutions, as a strategy for dismantling clientelistic, particularistic, dysfunctional mentalities, practices and rules within the candidate countries (Noutcheva *et al.* 2004; Anastasakis 2008). The 'functional' approach draws heavily on the rational cost-benefit logic, which in the long run is assessed as problematic unless it is complemented by socialisation (Börzel and Risse 2000). As explained by Noutcheva (2004), an exclusive reliance on conditionality lessens the space for social learning and thus undermines the quality of the reform. Moreover, the dominance of functional over normative claims makes the legitimacy of the accession requirements questionable and thus more easily challenged by domestic actors. In the absence of a normative justification, the attractiveness of the EU incentives, which in reality bear different value for different actors, is more easily disputed (*ibid*.).

The legitimacy of the accession conditionality is additionally undermined by the EU *realpolitik* considerations, which are evident in numerous cases, including: the start of accession negotiations with Bulgaria and Romania in 1999, when despite the lack of their progress, negotiations were open due to the Kosovo crisis and the fear of a potential spill over; the favourable treatment of Poland within the accession process due to geopolitical and historical considerations; the toning down of the criticism of Latvia and Estonia regarding the situation with the Russian minority (due to fears that stronger criticism would provide Russia with grounds for propaganda); the signing of the SAA with Macedonia in 2001 while the country was in the middle of a violent conflict and evidently did not qualify for that pre-accession phase (Pridham 2007, 453; Mihaila 2012, 21).

Furthermore, Moravcsik and Vachudova (2003) have criticised the EU's approach for a lack of sensitivity to the local context, which has been perceived as a direct consequence of the asymmetrical relationship between the EU and candidate countries. Similarly, Bechev and Andreev (2005) have argued that precisely the power asymmetry stimulates the extensively criticised top-down approach by suppressing any alternative bottom-up channels for co-operation and input. Hence, despite the declarative efforts to achieve local ownership and civil society participation, the EU's strategy has proven to be inherently incapable of keeping up with these principles.[10]

[10] As an indicative example, Bechev and Andreev (2005, 17) point out the Community Assistance for Reconstruction Development and Stabilisation (CARDS) programme, i.e. its second component referring to strengthening the civil society, citizens' participation and municipal level governance, which contrary to its goal of a bottom-up approach through civil society engagement, was completely managed in a top-down manner.

This state of affairs prevents tailor-made reforms as it leaves no room for the influence of candidate countries on the substance of the accession conditionality, with the exception of the speed of reforms (Moravcsik and Vachudova 2003; Phinnemore and Papadimitriou 2003). Thus, the very design of the EU's approach contradicts the theoretical expectations of successful Europeanisation and the idea that "the more the actors affected by a policy have a say in a decision making, the more likely they are to accept a policy outcome to be implemented, even if their interests may not have been fully accommodated" (Börzel, Buzogany and Guttenbrunner 2006, 5). Therefore, as Bechev and Andreev (2005) argued shortly after the big enlargement in 2004, such a top-down approach cannot deliver sustainable results beyond short-term changes liable to reversals.

However, not only does the asymmetrical relationship imply a top-down dictate, but it also suggests an inherently coercive relationship. Since successful Europeanisation, understood as being capable of bringing about long term solid results (Agné 2009), is more probable to occur due to a voluntary choice and identity change (Zuokui 2010), this raises doubts about the capability of the EU to instigate and support a genuine transformation within candidates. However, the concept of coercion is highly debatable, and no unified stance exists within the literature on the level of coercion embedded in the EU approach. The conclusions range from a perception of the relationship between the EU and candidate countries as totally coercive and patronising (Anastasakis 2005) to those that completely refute this attribute as appropriate for describing the nature of those 'partnerships' (O'Brennan 2008). The former refers to the fact that candidate countries do not have any say in shaping the conditionality and the rules they need to abide by, and that it is the EU that 'dictates the game' (Anastasakis 2005).[11] In contrast to this, other authors (e.g., O'Brennan 2008, 510) point to the voluntary basis on

[11] The idea of 'voluntarism' in terms of a choice of pro/against EU integration has been also problematised in the sense of being free from any other viable alternatives to the EU membership (Anastasakis 2005; Agné 2009). Thus, it is questionable whether EU integration would have been a top strategic priority if there had been other viable options available to candidate states. Rather than as a voluntary choice, some authors such as Agné (2009, 2) perceive it as an opportunistic decision by (potential) candidates for dealing with the problems and the intolerable conditions, such as lawlessness, humanitarian crises or security threats. Moreover, the voluntarism of choice is additionally challenged by events that follow the entrance into a contractual relationship with the EU. Namely, once the SAA (or the European Association Agreements in the case of the CEE countries) is signed, the whole democratic and voluntary aspect of the process ends "as the following steps and conditions are managed through bypassing the democratic political process" (Chandler 2008, 524). A candidate country actually has only one opportunity for reaching a voluntary and democratic decision, that is the decision to subordinate to the accession process completely and to exempt the policy areas within the scope of the EU pre-accession agenda from the normal democratic debate and procedure (Chandler 2008). Accordingly, the EU enlargement conditionality is perceived as an intrinsically coercive instrument providing the candidates with a very limited choice (Zuokui 2010).

which the material and normative structure of the EU is embraced by candidates the moment they enter in a contractual relationship with the Union.

Nevertheless, efforts have been made towards reconciliation of these two opposing views, based on the argument that the relationship between coerciveness and voluntarism is not clear-cut; in many cases, they emerge as complementary, rather than opposing features of the EU conditionality (Agné 2009). Moreover, the strength of the EU conditionality derives precisely from their combination. In the absence of a 'stick' and the fear of losing potential accession benefits, many problematic candidate countries would not have given the required reform input (Noutcheva and Bechev 2008). For instance, the only times the governments of the CEE 'laggers', Bulgaria and Romania, rapidly responded to requests by the EU was when they were penalised or under a threat of the EU's 'stick' (*ibid.*). Although there is a common stance within the literature (Anastasakis 2005; Chandler 2008; Agné 2009; Zuokui 2010) that an exclusively coercive approach cannot bring about substantial, genuine change, it nevertheless has been recognised as the lesser evil than the EU's inaction and 'wait and see strategy', in the hope of an uncertain voluntary change instigated by a candidate itself (Noutcheva and Bechev 2008).

Besides these 'procedural' deficiencies, the process of Europeanisation has also been criticised at a more substantial level, i.e. for installing sub-optimal policies and institutions (Pridham 2007; Risteska 2013). Among others, Belloni (2009) and Risteska (2013) have argued that although the Union has the ability to put pressure on political leaders to conduct a reform, it has failed to establish a meaningful partnership in the process of conditionality design, planning, implementation and assessment, as well as to provide an appropriate environment for deliberative democracy.

Therefore, political leaders often respond positively to the incentives provided by the EU, but they do so at the expense of rule implementation (Belloni 2009) – a phenomenon known in the literature as an implementation gap or a 'Potemkin harmonisation' (Jacoby 1999).

The so-called 'Potemkin harmonisation' implies a rule transfer, which does not lead to a substantial change that would go beyond empty institutional frameworks (Petersen 2010, 49). This is due to the weak institutional capacity of the candidate countries (Jacoby 1999; Anastasakis 2008; O'Brennan 2008). The EU rule transfer presumes adoption of a number of new legislative acts, which are often too complicated to be applied consistently and enforced

by a network of 'weak' institutions from different government branches (Noutcheva and Bechev 2008, 20). Unable to adress this challenge and conduct a substantial reform, candidate countries then build dual institutions with limited performance, only formally satisfying the EU standards but having no public added value in practice (Jacoby 1999).

Moreover, the pre-accession process has been criticised by Grabbe (2001) for strengthening the position of the executive at the expense of the legislative branch of power. The EU has been accused of being directly responsible for the increase of the democratic deficit within candidate countries, by downgrading and circumventing their parliaments (Zubek 2001; Grabbe 2006, 207; Fink-Hafner and Krašovec 2009). The Europeanisation process has narrowed the space for political bargaining and constructed a whole new political setting limiting the public debate to technical aspects of the reform, excluding any deliberation of different political and ideological concepts (Grabbe 1999; Bechev and Andreev 2005; Risteska 2013). This inevitably led to the reinforcement of the core executive, i.e. the authority of the Prime Minister, and consequently decreased the policy making capacity of other state institutions (Zubek 2001).

Eventually, this has widened the gap between the state and its society, and led to the hollowing-out of "the political life from societies, institutionalising existing political divisions between ethnic or national groups through undermining the need for public negotiation and compromise between domestic elites" (Chandler 2008, 529). Given the fact that policy making is externally driven and the domestic public debate is very much limited, political elites are typically more oriented towards the EU, rather than to the electorate when asserting their legitimacy (Chandler 2008).[12] Governments perceive voters and elected representatives

[12] This is what Chandler (2008) has noted as a feature of the CEE enlargement process – when EU integration was a goal strongly supported by the main political parties in power and opposition. However, in the case of the WB countries the situation has been a bit different, as the political context, in some of them, has been dominated by political actors whose declarative efforts for EU integration have not matched their actions. A representative example is Macedonia, which in the period of 2006–2016, during the rule of the governments led by the Internal Macedonian Revolutionary Organisation – Democratic Party for Macedonian National Unity (*Внатрешно Македонска Револуционерна Организација Демократска Партија за Македонско Национално Единство ВМРО ДПМНЕ,* VMRO-DPMNE), significantly distanced itself from its strategic goal – integration to the EU. In the last years of their rule, political representatives of the VMRO-DMPNE became overtly hostile to the international community (Marusic 2016). Nevertheless, state institutions (represented by people close to the party) did not stop co-operating or using the EU as a reference for legitimation of certain problematic policies. Namely, to address the criticism of human rights activists regarding the treatment of migrants (at the peak of the 2015 migrant crisis), President Gjorge Ivanov justified these actions by the goal of protecting EU's security; stressing that this was done despite the refusal of Greece to co-operate and the lack of concrete help by the EU (Libertas 2016). Before the deterioration of the relations between the EU and the largest political party in the government, similarly as in the CEE case, the EU was used as a positive reference for justifying highly

as an obstacle to reforms; therefore, by referring to the EU as an ideational or a legal reference, they aim to counter popular discontent and avoid justifying policy reforms domestically (*ibid.*). Although this is a pragmatic and successful strategy in a short run, in a long-term, however, it contributes to establishing a protectorate mentality (Knaus and Martin 2003).

It is therefore evident that the literature on Europeanisation explains the Europeanisation problems either by the problematic procedural practices at the EU level or by the unfavourable domestic conditions. It nevertheless rests on the assumption of the optimality of the EU *acquis* and its institutional models, without critically deliberating on their very content and degree of compatibility with the interests of candidate countries (Ellison 2006, 3). Thus, it is based on the assumption that the painful reforms ranging from the public administration and judicial reforms to the neoliberal economic reforms are positive, i.e. in the interest of candidate countries (Ellison 2006). However, the 'interests of candidate countries' are nowhere defined or conceptualised as a research variable. The reason for this, to a great extent, lays in the uncritical acceptance of the EU's requirements by candidate countries led by the idea of progress and democratic transformation inevitably to be brought about by the EU membership (Pridham 2007). Moreover, even when the literature is critical of the Europeanisation process for its lack of deeper transformation, it places the whole focus on rule adoption, the implementation process and the issue of unchanged behavioural patterns (Schimmelfennig 2001; Kelley 2004; Schimmelfennig and Sedelmeier 2005; Vachudova 2005; Noutcheva 2007; Pridham 2007). Thus, it stays completely silent on the very substance of the EU norms and policies, failing to reassess any deeply rooted ideological paradigms normalised as right, universal and neutral at both, the EU and national levels.

These problems are particularly evident in policy areas covered by the political pre-accession conditionality, whereby human and minority rights stand out as the most affected issues. The issue of minority protection was introduced to the EU framework within the process of "de-economisation" (Jovanovic 2012, 9) of the Union triggered by the Treaty of Maastricht, which opened the door to political integration beyond the original economic objective, i.e. the creation of a common market (Treaty of Maastricht on European Union 1992). Hence, the founding values of the EU have been set beyond the economic sphere, referring to liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law (Treaty

problematic measures (see below in this chapter the analysis of the problems deriving from the implementation of visa liberalisation conditionality).

of Amsterdam amending the Treaty on European Union 1997, Article 6 – ex Article F); and since the adoption of the Treaty of Lisbon include the rights of persons belonging to minorities as values on which the Union is founded (Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community 2007, Article 1a). In particular, the reference to human and minority rights has been extensively used as the main basis for shaping the political pre-accession conditionality applied to candidate countries.

The interest in minority protection did not occur in a vacuum. Instead, it was a result of the global political changes in the beginning of the 1990s. Namely, the fall of the Berlin wall and the collapse of communism in Eastern Europe raised many security concerns for the EU and led to a need for reinforcement of the Community's international position. In particular, the bloody dissolution of the former Yugoslavia provided a strong enough reason for an establishment of effective mechanisms for minority protection (Hughes and Sasse 2003). The EU became a more active player as a result of the events in the 1990s and due to its fear that the instability of its 'back yard' might spill over in its territory (Dokos 2017). Together with other international institutions, it addressed these primarily security concerns with the establishment of "a new multi-layered European regime for national minority protection, whose goal was to preserve peace and stability by enabling persons belonging to national minorities to preserve their distinct ethnic, linguistic, and religious identity" (Roter 2014, 6).

The initial 'breakthrough' of the EU as a relevant actor in the area of minority protection was made by two important steps of the Union in the beginning of the 1990s. Firstly, despite the lack of any legal reference in its *acquis* (even a vague one) it set minority protection as a criterion for state recognition of the countries emerging from the former Yugoslavia and the Soviet Union (Roter 2014, 6). Secondly, the EU made the prospect of EU membership conditional, among others, on minority protection (*ibid*.). At the Copenhagen Council in 1993, the Union thus established the minority protection requirement in the form of "respect for and protection of minorities" (European Council 1993, Section A) as a crucial part of the political conditionality for EU membership.

Despite the lack of a legal basis of the Copenhagen criteria in the EU *acquis* and the criticism that the substance of what exactly minority protection entails was not addressed and clarified beyond the general wording of the 1993 European Council conclusions (Roter 2014, 10), these criteria became the basis and the most used reference of the pre-accession strategy applied in the context of the CEE, and later the WB countries. Therefore, some authors (e.g.

Kochenov 2004, 1) have referred to the Copenhagen criteria as "quasi-legal". This qualification does not aim to sound pejoratively, but on the contrary, it actually aims to emphasise the importance of these criteria as equally relevant as the undisputed pre-accession requirements strongly underpinned in the *acquis*. Hence, with the adoption of the Copenhagen criteria (European Council 1993), the EU was bestowed with a leverage to advance and enhance minority protection within candidate countries, along with the respect for human rights, democracy and the rule of law.

Therefore, the fact that the EU, before the adoption of the Lisbon Treaty, had not had a clear legally defined mandate in the area of minority protection does not undermine the fact that the Union *de facto* presumed such a mandate, by undertaking an active role within the context of the CEE and the WB enlargements. Indeed, the EU has eventually imposed itself as an important international actor that has actively shaped policies in candidate countries in the area of minority protection (Hughes and Sasse 2003).[13] And although the lack of a clear legal basis raises founded concerns about the legitimacy of the pre-accession requirements and double standards (*ibid.*), this does not diminish the responsibility of the EU's actions in the area of minority rights. Moreover, the responsibility of the EU for potential problematic policy solutions installed by candidate countries cannot be lifted either by a reference to its motives, i.e. securing peace and stability, or by the fact that it has successfully (at least at the surface) managed to preserve stability in its back yard.

Irrespective of its motives, the EU pre-accession conditionality in the area of minority protection 'gains a life of its own' through the application of 'informal' conditionality (Hughes, Sasse and Gordon 2004), which is developed and operationalised in relation to the local context and specific problems in a candidate country (Knezović 2009). Its application often requires institutional, legislative and policy changes that directly affect the rights and status of individuals in candidate countries, i.e. persons belonging to minorities. As such, its

[13] The EU did not refer to any political criteria, *inter alia* minority rights, in the context of the accession of the European Free Trade Association (EFTA) countries to the EU. No democratic or market economy conditions were applied to the EFTA countries that acceded to the EU in the 1990s (Grabbe 1999), because they were considered to be fully-fledged democracies and market economies. By contrast, CEE countries were perceived as countries which struggled to establish themselves as consolidated democracies, while WB countries have been facing problems of the so-called first order democratisation referring to statehood issues (Pridham 2007). The problems in both cases were clearly related to human and minority rights. Hence, this difference in the EU approach can be interpreted through the prism of different local contexts, i.e. by the EU assessment of the local context as not fully democratically consolidated and thereby in need of applying the Copenhagen political criteria during the pre-accession process. So with a view to ensuring the fulfilment of the political criteria by CEE and WB countries, the EU 'justifiably' presumed a more active role in the area of "human rights and respect for and protection of minorities" (European Council 1993, Section A) (which in the previous enlargement were not considered to be issues of concern).

scope and practical application go beyond the security goals and motives of the Union (securing peace and stability).

However, this 'informal' conditionality is not set in a vacuum, but it is defined on the basis of co-operation and a strong synergy with other international actors with expertise and experience in this field, such as the Organisation for Security and Co-operation in Europe (OSCE) and above all the Council of Europe (CoE). They have provided the basis of the 'informal' conditionality designed by the EU, which has been imposed as one of the most crucial aspects for the fulfilment of the political criterion (Roter 2014). Therefore, many authors (e.g. De Witte 2004; Wiener and Schwellnus 2004; Toggenburg 2008; Henrard 2010; Galbreath and McEvoy 2012) have argued that this reliance on 'external' expertise has actually filled in the legal gap in the EU *acquis*. For instance, the Framework Convention for the Protection of National Minorities (FCNM), as the only legally binding international document dedicated specifically to minority rights, adopted by the CoE, has been widely used by the EU as the main reference point in the definition of the substance of the pre-accession conditionality and in the assessment of the progress candidates made (De Witte 2004; Toggenburg 2008). This means that for the purpose of assessment of progress, the EU (European Commission) has looked at opinions of the Advisory Committee, which monitors, together with the Committee of Ministers of the CoE, the implementation of the FCNM (De Witte 2004; Toggenburg 2008; Roter 2014).

Acknowledging the FCNM as the main standard on which the EU's external governance relies in the area of minority protection has been considered as a significant step, since the FCNM covers "a number of specific minority rights which cannot easily be reduced to the canonical list of general human rights" (De Witte 2000, 10). Some authors (e.g. Galbreath and McEvoy 2012, 85) have even gone a step further by arguing that such an internalisation of the FCNM standards within the EU accession procedures can be interpreted as a sign that the convention has become a part of the *acquis* (although for external use only).

Moreover, recommendations of the OSCE High Commissioner on National Minorities (HCNM) have also been used as a reference in the context of the pre-accession process (for instance in the case of the Baltic or WB states). This is important as the HCNM has given a wider understanding of the concept of minority protection in the context of the achievement of a sustainable and lasting peace (High Commissioner on National Minorities 2012). Hence, the achievement of this goal no longer assumes a simple recognition and accommodation of

minority cultures, identities, political interests and participation, but a fully-fledged approach to protecting the rights of persons belonging to national minorities implying measures for integration of diverse, multi-ethnic societies (*ibid.*). Thus, this close co-operation between the EU and other international institutions like the HCNM, i.e. the reliance of the EU on their recommendations, including those of the HCNM and the Advisory Committee, leaves a room for an even more ambitious agenda of the EU pre-accession strategy for addressing problems faced by persons belonging to minorities, beyond the traditional understanding of minority protection (revolving around identity and cultural questions).

Another issue, closely related to the problem of the lacking *acquis*, which additionally raises doubts about the impact of Europeanisation in this area is the problem of double standards, i.e. the internal *vs.* external EU approach to minority rights (Tsilevich 2001; De Witte 2004; Pospíšil 2006; Kochenov 2011). This problem has been summed up in only one sentence by De Witte (2000, 3), when he described minority protection as an "export product and not one for domestic consumption." However, some authors (e.g. Toggenburg 2008) have tried to justify this situation by the fact that under international law, the EU does not have a duty of reciprocity, which means that the Union and its member states do not have an obligation to fulfil the accession criteria applied to candidate countries (*ibid.*). Moreover, Henrard (2010) has tried to counter the criticism of double standards by arguing that although the EU does not impose minority specific requirements on member states, it still impacts minority protection within its member states through non-minority-specific policies and mainstreaming (of minority issues).

The European Court of Justice (ECJ), in its Opinion 2/13 (European Court of Justice 2014) on the draft agreement concerning a possible EU accession to the European Convention on Human Rights (ECHR), has also contributed to this debate by clearly drawing the lines of human and (indirectly) minority rights within the EU framework. The Opinion (*ibid.*, para. 172) states that the pursuit of the EU's objectives, set out in Article 3 of the TEU,[14] should be seen in the light of the fundamental provisions referring to the free movement of goods, services, capital and persons, citizenship of the Union, the area of freedom, security and justice, and competition policy. Also the Opinion explicitly points out that the process of integration is "the raison d'être of the EU itself" (*ibid.*), indicating that Article 3 of the TEU

[14] These objectives refer *inter alia* to respect of cultural and linguistic diversity (Consolidated Version of the Treaty on European Union and the Treaty on the functioning of the European Union 2016, Article 3).

should be perceived only through the prism of the achievement of EU integration as the ultimate goal of the Union.

This implies that the goal of the EU is not promotion of human and minority rights *per se* beyond the context of the fundamental freedoms and principles of the Union.[15] Thus, the ECJ as the key institution responsible to ensure common interpretation and application of the EU law by member states and EU institutions, has confirmed that internally (within the EU) problems of human (and indirectly minority) rights are relevant only in the context of the fundamental freedoms, the citizenship of the Union, the area of freedom, security and justice and competition policy.

However, this state of affairs internally does not undermine the fact that during the pre-accession process issues of human and minority rights have been set (at least declaratively) as goals *per se* – relevant for the achievement of the political Copenhagen criteria. This has been done for the purpose of the establishment of stable institutions "guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities" (European Council 1993, Section A). Thus, within the context of the pre-accession process, human and minority rights are actually set as the pillars of stable democratic institutions. Their weight as self-standing goals to be achieved is even symbolically presented in the structure of Progress Reports prepared by the European Commission. These Progress Reports deal with this issue in a separate chapter titled 'Human rights and protection of minorities'. As such, they are more than just an additional (secondary) aspect of the progress assessment within specific chapters of the *acquis* referring to the EU fundamental freedoms and policy areas under the EU primary law (e.g. the fundamental freedoms, the citizenship of the Union, the area of freedom, security and justice and competition policy).

Consequently, it can be established that there are actually two parallel processes of Europeanisation – one referring to member states and one to candidate countries. Differently

[15] In general, the ECJ judgment was not good news for the state of human rights within the EU framework (Peers 2014). It stipulates that member states are not allowed to set higher human rights standards in areas fully harmonised by the EU law and under its primary competence (European Court of Justice 2014). Namely, the ECJ stipulates that the EU accession to the ECHR should ensure that Article 53 of the ECHR does not authorise member states to have higher human rights standards than the EU Charter of Fundamental Rights, in areas where the EU has achieved harmonisation fully (*ibid.*). Although from the EU perspective the confirmation of the principle of primacy of EU law in areas fully harmonised by EU law appears legitimate, it has been considered highly problematic from the aspect of international human rights law which accepts (and thus indirectly encourages) the right of states to set higher human rights standards than those prescribed, i.e. codified by international treaties. Thus, Peers (2014) has criticised this situation of primacy of the EU law for cutting "into a central principle found in all human rights treaties".

from member states, in the case of candidate countries, human and minority rights are not subordinated to the economic policies or the goal of integration of the EU project, but they emerge as goals *per se* within the context of the political pre-accession conditionality. The pre-accession process is set as a pre-phase before these countries accede to the Union when they will be exempted from such a scrutiny. This situation implicitly relies on a dubious assumption that problems related to human and minority rights endanger stability of institutions and democracy only in countries which are not members of the Union. It also seems to promote a distorted image of the reality; namely, that once candidate countries accede to the EU these issues are automatically solved and as such, it is justifiable to approach them only in the perspective of further integration of the Union.

Although this situation raises concerns about the EU's legitimacy (Sasse 2004; Toggenburg 2008), it does not undermine the fact that minority protection has constituted a fundamental EU principle within the enlargement process (Hoffmeister 2004). Moreover, these shortcomings (the lack of a legal basis and the criticism of double standards) have not undermined the (general) positive assessment of the EU's impact in the area of minority protection as having been able to bring about substantial changes for the better in candidate countries (Tsilevich 2001; Hoffmeister 2004). Thus, assuming a great potential of the EU impact on candidate countries in the area of minority protection, scholars' criticism has been focused on the lack of political will of the EU to achieve even more given the desire of candidate countries to join the EU (Tsilevich 2001) or on the lack of substantive guidance, lack of benchmarks, inconsistency, *ad hocism* and the limited scope of a follow-up on implementation in the regular reports (Sasse 2004, 59).

However, in spite of the extensive scholarly interest in the EU approach to minority protection, what emerges as an overseen problem is the very research focus of the relevant literature. Namely, the 'rightness' of Europeanised policies in the area of minority protection has not been analysed at a more substantial level, i.e. beyond the rule transfer and implementation. This represents a problem, firstly, because success cannot be measured only in technical terms (simply as a rule transfer), not least due to the lack of rules within the EU; and secondly, because such an assessment would be ill-founded without looking at the actual impact Europeanisation has on policy recipients. The former (the lack of clear rules) urges a research focus on the very purpose of the EU pre-accession conditionality in the area of minority rights and its expected impact on societies. This implies a clear identification of the

very goal of the pre-accession conditionality in this area, i.e. the value(s) of the change the EU strives to achieve. The latter is important since Europeanisation in this field affects individuals directly and is, moreover, primarily designed with the view to improving their quality of life and accommodating their needs.

The lack of critical deliberation on the very substance of 'successfully' Europeanised institutions/policies in this field implies that they are considered to be the best answers to the challenges faced by candidate countries (the citizens and the society at large). This feeds optimism and 'universal recognition' of the EU transformative role in bringing peace and prosperity, in spite of remaining problems on the ground, which are usually ascribed to shortcomings of the implementation process.[16]

However, this is not a specific problem of the research on minority protection, but in general of the Europeanisation literature. With the exception of a strand of researchers relying on the critical theory analysis to explain negative impacts of Europeanisation on candidate countries in the economic sphere,[17] and a limited number of analyses (e.g., Watson 2000; Lendvai 2004; Hansen 2009) that have re-assessed 'successful' Europeanisation in other non-economic areas (such as asylum, social policy and gender policy), the relevant literature usually uncritically and axiomatically rests on the idea of optimality of the EU pre-accession requirements. The problem with this assumption is that it is ill-founded and does not always correspond to the situation on the ground, because even an impeccable rule transfer and

[16] Macedonia for instance, and its implementation of the Ohrid Framework Agreement (OFA), is considered to be a success story of the EU Common Foreign and Security Policy (CFSP) and enlargement conditionality (Bieber 2005; Atanasov 2006; Ilievski and Taleski 2009; Zuokui 2010); nevertheless the OFA has generated many new frustrations among ethnic communities in Macedonia (Vankovska 2008; Risteska 2011). The OFA has been criticised for accommodating only the requests of the Albanian ethnic community, at the expense of the other smaller ethnic communities; and for strengthening segregation between the two most numerous ethnic communities – the Macedonian and Albanian (Bieber 2005; Advisory Committee 2016). Another example is Latvia, which failed to address the problems of the stateless population (Advisory Committee 2008; 2013), despite positive EU's recognition of the legislative changes adopted under its pressure (Schimmelfennig, Engert and Knobel 2006, 195; Pridham 2007, 453).

[17] Relying on the critical theory analysis, some authors (e.g., Cox 1981; Bieler and Morton 2001; Bieler 2002; 2003; Özçelik 2005; Bohle 2006; Ellison 2006; Chandler 2007; 2008; McCarthy 2011) have problematised Europeanisation policy results at the ideological level, by challenging the very foundations, basic principles and values on which the Union is based. They have explained unjust policy solutions implemented by candidate countries as a result of the process of neoliberal restructuring and the interests of the transnational capital, which have been actively supported by the EU (Bieler 2002). The main focus has been placed on issues such as: reasons behind the EU's pursuit of a more radical version of neoliberalism than necessary in accession countries, which led to deterioration of their already disadvantaged socio-economic environment; the design of the Europe Agreements at the disadvantage of candidate countries; the lack of transnational solidarity; the negative influence of the Europeanisation process on social systems; and the discrepancy of social and economic rights in old and new member states (Lendvai 2004; Bohle 2006; Ellison 2006; McCarthy 2011). Although this strand of literature has managed to challenge the 'rightness' of EU norms and policies imposed on candidate countries, it has however failed to transcend this criticism beyond the economic sphere.

implementation (which are considered as the main indicators for successful Europeanisation) do not necessarily improve the situation for individuals and societies at large (Hansen 2009).

For example, implementation of the European asylum policy has empirically counter-argued the dominant idea that progress and more cosmopolitan, non-nationalistic setting automatically follow EU integration (Hansen 2009). The case of the Sweden is a representative example on how Europeanisation can distance a country from a more liberal immigration policy towards a more 'European', but also less liberal (*ibid.*, 24). The fact that Sweden had been more open towards asylum seekers in comparison to other European countries emerged as a problem during the Iraqi refugee crises (in 2006 and 2007). Its image of an 'asylum friendly country' was perceived as a disadvantage by the government, and convergence with the drastically lower EU standards in this area was found as a solution to this 'problem'. Consequently, Sweden 'tightened' its asylum policy in 2008, which resulted in a less liberal asylum policy that was justified with the need for a shared responsibility of the asylum burden by all EU member states (*ibid.*).[18] The results were immediately visible as the number of approved asylum applications decreased significantly (*ibid.*). Thus, the Swedish experience confirms the thesis that convergence with EU standards and common 'best' practices does not necessarily lead to a more cosmopolitan and humane environment.

Similarly, convergence with the EU migration policy has caused serious problems within candidate countries from the CEE and the WB. Namely, the visa-free regime was set in 2008[19] as an attractive intermediate incentive for the WB countries in return for their policies convergence with EU standards – a process, which eventually turned to be a direct cause for new forms of discrimination of the most marginalised groups within these countries. An indicative example in this regard is the Macedonian case of visa liberalisation.

[18] The very same pattern was observed in the case of Germany's asylum policy (Hansen 2009). As a response to Nazism, after World War II, Germany adopted a generous asylum policy (*ibid.*). Being faced with a massive influx of refugees in the 1990s, as a consequence of the Yugoslav crisis and the non-proportional answer of other EU member states to this problem, the German authorities decided to tighten the national asylum system. The image of Germany as the "asylum country of Europe" (*ibid.*, 24) was something the country wanted to get rid of, and the least painful and the most legitimate way to do this was offered by the process of EU convergence. Therefore, instead of taking the post-World War II German asylum system as a role model for EU convergence, the Europeanisation process of the asylum policy was conducted on the basis of a rigid model criticised as a "violation of the memory of the stateless in Europe's refugee catastrophe of the 1930s and 1940s" (*ibid.*, 25).

[19] In 2007, the General Affairs and External Relations Council gave a clear perspective of visa free travel to the WB countries and instigated the Commission to take the issue forward in concrete terms (Council of the European Union 2007). The following year, a dialogue with the WB countries was opened on the basis of the so-called 'Roadmaps', i.e. a clear set of requirements developed by the Commission. Eventually, in 2009, this process was successfully concluded with three countries – Macedonia, Montenegro and Serbia (Council of the European Union 2009).

Macedonia has been considered a leading reformer among those who got a visa free regime in 2009 (European Stability Initiative 2009). As one of the key requirements within the visa liberalisation process, Macedonia adopted a new law on travel documents embedding the EU standards. Although the legislative framework was praised by the EU (Commission of the European Communities 2009), the law was later challenged as unconstitutional before the Constitutional Court of Macedonia (European Roma Rights Centre 2014a). The law was criticised by non-governmental organisations and human rights defenders for granting excessive, arbitrary powers to the border police and for its problematic procedure of passport revocation leaving ample space for human rights violations and discrimination (*ibid.*). The initiative before the Constitutional Court, lodged by the European Roma Rights Centre (2014a), was provoked by a significant number of individuals belonging to the Roma community who could not exercise their right to free travel due to discriminatory treatment by the border police (Advisory Committee on the Framework Convention for the Protection of National Minorities 2016, paras. 4 and 27).[20]

This situation coincided with the EU's threats to reimpose the visa regime on Macedonia and Serbia, following a flow of 'illegitimate economic asylum seekers' from these two countries (Vankovska 2014). In 2011, after several EU member states alarmed the public that there was a significant increase of asylum seekers from Macedonia and Serbia (mainly Roma and ethnic Albanians), the EU answered with the adoption of a post-visa liberalisation monitoring and suspension mechanism (*ibid.*). This mechanism foresaw a possibility of a temporary revocation of the visa-free regime in case of extraordinary circumstances (which were defined very vaguely). The Commission undertook additional measures to improve the situation on the ground by organising high-level visits with representatives from the most concerned member states, e.g. from Belgium (Jovanovska 2010), and applied stricter monitoring of asylum trends from these countries (Council of the European Union 2011). Moreover, the Commission explicitly instructed the 'problematic' countries to undertake concrete steps to

[20] In the period of 2011–2013, the official statistics registered a great number of racially motivated discrimination acts by the border police towards this group (European Roma Rights Centre 2014b). For example, only passengers belonging to the Roma community were asked to provide evidence of their purpose of travel. According to official statistics, there were 74 cases of passengers prevented from exiting the country and 24 cases of passport revocation; all of these cases referred to individuals belonging to the Roma community (*ibid.*). The actual number is higher if statistics of unregistered cases of discrimination are taken into consideration: based on NGO reports, 50 additional acts of discrimination were noted in this period (*ibid.*). That the problem was not incidental, but a systemic, shows the fact that 60 % of the Roma prevented to cross the border were told that the border police was acting on the basis of an official instruction, while 30 % of them were explicitly told that they could not leave the country due to their ethnicity (*ibid.*).

address the problem, i.e. information campaigns, stricter controls (in particular of tourist agencies) and stricter border controls (*ibid.*).

This turn of events seems to have put strong pressure on the Macedonian government to deal with the problem, fearing that it may lose the only tangible EU benefit in a context of the diminished prospect of membership due to the name dispute with Greece (European Stability Initiative 2017). Accordingly, following the EU instructions, the border police was requested to improve passenger control, by checking and deciding (arbitrarily) on who is a 'legitimate' traveller (Council of the European Union 2011). In the end, these EU 'neutral' instructions for stricter border controls disproportionally affected ethnic groups and persons belonging to them who were already perceived as a 'high risk' by the border authorities.

The discriminatory behaviour and practice by the border police were later officially confirmed in the first judgment on discrimination in the history of the Macedonian judicial system (Macedonian Young Lawyers Association 2014). The court recognised a breach of the principle of equal treatment and the right to exit the country freely for certain categories of citizens, under an alleged suspicion of being potential asylum seekers (*ibid*.). Unfortunately, the court's decision did not have any effect and this illegal practice of the border police continued (Muratov 2014), while the EU stayed completely silent on grievances faced by these people (European Commission 2012, 2013; 2014). A similar situation was previously noted in the framework of the CEE enlargement, in the case of Slovakia,[21] which seems to indicate that this is not an isolated case but a systemic flaw, which perpetuates this pattern of behaviour.

[21] In the late 1990s, due to the unbearable living conditions and the systemic discrimination, hundreds of Roma fled from Slovakia and applied for asylum in some of the countries in the Schengen Area. A reaction immediately followed, as in 1999, Finland, Denmark and Norway imposed visa requirements for Slovak citizens (Karanja 2008, 367). This generated great societal discontent directed towards the Roma community perceived as the main culprit. As a result, this group faced additional discrimination by the border police under a disguise of stricter lawful border controls (Vaseˇcka and Vaseˇcka 2003). This was the Slovak institutional answer to the EU condition that Slovakia solves the problem, in return for lifting the visa requirments imposed by these countries. Similarly, as in the Macedonian case, the solution implied prevention of 'illegitimate' travellers from crossing Slovakia's border. The EU's pressure for a solution thus stimulated a practice of bias and arbitrary decisions by the border police, directly in breach of the internationally established right to exit the country of living (International Covenant on Civil and Political Rights 1966, Article 12). Beside stricter border controls requested from the Slovakian authorities, the EU member states resorted to additional discriminatory measures. Namely, the UK adopted explicitly discriminatory acts stipulating more stringent border checks for persons belonging to certain ethnic groups, explicitly mentioning the Roma community; while Belgium deported a Roma to Slovakia despite a decision by the European Court of Human Rights (ECtHR) preventing the deportation (Parliamentary Assembly 2002, 174).

Thus, these as well as other examples of regression in other policy areas (e.g. social policy[22] and gender equality[23]), also confirm that convergence with a system, which is inherently discriminatory, leads to regression and negative results on the ground. The problem, however, is that the dominant research framework of Europeanisation overlooks such issues relating to EU structural problems and its ideological bias, for it is too preoccupied with questions such as: "Why do actors engage in policy transfer? Who are the key actors involved in the policy transfer process? What is transferred? From where are lessons drawn? What are the different degrees of transfer? What restricts or facilitates the policy transfer process?" and "How is the process of policy transfer related to policy 'success' or policy 'failure'?" (Dolowitz and Marsh 2000, 8).

Although the last question refers to the results of a rule transfer and has a potential to cover problems such as those discussed above, it is often approached very narrowly. Namely, 'success' is usually understood in terms of: a compatibility of policy transfer results with

[22] Although the CEE candidate countries noted an impeccable record in terms of rule transfer and implementation, the new social institutional infrastructure did not contribute to a better welfare system (Lendvai 2004). The newly Europeanised institutional set-up did not empower social partners in the CEE countries, and they continued to be marginalised within the process of policy-making despite the positive progress noted by the EU and the successful closure of the chapter on social policy (*ibid.*, 325). This was ascribed to the systemic inconsistency of the EU's social and economic agendas; the former striving for a high social standard and quality of life, while the latter pursuing competitiveness and deregulation (*ibid.*, 326). Thus, social policy was seen as an inevitable sacrifice in the new political and economic context, where efficiency and price stability were set as key priorities, with privatisation, liberalisation and deregulation as the main foundations of the economic strategy (Bieler and Morton 2001). In such a context where economic goals are prioritised over social ones, deterioration of social security became the inevitable trade-off.

[23] The EU gender policy has been criticised as a rather empty framework that does not have the capacity to address the systemic flaw that feed gender inequality (Watson 2000). When analysing the reluctance of the CEE countries to embrace the EU gender policy, Watson (*ibid.*) argues that the reason for this reluctance has been the general perception that problems faced by women are not a result of a particular anti-women policy, but an outcome of the overall neoliberal restructuring leading to cuts of social benefits and rights guaranteed by the previous socialist systems (*ibid.*, 372). Although socialism did not eradicate gender inequality and problems such as gender division at home and at work, unequal pay and occupational segregation remained (Pascall and Kwak 2010), women did not feel economically or politically excluded. In socialist times, they participated in the labour market with almost equal economic activity rates to those of men (Watson 2000, 372). This achievement was not a result of a specific gender policy, but an "unintended consequence of other features of state socialism" (*ibid.*, 371). Not only was gender equality merely a norm enshrined in the socialist constitutions, the family and labour codes, but it was also actively supported by extensive non-profitable institutional infrastructure of social services – child-care facilities, nurseries, kindergartens, after-school clubs etc. (*ibid.*, 372). Furthermore, during socialist times women were better represented in the political sphere, including in parliaments; however, this was not the case in the executive – the Politburo, where the actual power and decision making were concentrated (*ibid.*). Interestingly, after the fall of communism and after independence, the process of democratisation negatively affected the share of women in parliaments. Once parliaments got more power within the new liberal-democratic system, the number of women dramatically decreased (*ibid.*, 375). The same trend was observed in the economic sphere. Transformation of the CEE countries and the convergence with the West presumed increased unemployment, social inequalities and the abolishment of social benefits, which directly and disproportionally affected women. The negative trend of women's economic activity was to a great extent ascribed to the neo-liberal reforms that tightened social systems (*ibid.*, 378). Thus, the transition of the CEE countries had a negative impact on women's emancipation leading to a retraditionalisation of the role of women and re-masculinisation of the gender order (Křížková, Nagy and Kanjuo Mrčela 2010).

government's goals or with the perceptions of key actors involved in that policy area (*ibid.*, 17); a correspondence between EU conditionality and domestic demands (Milanese 2001); the level of institutionalisation of the EU requirements and standards (Radaelli 2003); or, at best, successful genuine Europeanisation is equated with proper implementation of the rules transferred (Kelley 2004; Schimmelfennig and Sedelmeier 2005; Noutcheva 2006).

By approaching 'success' as a level of convergence, in terms of a rule adoption and implementation, the effects of the process on the quality of life of the final beneficiaries are completely left aside. The obsession of the Europeanisation literature with the level of harmonisation, as a crucial indicator for successful Europeanisation, appears to be responsible for overlooking that even impeccable rule transfer and behavioural change do not necessarily bring improvement and benefits for individual beneficiaries and the society at large. Therefore, not only does science overlook the systemic failures of the Europeanisation process, but – due to its limited research focus – it also indirectly gives legitimacy to highly problematic policies and institutions. A question, therefore, appears as to how to conceptualise and analyse Europeanisation so that the present gap and alienation of the theory from the situation on the ground can be successfully bridged.

This is an important question also from the perspective of the recent developments of the EU's external relations as set in the Global Strategy for the European Union's Foreign and Security Policy (Shared Vision, Common Action: A Stronger Europe A Global Strategy for the European Union's Foreign And Security Policy 2016), which promotes a new concept of 'resilience' as an answer to the contemporary global challenges. Resilience is "a broader concept, encompassing all individuals and the whole of society" (*ibid.*, 24), implying empowerment of citizens and societies as the main instrument to counter the negative influences which might endanger global peace. Therefore, for the achievement of this goal, the Strategy does not only refer to issues traditionally linked to peace-building, i.e. military capabilities and antiterrorism, but it also explicitly sets its focus on problems such as job opportunities, inclusive societies and human rights (*ibid*., 4).

Specifically, in the context of the EU enlargement policy, the Strategy (*ibid*., 24) reaffirms the need for a credible accession prospect and a strict and fair conditionality. In addition to credible membership prospect, this document recognises the need for a comprehensive approach building on different paths of resilience "targeting the most acute cases of governmental, economic, societal and climate/energy fragility" (*ibid.*, 9). More importantly,

the Union puts a visible improvement of citizens' wellbeing (*ibid.*, 25) at the centre of this concept. This shift of the EU's interest to the wellbeing of its citizens, urges a redefinition of the understanding of what exactly successful Europeanisation means. The concept of resilience seems to suggest a direction towards giving more weight to the perspective of individuals. This aspect becomes relevant not only in the context of defining the priorities of the pre-accession conditionality when targeting the 'most acute' policy areas, but also in the context of the assessment of the EU's impact on citizens' wellbeing.

Thus, with the reference to the 'visible improvement of citizen's wellbeing' as an expected result of EU's actions, the idea of successful Europeanisation gets a whole new dimension, well beyond a mere rule transfer and harmonisation. This also urges a redefinition of the research focus in the Europeanisation literature to encompass the aspect of policy recipients. Not only is such a shift needed for future research, but it is also warranted in the analysis of previous enlargement experiences as it could reveal many new issues and shortcomings overseen by the present research framework. Such an approach promises a practical additional value by providing a scientific basis for a better operationalisation of the EU's concept of resilience with a view to achieving its ambitious objectives.

Therefore, the goal of the present Ph.D. thesis is to provide a more comprehensive understanding of the process of Europeanisation, which is capable of better grasping the reality on the ground (i.e. the changes that have occurred in the context, if not directly as a result, of the Europeanisation process). To escape the pitfall of the current literature on Europeanisation and its exclusive focus on rule adoption and implementation, the Ph.D. thesis will proceed from the assumption that successful Europeanisation refers to a policy outcome, which derives from an EU induced reform and represents a substantial improvement of the state of affairs of the policy recipients/final beneficiaries, i.e. individuals in the candidate countries and society at large.

To achieve this, the research interest of the Ph.D. thesis is limited to the area of minority protection (minority rights). This is chosen both because of the above-discussed lack of a more critical analysis (beyond rule transfer and implementation) in the area of minority rights and because Europeanisation in this area assumes that accommodation of the preferences and needs of the final beneficiaries, i.e. persons belonging to national minorities, is at the core of the pre-accession conditionality. This seems to provide a context that is (and should be) free of any other considerations but the wellbeing of the final beneficiaries/policy recipients. Thus,

it is easier to register other (e.g., economic or security) considerations by the EU, which compromise the goal of the pre-accession conditionality and the EU's assessment of the final policy outcome. By implication, in other policy areas, where the position of the final beneficiaries is not clearly linked to the core goal of the EU accession criteria, it would be harder to prove the existence of other EU considerations (e.g. economic or security) as such an attempt could face counter-arguments that those considerations are also legitimate concerns of the Union.

Therefore, the aim of the Ph.D. thesis is to identify factors that lead to fully-fledged reforms in the area of minority rights, which substantially address the problems on the ground and significantly improve the quality of life of the final beneficiaries. For this purpose, the Ph.D. thesis will introduce the concept of deep Europeanisation, defined as accommodation of both, the EU 'higher' goal and the needs of policy recipients/final beneficiaries.[24] According to this concept, the 'higher' goal refers to the very purpose of a particular scope of EU pre-accession conditionality and its expected impact on society; i.e. the values internalised by candidate countries. The 'higher' goal is not necessarily explicitly stated in EU legal documents and it therefore needs to be clearly identified. In the area of minority protection (minority rights), the goal is non-discrimination and substantive equality.[25] Moreover, for a reform to be considered a success it needs not only to embed the 'higher' goal, but also qualitatively to improve the state of affairs of the final beneficiaries in comparison to the pre-reform period. Further, such a reform must not cause new problems that were not present in the pre-reform period.

1.2 Research question and hypothesis

Based on the above discussion, the Ph.D. thesis seeks answers to the following question: Does the EU's external governance, during the pre-accession process, have the capacity to initiate and support such reforms that could address and resolve problems of discrimination and inequality of persons belonging to minorities in candidate countries (i.e. reforms that would lead to deep Europeanisation)?

[24] See chapter 2.
[25] More about the 'higher' goal of the EU pre-accession conditionality on minority protection in sections 2.3 and 2.4.

Departing from this research question, the following hypothesis will guide this research:

Hypothesis: Deep Europeanisation in the area of minority protection is a result of a successful socialisation of the political and societal actors in a candidate country. Such successful socialisation occurs when an issue-area (minority protection) is addressed based on a commonly shared idea of a policy solution that accommodates both, the needs of the final beneficiaries (persons belonging to minorities) and the 'higher' EU goal in the area of minority protection (non-discrimination and substantive equality). The key factors at the domestic level that enable successful socialisation and thus lead to deep Europeanisation are: 1) a political culture conducive to consensus building and 2) the presence of agents of change – norm entrepreneurs who use moral arguments and strategic constructions (that embed the perspective of the final beneficiaries) to redefine political and societal actors' interests and identities. The key factor at the EU level that leads to deep Europeanisation is an EU's approach relying on a clearly defined goal, uncompromised by other considerations (e.g. economic, security), which substantially includes the perspective of the final beneficiaries (persons belonging to minorities) in the definition of the pre-accession conditionality on minority protection and in the assessment of the policy outcome.

1.3 Methodology

To answer the research question and to prove the hypothesis, the Ph.D. thesis relies on the case study research design developed by Yin (2003). According to Yin (2003, 13), a case study is the most appropriate research design when a researcher wants to cover contextual conditions assumed to be pertinent to the phenomenon of study. A case study is used for investigation of a contemporary phenomenon within its real-life context when the boundaries between the phenomenon and context are not clearly evident (*ibid.*). The case study design is used when a researcher has a little or no control over a contemporary set of events and is interested in answering 'how' and 'why' some events occur. This implies that she/he cannot have a full pre-understanding of the contextual features that shape the phenomena under research; therefore, with the help of a case study research design and on the basis of a variety of evidence (e.g. documents, artefacts, interviews and observations) tries to map those contextual features that have a significant impact on the subject of research. This is relevant

for the Ph.D. thesis, which assumes that the impact of the wider context (at both international and national level) is crucial for the design of final policy outcome and therefore, endeavours to reveal the contextual factors that stimulate/prevent deep Europeanisation.

For this purpose, the Ph.D. thesis is designed as a two-case case study. Yin (*ibid.*, 53) argues that a two-case case study is a more reliable option than a single case, as it significantly increases the generalisability of the findings in comparison to a single case study. By taking two 'successful' Europeanisation stories from both the CEE and the WB enlargements, the aim of the Ph.D. thesis is not only to register which factors replicate in both cases; but, additionally, to analyse whether and how different contextual features of each case study impact the process.[26]

1.3.1 Selection of the case studies

The two case studies analysed in the Ph.D. thesis are Latvia's citizenship policy and the policy of equitable representation of ethnic communities in the public sector in Macedonia. Both policies were approached by the EU as minority rights issues and represented the key political conditions for further European integration of the countries. Moreover, both policies targeted a significant share of the minority population (but also a significant share of the overall population). This presupposes a strong interest by the EU to address appropriately minority issues in both cases; and thus, it provides a more suitable context for analysing the impact of the EU's approach as it is expected that the effects are more visible than in other countries where the issue of minority rights was not a top priority of the political conditionality.

Also, both policies were EU-induced reforms aimed to address a significant 'misfit' between the EU requirements and the previous state of affairs. It is important to stress this as Europeanisation not only implies a 'misfit' between the EU requirements and a particular situation but it also assumes that in the absence of the EU's pressure, compliance would not

[26] Contextual differences between the CEE and WB enlargements are found at both, the EU and the national levels. The most evident difference, at the EU level, is the lack of a clear and certain membership prospect for the WB countries as it was given to the CEE countries (Anastasakis 2008; Elbasani 2008; Papadimitriou and Gateva 2009; Bechev 2012). With regard to the differences at the national level, the main difference is that the WB countries are facing problems of statehood and first order democratisation, in comparison to the CEE countries where the main issue of concern was their democratic consolidation (Pridham 2007). Thus, the conditionality for the WB encompasses additional elements that aim to address specific problems of post-conflict environment, which has turned the EU conditionality into a "multi-dimensional and multi-purpose instrument geared towards reconciliation, reconstruction and reform" (Zuokui 2010, 82).

occur. Therefore, for the selection of the case studies it was crucial that a significant 'misfit' existed between the situation on the ground and the EU pre-accession requirements: in the case of Latvia, it was the rigid citizenship policy *vis-à-vis* the EU requirement for liberalisation of the law and better integration of Latvian society;[27] whereas in the case of Macedonia, it was the underrepresentation of minorities in the public sphere *vis-à-vis* the EU requirement for eradication of structural discrimination of persons belonging to minorities in the employment in the public sector. In the absence of the EU pre-accession conditionality, neither Latvia would have liberalised its citizenship policy, nor would Macedonia have installed a policy on equitable representation.

Eventually, there was an official recognition by the EU that a successful rule adoption has taken place, as the EU awarded both countries for the 'success' of the reforms (Latvia with opening the accession negotiations in 1999 and, later, accession to the EU; while Macedonia with a candidate status in 2005 and, later, with a recommendation for opening accession negotiations). All of this presupposes that the policy solutions installed by the respective countries fulfilled the standards and expectations of the EU.

Hence, the two cases are relevant to be re-assessed in terms of a 'deep Europeanisation,' by looking at the actual impact of the policy outcomes on the policy recipients and by assessing their compatibility with (and fulfilment of) the 'higher' goal of the EU pre-accession conditionality. The critical re-assessment of the Europeanisation results in these two case studies should enable identification of the roots and causes of formally successful Europeanisation, which fails to address the problems on the ground substantially. By referring to both – the EU-related and domestic factors in the context of these two case studies, the Ph.D. thesis seeks to identify the main factors that enabled/prevented the instalment of optimal and sustainable policy solutions during the pre-accession process, when the process of Europeanisation is strongest.

[27] Although the area of citizenship falls under the exclusive competence of states with the exception of a few limitations set by international law (Pilgram 2011), this does not undermine the relevance of the Latvian case study within this analysis. The research focus of the Ph.D. thesis is not placed on the citizenship law *per se*, but on its political and societal impact on non-citizens and the Latvian society. The status of non-citizens has emerged as a direct result of the citizenship policy and as such has had significant implications on the human and minority rights of these people. Moreover, the unequal treatment of non-citizens has been recognised by the EU (Commission of the European Communities 1997) as the main problem, which together with the slow naturalisation pace, had to be addressed by the political conditionality. Therefore, the wider impact of the citizenship policy is very much related to the problems of discrimination and inequality of non-citizens, which fall within the scope of the EU political conditionality and thus make the Latvian case relevant for this thesis.

1.3.2 Components of the case study design

According to Yin (2003, 21), a case study research design has five components: the research question,[28] its propositions, its units of analysis, the logic linking the data to the propositions and the criteria for interpreting the findings. Case study propositions direct attention to what is examined within the scope of the case studies. Precisely, the propositions reflect the theoretical basis of the research and direct the researcher where to look for evidence. In this context, the Ph.D. thesis relies on the proposition that deep Europeanisation results from a socialisation process that accommodates both, the needs of persons belonging to minorities (as the final beneficiaries) and the 'higher' EU goal.

Unit of analysis defines "what the case is" (Yin 2003, 22). Hence, the unit of analysis of the first case study is the impact of Latvia's citizenship policy; while the unit of analysis of the second case study is the equitable representation policy in Macedonia.

The last components, referring to the logic linking the data to the propositions and the criteria for interpreting the findings, have been the least developed components in this research model (Yin 2003, 26). Therefore, Yin (*ibid.*, 109) argues, it is crucial setting an analytical strategy that would ensure the data gathered is logically and clearly linked to the other three components (the research question, the prepositions and the units of analysis). The analytical strategy actually provides the theoretical basis of the propositions.

The analytical strategy of the Ph.D. thesis departs from both assumptions of the rationalist and social constructivist models of Europeanisation (Börzel and Risse 2003). Thus, it acknowledges the rationalist perspective as relevant, in terms that a candidate country primarily relies on a cost-benefit analysis when considering a change of its policies or institutional structure (especially when they are not disputed by the majority and the political elite). Here, the Ph.D. thesis accepts that the crucial conditions for a candidate to initially agree to change are: a credible membership prospect, clear conditionality and low adoption costs (Schimmelfennig and Sedelmeier 2005b, 211). However, the analytical strategy embraces this perspective to the extent that it explains a candidate's decision to reform, while at the same time is aware of its limitations to explain the quality and sustainability of the policy outcome from the reform. Since the Ph.D. thesis is primarily interested in the latter (i.e.

[28] See section 1.2.

the quality of a Europeanisation policy outcome), the analytical strategy refers to the social constructivist understanding of Europeanisation (Börzel and Risse 2003, 65–69).

According to Börzel and Risse (*ibid.*, 68), a sustainable change assumes a deliberative process of argumentation and persuasion and thus a political culture conducive to consensus building. The key role in this process have agents of change – norm entrepreneurs who use moral arguments and strategic constructions to redefine political and societal actors' interests and identities (*ibid.*, 67). In the context of socialisation and moral argumentation, the analytical strategy broadens the constructivist perspective by a reference to the theory of communicative action (Habermas 1994). The latter adds the assumption that a redefinition of political and societal interests and identities will not bring about a positive change unless the perspective of the final beneficiaries is included in the debate and reflected in the policy outcome.

By this, the Ph.D. thesis actually redefines the understanding of socialisation. It refutes the idea of successful socialisation defined exclusively as a top-down influence on candidate countries. It rather sees socialisation as a deliberative process, which encourages interaction and simultaneous influence between the EU pre-accession strategy and the local needs. As such, not only does the EU shape identities and interests in candidate countries, but at the same time the EU pre-accession strategy is informed and shaped by the local needs, in particular by the interests and needs of those who are the most affected by the change.

1.3.3 Methods of data analysis

The Ph.D. thesis relies on the following methods of data analysis: a qualitative analysis of primary and secondary sources, a political discourse analysis and qualitative interviews.

Qualitative analysis of primary and secondary sources (national legal acts, reports, statistical data, etc.) is used for the analysis of the context and the wider impact of the policies analysed in the two case studies. Moreover, the qualitative analysis of legally binding and non-binding documents, as well as reports and official communication of the EU (and other relevant international actors included in the process) is used with the purpose to: 1) identify the goal of the pre-accession conditionality and the extent to which it has reflected the 'higher' goal of the EU in the area of minority rights; and 2) analyse whether and to what extent the perspective of the final beneficiaries was included in the design of the pre-accession

conditionality and acknowledged in the assessment of the progress of the implementation of the two policies in both countries under examination.

In the case study of the Latvia's citizenship policy, the qualitative analysis includes official documents and communication of HCNM, the CoE and the EU. The analysis is not confined only to EU documents, as the policy outcome was a result of the synergy of all these international actors. In the case of Macedonia, the qualitative analysis is limited to the EU related documents and reports because the EU was the main international actor providing policy guidance, technical and financial assistance for the implementation of the equitable representation policy.

In addition, to assess the level of socialisation and the change of perceptions of political actors, the Ph.D. thesis relies on a political discourse analysis (A. van Dijk 1997). Political discourse analysis implies a critical observation and analysis of political messages conveyed by political actors within a given context. As A. van Dijk (*ibid.*, 15) argues, political discourse is always defined contextually, by special events or practices of which the aims, goals or functions are primarily political. This means that a study of a political discourse cannot be limited to the structural properties of text or talk *per se*, but it needs to include a systematic account of the context and its relations to the discourse. Account of both, the political text and the context, in the analysis gives a more solid understanding of the actual political aims and goals of political actors. Although the main focus of political discourse analysis is placed on political actors, it can include various recipients in political communicative events, such as the public, the people, citizens, the 'masses' and other groups or categories (*ibid.*, 13).[29]

In the case study of Latvia's citizenship policy, the political discourse analysis is limited to the parliamentary political actors that dominated the political scene in the period between the establishment of the 'legitimate' fifth *Saeima* (after the first democratic parliamentary elections) untill the accession of Latvia to the EU. Hence, the political discourse analysis has been conducted on the basis of transcripts of parliamentary plenary sessions, for the period of 1993–2004. The selection of the parliamentary debates has been conducted with the help of the Latvian Parliament's web-search engine and on the basis of the following key words:

[29] However, A. van Dijk (1997, 26) confines the participants of a political discourse to public actors: politicians, political institutions and organisations on the one hand, and other elite organisations and actors, on the other hand, such as business corporations, unions, NGOs, professional organisations, as well as their leaders. This means that individual persons who are neither politicians nor powerful or influential figures are not relevant for the political discourse analysis.

'citizenship law' and 'non-citizens'.[30] This means that the political discourse analysis is not limited to the parliamentary sessions when the citizenship law was discussed and adopted, but it covers other related parliamentary discussions where the citizenship issue 'popped out' as a relevant issue. This gives an insight into the wider context of the impact of the citizenship policy, as well as a wider time-span for mapping and assessing the change of the attitudes of political actors (until the accession of Latvia to the EU).

In the second case study, i.e. the policy of equitable representation of communities in the public sector in Macedonia, the political discourse analysis has been conducted on the basis of both parliamentary transcripts and media reports. Due to the limited information provided by the parliamentary transcripts (referring only to the period of adoption of the legislative framework of the equitable representation policy) the political discourse analysis has been supplemented by printed/online media coverage of the topic.[31] The selection of the parliamentary debates has been conducted on the basis of the key word 'equitable representation' with the help of the Macedonian Parliament's web engine. In addition, the selection of the written media reports and articles has been done with the help of the Macedonian search engine www.najdi.org.mk,[32] on the basis of the same key word: 'equitable representation'. The extension of the political discourse analysis beyond political documents (parliamentary transcripts) to media reporting gives an insight into the perceptions (and their change) of both political and societal actors.

In addition, the findings of the political discourse analysis in both case studies are complemented by qualitative interviews (Edwards and Holland 2013) conducted with political and societal actors (representatives from political parties, state institutions, civil society representatives and experts), who were either directly involved in the adoption and implementation of the policies or were closely following/studying those processes. The aim of the interviews is not only to provide information about the socialisation effects, but also an understanding of the quality of the policy outcome from the perspective of the final beneficiaries and the actual situation on the ground.

[30] More about the process of selection and data collection see section 3.1.
[31] For more see section 4.1.
[32] It was a search engine indexing web-sites of Macedonian media, which was in function until 2012. The process of data gathering took place in 2011, when the search engine was still in function.

For the case study of Latvia's citizenship policy ten qualitative interviews were conducted on the basis of a structured open-ended questionnaire.[33] The format of the interviews was very much conditioned by the setting in which they very conducted (*ibid.*, 43). As the interviews were conducted online (nine of them via-email and one via Skype), a structured open-ended questionnaire was the most appropriate format. This, on the one hand, provided a clear framework for the answers while, on the other hand, it left space for more descriptive and well thought out replies to the questions.

In the context of the second case study, i.e. the policy of equitable representation in the public sector in Macedonia, the Ph.D. thesis relies on 15 semi-structured interviews.[34] The format was again to a great extent conditioned by the setting, i.e. by the fact that they were conducted as face-to-face interviews. Nevertheless, the interviews followed a certain structure, which ensured that the data gathered mapped the perceptions about both, the quality of the policy outcome and the role of the EU in the process.[35]

1.3.4 Time-span of the research

The Ph.D. thesis is focused on the pre-accession process as a period when the effects of Europeanisation are recognised to be the strongest (Grabbe 2001; 2002). As the research aims to analyse the reasons for problematic Europeanisation results in a context of a favourable EU enlargement environment, the time-span of this analysis is limited to the period of presence of the basic conditions for successful Europeanisation – a prospect of membership linked to a clear set of conditionality (Schimmelfennig 2005).

The analysis of Latvia's citizenship policy covers the period from 1993, when the first legal proposals of the citizenship policy were discussed, to 2004, when Latvia acceded to the EU. Although the EU got involved later (in 1997), it built its approach on the work of the HCNM

[33] Five interviews were conducted with representatives of the civil society; two interviews with political parties' representatives; one interview with a political journalist; one interview with the former deputy head of the OSCE mission in Latvia and one with deputy head of the Office of Citizenship and Migration Affairs. More about the selection of the interviewees and the structure of the interviews see in section 3.1.

[34] Four interviews were conducted with political parties' representatives; five interviews with university professors; three interviews with civil society representatives; two interviews with representatives of state institutions (the Secretariat for Implementation of the Ohrid Framework Agreement (SIOFA) and the Ombudsperson); and one interview with a representative of the EU Delegation in Skopje. The last interview, however, is analysed in the context of the EU's role in the process of implementation of the policy on equitable representation.

[35] More about the structure of the interviews see in section 4.1.

and the CoE, which were included in the process from the very beginning. Since the citizenship policy was a result of the synergy of all these international actors, the whole period from 1993 to 2004 is taken into consideration.

The analysis of the policy of equitable representation in the public sector in Macedonia is limited to the period of 2001–2011; namely, from the year when the SAA was signed (Secretariat for European Affairs 2017), to the year when the basic conditions for successful Europeanisation were no longer present.[36]

1.4 The structure of the Ph.D. thesis

The Ph.D. thesis is composed of five chapters. In the following chapter two, I endeavour to set up an alternative approach, capable of a more comprehensive analysis of Europeanisation, by introducing the concept of deep Europeanisation. Initially, in section 2.1, I give a brief overview of the structure of the chapter. This is followed by section 2.2, where I discuss the present theoretical framework of Europeanisation: in sub-section 2.2.1, I refer to the theoretical framework developed by Börzel and Risse (2000); in subsection 2.2.2, I discuss the 'upgraded' theoretical framework of Europeanisation by Schimmelfennig and Sedelmeier (2005), which has been widely used for the analysis of EU induced change in candidate countries; and in sub-section 2.2.3, I critically deliberate on the problems and shortcomings of the concept of Europeanisation by analysing Radaelli's (2003, 30) definition of Europeanisation.

In section 2.3, I discuss minority protection within the EU framework with the aim to identify the 'higher' goal of the EU pre-accession conditionality in the area of minority protection. In addition, in section 2.4, I refer to the EU understanding of equality, which has been identified as one of the elements of the 'higher' goal of the EU pre-accession conditionality in the area of minority protection. To address the absence of the perspective of the final beneficiaries/policy recipients within the prevailing theoretical framework of Europeanisation,

[36] The prospect of membership was undermined in 2009, with the first Greek veto on the start of the accession negotiations (European Stability Initiative 2017). However, the analysis covers additional two years, during which there were still hopes among national actors that the prospect of membership was not completely lost. After this period it became clear that the Greek veto was not a temporary strategy of pressure and that the prospect of membership was conditioned by an additional requirement (solution of the name dispute), beyond the legitimate scope of EU pre-accession conditionality.

in section 2.5, I refer to theoretical frameworks that incorporate this perspective: in sub-section 2.5.1, I discuss the theory of change; in sub-section 2.5.2, I refer to the literature on humanitarian aid impact; and in sub-section 2.5.3, I discuss the relevance of the Habermas's (1994) theory of communicative action for the Europeanisation theory. In the concluding section 2.6, I revisit the meaning of deep Europeanisation by defining the kind of policy outcome that can be considered deep Europeanisation in the area of minority protection.

I then turn to the two selected case studies. In chapter three, I analyse the problem of non-citizens in Latvia deriving from the rigid citizenship policy. In section 3.1, I discuss the background of the problem of non-citizens and I explain in detail the techniques used for data collection. In section 3.2, I refer to the process of adoption of the 1994 and 1998 citizenship laws. In section 3.3, I discuss the role of the international community: namely, sub-section 3.3.1 refers to the role of the HCNM; in sub-section 3.3.2, I discuss the approach of the CoE; and in sub-section 3.3.3, I closely examine the EU pre-accession conditionality regarding the problem of non-citizens. This is followed by section 3.4, where I analyse the impact of the citizenship status on the socio-economic status of non-citizens. Then, in section 3.5, I present the research findings that capture the change of societal and political attitudes in the pre-accession period – until Latvia's accession to the EU. In the end, in section 3.6, I present the main conclusions of the analysis.

In chapter four, I analyse the policy of equitable representation of communities in the public sector in Macedonia, as one of the crucial reforms deriving from the OFA adopted in 2001.[37] The main aim here is to assess to what extent the policy outcome addressed the problem of structural discrimination of persons belonging to minorities in the context of employment in the public sector.

To achieve this, I first present, in section 4.1, the structure of the chapter and the methodology used. In the next section 4.2, I refer to the wider context and the background of the problem of minority underrepresentation in the public sector, specifically focusing on the public administration. Precisely, in sub-section 4.2.1, I discuss the economic structural problems, while in sub-section 4.2.2, I refer to the structural problems of the public administration. In addition, in section 4.3, I analyses the content of the OFA (and its implications), while in section 4.4, I focus on the adoption of the OFA and the constitutional amendments. In section

[37] The OFA ended the armed conflict between the National Liberation Army (NLA) and the Macedonian security forces and set a framework for improvement of the rights of the minorities (Ohrid Framework Agreement 2001).

4.5, I refer to the period of implementation of the equitable representation policy in the public sector. This section is structured in three sub-sections: sub-section 4.5.1, refers to the first year after the adoption of the OFA; sub-section 4.5.2, discusses the first phase of policy implementation (2003–2006); sub-section 4.5.3, refers to the period after the change of the government in 2006; and sub-section 4.5.4 captures the period after 2008, i.e. after the change of the Albanian partner in the government coalition. Then, in section 4.6, I discuss the EU's response to the implementation of the equitable representation policy. This is followed by section 4.7, where I present the findings of the interviews about the change of the political and societal attitudes regarding the equitable representation policy. In the end, in section 4.8, I present the conclusions of the analysis.

In the final concluding chapter five, I seek to answer the research question and discuss the prospects and the factors that affect the viability of deep Europeanisation. I revisit the hypothesis and discuss it in the light of the findings derived from the analysis of the two case studies. Eventually, I reflect on how successfully this research has managed to address the gap noted in the Europeanisation literature.

2 Theoretical discussion of the process of Europeanisation: towards deep Europeanisation

2.1 Introduction

For analysis and a better understanding of the impact of the European Union (EU, also Union) external governance, I will introduce the concept of deep Europeanisation which is focused primarily on its actual effects on the ground in candidate countries. Deep Europeanisation approaches successful reform beyond rule transfer and formal compliance with EU norms, setting the ideal of optimal policy solution as a balance, on the one hand, of the EU standards/norms and, on the other hand, the needs of policy recipients/final beneficiaries, i.e. the people affected by it. Thus, the key element for assessment of the success of change on the ground, beside rule-adoption and implementation in line with EU standards, is the perspective – 'value judgment' of policy recipients, i.e. people the most affected by the reform/change. By introducing the perspective of the policy recipients/final beneficiaries, this concept is suitable only within the context of political conditionality, where the EU lacks clear legal basis and norms, and where conditionality is primarily designed for improvement of the position of policy recipients; for instance, in the area of human rights and minority protection.[38]

Although the EU lacks clear guidelines, in terms of rules and norms to be transposed, it still departs from certain 'higher' goals (which are not always explicitly stated and clear) when defining the political conditionality in these areas. Identification of these 'higher' goals, as the basis of the EU conditionality, is crucial because the 'value judgment' of policy recipients/final beneficiaries about policy solutions is not done in an ideological vacuum. For measuring the success of a certain policy and the level of accommodation of the preferences and needs of final beneficiaries, a clear reference as to what was intended to be achieved is the crucial baseline of the assessment. Therefore, this concept presupposes clearly determined goal, as to what is intended to be achieved by the EU conditionality, on the one hand, and a value judgment about the quality of a policy solution by policy recipients, on the other hand.

[38] See the discussion on the limitations of the definition of Europeanisation, which confines itself to *acquis* areas subjected to positive integration in sub-section 2.2.3. This leaves other areas, mainly from the political *acquis*, which do not fit the concept of positive integration, unexplained.

To better define the concept of deep Europeanisation I will first, in section 2.2, discuss the theoretical framework of Europeanisation and its limitations: in sub-section 2.2.1, I refer to the frameworks developed by Börzel and Risse (2000) and in sub-section 2.2.2, I discuss the 'upgraded' theoretical framework by Schimmelfennig and Sedelmeier (2005). Sub-section 2.2.3 analyses the main limitations of the definition of Europeanisation for assessment of the actual impact on the ground. In addition, in section 2.3, I seek to identify the 'higher' goal of the EU pre-accession conditionality on minority protection. Then, in section 2.4, I discuss the EU understanding of the concept of equality, which is recognised as the central element of the 'higher' goal of the pre-accession conditionality in the area of minority protection. In addition, in section 2.5, I refer to theories and studies that incorporate the perspective of final beneficiaries/policy recipients in the assessment of a policy solution, precisely, the theory of change (sub-section 2.5.1), the literature on humanitarian aid (sub-section 2.5.2) and the theory of communicative action (2.5.3). In the end, section 2.6 more closely defines the concept of deep Europeanisation, and sets a different, more suitable, definition of Europeanisation as a departure point of the concept (sub-section 2.6.1).

2.2 The theoretical concept of Europeanisation

Europeanisation has been used as the dominant concept for research and analysis of EU-induced reforms. In the beginning, however, it was widely contested and criticised for "conceptual stretching" (Radaelli 2000, 3), i.e. a lack of precise and stable meaning covering substantially different phenomena.[39] It has covered issues such as change in the external territorial boundaries; development of institutions of governance at the European level; multilevel system of governance that redistributes power between national and sub-national levels of governance; rule transfer beyond the European territory; and a political project aimed at a unified and politically stronger Europe (Olsen 2002, 923–924; Featherstone 2003). The 'conceptual stretching' has been pointed out as the main problem undermining its capacity to explain most of these phenomena. Eventually, this criticism has been addressed by confining the concept to the analysis of a domestic change as a response to adaptation pressure by the EU (Börzel and Risse 2000, 2).

[39] A similar critique has been expressed by Howell (2002).

2.2.1 The theoretical framework of Europeanisation

The renewed concept of Europeanisation focuses on the adaptational pressure deriving from the "degree of misfit" (Börzel and Risse 2000, 2) between EU norms and the state of affairs in a particular country. To explain different degrees of domestic change, Börzel and Risse (2003, 58) draw upon the assumptions of the 'new institutionalism', namely, the rational choice and the sociological institutionalism.

Departing from the rationalist institutionalist perspective, Börzel and Risse (2000) have developed a model on the basis of the 'logic of consequentialism', according to which the 'misfit' from the Europeanisation pressure provides national actors with new opportunities and constraints in the pursuance of their interests. In this context, they have identified two mediating factors that influence the process of Europeanisation: 1) multiple veto points in the institutional structure of the country, which could empower actors with different interest to resist change; and 2) formal institutions, which could provide actors with material and ideational resources to take advantage of new opportunities and thus contribute to higher likelihood of change. In contrast to the rationalist, Börzel and Risse (*ibid*.) have developed a sociological institutionalist model, which relies on the 'logic of appropriateness' and a process of persuasion. Here, the misfit and adaptational pressure at the domestic level are explained by non-resonance of European policies and norms with domestic norms and rules. The mediating factors recognised to influence the degree of change, i.e. internalisation of the European norms and development of new identities, are: 1) agents of change, i.e. norm entrepreneurs – national actors who persuade others to redefine their interests and identities; and 2) political culture open to consensus-building and cost sharing (Börzel and Risse 2000, 2).

In addition, Börzel and Risse (2000, 11) have identified several possible results from the adaptational pressure:[40] absorption, accommodation and transformation. Absorption implies low domestic change by incorporating EU policies or ideas by readjusting domestic institutions without significantly changing existing processes, policies and institutions. Accommodation is explained as a modest change as countries accommodated Europeanisation pressure by adapting existing processes, policies and institutions without changing their

[40] The two logics rely on different assumptions regarding the degree and direction of domestic change. The rationalist institutional perspective departs from the assumption that higher adaptational pressure leads to higher likelihood of change, whereas the sociological institutionalism argues that higher adaptational pressure might lead to inertia that will prevent domestic change (Börzel and Risse 2000, 11).

essential features and collective understanding of them. The highest degree of domestic change is labelled 'transformation', which means replacement of existing policies, processes and institutions by new, substantially different ones; or radically altering existing models to the extent that their essential features and collective understandings fundamentally differ from the previous state of affairs. In addition, Radaelli (2000, 15–16) argued that the process could also lead to a lack of reform or even a negative trend of reform, i.e. divergence from EU norms. The former is designated as 'inertia' signifying a lack of change – taking the form of lags and delays in the implementation process; while the latter, 'retrenchment' or 'negative Europeanisation', implies a backlash from the initial goal and norms set by the Europeanisation process (*ibid*.).

The limitation of this model is not only the embodiment of a top-down approach, which its authors were aware of (Börzel and Risse 2000, 2), but also its prevailing focus on formal rule adoption. Thus, the assessment of Europeanisation results very much relies on an analysis of how specific EU rules have been transposed into national law and whether the established formal institutions or procedures within this process technically complied with EU rules. Regardles of these limitations, this theoretical framework was widely used by scholars (Ladrech 1994; Knill and Lehmkuhl 1999; Börzel and Risse 2000; Harmsen and Wilson 2000; Radaelli 2000; Blumer and Lequesne 2002; Howell 2002; Olsen 2002; 2003; Börzel and Risse 2003; Featherstone 2003) for analysis of EU induced domestic change within the EU member states.

However, once the research focus shifted to candidate countries (Grabbe 2001; 2003; Dimitrova 2002; Kelley 2003; 2004; Hughes, Sasse and Gordon 2005; Schimmelfennig and Sedelmeier 2005; Vachudova 2005; Trauner 2007), this framework was no longer suitable to explain the new context. The main problem was that it failed to take into account the specific quality of the relationship between the EU and candidate countries. The asymmetry of power between the EU and candidate states (Dimitrova 2002; Grabbe 2003; Moravcsik and Vachudova 2003) and the application of conditionality on the latter were recognised as important factors that shaped Europeanisation outcomes and thus, needed to be integrated into the theoretical framework (Grabbe 2003).

2.2.2 The ‘upgrade’ of the theoretical framework of Europeanisation for the analysis of the European Union induced change in candidate countries

The Europeanisation framework for the analysis of candidate countries took upon the same conceptual assumptions of the new institutionalism applied in the research of EU member states (Gwiazda 2002; Sedelmeier 2006); however, it integrated the concept of conditionality as the main factor explaining the reform process in aspiring countries for EU membership (Grabbe 2002; Kelley 2004; Steunenberg and Dimitrova 2007; Knezović 2009; Papadimitriou and Gateva 2009). But, even this ‘upgrade’ has failed to provide a solid basis for research of the Europeanisation process in candidate countries, facing the criticism of being too narrow and incapable to establish a clear causal relationship between the EU approach and candidate countries’ compliance record (Hughes, Sasse and Gordon 2005, 2). No straightforward link between conditionality and change within the candidate countries could have been established, due to the additional impact of other (e.g., domestic) factors.

As an answer to this shortcoming and with the purpose to better explain rule transfer in candidate countries, Schimmelfennig and Sedelmeier (2005, 1–29) developed a more comprehensive theoretical framework by introducing a spectrum of factors, at both the EU and the domestic level. They referred to conditionality as only one element of the new framework, rather than a self-standing concept. Their theoretical framework provided three models, embodying the logic of both the rational and constructivist institutionalism. The first ‘external incentive model’, is a rationalist bargaining and actor centred model (Schimmelfennig and Sedelmeier 2005a), where the EU conditionality follows the logic of reinforcement by reward (Schimmelfennig, Engert and Knobel 2002). This model has been contrasted with two alternative models relying on the ‘logic of appropriateness’: the social learning and the lesson drawing model. On these bases, it was concluded that the rational, rather than the social constructivist logic drives a successful rule transfer (Schimmelfennig, Engert and Knobel 2002; Kelley 2004; Schimmelfennig and Sedelmeier 2005; Trauner 2007; Renner and Trauner 2009).

Namely, a credible membership prospect and low adoption costs have been singled out as key factors for rule adoption of the political *acquis*; whereas a credible membership perspective clearly linked to the accession requirements has been set as crucial for the rule transfer of the *acquis* conditionality (Simmelfenning and Sedelmeier 2005b, 211). In a setting of concentrated international efforts and a promise of membership, the unfavourable domestic

context has not been perceived as an "insurmountable obstacle" to change (Kelley 2003, 34). The issues of legitimacy of accession requirements, identification with the EU, and resonance of EU norms and rules with the domestic context have been explicitly discarded as causally irrelevant for the rule transfer in candidate countries (Schimmelfennig and Sedelmeier 2005b, 214–218). Nevertheless, researchers have observed that a rule adoption motivated by external incentives and bargaining is more likely to face domestic resistance and poor implementation than rules adopted through a process of social learning (*ibid.*, 220).

This 'upgrade' of the conceptual framework was a big step forward in understanding the process of Europeanisation; however, the problem remained as it did not address the issue of narrow focus placed primarily on formal rule adoption. This framework can explain rule transfer in terms of adoption of relevant legislation rules, or establishment of institutions; while at the same time fails to provide answers as to why in some cases of successful Europeanisation (acknowledged by a positive EU assessment) there were still serious problems on the ground colliding with EU norms. Thus, the Europeanisation experts have managed to map the conditions relevant for formal rule adoption, but they have failed to provide answers as to when Europeanisation leads to quality solutions that substantially and optimally address the problems on the ground. And precisely here lays the problem of the current framework: it overlooks the actual impact and thus cannot explain restrictive solutions in line with EU standards, which cause problems on the ground after a 'successful' formal rule transfer and implementation.

This gap between the actual situation and the positive assessment of reforms derives mainly from the narrow and superficial research interest predominantly focused on official government position, formal rule adoption and EU recognition of the progress (Demetropoulou 2002; Schimmelfennig, Engert and Knobel 2002; Spendzharova 2003; Schimmelfennig and Sedelmeier 2005; Belloni 2009; Papadimitriou and Gateva 2009; Schwellnus, Balázs and Mikalayeva 2009). At most, the focus has been put on behaviour, i.e. on the implementation of a rule in line with the accession requirements (Kelley 2004, 56). Thus, scholars have failed to explain and also to recognise the discrepancy between the rule transfer and "genuine transformation" (Roter and Bojinović 2005, 449).

Moreover, critics such as Noutcheva (2006) have pointed to an additional problem, the lack of consideration of different actors' preferences at both the EU and national levels. This has been recognised as a serious shortcoming, due to the considerable variation in domestic actors'

responses to similar sets of external incentives and/or normative stimuli affecting the compliance record of an individual candidate country (*ibid.*). In particular, the oscillation of different actors' ideas around one institutional model has been perceived essential for institution building (Dimitrova 2002). It has been observed that even in the absence of strong 'veto points',[41] it is vital that "major political actors are united around ideas about the new institutions, so that the new rules have a chance to endure without being immediately contested" (*ibid.*, 176).

Despite the inseparable link between conditionality and social learning for achieving a sustainable and quality reform (Börzel and Risse 2003; Emerson and Noutcheva 2004; Noutcheva *et al*. 2004, Noutcheva 2006), this aspect of national actors' socialisation towards a 'common idea' of the policies or institutions to be established has been largely neglected. This is especially problematic in the light of the conclusion that socialisation is crucial for the very design and substance of the institutional and policy outcome implemented by candidate countries (Kelley 2004). The significance assigned to socialisation derives from the idea that coercive process *per se* is unsuccessful, and for better understanding Europeanisation both coercive and voluntary aspects of the 'partnership' between the EU and a candidate country need to be taken into consideration (Agné 2009). The balance, or more precisely the ratio between conditionality and socialisation sets the degree and quality of compliance, i.e. whether genuine, socialisation driven, conditionality driven, or fake compliance will take place (Noutcheva 2006). However, this relationship between the two is not fixed or static but it depends on the changing preferences of actors.

And this is exactly what scholars analysing the process of Europeanisation have not addressed so far. They have failed to closely examine the consistency/change of the preferences and perceptions of different national actors with regards to accession reforms. Behaviour and identity change have been approached as different policy outcomes, and the focus has been predominantly placed on the former seeking to register and explain more tangible changes (Kelley 2004). The issue of attitude/preference change as a pre-phase or as an intervening variable of behavioural change has been largely neglected; and consequently, there has been a lack of empirical analysis as to how socialisation – the change of perceptions of different societal actors – impacts the content of a policy or institutional result.

[41] Veto points refer to all stages of the decision making process at which agreement is required for a policy change (Haverland 2000).

2.2.3 The problem of the definition of Europeanisation

An additional problem that shifts the focus from the effects on the ground to formal rule transfer and implementation is the definition of Europeanisation itself, which is taken as a departure point for the Europeanisation research. The most exploited definition of Europeanisation by Radaelli (2003, 30) relies on the basic assumption that "formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things' and shared beliefs and norms /…/ are first defined and consolidated in the making of EU public policy and politics and then incorporated in the logic of domestic discourse, identities, political structures and public policies."[42] The wording of this definition encourages research, which will technically check whether what has been adopted or consolidated at the EU level has been institutionalised at the level of a particular candidate state. The institutionalisation is usually understood and approached as an adoption of relevant legislation and implementation; hence, the overwhelming and exclusive interest in these two aspects as representing a more 'tangible change'.

However, the focus of Radaelli's (*ibid.*) definition on rules, norms, and styles of policy making consolidated at the EU level generates a notable problem, when the definition is applied to policy areas where no such consensus at the EU level exists. In policy areas where no consolidated rules and shared models exist, a vacuum occurs with regards to the policy or institutional design that is expected from candidate countries. Moreover, in these policy areas where no "construction" (*ibid.*) of a common position at the EU level has happened, it is unclear how the "diffusion and institutionalisation" (*ibid.*) of the EU conditionality should be measured and assessed. Thus, in the absence of more solid parameters, usually a positive EU assessment or a formal step forward to accession (e.g., opening of an accession negotiations) is taken as the criterion for determining a successful rule transfer (Schimmelfennig and Sedelmeier 2005); despite the fact that EU recognition does not always equal a genuine and successful transformation on the ground.

Therefore, a challenge for Radaelli's (2003, 30) definition are those policy areas that do not fit the concept of positive integration[43] where EU rules are strictly and rigidly defined. This

[42] Several studies (e.g., Grabbe 2002; Gwiazda 2002; Radaelli 2003; Spendzharova 2003; Hughes, Sasse and Gordon 2005; Papadimitriou and Gateva 2009) were carried out according to this definition of Europeanisation.

43 According to Knill and Lehmkuhl (1999, 1) positive integration is when "EU policy 'positively' prescribes an institutional model to which domestic arrangements have to be adjusted. Accordingly, member states have only limited institutional discretion when deciding on the concrete arrangements in order to comply with European requirements."

definition cannot explain EU's external governance beyond its hierarchical form of policy export of clearly defined rules and models (Lavenex and Schimmelfennig 2009, 807). As such, its shortcomings are in particular evident in policy areas covered by the EU political conditionality, *inter alia* minority protection (Sasse 2005). The reason is that in this context, the EU's external governance takes a form of network governance, meaning that is "less fixated on the export of the precise *acquis*" (Lavenex and Schimmelfennig 2009, 807) and more on approximation of EU norms and practices that are internationally or jointly negotiated with third countries.

Instead of relying on a clearly predetermined set of rules, norms and 'ways of doing things' to be transferred in candidate countries, network governance implies mechanisms of influence based on socialization, social learning and communication leading to deliberative processes and co-ownership (Lavenex and Schimmelfennig 2009, 798). From this perspective, the lack of precise EU rules is not necessarily bad since it leaves room for translation of EU pre-accession requirements into fully-fledged policies or institutional solutions that simultaneously comply with the EU standards and answer to the needs in the local context. At the same time, nevertheless, this poses a higher risk of failed reforms, particularly when the goal and expectations as to what needs to be tackled are not clearly stated and accepted by both the EU and individual candidate country.

Hence, in the absence of clear policy models and solutions, the instalment of fully-fledged solutions implies an open, deliberative process, within which the best solution is defined. This also presupposes that those who are the most affected by the policy, are effectively included in the process of deliberation and, later, satisfied with the result. And exactly this – the accommodation of the final beneficiaries' needs in the process of 'institutionalisation,' the Radaelli's (2003, 30) definition fails to address. The marginalisation of the final beneficiary's role and status makes this definition unsuitable for policy areas where the position of final beneficiaries is at the core of the conditionality, such as in the case of minority protection. This limitation makes Radaellis's (*ibid.*) definition suitable only for those *acquis* areas, where the status of policy recipients is not central to the conditionality but is subordinated to the goal of integration. For instance, the economic *acquis*,[44] which presupposes drastic institutional

[44] Tupy (2003, 1) observes that the rule transfer of the common market *acquis* requires from the future EU member states to choose between the common market and their economic liberty. Eventually, the decision of the candidate countries to accede to the Union will imply that "most of their comparative advantages will be legislated out of existence". The result of it will be suboptimal economic growth, which is expected to be counterbalanced by the accession of the country to the EU single market. This means that the EU integration in

changes primarily and exclusively directed to integration, for the purpose of a smooth functioning of the common market. In this area, it is 'normal' for the convergence process to generate 'losers,' who to survive need to adapt to the new situation. Here, the problem of the final beneficiaries emerging as 'losers' is a by-product that is addressed by transitional periods and financial aid.

Differently, in the area of minority protection, the EU conditionality is expected to improve the underprivileged or discriminatory position of minorities and persons belonging to them *vis-à-vis* the majority population. This, to a great extent, presupposes redistribution of rights and resources aimed at addressing their weaker (non-dominant) or underprivileged position. Hence, policy success in this area cannot be assessed without taking into account their position as 'policy recipients'. A crucial, if not central, place in the analysis need to have persons affected by the policy; more precisely, their perceptions on the change of status and access to rights as a result of the Europeanisation process.

Moreover, the 'flexibility', i.e. a lack of the legal basis and clear EU rules/models, urges a more clearly determined goal and expectations by the EU, which integrate and accommodate the needs of the final beneficiaries. This, on the one hand, implies that the goal to be achieved (not necessarily detailed rules, norms or a clear EU legal basis) is clearly set, defined and stated by the EU; and on the other hand, it is understood and accepted by key national actors within a candidate country. By analysing and contrasting the goal of the reform with the outcome on the ground (in terms of the effects and impact, rather than rule adoption and implementation), it is possible to grasp the change and assess the success of Europeanisation.

This is crucial for the area of minority protection because although the EU does not have a comprehensive policy on minority protection and lacks a clear legal basis in the *acquis*, it has been active in this field by placing this issue at the top of its political pre-accession conditionality. Both case studies, i.e. non-citizens in Latvia and the Macedonian equitable representation policy, were addressed as minority issues; in the Progress Reports, they were referred in chapter 'Integration of Minorities'[45] and 'Minority rights, cultural rights and protection of minorities'[46] respectively. And despite the clear formal conditionality set by the EU in both cases, the expected result regarding its wider societal impact was rather vague. For

this policy area is going to generate 'losers' among some economic subjects in the candidate countries. This is the cost the candidate is willing to pay for the expected benefits as a result of the EU accession.

[45] See chapter 3.

[46] See chapter 4.

assessing deep Europeanisation, it is crucial that the goal(s) of minority protection conditionality is mapped as a certain baseline for assessment of the success of the result. The problem, however, is that the goals (in terms of what they actually aim to achieve on the ground) cannot be explicitly inferred from the wording in the Treaties; therefore, the discussion needs to go beyond the 'poor' legislative framework and refer to the informal EU conditionality (Hughes, Sasse and Gordon 2004) as well as the wider global context within which these policies emerged.

2.3 Minority protection within the framework of the European Union

The Copenhagen criteria have set the skeleton of the political pre-accession conditionality. In this context, respect for and protection of minorities has been established as one of the main conditions (along with democracy, the rule of law and human rights) securing stability of institutions in aspirant countries for membership (European Council 1993, Section A). However, since the Copenhagen criteria were presented in the form of presidency conclusions of the European Council (*ibid.*), they (*inter alia* the requirement for minority protection) did not have a legal basis in the EU law.

The very first attempt for integration of an explicit reference to minority protection in the EU primary law was made with the adoption of the Amsterdam Treaty. Unfortunately, although the Copenhagen criteria were incorporated in the treaty, the part referring to minority protection was omitted (Roter 2014, 10). It was only the Lisbon Treaty that undid this 'injustice' when it listed minority protection among the founding values of the Union (Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community 2007, Article 1a).

Another relevant legal document, in addition to the Lisbon Treaty, is the Charter of Fundamental Rights of the European Union. With its adoption, the term 'national minority' for the first time appeared in the EU primary law (Charter of Fundamental Rights of the European Union 2012, Article 21). It was mentioned in the context of non-discrimination, where "membership of a national minority" (*ibid.*, Article 21) was listed as one of the prohibited grounds of discrimination. But, although the Charter commits the EU to "respect

cultural, religious and linguistic diversity" (*ibid.*, Article 22),[47] its wording does not go beyond this and stays silent on any specific minority rights (Roter 2014, 11). More importantly, "the Charter does not extend the field of application of Union law beyond the powers of the Union or establish any new power or task for the Union, or modify powers and tasks as defined in the Treaties" (Charter of Fundamental Rights of the European Union 2012, Article 51), which means that the application of the Chapter is limited only to areas under the EU competence. Accordingly, human and minority rights are issues of relevance only within the context of the EU primary law. This stance has been additionally confirmed by the European Court of Justice (ECJ) Opinion on the draft agreement concerning a possible EU accession to the European Convention on Human Rights (ECHR) (European Court of Justice 2014).[48]

By this, it has been made clear that at the EU level, the objectives contained in Article 3 of the Treaty on European Union (TEU) (Consolidated Version of the Treaty on European Union and the Treaty on the functioning of the European Union 2016, Article 3),[49] and in general the founding values of the Union (*ibid.*, Article 2) are pursued within the limits of the fundamental freedoms (free movement of goods, services, capital and persons), citizenship of the Union, the area of freedom, security and justice, and competition policy (European Court of Justice 2014, para. 172). Consequently, human and minority rights are approach only in the context of these policy areas and as such are subordinated to the ultimate goal of EU integration (*ibid.*). This leads to a conclusion that the EU rests on the assumption that stable democratic institutions guaranteeing the rule of law, human rights and respect for and protection of minorities are already set in place in member states; therefore, following the logic of subsidiarity the Union needs to secure these aspects at the EU level, within the limits of its primary law.

[47] This refers primarily to the EU goal of cultural diversity (Consolidated Version of the Treaty on European Union and the Treaty on the functioning of the European Union 2016, Article 167). Although minorities are indirectly and by 'coincidence' covered by the EU policy on cultural diversity, this cannot provide answers and deeper understanding of the 'higher' goal behind the EU conditionality in the pre-accession period tackling minority protection.

[48] For more see section 1.1.

[49] The objectives of the EU, *inter alia* promotion of peace, wellbeing of its people, combat of social exclusion and discrimination, promotion of social justice and protection, respect of cultural and linguistic diversity, protection of human rights and strict observance of international law, are pursued "by appropriate means commensurate with the competences which are conferred upon it in the Treaties" (Consolidated Version of the Treaty on European Union and the Treaty on the functioning of the European Union 2016, Article 3).

In contrast to this situation, accession countries are not yet part of the EU system and thus, they need 'to pass the test' of the Copenhagen criteria. If the EU assesses, as in the case of the Central and Eastern European (CEE) and the Western Balkan (WB) countries, that their systems do not feature stable and functional democracies, the political Copenhagen criterion is applied, i.e. concretised and operationalised to answer to the specific problems faced at the local level (Knezović 2009, 105). In this context, the conditions set by the political Copenhagen criterion, are the *sin qua non* for the establishment of functional and stable democracies. So, in candidate countries where the EU has assessed that the local context requires such a 'safeguard', the respect for minority rights is recognised as a key pillar of institutional stability and democracy. Therefore, differently from member states, in the case of candidate countries issues such as human and minority rights are not (should not be) approach exclusively through the prism of the EU primary law, but as self-standing values guaranteeing the stability and democracy of candidate countries' national systems.

A problem, however, emerges from the fact that the EU expectations from candidate countries in the area of minority protection are not coupled with clear guidelines in the EU legal framework, as to what exactly needs to be achieved. And precisely this – identification of the EU expectations is recognised by the Ph.D. thesis as the 'missing ingredient', which could fill in the gap of lack of clear legal rules or common policy models against which Europeanisation outcomes in candidate countries can be measured.

Clear identification of these expectations could provide basis for better assessment and understanding of the progress made by candidate countries. Such a shift of the research focus could contribute to a more substantial assessment of the results of the pre-accession process beyond the current practice of technical 'screening' of rule adoption and implementation measures undertaken by candidate countries within the context of each specific pre-accession requirement. This could stimulate a more critical analysis of the very content and the wider societal impact of policy solutions installed by candidate countries. Thus, Europeanisation outcomes would no longer be measured (exclusively) against the specific pre-accession requirements but, rather in the light of the expectations about their wider societal impact.

In the context of the Ph.D. thesis, these 'EU expectations' are designated as the 'higher' goal of the pre-accession conditionality. The 'higher' goal does not necessarily reflect the explicit pre-accession requirements set for each state (as they vary across candidate countries), but it aims to capture the expectation about the wider societal and political impact of these

requirements. Hence, the 'higher' goal refers to the principles and values expected to be internalised and observed by candidate countries' institutions as a result of an EU instigated change during the pre-accession process.

The advantage of this concept – the 'higher' goal, is that it takes a more teleological, instead of a positivist understanding of the reform process in candidate countries. By placing the main interest on the actual effects of an EU instigated change and their compatibility with the EU expectations in that particular field, it goes beyond the dominant understanding of Europeanisation as rule adoption and implementation. As such, it help us to avoid the trap of the prevailing positivist approach in the relevant literature, which often confuses a formal compliance with a substantial positive change on the ground.

Therefore, the main challenge for the Ph.D. thesis, here, is identification of the 'higher' goal of the EU pre-accession conditionality in the area of minority protection. And although, the EU primary law does not give answers as to what exactly this 'higher' goal entails, some useful guidelines can be found in EU unbinding documents. For instance, in its Green Paper, the European Commission referred to the principles of equal treatment and non-discrimination as the "cornerstone of the fundamental rights and values that underpin today's European Union" (Commission of the European Union 2004, foreword). In this context, the Commission discussed the situation of ethnic minorities as a great challenge for the Union, in terms of ensuring effective implementation and enforcement of the EU's framework for combating discrimination. Anti-discrimination policy was recognised as a crucial element of the EU's approach to inclusion, integration and employment of persons belonging to minorities. Specifically, in the discussion of 'issues linked to the enlargement of the EU', the European Commission (*ibid.*) has recognised non-discrimination legislation and policies as the main instruments for inclusion and participation of minorities; but it has, nevertheless, stressed that they are only one element, not a fully-fledged approach for achievement of these goals.

Also, the Commission referred to the enlargement as an incentive for states to address challenges faced by minorities. This wording used by the European Commission implied that the concerns of minorities were placed at the centre of the actions that had to be taken by states. This makes an additional argument for the inclusion of the perceptions and needs of minorities when defining the pre-accession conditionality, but also later in the assessment of its effects and policy results.

Moreover, in 2006 the European Parliament (2006) urged the Commission to establish a policy standard for the protection of national minorities on the basis of Article 4 (2) of the Framework Convention for the Protection of National Minorities (FCNM) (1995), which requires adoption of measures promoting full and effective equality between persons belonging to a national minority and those belonging to the majority in all areas of economic, social, political and cultural life. The European Parliament reminded that the Commission had extensively relied on already established international standards[50] to define the Copenhagen criteria in the pre-accession process better. In the context of minority protection, it was the FCNM that was used as the main reference for the definition of the substance of the accession requirements and assessment of candidate countries' progress (Roter 2014, 10). This implied that in spite of the lack of legal basis there was an established practice of reliance on minority protection rules and norms, from which one could infer that the EU recognised the improvement of the status of persons belonging to minorities as a legitimate goal of the pre-accession conditionality.

Furthermore, the European Parliament (2006) resolution referred to minority protection as complementary, but not completely overlapping with the anti-discrimination policy. In this context, 'equality' was pointed out as the central element of its end goal. The main argument was that equal treatment was a basic right and not a privilege; that all forms of discrimination must be fought with equal intensity and that every individual should have an equal right and duty to be a full, active and integrated member of society.

On this basis, it can be inferred that the 'higher' goal of the minority protection conditionality is the achievement of non-discrimination and equality of persons belonging to minorities *vis-à-vis* the majority population. However, there are different understandings of the concept of equality, and therefore, it is important to be determined which one is the closest to EU. This is essential for identifying the expected reach and effects of the EU conditionality, which should serve as a guideline for assessing the impact and success of the EU conditionality in terms of deep Europeanisation.

[50] The UN International Covenant on Civil and Political Rights; the UN International Convention on the Elimination of All Forms of Racial Discrimination; the Conventions of the Council of Europe, such as the FCNM, the European Charter for Regional or Minority Languages and Protocol 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms; the principles developed in the framework of the Organization for Security and Co-operation in Europe (OSCE), in particular the Lund recommendations on effective participation of national minorities in public life, the recommendations of The Hague regarding the education rights of national minorities and the Oslo recommendations regarding the linguistic rights of national minorities (the European Parliament 2006)

2.4 The understanding of equality by the European Union

Some authors (e.g., McCrudden 2003; Henrard 2007; Henrard 2011; Dolmans and Kühn 2013) have tried to identify what exactly is understood under the term 'equality' within the EU framework, in particular in the context of minority protection. The initial problem they encountered was that the concept of equality is liable to different theoretical interpretations often coming into tension with one another (Dolmans and Kühn 2013, 5). Instead of one meaning, there are different concepts referring to formal equality, substantive equality, equality of opportunities and equality of outcomes (Dolmans and Kühn 2013). Moreover, different ideas of equality produce different expectations and results. Therefore, it is important to be identified the EU understanding of this term – whether it implies genuine equality by equalizing the socio-political status of persons belonging to national minorities to that of the majority population, or simply formal equality standing for equality for all before the law (*ibid.*).

The two most popular, but to a certain extent, contradictory concepts are those of formal and substantive equality (Henrard 2007; 2011). The concept of formal equality approaches the problem as equal treatment of people, in the same manner irrespective of their characteristics and living conditions (Henrard 2007). It relies on the merit principle and the idea of individual justice adhering to equality among individuals, formal neutrality and procedural justice (Dolmans and Kühn 2013). Thus, it prohibits different treatment without justified reason drawing on the assumption that "likes should be treated alike" (*ibid.*, 5).

Contrary to this, the idea of substantive equality takes into account that some people find themselves in substantially different circumstances and thus should be treated differently to secure substantial equality (Henrard 2007, 27–28). This idea of equality emerged as an answer to the shortcomings of the concept of formal equality. These two different understandings often come into tension with each other, since substantive equality sometimes requires formally unequal treatment to achieve actual equality (Henrard 2011). People are 'unlike' due to their status and living conditions; hence, a differentiated tailor-made treatment drawing from their 'unlikeness' is the only right way to overcome structural inequality (Dolmans and Kühn 2013). Actually, the concept of substantive equality is a theoretical upgrade of the concept of formal equality, by broadening its assumption that "likes should be treated alike" with the appendix "that unlike should be treated unlike" (Dolmans and Kühn 2013, 5).

Moreover, substantive equality not only justifies different treatment of people based on their different needs but encourages positive action for social engineering and better representation of the underprivileged minorities groups (Dolmans and Kühn 2013). Consequently, the main focus of this concept is on "group characteristics and disadvantages, group impact, actual results, material equality and desired outcome" (*ibid.*, 6).

The EU Community law draws mainly on these two concepts (formal and substantive equality),[51] and on these bases, four different variations of equality can be identified (McCrudden 2003). The first is equality as "rationality" (*ibid.*, 11) embedding the concept of formal equality and the idea that 'likes should be treated alike', not taking into account the characteristics of the people concerned or their living conditions. The second is equality regarding "rights protection" (*ibid.*), implying a distribution of public goods to everyone without distinction. The third meaning is equality as prevention of "status-harms" (*ibid.*, 15), where in contrast to the previous case, the attention is shifted from the public good to the particular characteristics of the recipients. Here, the focus is placed on the actions of the authorities, namely on any discriminatory practices against individuals with particular characteristics. Hence, this approach goes beyond formal equality drawing on the idea that "unlikes should not be treated alike" (*ibid.*). The fourth application of equality implies a proactive promotion of equality of opportunity among particular groups (*ibid.*, 16). It sets a duty for public authorities to undertake concrete measures to promote greater equality and good relations among particular groups. Accordingly, it is not sufficient for a public authority to ensure an absence of discrimination, but it needs to engage in active promotion of equality of opportunities through affirmative action in the policy areas where such action is allowed.

Based on this, the EU approach to equality can be assessed as progressive compared to the relevant international law heavily relying on the idea of formal equality and exclusively focusing on equality before the law, equal protection of the law and equality before courts and tribunals (Dolmans and Kühn 2013, 5). Although limited efforts are recognised towards integration of the idea of substantive equality within international law, this type of equality mechanisms are either lacking or are too weak to address the gap posed by a system relying

[51] Apart from these widely accepted ideas, there are two additional concepts – the equality of opportunities and the equality of results that differently address the issue of equality. While the former requires identical treatment liberated from any arbitrariness in the selection procedure and any influence of social advantages such as ancestry and wealth (ether in terms of merit based assessment or by providing opportunities for social mobility prior the selection process); the latter concept sets equal outcomes as the key indicator of actual equality (Dolmans and Kühn 2013).

predominantly on formal equality. At this point, special positive measures are allowed only when official recognition exist that formal equality mechanisms are insufficient to guarantee optimal protection and full equality (Dolmans and Kühn 2013). Thus, for the time being, the global pioneer in introducing the concept of substantive equality is the EU through its Community law, despite the criticism that these trends are more of symbolic, than substantial nature (McCrudden 2003, 16).

The idea of substantive equality is traced in the gender and race directives, the European Court of Justice (ECJ) case law and the EU relationship with candidate countries (McCrudden 2003; Henrard 2007; 2011). Namely, the Race Equality Directive implementing the principle of equal treatment between persons irrespective of racial or ethnic origin encourages member states to maintain or adopt specific measures "to prevent or compensate for disadvantages linked to racial or ethnic origin" (Council Directive 2000, Article 5). Moreover, the ECJ has played an important role by incorporating the concept of indirect discrimination within the EC equality law. This paved the way for positive discrimination actions and implicitly recognised substantive equality as a legitimate goal of policy action (Henrard 2007, 7). Eventually, the EU relationship with candidate countries through the monitoring process of the political conditionality has contributed to the growing awareness of the need for minority protection and additional measures for improvement of the underprivileged position of people belonging to minorities.

However, the main problem that inhibits greater impact in achieving equality derives from the fact that the Union is conceptually torn between two models of justice, i.e. individual and group justice model (McCrudden 2003). The first one understands justice as "reduction of discrimination by eliminating from decisions considerations based on race, gender or other prohibited considerations that have harmful consequences for individuals" (*ibid.*, 17), while the second approaches justice by looking at the policy outcomes. The main interest of the latter is in the level of resources redistribution to a disadvantaged group and its empowerment to redress past grievances. The concept of 'group justice' is not a universal model accepted by the EU, but it is a 'way of doing things' within the context of the European equality law (*ibid.*, 18).

This discussion is relevant for the EU's approach to minority protection and the analysis of deep Europeanisation because in the absence of a clear legal basis, certain consistency of the EU's understanding of basic concepts such as equality is expected. Exactly this is what makes

the European equality law and the idea of substantive equality a useful reference in the context of minority protection. On this basis and by relying on EU non-binding documents, the 'higher' goal of the pre-accession conditionality on minority protection refers to non-discrimination and the achievement of substantive equality – a just redistribution of political and economic resources between the minority and majority population.

2.4.1 Equality beyond the debate on 'winners and losers'

The discussion above and the reference made to the concept of equality at the EU level do not overlook the fact that within the EU framework issues such as equality and non-discrimination are approached through the prism of the EU primary law. As such they are defined by the context of a specific policy area under the EU competence. For instance, in the economic sphere (a key area covered by the EU primary law) the principle of equality implies equal treatment of all economic subjects and the abolishment of all obstacles to competition (McCrudden 2003, 12–13). Here, 'equality' is subordinated to the higher idea of free market, which inevitably leads to policy results that are good for some ('the winners') and bad for others ('the losers').

In contrast, within the context of the pre-accession conditionality on minority rights, 'equality' emerges as an absolute value not subordinated to other goals or considerations – it is the 'higher' goal that needs to be achieved. Here, the pursuance of 'equality' presumes redistributive policies that correct the underprivileged position of one group (a minority group) due to the privileges of another (usually the majority). Labelling the latter group 'losers', for being stripped off their privileges for the sake of better equality and a more just redistribution of rights and resources, implicitly legitimacies their previous superior position as acceptable.

However, this discourse of 'winners and losers' is present beyond the economic sphere and features the analysis of other non-economic socio-political areas, *inter alia* minority protection (Inotai 2000; Karasihska-Fendler, Skotnicka-Illasiewic, Sobotka and Swierkocki 2000; Pavlik 2000; Tang 2000; Stanovnik, Majcen and Lavrač 2000; Apeldoorn 2007). This results in a widely accepted perception that all Europeanisation policy choices inevitably produce winners and losers or, at best, losers in short-run with a long-term prospect to becoming winners (Apeldoorn 2007, 33). And although the Europeanisation literature is quite

optimistic about the long-term prospect of EU accession benefits outweighing the costs, arguing that in the long run everybody is a winner of Europeanisation (Tang 2000; Stanovnik, Majcen and Lavrač 2000; Apeldoorn 2007), in reality, however, not everybody benefits from EU integration.[52]

Minorities and persons belonging to them have been also discussed in terms of this dichotomy. Nevertheless, there is no unified position in the literature about their status as 'winners' or 'losers'. On the one hand, based on the argument that minority protection has been set as a key aspect of the Copenhagen political conditionality, minorities have been recognised as 'winners' of the pre-accession process (Karasihska-Fendler, Skotnicka-Illasiewic, Sobotka and Swierkocki 2000). On the other hand, minorities have been categorised as 'losers' of EU accession for being disproportionally affected by the processes of transformation, integration, and globalisation unless special corrective measures have been undertaken by candidates (Inotai 2000; Tang 2000). In this context, Vlipisauskas and Steponaviciene (2000) have expressed pessimism about the prospect of improvement of their situation arguing that their social and political exclusion prior to accession will not dramatically change after the EU accession.

This categorisation of minorities as 'winners' or 'losers' relies on the concept of 'absolute and relative losers' (Karasihska-Fendler, Skotnicka-Illasiewic, Sobotka and Swierkocki 2000, 164). Absolute losers are those actors whose situation deteriorated in comparison to their previous position, while relative losers are those whose situation worsened in comparison to other social groups, being not necessarily worse off in absolute terms (*ibid.*). However, in the context of the present research, this perspective does not appear to be appropriate, as results of

[52] For instance, Favell and Reimer (2013) have argued that elites and upper classes are better off as a result of EU integration in comparison to lower classes. In addition, scholars (Inotai 2000; Pavlik 2000; Tang 2000; Apeldoorn 2007; Lovec 2016) have observed that EU integration favours capital over labour; in particular, financial capital over industrial capital and transnational over domestic capital; larger farmers over smaller; and highly skilled, professional young workers at the detriment of low skilled and unskilled labour. In such an environment long-term unemployed persons are considered the biggest losers and the most problematic group to be transformed into winners (Tang 2000). Furthermore, sectors depending on the welfare state are also labelled as 'losers' due to the EU pressure for welfare state retrenchment (Inotai 2000). This, together with labour market deregulation, contributes to a decrease in levels of social protection; thus, making the workers, in general, the losers of the process (*ibid.*). Moreover, it has been argued that the steel and textiles industries, as well as the agriculture sector (Lovec 2016), representing a significant share of the candidate countries' economy and trade, have been 'sacrificed' in the pre-accession negotiations on trade (Stawarska 1999; Pavlik 2000). Here, the accession conditionally requires reduction of trade barriers with the EU, making exporters and consumers winners at the expense of domestic producers, who either disappear or restructure under the pressure of external competition (Tang 2000). In all these analyses (Inotai 2000; Tang 2000) the 'consumers' are recognised as the greatest winner, representing a heterogeneous 'one size fits all' category enjoying higher quality for lower prices as a result of the fundamental freedom of movement of goods and services.

redistributive policies cannot be assessed through the prism of 'winners and losers'. Neither group should be put in a worse off position in absolute terms, or in relative terms *vis-à-vis* the majority population. On the contrary, the result of the pre-accession process, understood as deep Europeanisation, is expected to correct a systemic injustice by redefining the underprivileged position of minorities and persons belonging to them. Such a structural redefinition of the system should not generate winners at the expense of new losers, but empowered subjects able to participate on equal basis with the others regarding matters that directly concern them.

2.5 Theoretical frameworks that incorporate the perspective of final beneficiaries/policy recipients

The current approach within the Europeanisation literature, represented by the Radaelli's (2003, 30) definition,[53] has been highly problematic for understanding Europeanisation of policy areas exclusively designed for the final beneficiaries. Hence, there is only limited number of studies that analyse the impact of EU policies on policy recipients – in the area of employment, the impact of employment policies on employed and unemployed citizens (Muntigl, Weiss and Wodak 2000), and in the context of peacebuilding, the impact of international community's involvement on power constellation between national and sub-national elites as main recipients of intervention (Barnett and Zürcher 2009).

The latter (*ibid.*), although it widens the focus and integrates the preferences of sub-national elites (often representatives of a minority group), it fails to go beyond an elite-centred analysis. It does not address the issue from the aspect of the citizens belonging to a minority and overlooks the improvement of their quality of life as a result of the reforms related to democratic governance, human rights, the rule of law, sustainable development, equitable access to resources, and environmental security. This aspect of policy recipients, although missing in the Europeanisation context, is central to other theories that can be useful here – for better definition of deep Europeanisation.

[53] See section 2.3.

2.5.1 Theory of change

The theory of change, which is widely applied in the context of organisational management change, incorporates the aspect of those who are the most affected by the change (Ford, Ford and D'Amelio 2008; Metre 2009). This theory defines change as a situation interrupting normal patterns of an organisation calling for the participants to enact new patterns by a deliberative process (Ford, Ford and D'Amelio 2008, 363). The success of change depends on both – agents of change and change recipients (Ford, Ford and D'Amelio 2008). Thus, the crucial issue is the accommodation of the concerns of both, agents of change and change recipients; the former concerned about 'how to accomplish the change', while the latter interested in how the change will reflect on their current position (*ibid.*, 363).

Success requires awareness and momentum for change, as well as mechanisms and channels for input by the change recipients at the very initial stage when the new policy is defined (Ford, Ford and D'Amelio 2008). This requires not only a discursive justification of the new policy by the agents of change but a readiness for change and recipients' acceptance achieved through an inclusive, participatory process (*ibid.*, 366). The recipients' contribution is crucial for the quality and sustainability of the change (*ibid.*, 368–373); therefore, their position needs to be taken into consideration in the new policy design. Their position depends on the assessment of the personal and organisational benefits, i.e. the cumulative effect of the change at both collective and individual level.

The problem of this theoretical framework, applied in the context of organisational management, is its top-down approach as it presupposes a change coming from the above – from the top of the organisation. Thus, it implies that its primary purpose is to satisfy the concerns of the agents of change. Although the idea is that the position of change recipients is appropriately taken into consideration, the assumption is that the change is not necessarily positive for them nor its purpose is to improve their position *per se*. Differently, the policies analysed here – belonging to the EU conditionality on minority protection are primarily designed for persons belonging to minorities and are expected to bring positive change for them as change recipients. However, this theoretical framework is also used for analysis of humanitarian aid impact (Proudlock, Ramalingam and Sandison 2008), which provides closer context and more useful guidelines for the definition of the concept of deep Europeanisation.

2.5.2 The literature on humanitarian aid impact and postcolonial studies

The 'recipients' aspect' is very much relevant to the literature on humanitarian aid impact and postcolonial studies (Roche 1999; Alesina and Dollar 2000; Proudlock, Ramalingam and Sandison 2008; Whitfield 2010). While the latter focuses on national governments as exclusive recipients of international aid, the former takes a wider stance by referring directly to the groups of people targeted by humanitarian aid. Here, humanitarian aid impact is approached in terms of 'the ultimate effects on the lives and livelihoods of the aid recipients' (Proudlock, Ramalingam and Sandison 2008, 2). Thus, the assessment relies on the perceptions of local actors, in particular, aid end users and the accommodation of their needs and interests (*ibid.*). Impact assessment does not primarily deal with aid management and distribution, but is interested in the ultimate effects of humanitarian aid on individuals and communities, measuring whether they are better off, more independent or safer as a result of the humanitarian aid (*ibid.*).

The departing point here is the Oxfam GB and Novib working definition explaining impact as "sustained changes in people's lives brought about by a particular intervention" (Roche 1999, 20). This definition, however, has been upgraded by a more comprehensive one capturing impact as "lasting or significant changes – positive or negative, intended or not – in people's lives brought about by a given action or series of actions" (Roche 1999, 21; Proudlock, Ramalingam and Sandison 2008, 17).

The significance of this upgrade is that it captures short term impact (direct outcomes of an action, for instance, a legislative change), it focuses on changes in people's lives by an establishing clear link between change and specific actions, and it refers to both intended and unintended effects. Instead of an exclusive focus on outputs (new laws and bylaw adopted, number of training, number of trained staff, new institutional equipment, etc.), it encourages assessment oriented towards the actual change of the status of the final beneficiaries resulting from these outputs. In practice, this implies an assessment of fundamental assets, resources and feelings of the aid end users (Proudlock, Ramalingam and Sandison 2008, 23).

Thus, it clarifies the difference between 'output' and 'impact', referring to the latter as an improvement of people' quality of life as a result of an actual exercise of rights within an improved legal setting (Roche 1999, 21). What is also important here is the level of people' empowerment to stand for their rights and independently take action in future towards further improvement of their status (Roche 1999, 100). Therefore, a use of a legal system to claim a

right is only an outcome/effect of an action, while the actual impact is the change in the quality of life resulting from this outcome/effect (Roche 1999, 22). Therefore, an impact assessment is impossible without taking into consideration "value judgements about which kinds of changes are significant for whom" (Proudlock, Ramalingam and Sandison 2008, 24), and the inclusion of the final beneficiaries perceptions through qualitative methodological tools, e.g., interviews. Although final beneficiaries share certain characteristics (such as ethnic affiliation, economic status, etc.), they do not represent a homogeneous entity. Individuals affiliated with a certain group often have heterogeneous needs; therefore different perceptions within the group need to be taken into account as much as possible (Roche 1999; 258).

The literature on humanitarian aid impact provides useful guidelines for the Europeanisation literature. Rather than being preoccupied with the direct results from a rule transfer, the Europeanisation outcomes need to be approached from the aspect of their impact on the final beneficiaries/policy recipients. Moreover, the literature on humanitarian aid provides a clear distinction between the terms 'effectiveness' and 'impact'; the former referring to the intermediate objectives of an action, while the latter dealing with direct effects of an action within the wider socio-economic and political context. This is relevant for the Europeanisation debate being conceptually 'locked in' in analysing the effectiveness of an action, seeking to register more tangible results in the form of a legislative change and implementation.

Furthermore, the humanitarian aid literature gives guidelines for determining success or a failure of an action. It argues that a success of an intervention cannot be recognised without looking into the discrepancy of the perceptions of the final recipients and those who have instigated and conducted the action (*ibid.*, 28). Thus, impact assessment seeks to answer several questions: "Has there been change in people's lives — yes or no? In what areas has there been change /…/? Has the change been positive or negative? How much change has there been, in a relative sense /…/ or in an absolute sense /…/? What brought about that change?" (*ibid.*, 265). Then, the findings need to be compared with other comparable groups and with a 'baseline information' from the prior action period (*ibid.*). It should be stressed, however, that impact assessment implies cumulative effect of an action, primarily interested in whether and to what extent its results were just. Thus, it provides an answer to the question "whether these things were the right things to do," rather than to the question "did we do what we said we would do?" (Proudlock, Ramalingam and Sandison 2008, 40). The

Europeanisation debate not only overlooked the perspective of the final beneficiaries but stayed silent on whether and to what extent certain Europeanisation outcomes have been just.

2.5.3 Habermas' theory of communicative action

A theoretical concept that embraces and thoroughly addresses both these aspects, i.e. the final beneficiaries and the issue of justice, is the Habermas (1994) theory of communicative action. Unfortunately, it has not been widely used in the Europeanisation literature, except in the EU enlargement context providing a theoretical basis for discussion of the problems of legitimacy and justification of the CEE enlargement (Sjursen 2002); in the context of construction of a collective European identity and development of 'European demos' (Cederman 2001; Barry, Berg and Chandler 2012); and with regards to the establishment of European public sphere and the problem of democratic deficit (Risse and Van de Steeg 2003).

The significance of the theory of communicative action is that it goes beyond the rational-constructivist argumentation permeating the Europeanisation debate. Thus, besides the well-known pragmatic and ethical-political arguments, it introduces the 'moral argumentation' as equally legitimate, if not more important basis for policy justification (Sjursen 2002). However, these three types of argumentation are not approached as necessarily exclusive to each other, but as compatible featuring different phase of the policy process (Habermas 1994). The pragmatic argumentation justifies a policy by a cost-benefit calculation aimed at maximisation of one's interests (Sjursen 2002). Therefore, according to Habermas, these arguments are suitable for addressing technical issues, i.e. appropriate strategies and techniques for achieving 'higher' goals. Since they are interested in finding the most optimal (cheap) way to achieve certain interests, they are an inappropriate justification of 'higher' goals or particular regulation of social interaction as 'right' and 'just' (Cronin 1994, xviii).

Differently, ethical-political justification of a policy relies on the idea of collective 'us' and common values shared by a certain community (Sjursen 2002). Thus, ethical questions are dealing with the "issue of developing plans of life in light of cultural conditioned self-interpretations and ideals of the good" (Cronin 1994, xviii). Ethical argumentation strives to provide an answer to the questions "who I am (or we are) and who I (or we) want to be" (*ibid.*), being strictly limited to the culturally constructed ideas of 'identity' and 'good life'. This means that the policy recipients cannot distance themselves from the life histories and

forms of life in which they have been raised and lived. Contrary to this, the moral argumentation requires breaking up with all taken for granted truths and particular forms of ethical life, as well as critical distance from the context of life which has shaped one's identity (Habermas 1994, 12).

A moral approach differs from pragmatic and ethical-political, by rejecting both cost-benefit calculations and established values/norms of a particular community. To justify a policy it refers to universal standards of justice (Sjursen 2002). According to Habermas (1994), 'universal justice' is not an absolute term with once and for all given meaning, but it is a 'procedural principle of universalization'. This principle implies that "valid moral norms must satisfy the condition that all affected can accept the consequences and the side effects" of a policy, and that "its general observance can be anticipated to have for the satisfaction of everyone's interests (and these consequences are preferred to those of known alternative possibilities for regulation)" (Cronin 1994, xvi). Hence, for a particular policy to be considered 'just', it needs to be accepted by all those that are affected by it. This means that each policy recipient needs to take into account the perspectives of all others in examining the validity of the proposed norms and consider their effects on the needs and interests of all involved (*ibid.*, xvii).

Thus, Habermas confronts Rawls' contractualist understanding of justice (*ibid.*, xviii; Habermas 1994, 28), the most widely accepted understanding within the liberal democratic systems. Differently from Rawls, who claims that members of a modern liberal democracy can clarify what constitutes 'right and wrong' and thus, justify basic principles of justice, Habermas argues that a 'just' policy outcome cannot be anticipated and constructed beyond the context of "real discourses concerning proposed principles of justice among those potentially affected by their observance" (Cronin 1994, xviii). Here, Habermas departs from the concept of 'ideal speech situation', where "all affected can in principle freely participate as equals in a cooperative search for the truth in which the force of the better argument alone can influence the outcome" (Habermas 1994, 49–50). In such a process only moral rules that win the support of all affected can claim validity (*ibid.*, 50).

This concept, however, has been criticised for having unrealistic expectations regarding full participation, the absence of coercion and ideological bias in an actual argumentation situation (Cronin 1994, xv). Some authors (Barry, Berg and Chandler 2011, 85) have gone even further arguing that it represents the worst of all compromises since it fragments agreements even as

they form. This is based on the assumption that any compromise is intrinsically 'messy' embedding irreconcilable differences that inevitably translate into policy results engendering winners, losers and inequality (*ibid.*). The problem of this criticism is that it builds on a very dubious assumption: namely, a compromise in order not to be 'messy' needs to tone down the voice, or at best to accept as normal the silence of certain categories of people (often those that are the most disadvantaged in a society). Thus, it implicitly acknowledges that only the most privileged have the right to shape a policy compromise. As such it represents a very regressive argumentation aimed at keeping the *status quo* even at the expense of the injustices it causes.

Contrary to this, Cronin (1994, xv) has argued that a "consensus under ideal conditions of discourse is not an empty ideal without relation to real discursive practices". In an actual political context, this concept implies that the participants (policy recipients) firstly, understand the purpose of engaging in a co-operative process as a search for rightness of a policy based on a good reason, and secondly, actively endeavour to fulfil the conditions of ideal speech situation to an acceptable degree for all participants (*ibid.*).

However, the main problem is that Habermas (1994) fails to give more practical guidelines as to how this 'ideal speech situation' is to be achieved. Obviously, it cannot be achieved in a vacuum, without certain conditions to be fulfilled. In a political and societal environment featured by significant inequalities deriving from political and economic exclusion or cultural marginalisation of certain groups, it becomes highly questionable whether and how this ideal can be reached. The achievement of 'an acceptable degree' of participation of all people concerned implies, first of all, access to the public sphere. But the problem is that this access is conditioned by issues such as political rights, material resources and cultural capital. Therefore, people who are politically and economically disenfranchised or are considered culturally inferior in the eyes of the majority culture are from the onset excluded from participation.

Fortunately, issues such as political disenfranchisement, discrimination of minorities in the socio-economic sphere, or discrimination on ethnic or cultural basis are directly or indirectly tackled by international standards and to some extent are present within the EU pre-accession conditionality. Thus, the EU pre-accession process has a potential to contribute to a more open environment in candidate countries and to establish conditions for better participation of individuals belonging to different groups. This, however, requires a clear and consistent pre-

accession strategy aimed at uprooting problems of inequality and discrimination in the political, economic and cultural fields. At the same time, such a strategy needs to resist to other unrelated considerations, trade-offs or prioritisation of problems of discrimination and inequality in one field over another.

2.6 Conclusion

To explain successful Europeanisation in candidate countries, it is necessary to rely on the idea of socialisation and the concept of deep Europeanisation. In contrast to the understanding of socialisation as a top-down process, deep Europeanisation builds on the idea of socialisation as 'a two way street' of influence. Instead of approaching socialisation as a process in which the EU exercises its by and large undisputed 'paternalistic' authority over candidate countries, deep Europeanisation assumes socialisation as an interactive influence between the EU pre-accession requirements and the local context within candidate countries.

Such a perspective is justified by the nature of the policy area under research, i.e. minority protection, which, on the one hand, lacks clear rules, norms or 'ways of doing things' at the EU level, while, on the other hand, it presumes intervention for the purpose of improvement of the situation of the people most affected by the change, i.e. persons belonging to minorities. In such a context, pre-accession conditionality arbitrarily and exclusively operationalised at the EU level, without being informed and shaped by the needs and perceptions of the policy recipients (i.e. the people the most affected), cannot appropriately address the problems on the ground. Therefore, as much as it is important for the EU to socialise societal and political actors in candidate countries so as to recognise the need for improvement in this area, it is equally important that the EU learns and understands the needs of the local context to be able to define its approach appropriately.

Hence, this Ph.D. thesis aims to analyse deep Europeanisation, which as a concept goes beyond the understanding of Europeanisation in terms of rule transfer, rule adoption and implementation. The central element that I aim to introduce is the impact of the pre-accession conditionality on the people most affected by it. However, the impact on the final beneficiaries and the quality of change are not approached in a vacuum, but in the light of the 'higher' goal set by the EU; in the area of minority protection this is recognised to be the

achievement of substantial equality and non-discrimination of persons belonging to minorities.

Thus, deep Europeanisation in the context of minority protection implies an outcome which effectively achieves these goals (equality and non-discrimination) and as such is acknowledged by the final beneficiaries, i.e. persons belonging to a minority. This result presupposes a preceding process of redistribution of rights and resources under EU pressure and restructuring of the position of minorities *vis-à-vis* the majority. The process itself it is expected to integrate the position of final beneficiaries and to provide an ideational support and 'legitimacy' to their requests as long as they are in line with the 'higher' goals of the EU (in this context achievement of equality and non-discrimination).

Moreover, the assessment of EU induced change is based on the actual improvement of the status and access to rights, as well as the 'value judgement' of policy recipients. The assessment focuses on the quality of change in people's life – whether it was positive or negative; and whether and to what extent it had improved their position in comparison to the period before the pre-accession process. As the 'value judgment' of final beneficiaries might face criticism and be dismissed as too subjective, it is supported by additional more objective information and data indicating the level of equality and discrimination before and after the pre-accession process. On these bases, the assessment should give answers whether the problems of discrimination and inequality from the period before the EU involvement were addressed, whether they persisted or new forms of discrimination and inequality emerged during the pre-accession period.

2.6.1 Alternative definition of Europeanisation

As already discussed above,[54] the main problem of the Europeanisation research derives from the very definition of this phenomenon. Therefore, when assessing deep Europeanisation, I will depart from an alternative definition defining the process of Europeanisation as "a situation where distinct modes of European governance have transformed aspects of domestic politics" (Buller and Gamble 2002, 17). The novelty introduced by this definition is that, differently from the dominant understanding of Europeanisation as a process, it approaches Europeanisation as an outcome (Buller and Gamble 2002). Thus, it places the focus on a

[54] See section 2.3.

particular situation where certain effects have occurred, rather than on the process *per se* (Buller and Gamble 2002, 17). This indirectly changes the perspective of the actors that need to be considered; namely, instead of focusing on those (official political actors) who lead the process of rule transfer, the interest is shifted to those who are affected by the results of the process (citizens).

Moreover, this definition does not take for granted the effects of the EU influence as something inevitable. On the contrary, it embraces their contingent nature arguing that a Europeanisation result is not only uncertain but also dependant on the pressure of a whole new kind of social interaction (Buller and Gamble 2002, 17). Most importantly, this definition gives "analytical primacy to the impact of European developments at the domestic level" (Buller and Gamble 2002, 18) by being exclusively interested in the very change on the ground.

Therefore, Buller and Gamble (2002) reject Europeanisation in the form of inertia (representing an absence of change), absorption (formal changes that do not essentially challenge the system, leaving its core undisturbed) and retrenchment (a situation when a national policy becomes less 'European'). They argue that if Europeanisation in its most general meaning implies a condition of becoming 'like Europe,' then it must represent some transformation of domestic politics in this sense, be that through 'positive,' 'negative,' or 'framing' integration (*ibid.*, 18). However, the rejection of 'retrenchment' as Europeanisation result is disputable since it represents certain change (nevertheless negative). In particular, if a causal link between the EU pre-accession approach and a 'less European' policy result is denoted; it is justified to consider the 'retrenchment' a Europeanisation outcome.

Hence, the Ph.D. thesis approaches Europeanisation as a 'result,' rather than a 'process.' By analysing policies already recognised as EU success (the problem of Latvia's citizenship policy and the Macedonian equitable representation policy), it aims to reassess whether the EU positive recognition amounts to a successful deep Europeanisation, in terms of a substantial improvement of the status of policy recipients. These Europeanisation results are analysed through the prism of policy recipients by placing the research focus on the redistribution of rights and resources under EU pressure and their effect on the status of minorities *vis-à-vis* the majority. Hence, the case studies analysed in the next chapters assess whether and to what extent the EU pre-accession approach has empowered policy recipients to translate their needs and interests into more just policies.

3 Latvia's citizenship policy

3.1 Introduction

On the basis of the 1990 Declaration on the Restoration of Independence of the Republic of Latvia and the 1991 referendum, the Supreme Council in 1991 declared independence of Latvia as a democratic republic (Law on the Statehood of Latvia 1991). The sovereign power was bestowed upon the people of Latvia, while its statehood was determined by the 1922 Constitution of the Republic of Latvia. This meant that Latvia was not proclaimed a new republic, but chose the path of 'legal continuity' of the interwar republic. Later in 1991, the Supreme Council adopted a Resolution on the renewal of Republic of Latvia citizens' rights and fundamental principles of naturalisation (1991), which divided the residents of Latvia into two groups – citizens and non-citizens. Only the former, i.e. pre-1940 citizens, and their descendants were considered legitimate citizens of the country, whereas those who moved to Latvia during the "illegal annexation" (Resolution on the renewal of Republic of Latvia citizens' rights and fundamental principles of naturalisation 1991) by the Soviet Union had to undergo a naturalisation process.

Contrary to the promise of an inclusive citizenship policy in the pre-independence period,[55] the Resolution revoked equal legal status that all residents of Latvia enjoyed before independence, thus leaving 740,000 persons, mainly Russian-speakers (around 30 % of the total population), stateless (ECRI 1999, 11). These so-called 'non-citizens' were left in a legal vacuum until the adoption of the Law on the Status of Former USSR Citizens who are not Citizens of Latvia or any other State in 1995; however, even after the adoption of the law they continued to be discriminated due to many restrictions affecting their social, property and employment rights.

[55] The Popular Front of Latvia (PFL – a movement for independence of Latvia) promised an inclusive citizenship policy, i.e. an automatic citizenship for all permanent residents of the Latvian Soviet Socialist Republic (Dorodnova 2002, 26); which was contained in their pre-election programme from 1989 (Buzajevs, Dimitrovs and Ždanoka 2008). Despite the high electoral support for the PFL among non- Latvian voters at the 1990 elections (Antane and Tsilevich 1999, 86), the inclusionist position from the pre-independence period was replaced with ethno-centric rhetoric and actions after independence. As Andrej Pantelejevs – a PFL deputy (later a leader of the political party the Latvian Way) admitted, the promise of an automatically granted citizenship was a conscious lie during the pre-independence period with the purpose to prevent violence and human casualties (Antane and Tsilevich 1999, 24). Thus, the declarative inclusionist approach was actually a tactic to neutralise potential opposition to independence among non-Latvians and to disguise the actual goal which was securing a titular position of the Latvians in the renewed Latvian state.

Their exclusion was justified with the need to eliminate the consequences of the Union of Soviet Socialist Republics' (USSR) occupation and illegal annexation (Resolution on the renewal of Republic of Latvia citizens' rights and fundamental principles of naturalisation 1991). Precisely, the aim was to redress the ethnic population balance established by the official Soviet migration policy, which dramatically changed Latvia's demographic structure.[56] In such a context, citizenship policy was set as the main instrument to 'repair the damage' by reversing the situation to the pre-Soviet rule. However, addressing the historical injustice presumed a new injustice towards those who during the Soviet period moved and settled in Latvia. They were 'equated' with the Soviet regime, and despite the fact that most of them did not make a choice to live in Latvia (but the Soviet regime made it for them) were held responsible for paying the blame for the previous regime.

The restrictive citizenship policy quickly became an issue of interest for the international community. Mainly due to security concerns, in the beginning, the international community got actively involved in the process of liberalisation of the law. The amendments to the citizenship law adopted in 1998 were considered a great success story of the international community, especially of the synergy between the High Commissioner on National Minorities (HCNM) and the European Union (EU, also Union) and the conditionality of the latter. However, this did not improve much the position of the non-citizens. In 2004, Latvia acceded to the EU with an enormously high number of non-citizens (according to representatives of non-citizens more than 500,000),[57] who continued to be discriminated within an environment not less hostile than before the accession.

Hence, in this chapter, I analyse the problem of non-citizens deriving from the rigid Latvian citizenship policy and the response of the international community to this problem. However, the focus of the analysis is not placed exclusively on the restrictive naturalisation procedure as the key issue, but on its wider socio-economic implications on non-citizens. The aim is to challenge the dominant assumption that the socio-economic rights and opportunities were not affected by the citizenship status, which was taken as the basis for the positive assessment of Latvia as a consolidated democracy, guaranteeing the fundamental freedoms and rights, and

[56]The percentage of ethnic Latvians, which in 1935 amounted up to 77 of the whole population, by 1989 decreased to 52 % (Cooper 2008, 27). In the same period, the percentage of Russians increased from 8.8 to 34, of Belarussians from 1.4 to 4.5 and of Ukrainians from 0.1 to 3.5 (Cooper 2008, 27).

[57] One year before the accession to the EU, the number of non-citizens was 494,319 (Office of the Commissioner for Human Rights 2004, para. 27). According to Petropavlovsky (2013) – an activist for the rights of non-citizens the number was 523,000; see sub-section 3.5.2.2.

for confining the problem to the naturalisation procedure. Therefore, I analyse the quality of the policy solution by Latvia in line with international guidance, primarily from the aspect of the group most affected by it: the non-citizens. In this context, I seek to identify the underlying structural reasons, at both national and international levels that led to the absence of a solution of this problem.

With this purpose, the chapter is structured as follows: in section 3.2, I analyse the process of adoption of the 1994 and 1998 laws, their content and quality of change based on the recommendations received from the international community (international institutions). In the following section 3.3, I discuss the role of the international community. Precisely, sub-section 3.3.1 refers to the role of the HCNM, sub-section 3.3.2 discusses the approach of the Council of Europe (CoE), and sub-section 3.3.3 focuses on the EU pre-accession conditionality applied with regard to the problem of non-citizens.

In addition, in section 3.4, I analyse the impact of the citizenship status on the socio-economic status of non-citizens. Then, in section 3.5, I discuss the change of societal and political attitudes during the period of active international involvement – until Latvia's accession to the EU. The positions of political actors are mapped by a political discourse analysis of parliamentary debates in the period of 1993–2004 (sub-section 3.5.1). This is complemented by the analysis of information gained on the basis of qualitative interviews conducted with political and societal actors, as well as a former representative of the Organisation for Security and Co-operation in Europe (OSCE) mission in Latvia (sub-section 3.5.2).

The analysis of the change of political attitudes relies on transcripts of parliamentary plenary sessions that addressed the issues of citizenship and non-citizens. The selection of the parliamentary debates was conducted with the help of the Latvian parliament's web-search engine and on the basis of the key words: 'citizenship law' and 'non-citizens'.[58] For the political discourse analysis, the relevant information from the parliamentary transcripts, i.e. political statements were coded according to the political party affiliation of members of parliament (MPs) and the year of the parliamentary discussion. The findings are presented along political party lines, as no relevant variation of MPs positions at intra-party level was

[58] Since the transcripts were in Latvian, their selection and translation was done with the help of Ēriks Selga – a student at the Riga Graduate School of Law. All parliamentary discussions which referred to non-citizens and the citizenship law were taken into consideration. For each of the transcripts, Mr. Selga was instructed to provide translation according to the following structure: name of the MP; political party affiliation; subject of parliamentary debate; and a quote of the discussion.

registered.[59] The political statements were divided according to a topic of discussion and they have been analysed chronologically, over the time period of 1993–2004. This was recognised as the most suitable approach for identifying the change of political attitudes over time, as well as for assessing whether the change was substantial (by taking into considerations its general implications, i.e. impact on different policy areas).

The political disscourse analysis is complement with a more detailed information gathered on the basis of ten qualitative interviews with different individuals who were either directly included in the process of the adoption of the citizenship law or who were closely following the process. The interviews were conducted during the period between May and July 2013. The interviews were conducted online: nine of the interviews were answered via e-mail, whereas one interview was conducted via Skype.[60]

The identification of the interviewees was made with the help of a local non-governmental organisation (NGO) activist[61] who suggested a list of potential interviewees and secured their contact information. The selection relied on the following criteria: direct involvement in the decision making process; active engagement in the implementation process; expertise on the topic; and social engagement and advocacy on behalf of non-citizens. As an additional requirement, the potential interviewees had to belong to one of the following groups: MPs involved in the process of citizenship law adoption/amending; institutions responsible for implementation and monitoring; experts/scholars/journalists closely observing the process; and organisations representing persons belonging to minorities and human rights activists.

Out of 20 people contacted, ten agreed to answer the interview. Five of the ten interviewees who answered were representatives of the civil society: Yury Petropavlovsky – activist for the rights of non-citizens; Aleksandrs Kuzmins – secretary-executive of Latvian Human Rights Committee LHRC; Kaspars Zālītis – human rights expert and activist; Andrey Berdnikov – scholar and activist; and Dace Akule – director of the Centre for Public Policy PROVIDUS. The remaining five intervieews were: a political journalist from Radio Latvia One Karlis Streips; the deputy head of the Office of Citizenship and Migration Affairs Janis Citskovskis; the former deputy head of the OSCE Mission in Latvia Undine Pabriks Bollow; and two representatives of political parties: Boriss Cilevičs, an MP from Harmony, and Ilmars

[59] Information about political parties in the government and in opposition for the period of 1993–2004 is presented in table 3.1, in Annex A.
[60] The interview with Kaspars Zālītis (2013) was conducted via Skype.
[61] Māris Noviks from the European Movement in Latvia.

Latkovskis, a former member of the PFL and an MP representing the National Alliance "All For Latvia!" – For Fatherland and Freedom/Latvian National Independence Movement. Interviews were structured as an open ended questionnaire aiming to map: 1) attitudes regarding the role of the international community and 2) change of political and societal attitudes about the problem(s) of non-citizens.

Based on the topics discussed in the interviews, sub-section 3.5.2 is structured as follows: in sub-section 3.5.2.1 are presented perceptions about the leverage of the international community to challenge the basis of the citizenship policy; sub-section 3.5.2.2 discusses the clarity of the goal(s) and expected results set by the international community; sub-section 3.5.2.3 refers to perceptions about the 'window system'; sub-section 3.5.2.4 mapps attitudes regarding the success of the international community's aproach; sub-section 3.5.2.5 discusses the fear of the 'Russian threat'; sub-section 3.5.2.6 focuses on the role of the civil society and the academia; sub-section 3.5.2.7 refers to the role of the international community in challenging the dominant political and societal beliefs with regard to non-citizens; sub-section 3.5.2.8 discusses perceptions about the impact of the citizenship policy on the socio-economic status of non-citizens; and sub-section 3.5.2.9 addresses the problem of the lack of socio-economic data according to citizenship status. In the end, in section 3.6, are presented the main conclusions of the analysis.

3.2 The citizenship laws from 1994 and 1998

The Resolution on the renewal of Republic of Latvia citizens' rights and fundamental principles of naturalisation (1991) laid down a set of naturalisation principles as the main point of reference for the future content of Latvia's citizenship caw.[62] In the absence of a law, however, the naturalisation of non-citizens could not start, which led to strong international pressure[63] for fast adoption of a citizenship law as a solution to the problem of a large number of non-citizens and their inclusion into Latvian society.

[62] The naturalisation requirements referred to were: the knowledge of Latvian at conversational level; the renunciation of previous citizenship; legal residence in Latvia of at least 16 years; the knowledge of the fundamental principles of the Constitution; and a swearing a citizens' oath to the Republic of Latvia (Resolution on the renewal of Republic of Latvia citizens' rights and fundamental principles of naturalisation 1991).
[63] For the analysis of the HCNM's (1993a) letter see sub-section 3.3.1.

In 1993, a citizenship law was adopted which introduced an annual quota to be determined by the government and approved by the *Saeima*, as a central element of the naturalisation system. However, the law was unacceptable and strongly criticised by the international community.[64] The main problem was that this solution gave too much latitude and arbitrary power to the government and the parliament in the decision-making of the size of the annual quotas (HCNM 1993b). The fear was that it could lead to decisions that would not at all allow naturalisation or would allow very minimal quotas. In any case, this caused significant uncertainty among non-citizen about their prospect of naturalisation.

The law stipulated that the quotas would be decided upon taking into consideration the demographic and economic situation in the country, with the purpose of ensuring the development of Latvia as a single-nation state (HCNM 1993b). Although the phrase 'single-nation state' was raised as problematic (*ibid.*), leading to concerns about the rights of ethnic non-Latvians, more indicative was the fact that the law referred to economic considerations, along with the demographics. The demographic 'imbalance' was often mentioned[65] as the main reason for Latvia to retreat to the nationalistic course after its independence. But economic considerations were never explicitly supported by strong and legitimate arguments. The HCNM problematised a steady legal income as a citizenship requirment, by asking for an exception from its application to unemployed persons (HCNM 1993a).[66] The controversy with this requirement was that it directly targeted and disproportionately affected Russian-speakers who were left unemployed after the collapse of the Soviet industry.[67]

The 'quota law', however, was not promulgated due to the criticism by the international community and its threat to Latvia to be denied accession to the CoE.[68] The HCNM (1993b) proposed a replacement of the quota system with a gradual system of naturalisation with a clear time table for naturalisation for different categories of non-citizens. According to his timetable, precedence to naturalise in 1994 and 1995 was to be given to those individuals who were born in Latvia and to spouses of Latvian citizens. Furtheron, people living in Latvia for 20 years could naturalise from 1996; those with 15 years of residence could naturalise from

[64] See the following section 3.3.
[65] See sub-sections 3.5.1 and 3.5.2.1.
[66] This issue was problematised only by the HCNM, while the CoE did not refer it as a problem that had to be addressed (Parliamentary Assembly 1994a; 1994b; 1994c). In the beginning, the CoE was cautious in addressing the socio-economic aspects of the citizenship policy. Later, this changed and socio-economic problems deriving from discrimination on the grounds of citizenship status have been noted, in particular, in the ECRI Reports and the Opinions of the Advisory Committee; see sub-section 3.3.3.
[67] See section 3.4 and the discussion of Petropavlovsky in sub-section 3.5.2.8.
[68] See sub-sections 3.3.1 and 3.3.2.

1997; and in 1998, the naturalisation was to be open to all those who lived in Latvia for ten years (*ibid.*). Moreover, the naturalisation criteria proposed by the HCNM presumed a minimum five years of residence, basic knowledge of Latvian and an oath of loyalty (HCNM 1993a). As a solution to the problem of stateless children, the HCNM required a *de facto* automatic granting of citizenship to all children born in Latvia, although he refused to use the word "automatically" in this context (HCNM 1997). At this point, the main focus of the HCNM was the adoption of a citizenship law that could secure greater legal certainty for ethnic non-Latvians regarding their status.

Due to the concerns of the international community, the President of the Republic refused to sign the law and returned it to the parliament for additional deliberation (Dorodnova 2002). As a result, the law was revised, and the quota system was substituted by the so-called 'window system' (Law on Citizenship 1994, Article 14). However, the requirements of the HCNM were not fully met as the changes made to the law significantly diverged from his suggestions; the only thing that was accepted was the form, i.e. gradual naturalisation called the 'window system'. Contrary to the HCNM proposal, which foresaw 1998 as the year when the naturalisation would be open to all categories, the adopted law extended the timetable for naturalisation to 2003 (*ibid.*).[69]

Furthermore, the law was not fully in compliance with the HCNM recommendation regarding the naturalisation criteria. According to Article 12 (Law on Citizenship 1994), the applicants had to fulfil the requirements of at least five years of residence in Latvia; the knowledge of Latvian, the Constitution, national history and the anthem; and a proof of a legal source of income. Not only did Latvia not dismiss the income requirement, but it also refused to exempt unemployed persons from its application as suggested by the HCNM. It did not even refer to the problem of stateless children. However, in spite of the shortcomings, the adoption of the law was welcomed by the HCNM as in compliance with his requirements.[70] Moreover, in 1995, Latvia acceded to the CoE, which was an additional confirmation of the international (indirect) approval of the new citizenship legislation.[71]

[69] According to Article 14 of the Law on Citizenship (1994), naturalisation was provided to: persons of the age of 16 to 20, born in Latvia, from 1996; individuals not older than 25, from 1997; persons not older than 30 years, from 1998; people up to 40 years of age, from 1999; all people born in Latvia, from 2000; all those who were born outside of Latvia or who moved to Latvia as minors, from 2001; those born outside of Latvia who were not older than 30 years when moved to the country, from 2002; and all the rest after 2003.
[70] See sub-section 3.3.1.
[71] For more on the CoE attitude towards the Latvian citizenship policy see sub-section 3.3.2.

In 1995, the law was amended to introduce the *ius sanguinis* principle and to apply to additional groups eligible for citizenship, i.e. Latvians and Livs[72] residing in Latvia, women who lost citizenship upon marriage and persons who finished their education in Latvian language (Amendments to the Law on Citizenship 1995). In practice, the amendments gave the right to automatic citizenship to ethnic Latvians and graduates from schools with instruction in the Latvian language simply by indicating their Latvian origin. Thus, the amendments established a direct link between citizenship and ethnicity, officially acknowledging the ethnic element of the citizenship.[73]

In 1995, Latvia also adopted the Law on the Status of Former USSR Citizens who are not Citizens of Latvia or any other State (1995). The law gave a special status to 'non-citizens' guaranteeing them the right not to be deported, permanent residence and special non-citizens passport. Non-citizens were recognised a *sui generis* status, according to which they were neither citizens nor foreigners. Although they were not granted citizenship, this special status officially exempted them from the category of stateless persons, by which Latvia complied with the international standards on the reduction of statelessness.[74]

The law addressed the main concerns of the international community and countered ambitions for repatriation of non-citizens by prohibiting collective evictions (*ibid.*, Article 2).[75] Non-citizens were guaranteed rights and obligations set by the Constitution, as well as the right to maintain their native language and culture as long as that did not contravene the laws of the Republic of Latvia. Although this seemed to imply that non-citizens enjoyed the same rights as citizens guaranteed by the Constitution and that they were guaranteed minority rights, the

[72] Livs are indigenous people in Latvia (Government of the Republic of Latvia 2014b).

[73] Although the ethnic aspect of the policy was evident ever since the adoption of the Resolution in 1991 (Resolution on the renewal of Republic of Latvia citizens' rights and fundamental principles of naturalisation 1991), no explicit reference was made to ethnicity until the adoption of these amendments. The rise and, moreover, the unchallenged normalisation of the nationalistic discourse eventually led to an official legal recognition of ethnicity as a key aspect of the citizenship policy.

[74] Latvia distinguishes stateless persons from non-citizens. Non-citizens, i.e. persons who are subject of the Law on the Status of those Former U.S.S.R. Citizens who do not have the Citizenship of Latvia or that of any Other State (non-citizens), do not fall into the category of stateless persons under the Latvian law. The Law on Stateless Persons (2004, Section 3 Paragraph 2) makes this distinction explicit as it states that persons, i.e. subjects of the Law on the Status of those Former U.S.S.R. Citizens who do not have the Citizenship of Latvia or that of any Other State (non-citizens) shall not be recognized as stateless persons. This solution has been based on the argumentation that non-citizens enjoy a broad scope of social and economic rights; therefore, they should not be covered by the 1954 UN Convention relating to the Status of Stateless Persons (Djackova 2015).

[75] This was a response to the concerns of the international community, precisely, of the HCNM who explicitly warned Latvia that collective repatriation of non-citizens would be unacceptable and would lead to international repercussions; for more see sub-section 3.3.1. This provision was an important legal safeguard as such ideas were strongly advocated by some political actors in the parliament, see sub-section 3.5.1.

condition of 'not contravening other laws' secured many restrictions and eventually affected their access to the right to property, social rights and access to employment.[76]

Moreover, the law faced criticism at both substantial and technical levels. Firstly, it was criticised as highly controversial for legalising discrimination and officially making non-citizens second-class residents (Refugees International 2011, 2). Secondly, the implementation of the law was criticised due to technical problems: non-citizens were denied the freedom of movement as the issuance of non-citizens passports started in 1997, two years after the law had been adopted; and their right to family reunification was restricted by the immigration legislation, which required special guarantees and visas for family members to enter Latvia (Antane and Tsilevich 1999). An additional problem was that the law did not foresee retroactive compensation for non-citizens, for the violation of their rights in the period before their status was regulated. This was highly problematic as they were in a legal limbo for five years, which was a period characterised by systematic administrative violations by the Department of Citizenship and Immigration.[77]

Thus, the 1994 citizenship law and the law regulating the non-citizens status did not improve much the situation of the non-citizens. The naturalisation rate after the adoption of the 1994 citizenship law was disappointing.[78] This was the main reason for the HCNM to recommend the abolition of the 'window system' in 1996 (HCNM 1996b). Besides this, the HCNM provided a list of requirements calling for a simplification of the citizenship tests, the granting of citizenship to stateless children born in Latvia, an exemption of applicants over 65 years from the language test and reduction of the naturalisation fee (HCNM 1996a; 1996b; 1997).

[76] See section 3.4.

[77] The Citizenship and Immigration Department denied non-citizens status to many residents on unfounded basis and alleged claims of their connection to the Soviet army (Buzajevs, Dimitrovs and Ždanoka 2008). More than 100,000 people were denied registration as non-citizens, which made them *de facto* illegal residents (Dorodnova 2002). According to the 1993 statistics of the Population Register, 161,456 people were denied registration as non-citizens, 714,980 were officially recognised as non-citizens, while the citizens status was recognised to 1,729,740 people (Buzajevs, Dimitrovs and Ždanoka 2008, 12). Many decisions of the Citizenship and Immigration Department were challenged before courts; and although in many cases a breach of the law was recognised, decisions were often ignored by the authorities (Rozenvalds 2010, 42). These events resulted in mass emigration of Russian-speakers, which according to some estimates, in the first half of the 1990s, reached the number of 200,000 people (Dorodnova 2002; Rozenvalds 2010, 42).

[78] In 1996, only 525 persons, out of 33,000 who had the right to apply, started the naturalisation process (HCNM 1997). For the first four months of 1997, only 151 non-citizens applied although the number of people eligible to apply for citizenship was more than 31,000 (*ibid.*). Since the beginning of the naturalisation process (February 1995) to mid May 1997, the total number of naturalisations was just over 4,800. The most numerous categories, amounting to 469,053 non-citizens had the right to apply after 2000. This led the HCNM (*ibid.*) to conclude that the 'window system' did not provide the best framework for naturalisation.

However, in the absence of a 'stick', the HCNM's impact was insignificant until the EU explicitly linked Latvia's European prospect with the liberalisation of the citizenship law. The EU stated that for fulfilment of the political criteria and the start of the accession negotiations "Latvia needs to take measures to accelerate naturalisation" and to "ensure equality of treatment for non-citizens and minorities, in particular for access to professions and participation in the democratic process" (Commission of the European Communities 1997). On this basis, Latvia was not allowed to start accession negotiation with the Union in 1997.

Eventually, after the involvement of the EU and in spite of the unfavourable domestic conditions,[79] the citizenship law was liberalised. This, nevertheless, was not an easy challenge as the parties in the government rejected the criticism of the international community that the 'window system' was ineffective, placing the blame for the low naturalisation rate on non-citizens.[80] However, other political parties, which also were not in favour of the amendments, took a more pragmatic stance expressing intentions for reversal of the citizenship law once the international pressure was gone.[81] The Latvian President again in 1998 played a crucial role, as in 1994, by calling for the annulment of the 'window system' and compliance with the HCNM's recommendations as the only way for Latvia to secure its European future (Dorodnova 2002, 46).

Consequently, the 1998 amendments to the citizenship law abolished the 'window system' and gave the right to citizenship to stateless children until the age of 15, upon application by their parents. However, contrary to the expectations and recommendations of the HCNM, the changes led to new controversies. Namely, the application procedure for stateless children foresaw submission of a document certifying that parents would help the child master the Latvian language and would instil in the child respect for and loyalty to the Republic of Latvia (Citizenship Law 1998, section 3.1.). Children older than 15 years, on whose behalf parents did not apply for citizenship, had the right to citizenship by submitting a document verifying education in the Latvian language or a document certifying the knowledge of Latvian. Both these novelties were contrary to the recommendations of the HCNM, who

[79] After the resignation of the government in 1997, a new government with a firmer nationalistic stance regarding the issue of non-citizens issue came to power. Its mandate was 'sealed' by a Declaration, which stipulated that a consensus of all political parties within the government was required for any change of the citizenship law (Dorodnova 2002). In practice, this meant a moratorium, due to the threats of the far right party For Fatherland and Freedom/The Latvian National Independence Movement to leave the ruling coalition in case of liberalisation of the law.

[80] For more see the discussion of the 1997 parliamentary debates in sub-section 3.5.1.

[81] See the position of the Latvian National Reform Party and the Latvian Green Party in sub-section 3.5.1.

required that citizenship for stateless children not be conditional upon any additional requirements.[82]

Moreover, although the citizenship requirements remained the same as in the 1994 law (five years residence, legal source of income, a pledge of loyalty to the Republic of Latvia, knowledge of Latvian, the basic principles of the Constitution, the history of Latvia and the lyrics of the National Anthem) there was a linguistic difference with regard to the language requirement. The 1994 law stipulated that the applicant should have "a command of the Latvian language" (Law on Citizenship 1994, Article 12), while the 1998 law required fluency in the Latvian language (Citizenship Law 1998, section 12).[83] This, contrary to the recommendation for lowering the language requirement, actually prescribed the knowledge of Latvian at the highest level.

Although the testing process was to be determined in detail by the government, the law set the main criteria as to what fluency implied: to understand completely all information of social and official nature; conversation and answering questions on topics of social nature; reading and fully understanding any instructions, directions and other text of a social nature; and the ability to write an essay on a topic of a social nature (*ibid.*, section 20). These criteria corresponded with the criteria defining 'command of the Latvian language' set by the 1994 citizenship law. The difference, however, was that instead of understanding and conversation on topics of social nature, the 1994 law seemed looser referring to topics of everyday nature. The requirement on fluency did not apply to elderly persons above the age of 65 – a group which, nevertheless, was not exempted from the language tests as the HCNM initially required (*ibid.*, section 21).[84]

As a response to the adoption of the amendments, in October 1998, the far right political parties organised a referendum asking the voters to vote against the amendments. However, in spite of the general unfavourable political context and mainly due to the explicit link set between the EU prospect of Latvia and the result of the referendum, the amendments were approved by a tight result of 53.02 % in favour of the liberalisation (ODIHR 1998, 18). Once

[82] See sub-section 3.3.1.

[83] Nevertheless, both laws prescribed higher language requirement than the one stipulated in the Resolution on the renewal of Republic of Latvia citizens' rights and fundamental principles of naturalisation (1991). The requirement to which the Resolution referred was the knowledge of Latvian at conversational level.

[84] Initially, the HCNM recommended elderly people (over the age of 65) to be completely exempted from the application of the language requirement (HCNM 1996a). However, in the later communication the expectations and the pressure of the HCNM lowered asking the government to at least exempt this group from the written part of the language exam (HCNM 1996b).

the abolishment of the 'window system' and the right to citizenship given to stateless children was confirmed at the referendum, the European Commission acknowledged that Latvia successfully fulfilled the political criteria for accession (Commission of the European Communities 1998). Even though the amendments did not fully reflect the HCNM recommendations, their adoption and the positive outcome of the referendum were praised by the international community.[85]

3.3 The role of the international community

The involvement of the international community in the case of Latvia, regarding its approach and impact, was generally positively assessed within the relevant literature (Zaagman 1999; Dorodnova 2002; Morris 2003; Kelley 2003; 2004; Schimmelfennig and Sedelmeier 2004; 2005; Muižnieks 2006; 2011). Zaagman (1999) and Dorodnova (2002) attributed the key role to the HCNM for non-escalation of a violent conflict in the first years of independence and the liberalisation of the citizenship law in 1994 and 1998. In addition, Muižnieks (2011) praised the HCNM for successfully applying 'arm-twisting' and 'hand holding' strategies that led to the liberalisation of the citizenship law; the former implying synergy with the CoE and the EU, while the latter referring to the detailed recommendations for improvement of the legislative framework.

Other authors (e.g. Morris 2003; Kelley 2003; 2004; Schimmelfennig and Sedelmeier 2004; 2005) referred specifically to the 'synergy' of HCNM and the CoE and the EU stressing that the liberalisation of the citizenship law would not have happened in the absence of attractive enough 'carrots', i.e. the membership in the CoE, in 1995, and the start of the EU accession negotiations, in 1999. This was also confirmed by the HCNM Knut Vollebaek in 2010; namely, he admited that his predecessors had an easier time in convincing the Baltic States

[85] The EU welcomed the result of the referendum as an important step towards the integration of all inhabitants of Latvia (Ministry of Foreign Affairs 1998). It was noted that the implementation of the amendments was in full accordance with the OSCE recommendations and that the result of the referendum was consistent with the principles and aims of the EU. The Union also promised to support the integration of non-Latvians into Latvian society. The OSCE and the delegation of the CoE Parliamentary Assembly which monitored the general elections and the referendum positively assessed the process (*ibid.*). Also, the United States of America welcomed the outcome of the referendum as fully in the spirit of the U.S. Baltic Partnership Charter (*ibid.*). In this context it was stated that the amendments fulfilled all of Latvia's international obligations in the area of citizenship and as such were important step on the path to full integration of Latvia into European and Euro-Atlantic institutions.

states to follow their advice, due to the fact that these countries were in the pre-accession stage to the EU. In this context, he clearly linked the success of the HCNM with the "EU backing" (Vollebaek 2010).

Moreover, the international community, in particular, the OSCE, was praised (Zaagman 1999; Muižnieks 2006; 2011) for successfully intervening in the process of withdrawal of the Russian troops from Latvian soil[86] and, more importantly, for delinking the issue of troop withdrawal from the problem of non-citizens. In this context, some authors (Zaagman 1999; Muižnieks 2006; Woolfson 2009; Muižnieks 2011) referred to the active role Russia presumed with regard to non-citizens, as a significant factor shaping the general political climate in Latvia and the public opinion regarding non-citizens.

Thus, Woolfson (2009) observed that active Russian interest in the situation of the Russian minority from the 'near abroad' was interpreted as foreign interference in internal affairs and, in some cases, even as an open aggression. Muižnieks (2006; 2011) analysed the different tactics and approaches applied by Russia: from military pressure (conditioning the troop withdrawal with the improvement of the status of the Russian-speakers) to political pressure (using its membership in international organisations and institutions) and soft power (programmes for education and economic support and travel benefits for Russian-speakers). The main highlight from these analyses was that in spite of the success of the international community in neutralising the military threat, the idea and myth of the 'Russian threat' stayed deeply entrenched in the collective Latvian memory.[87]

However, in contrast to the prevailing positive assessment of the involvement of the international community in Latvia, some authors (Birkenbach 1997) criticised its approach for lacking a single voice and consistency, as well as for marginalisation of the human rights aspect. By the analysis of over 20 fact-finding missions in Latvia, Birkenbach (*ibid.*) concluded that despite the registered shortcomings and discrimination, there was a lack of a unified stance among international actors as to whether the rigid citizenship policy represented a violation of human rights. Many of the reports did not approach the citizenship

[86] On 30 April 1994, Latvia and Russia signed an agreement on the Legal Status of the Skrunda Radar Station during its temporary Operation and Dismantling (OSCE 2016). As a result, by 31 August 1994, the Russian troops withdrew from Latvia, while Latvia allowed Russia to use the Skrunda radar until 1998 (OSCE 1994).
[87] For more on the perceptions on the 'Russian threat' and its impact on the Latvian political and societal context see sub-section 3.5.2.5.

problem within the human rights context. Moreover, the majority explicitly denied any violation of international law by the Latvian citizenship policy.[88]

In addition, other authors (Poleshchuk and Tsilevich 2002/3; Hughes 2005) focused specifically on the limitations of the EU approach to delivering more optimal solution to the problem of non-citizens. Thus, as the main reasons for the partial solution to the problem, Poleshchuk and Tsilevich (2002/3) identified the lack of EU standards and vague monitoring criteria easily subjected to political bargaining during the accession negotiations. Similarly, Hughes (2005) observed that the case of non-citizens challenged the very effectiveness of the EU conditionality as liable to political realism considerations and to quantitative and formal (rather than qualitative) indicators for assessment. However, this prevailing focus on the EU's lack of legal standards, vague norms and predominantly formal benchmarks overlooked the prevalence of the economic considerations, which to a great extent 'normalised' the problem of the non-citizens within the Europeanisation framework.[89]

3.3.1 The role of the High Commissioner on National Minorities

Upon the establishment of the institution of the HCNM, the problems related to non-citizens were completely handled by him, in a separate process from the OSCE mediation of the Russian army withdrawal. The HCNM was established in 1992 as an instrument of conflict prevention at the earliest possible stage; which implied containing and de-escalating tensions involving national minorities within the OSCE area through the mechanisms of early warning and early action (OSCE 2017). Thus, the HCNM covered several areas of interest: conflict resolution and prevention; education and conflict prevention; minority and majority languages; promoting effective participation in public life; minorities and the media; policing in multi-ethnic societies; national minorities in inter-state relations; and integration of societies.[90]

[88] See also the comment made by Cilevičs (2013) on the lack of international recognition of the link between human rights violations and the concept of 'restored citizenship', in sub-section 3.5.2.1.
[89] See sub-section 3.3.3.
[90] Later, on this basis, the Ljubljana Guidelines on Integration of Diverse Societies (OSCE High Commissioner on National Minorities 2012) have been developed. Departing from the observation that a recognition and accommodation of a minority culture, identity and political interest, as well as promotion of the participation of all is not enough for sustainable and lasting peace, a set of recommendations has been developed for States for promotion of the integration and cohesion of diverse, multiethnic societies. The principles for integration set by the Ljubljana Guidelines (*ibid.*) refer to: recognition of diversity and multiple identities; primacy of voluntary self-identification; non-isolationist approach to minority issues; shared public institutions, a sense of belonging and mutual accommodation; inclusion and effective participation; rights and duties; inter-community relations; and policies targeting both majorities and minorities.

However, it needs to be stressed that the HCNM was not intended to be a human rights instrument or an institution protecting individual and minority rights. As Zaagman (1999, 7) rightly observed, its role was even symbolically reflected in the very name of the institution, where instead of the preposition "for" it was chosen "on" National Minorities. This means that the HCNM is not an advocate for minorities, but an institution that addresses security concerns through direct diplomatic channels at the highest government level. Nevertheless, it should be pointed out that in spite of the security nature of the HCNM the problems it tackles have a human rights dimension; therefore, there was a high expectation of the indirect positive impact of the HCNM's actions on the general status of human and minority rights in the case of Latvia.[91] However, to fulfil these expectations, the HCNM was not only limited by its mandate, more precisely by its narrow focus of interest, but also by the political constellation in Latvia during the 1990s.

About the political constellation, it needs to be stressed that the HCNM had extensive communication with representatives of the centre right political party – the Latvian Way, which invariably held the posts of the Prime Minister and the Minister of Foreign Affairs until 2002.[92] This provided an unfavourable environment for the HCNM recommendations on the liberalisation of the citizenship law due to the exclusionist stance of the leading party and, in general, of the government. Although the Latvian Way had or could have had a milder position on some aspects of the problem of non-citizens, participation in the government coalition of the radical For Fatherland and Freedom/The Latvian National Independence Movement party cemented a firm opposition to a more substantial liberalisation of the citizenship law.[93]

Regarding the focus of the HCNM, it was placed predominantly on the liberalisation of the naturalisation procedure (HCNM 1993a; 1993b; 1996a; 1996b; 1997; 1998a; 1998b; 1998c; 1998d). This was very much due to the assumption that non-citizens were guaranteed and enjoyed equal social and economic rights as citizens. The HCNM accepted the position of the Latvian government that non-citizens "would be free to choose their place of employment, to engage in professional activities and private enterprise, to receive pensions and unemployment benefits and to have access to health care and housing" (HCNM 1993a).

[91] In the interview conducted with Petropavlovsky (2013), he expressed disappointment that the international community did not address the structural discrimination non-citizens faced, which implies that the expectations of the international community were much higher, beyond legislative changes of the citizenship law. For more see sub-section 3.5.2.4.
[92] See Annex A, Table 3.1 providing information on political parties in the government.
[93] More about the positions of political parties see sub-section 3.5.1.

Therefore, he referred only to the problem of electoral rights as an additional issue of concern beyond the rigid citizenship policy.

In the 1993 communication of the HCNM to the Minister for Foreign Affairs, there were several points indicative of the position of the HCNM. The most important issue was that the HCNM embraced the position of the Latvian government about the problem of non-citizens as a legitimate one. Hence, he assured the Latvian government that in making his suggestions, he took into consideration political and psychological effects of the Soviet occupation; as well as that he fully understood and respected the country's determination for strengthening the Latvian identity after 50 years of Russification (HCNM 1993a; 1993b). However, at the same time, the HCNM pointed out that the majority of non-citizens would not leave the country as they established their roots there. In this context, he warned the government that expulsions on a massive scale would be contrary to international humanitarian principles and that such a scenario would elicit serious international repercussions (HCNM 1993a). Although he expressed satisfaction (HCNM 1993b) that the government was not considering this option, this was a preventive warning coming in a period when such ideas were very much present and loud in the parliament.[94]

That the HCNM primarily departed from Latvia's state interests (strengthening its national identity) was evident in the letter sent on 10 December 1993, where he discussed three possible scenarios of the citizenship policy. He referred to the possibility of automatically granting citizenship to non-citizens as a less preferable option and, together with the scenario of a very restrictive citizenship policy, discarded it as unfavourable. As the main reason for not pushing for this scenario he mentioned the "strong resistance in the Saeima because it would not be considered to provide sufficient guarantees that such a large group of new citizens would be willing to integrate into Latvian society" (*ibid.*).

Thus, he suggested a third option which, he believed, reconciled the two main goals of the state: on the one hand, preservation and strengthening of the Latvian identity and, on the other hand, harmonious inter-ethnic relations. According to this scenario, Latvia had to provide a prospect of naturalisation to those non-citizens who would show their willingness to naturalise by taking tests on basic knowledge of the Latvian language and the Constitution, as well as swearing an oath of loyalty. The HCNM favoured this option as it simultaneously provided: 1) a clear prospect of naturalisation for non-citizens (conditioned by their effort to integrate) and 2) guarantees for respect of the Latvian identity.

[94] See sub-section 3.5.1.

This, actually, was a policy suggestion designed exclusively for non-citizens who were willing to integrate under Latvia's terms and conditions. Thus, it is not surprising that the HCNM anticipated a number of non-citizens who would not be willing to naturalise or would wait before deciding to apply for citizenship. In this context, the HCNM warned of a possibility of a high number of people 'unwilling' to integrate noting that they "would then have to be content with the status of residents" (*ibid.*). Nevertheless, it is not quite clear from this formulation whether those non-citizens should accept their position as such, or it implied measures taken by the government that would make their status acceptable to them. As there were no specific suggestions for making this group content with their residential status, it can be inferred that the HCNM had the former in mind, recognising their naturalisation as the only path towards inclusion and equal access to rights as citizens.

Before the adoption of the 1994 citizenship law the HCNM did not refer to any specific international standards and norms in the area of citizenship[95] but he encouraged Latvia to restrict to citizenship requirements, which would not go beyond those used by most OSCE states (HCNM 1993a). At this point, the main preoccupation of the HCNM was to convince the government to abandon the idea of the quota system and to adopt the law as soon as possible. To this effect the HCNM provided recommendations, which set the layout of the 'window system' later adopted. However, it seems that the HCNM again gave too much weight on the unfavourable political constellation and the strong opposition to a substantial change.[96] A rather pragmatic approach prevailed and half-hearted results were accepted as a 'lesser evil' than no change at all. Hence, although the law adopted in 1994 significantly deviated from the recommendations and the naturalisation framework the HCNM suggested, the OSCE expressed satisfaction of the adoption of the law assessing that the recommendations of the HCNM were taken into consideration (CSCE 1994, 9).

Later, in 1996, provoked by the low naturalisation rate, the HCNM asked the government to consider abolishing the 'window system'. The main argument he presented was that there was no danger of Latvia "being swamped by a great number of applicants at the same time" (HCNM 1996b). This indirectly confirmed that the HCNM recommendations in 1994 were very much driven by the 'fears' of the Latvian government of mass naturalisation. In addition to the change of the naturalisation framework, the HCNM referred to the importance of integration. The HCNM has acknowledged that "the basic concept underlying the Law on

[95] The HCNM explicitly referred to international standards only with regard to the problem of stateless children, invoking the International Covenant on Civil and Political Rights and the Convention on the Reduction of Statelessness.

[96] Political opposition was already mentioned as a reason for dismissing the idea of automatically granting citizenship to non-citizens, see the above discussion of the three possible scenarios of the citizenship policy.

Citizenship is clearly that a person who wants to be naturalized must demonstrate willingness to integrate into Latvian society" (HCNM 1996a).

Moreover, he recognised that "the advantage of this approach is that persons interested in acquiring the citizenship of a country are thus stimulated to make an effort to integrate - an effort which they might otherwise not be willing to make" (HCNM 1996a). In order for these people not to lose their motivation, the HCNM asked for lowering the naturalisation requirements, in particular: the lowering of the naturalisation fee and the requirements for knowledge of the Latvian language and the basic principles of the Constitution (*ibid.*). This implies that the HCNM accepted as legitimate the basic concept of the citizenship law, i.e. the condition non-citizens to demonstrate willingness (through naturalisation) in order to be included into the Latvian society. This means that the burden of 'integration' was to a great extent placed on non-citizens and that inclusion of those who would not naturalise was not an issue of interest for the HCNM or the Latvian government.

Due to the lack of any progress, in 1997, the rhetoric of the HCNM changed to more direct and strict. Differently from 1996 when he expressed hopes "that due consideration will be given to the abolishment of the 'windows system'" (HCNM 1996b), in 1997, the HCNM explicitly stated that the 'window system' "ought to be abolished" (HCNM 1997). As the main problem of the 1994 citizenship law the HCNM recognised the priority given to people born in Latvia over those born outside Latvia, and to younger individuals over older ones. This left the most numerous categories (in total amounting to 469,053 people) to naturalise last, after 2000. He also expressed worries that if the slow trend of naturalisation continued, the annual number of naturalised persons would not go beyond a few thousands. The HCNM again referred to the need for intensification of language training, easier history and constitutional tests, as well as lower naturalisation fee as measures for motivating naturalisation "and, as a consequence, the process of integration of non-citizens" (*ibid.*).

In this context he was in particularly critical of the history and constitutional tests, citing specific questions from the tests as problematic and difficult to be answered even by Latvians or citizens of other European states. Moreover, the HCNM justified his "strong plea" for the abolishment of the 'window system' with the maintenance (although in modified form as he recommended) of the test system, which provided a sufficient guarantee for Latvia not to be suddenly "swamped by big wave of new citizens insufficiently prepared for integration" (HCNM 1997). The choice of words is quite interesting and ambiguous as it is not clear what was meant by 'insufficiently prepared persons of integration' who would like to naturalise and 'swamp' Latvia. This seemed to imply that it was no longer enough to have the willingness to

naturalise but to be prepared for integration by unconditionally accepting Latvia's terms of integration (although loosened on the basis of the HCNM recommendations). Within the Latvian context, this could only mean an absolute acceptance of the ethnocentric idea of the state, which was highly controversial for the majority non-citizens.

In addition to the abolishment of the 'window system', the main concern of the HCNM was the problem of the stateless children. He required from Latvia to grant citizenship to stateless children, making clear that this requirement did not imply acquisition of citizenship automatically. As a positive practice, he referred to the Finish experience where a child became a Finnish citizen in case she/he was born in Finland and did not receive any other citizenship (HCNM 1997). Moreover, the HCNM explicitly referred to international standards by invoking the Convention on the Reduction of Statelessness;[97] the International Covenant on Civil and Political Rights;[98] the Convention on the Rights of the Child;[99] and the European Convention on Nationality.[100] Besides the legal arguments, the HCNM referred to the "equally strong political arguments" in favour of liberalisation of the law for stateless children (*ibid.*). Here, he argued that not only would liberalisation of the law in this area improve the naturalisation rate, but more importantly, it would lead to naturalisation of persons "apt to consider Latvia" as their country, since all of them were born in Latvia and had few if any memories of the Soviet past (*ibid.*).

In 1998 few months before the adoption of the amendments to the citizenship law, the HCNM welcomed the decision of the government to abolish the 'window system' and to grant Latvian citizenship without passing tests to all children born in Latvia since 21 August 1991 (HCNM 1998a). He expressed hopes that the *Saeima* would approve the changes of the law, which he recognised to be crucial for the solution of the naturalisation problem in Latvia.

[97] The Convention requires from states to undertake steps to reduce statelessness within their jurisdiction (Convention on the Reduction of Statelessness 1961).

[98] Specifically referring to Article 24, paragraph 3, according to which "every child has the right to acquire a nationality" (International Covenant on Civil and Political Rights 1966).

[99] Specifically referring to Article 7: "1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents. 2. State Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular when the child would otherwise be stateless" and Article 3, paragraph 1: "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration" (Convention on the Rights of the Child 1989).

[100] Referring to Article 6, paragraph 2: "Each State Party shall provide in its internal law for its nationality to be acquired by children born on its territory who do not acquire at birth another nationality. Such nationality shall be granted: a.) at birth *ex lege*; or b.) subsequently, to children who remained stateless, upon an application being lodged with the appropriate authority, by or on behalf of the child concerned, in the manner prescribed by the internal law of the State Party. Such an application may be made subject to the lawful and habitual residence on its territory for a period not exceeding five years immediately preceding the lodging of the application" (European Convention on Nationality 1997).

Here, he referred to the changes of the law exclusively in the context of the problem of naturalisation without mentioning them as a condition for integration (*ibid*.). He thus separately underlined the importance of the government to develop an integration policy as a firm basis of inter-ethnic harmony in Latvia.

However, although the government declaratively accepted the HCNM's recommendations about stateless children, the head of the government working group on the amendments to the citizenship law sent two options of Article 31 to the HCNM, both of which more or less deviated from his recommendations (Prime Minister's Office 1998). The HCNM refuted the first one as it conditioned the naturalisation of stateless children with a language test and commented only on the second proposal, which he considered in line with his recommendations. However, this proposal had a controversial paragraph, which required parents of stateless children, when submitting the application, to pledge a commitment to promote the integration of their child in Latvia, mastering of the Latvian language and to cultivate his/her loyalty to the Republic of Latvia (*ibid.*).

Moreover, the government tried to link the liberalisation of the naturalisation procedure for stateless children with the adoption of new language and educational laws. The HCNM stated that the naturalisation of stateless children should not be made dependant on adoption of other legislation as it would significantly delay the naturalisation process. Also, he warned Latvia that such a scenario would be unacceptable and meeting little international understanding (HCNM 1998b). The HCNM again stressed that the law should give to stateless children born in Latvia the right to citizenship unconditionally (i.e. without language, educational or other requirements). He supported this with the argumentation that it was not only important for Latvia to fulfil its legal obligation to conform the citizenship law to international law, but also for the social integration of the country (*ibid.*).

After the adoption of the law by the *Saeima*, the HCNM welcomed the adoption despite the fact that the law did not fully comply with his recommendations, in particular with regard to the problem of stateless children.[101] Also, he expressed the expectation that the changes together with the language policy would promote the process of integration of Latvia (HCNM 1998c). A few weeks later, the HCNM responded to the concerns of the Prime Minister who asked for guarantees that Latvia would not be asked to further change the law, by assuring him that no additional changes to the citizenship law would be required in future (HCNM 1998d).

[101] See section 3.2.

Thus, the HCNM saw the amendments of the law as a solution to the problem of non-citizens. This not only indicated that the main focus and concern of the HCNM was the naturalisation procedure, but it also confirmed that he considered their inclusion in society to be conditional upon the acquisition of Latvian citizenship. Regardless of the anticipated scenario that many non-citizens would not (be willing to) naturalise, the HCNM did not refer to alternative ways of their inclusion in the Latvian society. Although there was room to refer to non-naturalised non-citizens as a potential security threat and hence to widen the recommendations beyond the citizenship law, the HCNM accepted the position of the Latvian government – naturalisation before integration. Moreover, the HCNM took for granted the position of the Latvian government that non-citizens had same socio-economic rights as citizens, which did not correspond with the actual situation on the ground[102] and thus distorted the focus from actual problems. All of this indicates a strong state-centred bias of the HCNM's approach, which overshadowed the concerns of non-citizens as those who were most affected.

3.3.2 The role of the Council of Europe

Latvia applied for the CoE membership on 13 September 1991, but it was not until 1995 when it joined the 'club'. The accession happened after the first democratic elections in 1993 and the adoption of the citizenship law in 1994, which were the main conditions for accession (Parliamentary Assembly 1995, paras. 4–5). However, the problems the country faced were not considered completely solved, and Latvia commited to consult and co-operate with the CoE during the implementation of the citizenship law and the preparation of a law on the rights and status of non-citizens.

Moreover, the CoE warned Latvia that all relevant laws and regulations adopted must not incorporate arbitrary and unjustified discrimination between citizens and non-citizens (*ibid.*, para. 7). Although a special law regulating the rights and status of non-citizens was part of the pre-accession conditionality, eventually, accession of the country happened without its adoption. It was suggested (Parliamentary Assembly 1994a, chapter 3; 1994c, chapter 1) that the adoption of the law should not be a reason for a postponement of the admission to the CoE because as a member state Latvia was expected to ratify the CoE conventions – a strong enough safeguard for the legal protection of any person.[103]

[102] See section 3.4.

[103] In this context, the European Convention on Human Rights, some of its protocols and the European Social Charter were mentioned (Parliamentary Assembly 1994a). However, ratification of CoE conventions and

Before the accession, the main focus of the CoE opinions (Parliamentary Assembly 1994a; 1994b; 1994c) was placed on the citizenship law and the controversial quota system Latvia wanted to adopt. However, regardless of the criticism, the CoE accepted as legitimate the concerns of Latvia; namely, it recognised the right of Latvians "to protect their own identity as well as they can" due to the 50 years long historical hardship under the Soviet rule (Parliamentary Assembly 1994a, chapter 2). This was the departing point for the Rapporteur Vogel who concluded that the 1994 citizenship law was "as generous as it could be" to do justice to all those whose presence was forced upon the Latvian people (*ibid.*). A little bit nuanced approach was noted in the Opinion of the Rapporteur Espersen (Parliamentary Assembly 1994c, para. B 11) who although acknowledging the well-grounded fear for the survival of the Latvian culture, expressed worries about the significant influence of Latvian ultra-nationalists on the independence movement and their aspirations "to reverse substantially the fifty-year shift in proportions of ethnic Latvians to residents from other ethnic backgrounds."

This implies that the CoE never questioned the very basis of the citizenship policy and that naturalisation of non-citizens was taken as a legitimate instrument for their inclusion in the 'restored' Latvian society. Thus, the problem identified by the CoE was in the design of the procedure set by the proposal of the citizenship law, which stipulated an annual quota for naturalisation; it was precisely the arbitrary character of the quota system that was discarded as unacceptable for the CoE (Parliamentary Assembly 1994a, chapter 2). It should be noted that the CoE, differently from the HCNM,[104] did not problematise the legal source of income as a chitizenship requirment. Therefore, once the quota system was replaced by the so-called 'window system' with the adoption of the citizenship law in 1994, there were no controversial issues left as far as the CoE was concerned and the new solution was welcomed as "a significant re-alignment with Council of Europe principles" (Parliamentary Assembly 1994c, para. C 21).

Since the legal framework of the citizenship law was acceptable, the focus of the future monitoring was to be placed on its implementation, i.e. application of the naturalisation conditions (especially the language requirement). The CoE expressed its expectation that the naturalisation requirements must not be too severe and implementation should not protract the

charters from which non-citizens could benefit was not an easy challenge. For instance, the Revised European Social Charter was signed by Latvia in 2007 and ratified in 2013, after 19 years since the first time the CoE asked its ratification (Council of Europe 2017a).

[104] See chapter 3.2.

process of naturalisation (Parliamentary Assembly 1994a, chapter 2). Moreover, it was clearly stated in the Opinion of the Rapporteur Espersen that if the citizenship law and the naturalisation were applied as a means for change of relative proportions of groups from different ethnic backgrounds, under the justification of the 'Latvian national survival', it would represent a breach of the CoE understanding of democracy and human rights (Parliamentary Assembly 1994c, para. B 18).

What was specific to the CoE and different from the HCNM was the awareness of the limits of the 1994 citizenship law to improve the position of non-citizens. Non-citizens were still subjected to unpredictable decisions at every level of government and administration, which was a reason for the CoE to re-remind the government of the need for a special law defining their rights and status (*ibid.*, para. D 43). It was explicitly required that non-citizens should enjoy the same basic rights as Latvians, including those related to residency, economic rights (including the right to own a flat or family house) and social rights (*ibid.*, para. D 44).

Moreover, it was made clear that no distinction should be made between nationals and non-nationals with regard to "industrial, commercial, financial and agricultural occupations, skilled crafts and the professions, whether the person concerned is self-employed or is in the service of an employer" (Parliamentary Assembly 1994a, chapter 3). These concerns were raised by the information from the League of Stateless Persons referring to 32 differences in rights between citizens and non-citizens. Latvia was warned that in case this information was accurate it was way beyond any degree of discrimination acceptable by CoE standards (Parliamentary Assembly 1994c, para. D 45). Nevertheless, the dominant expectation was that this discrepancy was going to be successfully addressed by the law on the status of the non-citizens, which Latvia committed to adopt.

In spite of the problems noted, the general assessment of the CoE was that concerning issues such as parliamentary democracy, a multi-party system, the rule of law and protection of human rights, Latvia complied with the general standards of the organisation (Parliamentary Assembly 1994a, chapter 1). Interestingly, Latvia was positively assessed also in the area of minority protection due to the observation that a number of rights of minorities were reasonably respected (*ibid.*, chapter 7). Despite the mild criticism and the cumulative positive assessment there were two very significant points in the Parliamentary Assembly's Opinions, which provided the bases for the Opinion of the Parliamentary Assembly (1995), that need to be noted: 1. the problem of permanent residents who did not have Latvian nationality was

considered to be a minority issue (Parliamentary Assembly 1994a, chapter 3); and 2. the citizenship law was said to be assessed from the standpoint of non-citizens (Parliamentary Assembly 1994c, para. B 20).

The fact that the Parliamentary Assembly referred to Latvia's non-citizens as persons belonging to a minority was an important recognition of this group as an integral part of the Latvian society. This was significant also because of Latvia's disagreement with the position of the Parliamentary Assembly as Latvia viewed the citizenship status as one of the key conditions for recognition of a national minority.[105] Moreover, the CoE was the only international actor that explicitly referred to the standpoint of non-citizens when assessing the citizenship law. In the Opinion of the Rapporteur Espersen (*ibid.*), it was clearly stated that "we assess the law on citizenship in Latvia from the standpoint of those persons who are "non-citizens" but nonetheless within the jurisdiction of the Latvian state." This to some extent gave a counterweight to the dominant state-centred approach, which built on 'respect and understanding' of the official Latvia's positions to strengthen Latvian national identity and culture. Although this did not imply challenging the very basis of the citizenship policy, it legitimised the voice and concerns of this group, which was particularly evident in the reports of the ECRI and the Opinions of the Advisory Committee.[106]

In the period after the accession to the CoE, many initiatives, i.e. motions, tried to raise the problems of the Russian-speakers in Latvia within the Parliamentary Assembly (Glotov *et al.* 1997, 1998; 1999; Cilevics *et al.* 2000; Rogozin *et al.* 2002). They referred to the problem of discrimination of non-citizens with regard to their right to buy land, privatize property and form stock companies, get access to social or commercial housing, legal defence, medical assistance, pension rights, electoral rights, etc. (Glotov *et al.* 1997); condemned the excessive force used by the Latvian police against Russian-speaking pensioners at the 1998 protests (Glotov *et al.* 1998); and criticised the adoption of a draft law on the state language in its second reading as discriminatory towards national minorities and in breach of international

[105] Since 1993, the Parliamentary Assembly relied on its Recommendation 1201 (1993), which set out a definition of the term national minority as a group of citizens of that State (implying a clear citizenship requirement). However, this changed after 2003, when more groups of non-citizens were referred to as minorities. This was a result of the shift in the focus of the Parliamentary Assembly to the risk of discrimination by states, provoked by declarations submitted upon ratification of the FCNM, which confined its application to certain minority groups. Moreover, the Advisory Committee has "welcomed instances in which states parties have extended minority rights to non-citizens, thereby in practice disregarding an officially still existing precondition of citizenship" (Council of Europe 2016, para. 30). Nevertheless, the approach of the Parliamentary Assembly remained inconsistent, recognising only certain groups of non-citizens as minorities, depending on the context (Venice Commission 2007, 18–20).

[106] See the analysis of the Advisory Committee's Opinions and ECRI's reports in this section below.

standards, in particular the Framework Convention for the Protection of National Minorities (FCNM) (Glotov *et al.* 1999).

Moreover, they raised the problem of freedom of movement for non-citizens of Latvia and Estonia (Cilevics *et al.* 2000); and criticised Latvia for not complying with the Parliamentary Assembly recommendations from 2001 as the FCNM was not ratified, the naturalisation rate of non-citizens was low and the relevant legislation on language and education was not amended in accordance with the provisions and spirit of the FCNM (Rogozin *et al.* 2002). However, these initiatives did not manage to secure the needed support to be discussed or to become an official position of the Parliamentary Assembly, either because they were not considered relevant or because the official position of the CoE was different.

Namely, the 1999 report of the Monitoring Committee (Parliamentary Assembly 1999, paras. 11–12) took a completely different position from the one contained in the motion condemning the police brutality at the 1998 pensioners protests (Glotov *et al.* 1998). It was concluded that international reports on the event were exaggerated out of all proportion and that the Latvian authorities reacted appropriately (Parliamentary Assembly 1999, para. 12). Moreover, the CoE did not even mention the rights to buy land, privatise of property, access to social or commercial housing, legal defence, medical assistance and pension rights,[107] raised by the motion in 1997 (Glotov *et al.* 1997) as problems of discrimination (Parliamentary Assembly 1999).

The 1999 report (Parliamentary Assembly 1999, para. 70) concluded that Latvia complied with many of the commitments it accepted when joining the CoE; however, not yet with the main commitment "to integrate its non-citizens population." The adoption of the 1998 amendments to the citizenship law and the positive outcome of the referendum were recognised as a significant step forward in this regard. Although the report referred to the reasons for the reluctance among non-citizens to apply for citizenship,[108] such as the perception of the naturalisation procedure as humiliating, the CoE concluded that non-citizens should make an effort to become full citizens.

[107] The problem of discrimination of non-citizens with regard to their pension rights came later into the focus of the CoE, after the European Court of Human Rights (ECtHR) judgment in the case of Andrejeva *v.* Latvia (ECtHR 2009).

[108] The reasons noted in the report were: insufficient command of the Latvian language; the perception that the non-citizens status provided sufficient level of rights for them (in particular to travel); the expensive naturalisation fee; the reluctance to serve military service; or because they believed that they should be given citizenship automatically (Parliamentary Assembly 1999, para. 27).

Thus, the CoE made clear that it considered naturalisation as the only way to integration. Again in this context, the efforts of the Latvian authorities to promote the national language and culture were acknowledged as "perfectly understandable and legitimate" (*ibid.*, para. 71); however, the CoE required avoidance of measures that would impose the state language in the private sphere and amendments to the Labour Law Code[109] that could "infringe the human rights of minorities."

The focus of the report was primarily placed on the need for further co-operation with international organisations, in particular, CoE experts, for additional revision of the naturalisation tests (e.g. language and history), media campaigns for the encouragement of non-citizens to naturalise, the abolition of the employment restrictions and electoral rights at local level. With regard to the employment and electoral restrictions, the 1999 report referred to the ECRI Report (1999), and the CoE called upon Latvia to abolish the employment restrictions and to grant the right to non-citizens to take part in local political life without further delay (Parliamentary Assembly 1999, para. 59).

Similarly, the Resolution 1236 adopted by the Parliamentary Assembly in 2001 welcomed the substantial progress Latvia made towards honouring its commitments and obligations as a member state (Parliamentary Assembly 2001, para. 1).[110] However, in contrast to the 1999 report (Parliamentary Assembly 1999) and the ECRI Report from 1999,[111] the Resolution

[109] In 1998, the *Saeima* passed an amendment to the Latvian Labour Law Code, which empowered the State Language Inspectorate to oblige employers to terminate employment contracts of staff who did not satisfy the linguistic requirements set by the legislation. This was considered in conflict with international legal standards on human rights, particularly the free enjoyment of property and prohibition of discrimination based on language (Parliamentary Assembly 1999, para. 53). The amendment was not promulgated by the President of Latvia and was sent back to the *Saeima*.

[110] Significant progress was recognised with the adoption of the amendments to the citizenship law in 1998, i.e. the abolishment of the 'window system', the citizenship for stateless children and simplified language and history tests. The issues that needed to be addressed were rather of technical nature, such as further encouragement of non-citizens to apply for citizenship through media campaigns; combination of the compulsory tests for naturalisation with centralised final school exams; targeting language training for naturalisation candidates and reducing the cost of the application for naturalisation. In addition, the Assembly welcomed the National Programme on Integration of Society as a comprehensive approach for furthering civic participation and integration in the political, social, educational and cultural fields (Parliamentary Assembly 2001, para. 4). In the end, as the most pressing issues, the Parliamentary Assembly (2001, para. 5) mentioned the ratification of the FCNM and amendments of the state language and education laws in conformity with the provisions and the spirit of the FCNM.

[111] ECRI (1999, para. 12) referred to the unjustified restrictions with regard to employment opportunities for non-citizens and the language requirement, which limited their employment in both public and private sector. In this context, ECRI asked for abolishment of all arbitrary restrictions that unjustifiably discriminate non-citizens *vis-à-vis* citizens. In the subsequent reports, ECRI (2002; 2008; 2012) criticised the slow pace of naturalisation; the unjustified restriction for non-citizens with regard to certain property rights; the right to work in a number of professions in both state and private sectors; the language requirement for employment in the private sector; the exclusion from some rights in the economic and social sphere; and the problem of the different pension's calculation for non-citizens *vs.* citizens. The ECRI Reports also referred to the need of official socio-economic

1236 stayed silent on the discrimination non-citizens faced in the area of socio-economic rights.

Later, in the report of the Commissioner for Human Rights (Office of the Commissioner for Human Rights 2004), published just a few months before the accession of Latvia to the EU, a change of the rhetoric of the CoE can be noticed. Although the historical injustice Latvia faced was acknowledged, it was made clear that non-citizens should not be held responsible for the atrocities in the past, of which they were also victims (*ibid.*, para. 35). Moreover, it was pointed out that Latvia had to avoid exclusion of a large proportion of the population from the common project, i.e. building a post-independence society and Latvia's integration into Europe (*ibid.*, para. 24). It was stressed that since 1994, Latvia complied with international standards with regard to the issue of citizenship (*ibid.*, para. 31), however, that this was not enough for solving the problem and securing substantial inclusion of non-citizens.

Drawing on the ECRI Reports, the focus of the report of the Commissioner for Human Rights (Office of the Commissioner for Human Rights 2004, para. 29) shifted to the problem of electoral rights[112] and the limited access to certain economic and social rights, in particular in the area of employment. Also, the report to a significant extent referred to the problem of low naturalisation rate (*ibid.*, paras. 36–37 and 43). In this context, the report explained the paradox of decreased number of non-citizens and low naturalisation rate with other factors, such as deaths and emigration. Moreover, the official arguments of the government that the low number of naturalisation cases was due to the unwillingness of non-citizens to naturalise

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statistics disaggregated according to citizenship status, as well as the need for non-citizens to be granted the right to vote at local elections. Each subsequent report became more critical with regard to the situation in Latvia. Thus, later ECRI Reports (2008, para. 44; 2012, para. 48) criticised the National Programme on Integration of Society in Latvia, which in the beginning was praised as an instrument that would substantially contribute for the integration of the Latvian society. The main problem was recognised in the fact that it heavily relied on the Latvian understanding of integration and as such served as an additional measure promoting the Latvian identity and the Latvian language. Instead of departing from the Latvian official positions, the ECRI Reports very much relied and promoted the perceptions and preferences of non-citizens. Namely, referring to the problem of slow naturalisation, the third ECRI Report (2008, para. 113) went deeper in analysis and acknowledged the feeling of many non-citizens that the very naturalisation was problematic – humiliating and unfair. By giving voice and legitimacy to this kind of concerns, brought a new perspective on the very basis of the Latvian citizenship policy.

[112] The fact that non-citizens did not have electoral rights at local level was criticised in the light of the 2004 accession of Latvia to the EU, which presumed that EU citizens would have more rights than Latvia's non-citizens. Here, it needs to be stressed that the CoE required only electoral rights at local level for non-citizens, as their exclusion from voting at national elections and referenda was "perfectly understandable" (Office of the Commissioner for Human Rights 2004, para. 62). Fearing not to overstep its boundaries, by challenging the Latvian definition of 'national sovereignty', the criticism of the Commissioner for Human Rights was exclusively limited to the issue of electoral rights of non-citizens at the local level.

because they did not recognise any benefits from it, was confronted with reference to surveys presenting perceptions of non-citizens.

According to these surveys, non-citizens did not apply for citizenship because they believed that citizenship should be granted to them automatically, due to financial obstacles to undergo naturalisation, or they considered the tests (in particular the language test) to be too difficult (Office of the Commissioner for Human Rights 2004, para. 44). Importantly, the report departed from these concerns and on the basis of the findings of the field visit, it confirmed that the language tests and the high fee (which had to be addressed by Latvia in 1998) still represented a significant obstacle to naturalisation of non-citizens (*ibid.*, paras. 48–49). However, the focus was placed on improving the existing framework, i.e. additional liberalisation of the naturalisation procedure. The fact that many non-citizens refuted the very idea of naturalisation was recognised, but did not get much attention.

A critical stance was also taken in the report of the Commissioner for Human Rights (2004, paras. 50–61) with regard to the 1998 amendments to the citizenship law, which gave stateless children the right to Latvian citizenship. The goal of these amendments, i.e. not to increase the number of non-citizens, was not achieved and the country should implement them more efficiently (*ibid.*, para. 54). Nevertheless, the wording of the law in this part was not problematized by the Commissioner for Human Rights, despite the fact that the legal solution did not fully comply with the 1998 recommendations of the HCNM.[113]

From the recommendations contained in the report it was evident that the CoE, same as the HCNM, perceived the process of naturalisation as the only way for integration of society. Thus, the main recommendations referred to the liberalisation of the naturalisation procedure for certain categories (the elderly, disabled and young non-citizens), more effective naturalisation of stateless children and the naturalisation procedure free of charge. As an additional measure for encouraging naturalisation and integration electoral rights at the local level were recommended; while for strengthening protection of minorities, the CoE urged Latvia to ratify the FCNM.

Although Latvia signed the FCNM in 1995, it took ten years for the country to ratify it. Upon the ratification in 2005, a declaration (2017) was submitted defining the notion national

[113] Contrary to the recommendation, children aged 15–18 had to supply a proof of schooling in Latvian or to take the state examination. For more see sub-section 3.3.1.

minorities and setting reservations about the application of Article 10(2) and Article 11(3).[114] It was stipulated that these articles would be applied without prejudice to the Constitution and the legislative acts governing the use of the state language. According to the declaration (*ibid.*), the notion national minorities apply "to citizens of Latvia who differ from Latvians in terms of their culture, religion or language, who have traditionally lived in Latvia for generations and consider themselves to belong to the State and society of Latvia, who wish to preserve and develop their culture, religion or language. Persons who are not citizens of Latvia or another State but who permanently and legally reside in the Republic of Latvia, who do not belong to a national minority within the meaning of the Framework Convention for the Protection of National Minorities as defined in this declaration, but who identify themselves with a national minority that meets the definition contained in this declaration, shall enjoy the rights prescribed in the Framework Convention, unless specific exceptions are prescribed by law" (*ibid.*).

This implied that Latvia opted for a flexible approach to the personal scope of application of the FCNM, applicable to both citizens and non-citizens who satisfied the conditions set in the declaration. The Advisory Committee welcomed this as "in line with the spirit of the Framework Convention" (Advisory Committee 2008, para. 19). However, the Advisory Committee asked Latvia to reconsider the limitation on the application of the FCNM set by the specific exceptions prescribed by law. These exceptions were considered to have a disproportional effect on non-citizens restricting their access to the rights enjoyed by citizens with the same ethnic affiliation. Namely, the Advisory Committee (*ibid.*, para. 20) noted that "the exceptions resulting from national law have the effect of restricting "non-citizens"' access to the rights enjoyed by citizens having the same ethnic affiliation and, thereby, create two categories of persons, afforded different degrees of protection, within the same ethnic group." The main problem was recognised in the fact that these 'exceptions' affected a very large number of persons and their participation in public life, access to jobs and professions in the civil service.

Latvia, nevertheless, did not change its approach with regard to the personal scope of application of the FCNM, which was a reason for the Advisory Committee again, in its Second Opinion, to conclude that non-citizens continued to have limited access to certain

[114] Article 10(2) referrs to the right of persons belonging to minorities to use minority language in communication with administrative authorities; while Article 11(3) referrs to the possibility of displaying topographical indications in a minority language (Framework Convention for the Protection of National Minorities 1995).

rights protected by the FCNM (Advisory Committee 2013, para. 22). At the same time, however, it stressed that their level of protection was above international standards for the protection of stateless persons (*ibid*.). The fact that non-citizens as stateless persons enjoyed more rights than prescribed by international standards to a great extent decreased the pressure on Latvia and served as justification against widening the scope of FCNM.[115]

Although the Advisory Committee departed from the already well-established position that naturalisation was the main path towards integration, it also referred to the discrimination the non-citizens' status presumed as an obstacle to their inclusion in the society. The aim was to promote an alternative modus for inclusion of non-citizens, in parallel to the naturalisation process, which implied equal rights for non-citizens as Latvian citizens in the areas of employment and electoral rights at the local level. In this context, the Opinions of the Advisory Committee very much relied on and articulated non-citizens' concerns, beyond the problem of slow naturalisation, which nevertheless remained the main issue of interest (Advisory Committee 2008; 2013).

In its first Opinion, the Advisory Committee (2008, para. 86) referred to the problem of slow naturalisation, noting the negative trend of the naturalisation rate since 2005 – the year when the largest number of naturalisation (19,169) was registered. It observed that in 2006 and 2007, the number fell to 16,349 and 6,826, respectively, leaving a large portion of permanent residents at a high risk of exclusion (*ibid.*). As the main problem of the naturalisation procedure, it pointed at the language requirement, which in spite of the measures taken, was still considered an obstacle to naturalisation.

More importantly, the Advisory Committee referred to the disadvantaged socio-economic position of national minorities, *inter alia* non-citizens, and urged that "the effective participation of persons belonging to national minorities in social and economic life should receive increased attention" (Advisory Committee 2008, para. 213). Noting a discrepancy in

[115] The response of the Latvian government was that the declaration was in line with the objective and aims of the FCNM, as well as with the established international practice (Government of the Republic of Latvia 2014b). Moreover, Latvia argued that all prerequisites were set in place for non-citizens to acquire citizenship and thus to get an access to a broader scope of rights and obligations. This implied that Latvia justified the refusal to reconsider its position and to address discrimination of non-citizens, by keeping an environment in which non-citizens would be motivated to acquire a citizenship. The core of the argument was that in case they enjoyed same rights as citizens they would not see the benefit of becoming Latvian citizens. Nevertheless, the Advisory Committee (2013, para. 48) challenged this argument by referring to the increased rights for EU citizens, in particular in the area of employment in the public service and electoral rights at local level. Hence, it was difficult to comprehend why Latvian citizenship was set as a precondition for non-citizens' access to a number of positions and rights, while this was not the case for EU citizens who had much looser ties with the country and can demonstrate shorter periods of legal residence in Latvia.

the socio-economic standing between persons belonging to national minorities and the majority Latvian population, the Advisory Committee raised the need of official socio-economic statistics disaggregated according to ethnicity (*ibid.*, para. 42). Moreover, the Advisory Committee referred to the problem of language-based discrimination of persons belonging to national minorities in the labour market, due to disproportionate language proficiency requirements applicable in both public and private sectors. The number of professions for which the government required a degree of proficiency in Latvian was considered extremely high – 3,500 public sector occupations and over 1,000 professions in the private sector (*ibid.*, para. 101).

To ameliorate the situation of the non-citizens, the Advisory Committee (*ibid.*, para. 186) suggested the citizenship requirement, as a condition to access to certain rights (for instance employment at certain posts), to be replaced by other criteria such as permanent and legal residence in the country. In this context, the issue of political participation got due attention – the exclusion of non-citizens from electoral rights at the local level was seen especially disturbing after the accession to the EU when EU citizens with only three months legal residence got the right to take part in the local elections (*ibid.*, para. 169).

The fact that Latvia addressed none of these concerns indicates the lack of leverage of the Advisory Committee (and in general the CoE) in the absence of a clear reward or punishment. However, the problem was not so much the lack of progress, but the negative trend of developments that the second Opinion of the Advisory Committee (2013) registered. The country was criticised for taking an ethnocentric course in the policy making, which had a negative and disproportional effect on persons belonging to minorities, in particularly, non-citizens. As the most problematic issues, the Advisory Committee (*ibid.*, paras. 9 and 11–13) noted: the changes of the citizenship law which introduced the notion of a 'constituent nation'; the advantageous position of ethnic Latvian and Livs in their access to Latvian and dual citizenship; the ethnonational approach of the integration strategy set by the Integration Guidelines; the increased number of differences in rights between citizens and non-citizens by the extension of the list of public and state positions requiring EU citizenship; and the lack of legal protection from discrimination on the grounds of nationality and citizenship. However, most of these issues were present since Latvia's independence, but they did not provoke such a strict rhetoric before as the expectation was that they would be addressed by the legislative

changes elicit under international pressure, particularly in the context of Latvia's accession to the EU.

The most disturbing 'new' development, noted by the Advisory Committee (*ibid.*, paras. 62–63), was the rise of a hate speech and radicalisation of the public discourse, which again was not a novelty. The Advisory Committee (*ibid.*, paras. 59, 62 and 71) also observed that issues like loyalty to the Latvian state (re)gained prominence in discrediting non-citizens, leading to an increased number of racist incidents and expression of hostility (mainly on the Internet) towards Russians and Jews. The fact that many political figures openly used hate speech not only normalised a 'culture of intolerance', but was a clear proof of the lack of progress and a limited socialisation effect as a result of the international community's pressure (or guidance) over Latvia during its active involvement in the pre-accession processes to the CoE and EU.

Although the Opinions of the Parliamentary Assembly, the ECRI Reports and, in particular, the Opinions of the Advisory Committee promoted the positions of the non-citizens and introduced a more teleological approach to the assessment of Latvia's progress,[116] this neither contributed to the improvement of their situation nor influenced Latvian society to become more inclusive of their voice and concerns. The problem was not only the lack of leverage of the CoE due to the absence of rewards/sanctions after the accession of Latvia to the organisation, but above all the limited, i.e. partial focus to certain 'problematic' policy areas and the recognition of the compliance of Latvia, in general, with international norms. The fact that Latvia was acknowledged to comply with the established international standards about statelessness diminished the pressure for improvement of the situation and gave arguments to the government to refuse to widen the scope of certain conventions and rights to non-citizens. Moreover, this indicated the limitations of the normative approach and made it clear that compliance with international standards does not necessarily presuppose a solution to the problems of discrimination and structurally underprivileged position.

[116] See above the analysis of the report of the Commissioner for Human Rights (Office of the Commissioner for Human Rights 2004). The assessment of progress with regard to the naturalisation of stateless children was led by the achievement of the goal, which was 'avoidance of new non-citizens', not by formal and legal criteria. Nevertheless, the goal was very narrowly defined to have a wider impact on the overall status of non-citizens, focusing only on the situation with stateless children.

3.3.3 The role of the European Union

In 1998, the EU refused to open the accession negotiations with Latvia due to its restrictive citizenship policy. From 1996, when the HCNM recommended the abolishment of the 'window system', until this moment, all efforts to persuade Latvia to liberalise its citizenship policy were fruitless.[117] However, once this issue became part of the EU political conditionality and the country faced the possibility of losing the prospect of membership, Latvia complied with the requirements.

The main problems identified within the EU political conditionality referred to the slow pace of the naturalisation and the unequal treatment of non-citizens with regard to access to certain professions and electoral participation (Commission of the European Communities 1997, section 1.3). Regarding the unequal treatment, ten differences in the status of citizens and non-citizens were noted as discriminatory and in breach of the Latvian Constitution and the International Covenant on Civil and Political Rights (*ibid.*, section 1.2). Apart from the problems with the Russian speaking non-citizens, the general assessment of the European Commission was that "Latvia presents the characteristics of a democracy, with stable institutions, guaranteeing the rule of law, human rights and respect for and protection of minorities" (*ibid.*, section C).

The occupational banns were primarily addressed as part of political conditionality within the chapter "Minority Rights and the Protection of Minorities" (Commission of the European Communities 1997). However, they were also treated as an issue related to the fundamental freedom of movement and the economic *acquis*, thus mentioned in the subchapter titled "Free Movement of Union Citizens, Freedom of Establishment and Mutual Recognition of Diplomas and Qualifications" (*ibid.*). Here, the European Commission noted that Latvia pursued a tight migration policy as a result of the Soviet migration policy, which left more than 600,000 non-citizens (Soviet migrant workers) in the Latvian territory. Consequently, the Commission concluded that "a number of changes will have to be introduced in order to comply with the acquis on free movement of persons" (*ibid.*, section 3.1).

Moreover, the EU set several conditions that could challenge the status of non-citizens. They referred to a list of unjustifiable employment restrictions in the private sector, such as the ban for non-citizens to work as private detectives, lawyers, airline crews, firefighters and

[117] See sub-section 3.3.1.

pharmacists (*ibid.*, section 1.2). Also, the EU referred to the language condition for receiving an unemployment benefit and standing for elections as unacceptable (*ibid.*).

In 1998, pressured by the start of the EU accession negotiations, Latvia addressed most of these issues: the citizenship law was liberalised, the employment restrictions for firefighters, airline staff, pharmacists and veterinary pharmacists were abolished, the Latvian government promised to abolish the restrictions for private detectives, armed guards and pilots in near future, and the unemployment benefit was no longer conditioned by the knowledge of the Latvian language (Commission of the European Communities 1998, section 1.2.).

The following EU reports (Commission of the European Communities 1999; 2000; 2001; 2002a; 2003a), after the opening of the accession negotiations, paid great attention to the naturalisation process, which was assessed as generally successful. Since the framework of the process was not problematised and it was recognised to be in full compliance with the OSCE recommendations, the EU encouraged the Latvian government to address more or less technical issues related to: the language requirement, the naturalisation fee, the administrative capacity of the Naturalisation Board, the problem of the slow naturalisation of stateless children and the need for better information of non-citizens.

With regard to the problem of inclusion of non-citizens in the Latvian society, it was evident that the position of the EU lined up with the position of the Latvian government; that the path to integration was through naturalisation and knowledge of Latvian. In the assessment of the National Programme on the Integration of the Society in Latvia, the European Commission placed the main focus on the language training as "one of the key instruments for the integration of the ethnic minorities" (Commission of the European Communities 2000, section 1.2.). Moreover, the 1998 Accession Partnership, as the main political priority, required from Latvia to "take measures to facilitate the naturalisation process to better integrate non-citizens including stateless children and enhance Latvian language training for non-Latvian speakers" (Commission of the European Communities 1998, section D.).

However, as an obstacle to their integration, the European Commission also referred to the limitations non-citizens faced in the economic sphere; namely, the restrictions to practice some professions (lawyers, armed security guards and private detectives) on the grounds of state security (Commission of the European Communities 1999; 2000; 2001; 2002a). Although the government was obliged to review these restrictions in 2000, they continued to

be noted in the subsequent EU reports. Nevertheless, it should be pointed out that the abolition of these restrictions was not specifically mentioned in the context of inclusion of non-citizens, among the Accession partnership priorities. This is very indicative of the importance the EU gives to socio-economic rights in the context of integration. By not specifically addressing the problem of discrimination of non-citizens in the socio-economic sphere, i.e. by operationalising it as one of the priorities for achieving integration of the Latvian society, the EU additionally legitimised the position of the Latvian government that their inclusion was seen only through naturalisation.

The language restrictions, deriving from the language policy and the language law which were identified as the main reason for discrimination[118] of national minorities in the labour market, were approached by the EU predominantly as an issue of importance for the economic *acquis* – in the context of the rights to free movement of persons and freedom to provide services. Thus, the Union was very critical of the language law adopted by the parliament in 1999, but not promulgated by the President, due to the concerns expressed by the OSCE, the CoE and the EU (Commission of the European Communities 1999). By setting a mandatory use of the state language in the private sector as a rule rather than an exception, the law was assessed to be in breach of international standards. Although this problem was discussed in the chapter on 'Integration of Minorities', the EU analysis did not refer to the implications of the law on persons belonging to minorities or non-citizens. The main concern the EU expressed with regard to the law was that it "could impair the exercise of rights and freedoms guaranteed under the Europe Agreement, such as for example the exercise of business activities for enterprises from the European Union" (*ibid.*, 18).

Later, under pressure by the international community, the language law was revised and as such it was adopted in 2000. Although it was assessed to be essentially in conformity with Latvia's international obligations, the Commission expressed concern that it still contained provisions liable to different interpretations (Commission of the European Communities 2000, section 1.2.). This was considered as a problem for the exercise of business activities for enterprises from the EU and as a potential obstacle to the exercise of the rights to free movement of persons and freedom to provide services (*ibid.*). The negative impact of the law on access to employment of persons belonging to minorities and non-citizens was not

[118] See sub-section 3.3.2.

addressed by the Commission, in spite of the fact that this analysis was placed in the chapter on 'Integration of Minorities'.

In the 2003 Report, one year before the accession of Latvia to the EU, the Commission was far more explicit when it stated that the requirements on language proficiency and their implementation were primarily of interest for securing the exercise of the right to free movement of workers by EU citizens. In this context, Latvia was required to ensure that the requirements on language proficiency were "in full respect of the principles of justified interests, proportionality and non-discrimination and can only be applied in very exceptional circumstances, on a case by case basis" (Commission of the European Communities 2003a, chapter 2).

As only EU citizens, and no persons belonging to minorities or non-citizens, were mentioned as a group to benefit from Latvia's compliance with this requirement, the EU indicated that it was not interested in addressing discrimination faced by non-citizens in this area. The 'interest' in the problem of the non-citizens, expressed in previous reports (only by mentioning them in the context of language and employment restrictions) was to the extent to which it affected the economic integration of the country in the Union. Once it was clear that the restrictions applied for non-citizens would not affect the economic freedoms, the issue became irrelevant for the EU.

Similarly, the issue of voting rights was approached in the context of the right to free movement of persons (Commission of the European Communities 2001, chapter 2). Although in 2001, the EU did not explicitly limit the requirement on voting rights to EU citizens, in 2003 it directly required from the Latvian government to make adjustments to the legislation on foreigners to allow, specifically, EU citizens to participate in municipal and European elections (Commission of the European Communities 2003a, chapter 2).

Thus, although in the beginning voting rights of non-citizens were recognised as an important issue within the political conditionality for their inclusion,[119] at the end, this became a condition limited only to EU citizens. This inconsistency empowered nationalistic political parties to build an argumentation against parliamentary initiatives, which aimed to widen the scope of rights for non-citizens. It was precisely this EU ambiguity, about voting rights for non-citizens, that was used by nationalists to delegitimise legal initiatives which pushed for

[119] See above the analysis of the 1997 Progress Report (Commission of the European Communities 1997).

the introduction of voting rights for non-citizens at the local level. Nationalists confidently argued that voting rights at the local level for non-citizens was not an EU requirement and they thus easily dismissed such proposals as not credible.[120]

The initial interest in the employment and language restrictions, as well as the lack of voting rights of non-citizens, was due to the EU concern that the legal limitations applied to non-citizens would also apply to EU citizens. This was unacceptable since any analogy of the status of the EU citizens to the economically and politically disenfranchised non-citizens would represent a violation of the freedom of movement of workers – one of the crucial principles of the European common market. Although mobility of workers is the founding pillar of the European economic project, and it is thus primarily an economic right, its implementation presumes a certain scope of political and social rights.

The freedom of movement, therefore, is the central element of the EU citizenship, which not only confers genuine rights of exit, entry, and residence to all nationals of EU member states but more importantly, it protects from discrimination on the grounds of nationality (Commission of the European Communities 2004a). This means that for an EU citizen to actively enjoy the rights provided by the EU citizenship (Consolidated Version of the Treaty on the Functioning of the European Union 2012, Article 20), (s)he needs first to exercise the right to free movement.

Since Latvia implemented the EU recommendations selectively by exempting EU citizens from most of the restrictions applying to non-citizens, the EU no longer saw a threat of discrimination on the grounds of nationality for EU citizens who exercised their right to freedom of movement. At the same time, this implied that the Union was no longer interested in tackling discrimination faced by non-citizens. This was clearly indicated in the fifth report on the Union Citizenship, where the EU recognised the problems faced by Latvia's non-citizens but renounced any competence to involve as they were in the exclusive national authority (Commission of the European Communities 2008a, section 2.1.).

This position was taken despite the fact that it was in collision with the goals set by the 1999 Tampere European Council on closing the rights gap between citizens and permanent residents. Namely, at the Tampere Council, the EU set an obligation to ensure fair treatment

[120] For more on the right of non-citizens to vote, see the analysis of the 2004 parliamentarian discussion in sub-section 3.5.1.

of third country nationals who resided legally in the territory of EU member states. This implied an integration policy aimed to grant rights and obligations to non-EU citizens comparable to those of EU citizens and to enhance non-discrimination in economic, social and cultural life (Council of the European Union 1999, para. 19). Moreover, it was specifically stated that a person who resided legally in a member state and held a long-term residence permit, "should be granted in that Member State a set of uniform rights which are as near as possible to those enjoyed by EU citizens" (*ibid.*, para. 21).

Not only did the EU accept the different level of access to rights between Latvia's non-citizens and EU citizens as introduced by Latvia, but the Union itself contributed to deepening the discrepancy of rights between the two groups. Namely, accession to the EU did not imply automatic conferral of EU citizenship to non-citizens, which established an additional layer of discrimination outside of the Latvian borders. As Kochenov and Dimitrovs (2013) argued, there was a legal possibility for the Union to confer EU citizenship to Latvia's non-citizens, but instead the Union opted additionally to degrade their status by applying to them the EU Council Directive on long term resident third country nationals (Council Directive 2003).

Hence, despite the fact that they were permanent residents of Latvia (many of them born in Latvia), to gain an EU permanent residence in other EU member state, they had to undergo the same administrative procedure as third country nationals. Legally, this implied that Latvia's non-citizens did not enjoy the same level of rights as Latvian citizens and other EU citizens when they practiced the right to freedom of movement. Consequently this reflected on their rights to residence and family reunification; free movement around the Union; unlimited access to work anywhere in the Union; establishment of a business; voting rights for the European Parliament and local elections in a place of residence; diplomatic protection by the diplomatic and consular authorities of any member state in countries around the world where their member state of nationality is not represented (Ivlevs and King 2012; Kochenov and Dimitrovs 2013).

In practice, this meant that EU member states had greater discretion to 'discriminate legally' by applying additional measures to regulate the numbers of mobile third country nationals. These measures included: labour market test, where preference was given to EU citizens or to third-country nationals already legally resident in that member state; a proof of appropriate accommodation; evidence of stable and regular resources to maintain themselves and their families and of a sickness insurance (European Migration Network 2013, 22–23). Moreover,

their position at the EU level was in sharp contrast to the position of EU citizens who enjoyed full protection from direct and indirect discrimination on the grounds of nationality (Consolidated Version of the Treaty on the Functioning of the European Union 2012, Article 18). Protection on the basis of Article 18 of the Treaty on the Functioning of the European Union (TFEU) from which non-citizens were exempt meant that member states could not favour their nationals over other EU citizens in their law, and that the EU law equally applied and protected all EU citizens irrespective of their nationality (Kochenov and Dimitrovs 2013).

Led primarily by economic considerations, the EU not only failed to challenge the existing system of discrimination but it also legitimised it by building an additional layer of discrimination at the EU level. By excluding non-citizens from the EU citizenship, the Union thus directly contributed to the normalisation of their discrimination. If in the pre-accession period non-citizens were discriminated *vis-à-vis* citizens, they were discriminated *vis-à-vis* both Latvian citizens and EU citizens permanently residing in Latvia after the accession. This means that Latvia's accession to the EU changed them from 'second-class residents' to 'third-class residents'. Due to the same reasons, the EU accession did not manage to address the most burning problems non-citizens faced at the national level, i.e. discrimination in the socio-economic and political spheres. The EU therefore undoubtedly failed to make Latvia better perform even with regard to the EU's main political requirement, i.e. more efficient naturalisation.[121]

3.4 The impact of the citizenship status on the socioe-conomic standing of non-citizens

The wider economic context after the independence is an important aspect for a better understanding of the issue of non-citizens. Importantly, Latvia implemented neoliberal policies with particular enthusiasm (Woolfson 2009), which in practice implied the establishment of a 'particularly lean and mean' welfare state – a process, which did not face mass societal protest (Vanhuysse 2009; Woolfson 2009). This was a surprising outcome in the light of the public opinion during the 1990s, which was very much in favour of a strong

[121] One year before the accession to the EU, the number of non-citizens was extremely high, i.e. 494,319 (Office of the Commissioner for Human Rights 2004, para. 27); and according to non-citizens' representatives the number was reported to be even higher. See further the discussion of Petropavlovsky (2013), in sub-section 3.5.2.2.

welfare state.[122] Since the majority Russian-speakers were allegedly positioned more on the ideological left (which was additionally fostered by the fact that they were disproportionally affected by the economic transition), Vanhuysse (2009) argued that the fall of the welfare state and the implementation of the stringent social policy in Latvia would not have been so easy without the deliberate strategies of their political and economic disenfranchisement. Pabriks (2003) implied the same, but from a different position, trying to justify the exclusion of the Soviet era immigrants as a trade-off for achieving political stability, democracy and paradoxically human rights in Latvia; he argued that their automatic inclusion would have represented a significant obstacle to the market, and to the EU and the North Atlantic Treaty Organization (NATO) reforms.

However, the undisturbed implementation of the economic reforms did not have positive results. Latvia became the 'leader' among the CEE countries in inequality of wealth distribution. From 22.49 in 1988, the Gini index rose to 39.5 in 2005, representing the highest score among the CEE countries which acceded to the EU in 2004 (The World Bank 2017).[123] Although the score mildly decreased in subsequent years, Latvia remained the country with the highest Gini index within this group (*ibid.*). In addition to the high level of inequality of wealth distribution, the country faced the problem of high unemployment.

In the 1990s, the unemployment rate noted significant raise reaching its peak of 21 % in 1996 (Aasland 2006, 56). By the late 1990s, the share of job seekers with Latvian language skills aged 15–64 was 13 %, while the share of people without those skills was by 7.8 % higher, amounting to 20.8 % (Vanhuysse 2009). This indicated an ascending trend of the unemployment gap along ethnic lines, as in the early 1990s the difference between the unemployment rates among Russian-speakers and ethnic Latvians was smaller, i.e. 5 % (Aasland 2006, 56).[124] Moreover, in 1994, the Norbalt project – a survey of the living

[122] A survey data from 1996 showed the highest level of support of the concept of welfare state in the Czech Republic, Hungary, Poland, Slovenia and Latvia (Vanhuysse 2009). Namely, 75–88 % of the respondents in these countries believed that the government should definitely or probably be responsible for providing a job for everyone; 57–91 % expressed that that the government should spend more on retirement; and between 95–98 % believed that the government should be responsible for a decent standard of living of senior citizens.

[123] Estonia had the same score (39.5) in 1993; however in the following years, it started to decrease reaching the level of 33.15 in 2012 (The World Bank 2017).

[124] In the beginning of the 1990s, among non-citizens, women of Russian origin were exposed as being at a higher risk of unemployment (Aasland 2006, 56). This was due to the fact that many of them worked in public administration, which was no longer an employment option for them as they had neither citizenship nor sufficient knowledge of Latvian. By 2000, the situation changed, indicating a higher unemployment rate among non-Latvian males, almost double in comparison to their Latvian counterparts (*ibid*., 57). The reversal of the employment gender gap among non-Latvian population was explained by Aasland (*ibid.*) by better flexibility of female workers in adapting to the changes of the labour market, as well as the emergence of the service and

conditions and quality of life in the three Baltic republics – found a direct link between the employment opportunities and the citizenship status of the Latvian population (*ibid.*, 56). It noted that Russian-speakers holding Latvian citizenship had a significantly lower probability of being unemployed than non-citizens, concluding that "formal integration into the country of residence clearly protected against unemployment" (*ibid.*, 56). In addition to the citizenship status, Hazans (2010, 127) has concluded that the disadvantageous position of Russian-speakers in the labour market was also linked to their Latvian language skills. Thus, both the citizenship status and knowledge of Latvian language significantly restricted their employment opportunities (Aasland 2006; Hazans 2010).

Moreover, non-citizens were put in an unfavourable position during the privatisation process, despite the fact that privatisation concerned many properties from the Soviet era established by investments from other parts of the USSR and by the labour of both citizens and non-citizens. The Law on Privatisation Certificates (1995, Articles 4–5) gave citizens the right to 15 certificates more than what non-citizens received and it foresaw additional deduction of five certificates for non-citizens born outside of Latvia. Non-citizens who arrived to Latvia after their retirement age and who had less than five years of hired employment, received no privatisation certificates (*ibid.*, Article 5). The implementation of the law resulted in 84 % of the total number of privatisation certificates issued to citizens *vis-à-vis* 13.6 % to non-citizens, leaving 3.5 % of the non-citizens with no rights to receive privatisation certificate (Buzayev, Kotov and Raihman 1999). Additionally, non-citizens were disadvantaged by limitations applying to them as founders of banks, pawnshops and joint-stock companies, as well as restrictions regarding privatisation of small businesses owned by the state during the Soviet era (Minelres 2017).[125]

Similarly, the privatisation process of land and dwellings significantly affected the housing rights of non-citizens. Finding accommodation after independence was not only difficult because of the restitution of many apartments to former owners or their descendants, but also

business sectors. They were more qualified because of their professional background in public administration than the male population, predominantly employed in the manufacturing and the Soviet technology factories.

[125] Namely, founders of banks and pawnshops could have only been citizens and non-citizens who had residence time in Latvia of 21 years (Minelres 2017). Non-citizens who had been residents for less than 21 years were not allowed to establish joint-stock companies (*ibid.*). The right to receive license to carry out commercial cargo shipments, transportation of mail and passengers by air was given only to citizens (*ibid.*). Non-citizens who had resided in Latvia for less than 16 years did not have a right to participate in privatization of objects owned by local public authorities (*ibid.*). However, Buzayev, Kotov and Raihman (1999) noted that even the rights guaranteed to non-citizens (conditioned upon a certain period of legal residence in Latvia) were violated. Latvian authorities were accused for illegally decreasing the time of residence of non-citizens, by manipulating the records in the Register of residents (*ibid.*).

because of active state measures which put non-citizens in a less favourable position. These measures presupposed that only citizens had the right to: low interest loans for individual housing construction; to receive a loan for the purchase of a new apartment as a form of help to former politically repressed or to families with many children; and to an apartment when dormitories were liquidated (*ibid.*). Moreover, during the heating season when the rent for standard housing exceeded both the minimum salary and the average pension size (Buzayev, Kotov and Raihman 1999), only citizens were allowed to apply for compensation for central heating expenses (Minelres 2017).

Although these restrictions were later abolished (*ibid.*), this was not done out of awareness of discrimination of non-citizens but it was a result of the completion of the process of capital accumulation. There was no longer a need for these particular restrictions, because: firstly, there was nothing left to be privatised, and secondly, the disadvantaged position of non-citizens was structurally 'locked in' without any possibility to be reversed (Buzayev, Kotov and Raihman 1999). The latter was secured by other restrictions, such as those in the area of employment, which were often extended, especially in periods of economic crisis.[126] The employment restrictions did not only refer to 3,500 professions in the public sector, but to more than 1,000 posts in the private sector (Advisory Committee 2008, para. 101). Among the private sector posts affected by these restrictions were the occupations of aircraft engineers and designers, locksmiths, housemaids, photographers, officers-on-duty at a dump-site, medical staff, lawyers, notaries or their assistants and advocates, taxi drivers and sanitary technicians (Woolfson 2009). All this suggests that the employment restrictions were a strong instrument for redefinition and control of the employment options for non-citizens, significantly limiting their right to work.

As a result, in the late 1990s, the "labour force participation and employment rates among the minority population were lower than among Latvians, while minority unemployment rates were significantly higher" (Hazans 2010, 125). In the ECRI Report (2002, para. 50), it was observed that unemployment was twice more common among ethnic Russians of working age than among ethnic Latvians.[127] Moreover, unemployed non-Latvians had lower chances to find a job within a year (other things equal) than ethnic Latvians (Hazans 2005, 2). In 2002,

[126] For more see the discussion on the employment restrictions and the analysis of the period after the 2008 economic crisis further in this chapter.

[127] ECRI (2002, para. 57) also noted the problem of unreliable official data as the official figures failed to register the actual situation on the ground. The actual state of affairs was considered to be much graver than the one presented by the official data.

they constituted 58 % of the long-term unemployed labour force, which was disproportional to their population size (Woolfson 2009).

The situation improved in the period of 2002 to 2007, mainly due to economic boom after the EU accession (Hazans 2010, 131). The high labour demand facilitated minority employment by significantly lowering the employment requirements, in particular, the one referring to the level of proficiency of the Latvian language. But once Latvia entered recession in 2008, this positive trend in the ethnic employment gap was reversed (*ibid.*, 135). In 2009, the year after the burst of the economic crisis the government substantially extended the list of posts in the private sector subjected to employment restrictions for non-citizens and the language requirement.[128] The official reason stated by the government was the lack of fluency in the Latvian language within the service sector, which was recognised to be a result of the 2006–2007 'economic boom' (*ibid.*, 151). Nevertheless, the 'upgraded' nationalising measures, allegedly protecting the Latvian language, served purely economic purposes setting an even more stringent distribution of employment opportunities along ethnic lines, formally based on citizenship status.

Besides the employment gap, there were differences recognised in the level of earnings. In a comparative analysis of the labour market outcomes for immigrants and non-citizens in the EU, Kahanec and Zaiceva (2008, 10), in the case of Latvia, recognised a direct link between citizenship and the level of earnings. They observed that the lack of citizenship was negatively associated with the earnings of both males and females of non-EU origin in the EU8,[129] but not in the EU6[130] or the EU15.[131] This led them to a conclusion that the earning gap was "probably driven by the ethnic Russian non-citizens in Estonia and Latvia" (Kahanec and Zaiceva 2008, 10). Although the gap decreased in the period 2002–2009, it was still present as minorities earned 8 to 9 % less on average than ethnic Latvians (Hazans 2010, 142). After 2009, with the deepening of the economic crisis the gap increased again, which Hazans (2010, 145) explained with the lack of Latvian language skills among non-citizens.

[128] Not only did the list of professions demanding high levels of Latvian language proficiency broaden, but the Advisory Committee noted that the number of sanction for non-compliance with the mandatory use of Latvian language considerably increased and the maximum fines were raised (Advisory Committee 2013, para. 15).
[129] Referring to the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, and Slovenia (Kahanec and Zaiceva 2008, 2).
[130] Referring to the EU8 group of countries minus Latvia and Estonia (Kahanec and Zaiceva 2008, 7).
[131] Referring to the older member states: Austria, Belgium, Denmark, Germany, Greece, Finland, France, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden, the United Kingdom (Kahanec and Zaiceva 2008, 2).

Language proficiency was also used as an explanatory variable of the occupational and sectoral segregation of minority workers. In this context, ethnic Latvians had relatively larger share within highly skilled non-manual occupations – senior official and managerial positions, professionals and technicians, while non-Latvians dominated among low-skilled, non-manual and elementary occupations (Aasland 2006, 55). Due to the employment restrictions in the public sector, there was an evident concentration of non-Latvians in the private sector. Since one of the main problems of the private sector was the grey economy, the overwhelming number of Russian-speakers was referred as a reason for tax evasion.

It was argued that Russian-speakers were more "likely to engage in grey economy activities" (Aasland 2006, 59) due to their lack of commitment to comply with the rules and their higher share in the private sector. This was a public perception, although there was no direct evidence suggesting higher tax evasion among Russian-speakers in comparison to ethnic Latvians. This not only strengthened the prejudices of Russian-speakers as disloyal but it also overlooked the actual problem, i.e. the lack of labour rights and protection, higher uncertainty and exploitation of non-citizens as the main labour force in the Latvian grey economy. It was completely ignored that the alleged engagement of non-citizens in grey economy activities was not a result of their free will or an intrinsic tendency towards such an attitude, but it was a result of their limited employment opportunities, which made them more liable to exploitation.

About discrimination in the economic sphere Hazans (2010, 152) argued that although hiring discrimination against workers of Russian or other Slavic ethnicity existed, there was no evidence that it reached levels that negatively impacted the employment rate of non-Latvians. However, a survey conducted by the National Human Rights Office (NHRO) in 2000 indicated that 24 % of the respondents (18 % ethnic Latvians and 31 % non-Latvians) experienced discrimination, mainly in the areas of employment and access to social services (ECRI 2002, para. 70). Non-ethnic Latvians and non-citizens mentioned ethnicity and language as the two main grounds of discrimination (*ibid*.).

Regarding the correlation of citizenship and ethnic affiliation with the level of poverty, the relevant literature (Aacland 2006; Vanhuysse 2009; Rajevska 2010) did not present any clear-cut conclusions. In spite of the observation that "ethnic Latvians have slightly better material lives than ethnic Russians and representatives of other ethnic groups", Rajevska (2010, 162) did not find a link between ethnic affiliation and the level of poverty, as the difference among

ethnic groups was not statistically significant. In contrast, Vanhuysse (2009) concluded that social exclusion and poverty among Russian-speakers, in the 1990s, was statistically significant in comparison to ethnic Latvians.

Similarly, Aacland (2006, 60) observed that "while there were no major ethnic differences in material well-being, it seems that the implications of being poor were felt to be more serious for ethnic Russians than for the majority group." Since 2010, the Statistical Bureau provided data on this matter by reckoning 'at risk of poverty' rate according to citizenship status. The available data for the period of 2010 to 2015 indicated an increased rate of 'at risk of poverty' in the case of both citizens and non-citizens; however, the increase was much higher in the case of the latter. Namely, in 2010, 18.7 % of citizens and 20.6 % of non-citizens were at risk of poverty, *vis-à-vis* the situation in 2015, when the percentage was 20.7 and 28.9, respectively (Central Statistical Bureau of Latvia 2017a). Thus, in five years, the share of non-citizens 'at risk of poverty' increased by 8 %, whereas the share of citizens by only 2 % (*ibid*.).

Having in mind their socially underprivileged position, it was surprising that the rate of approval of social assistance was higher for people of Latvian ethnic affiliation (Rajevska 2010, 162). This was explained by the fact that non-Latvians were less informed about their social rights than ethnic Latvians (*ibid*.); as a potential discrimination by social assistance employees (majority of them being ethnic Latvians) and as a result of the high level of discretion within the decision making process (Aasland 2006, 60). However, in spite of indications of discrimination on the basis of ethnicity with regard to access to social services,[132] Aasland (2006) concluded there were no official evidence and reports recognising discrimination as a systemic problem of the social service.[133]

Another area, besides the labour market, where non-citizens faced discrimination was the pension system. This issue got prominence after the judgment of the European Court of Human Rights in the Andrejeva *v.* Latvia case (ECtHR 2009), which raised the problem of unjust procedure of calculation of non-citizens' pensions. According to the Latvian law, the years of work 'abroad' did not fall into the total length of service when calculating the

[132] See the NHRO survey conducted in 2000 as discussed above.

[133] This to some extent confirms the bias of the academic community, which reflected the official position of the government – that non-citizens are not discriminated in the socio-economic sphere. In spite of the facts, the discrimination faced by non-citizens in this area was largely ignored or underplayed. Thus, the academic community actually contributed for its legitimisation and normalisation within the Latvian society. For more see sub-sections 3.5.2.6 and 3.5.2.8.

pensions of non-citizens (*ibid.*). On this basis, Ms. Andrejeva was refused to be granted a pension for the whole period of work since the factory where she used to worked, although physically located in Latvia, was initially registered in Ukraine and later in Russia (*ibid.*). In spite of the ECtHR judgement in her favour, human rights activists (Kuzmin 2013) criticised Latvia for only partially addressing the problem.[134]

Thus, non-citizen pensioners were recognised as people exposed to highest social risk among pensioners, which is a group considered at social risk in general (Rozenvalds 2010). Due to their low standard of living and the constant growth of utility prices, in 1998, around 2,000 Russian-speaking pensioners gathered to protest in the Riga centre (Minorities at Risk 2017). They blocked the main road from the city centre, which paralysed traffic and provoked an intervention by the police. This led to clashes between the police and the protesters, ending with accusations by the latter of police brutality. As the protests were ethnically marked, on the one hand, Russian-speakers and, on the other hand, the state police consisted predominantly of ethnic Latvians, the social dimension of the demonstrations was overshadowed by the dominant narrative of inter-ethnic problems (Rozenvalds 2010).

Moreover, the problem was downplayed by the mixed reactions by the international community. The OSCE Permanent Council in Vienna expressed regrets about the situation, and the Head of the OSCE Mission in Latvia tried to downplay the ethnic dimension, by referring to the protest as a social problem and calling on the authorities to answer with a better integration strategy (Morris 2003). In contrast to the OSCE, there was almost no reaction by the EU and the CoE.[135] In the 1998 Progress Report, the European Commission concluded that freedom of association and assembly in Latvia continued to be respected, briefly referring to the pensioners demonstrations.

[134] As a response to the ECtHR judgement, the Latvian authorities submitted amendments to the State Pensions Act; however, they were not adopted. The main problem was that the amendments 'levelled down' the pension entitlements for both citizens and non-citizens treating citizens less favourably than before (ECRI 2012, para. 129). Moreover, the Constitutional Court declared the provision of the State Pensions Act (that was disputed in the Andrejeva *v*. Latvia case) in compliance with the Latvian Constitution. The court also rejected cases similar to that of Andrejeva on grounds that her case was exceptional (ECRI 2012, para. 130). These actions of the Constitutional Court were criticised by the ECRI as a narrow interpretation of the ECtHR judgment (*ibid.*). In addition the Advisory Committee, in its Second Opinion, noted that non-citizens were still disadvantaged in the process of calculating the pensions, as bilateral agreements related to pension benefits (set as an instrument for solving the problem) were not signed with all relevant countries (Advisory Committee 2013, para. 19). However, the issue of compensation of those who were discriminated in the process of pension calculation was not even considered in the relevant international reports or by the government.

[135] For more about the CoE reaction, see the analysis of the 1999 report of the Monitoring Committee in sub-section 3.3.2.

Nevertheless, the Commission did not condemn the police action given that "no injuries were reported", noting that the action was criticised only by the Russian authorities (Commission of the European Communities 1998, section 1.2.). This very much resonated with the general Latvian discourse, which underplayed the problems and concerns of non-citizens as a Russian influence in the internal affairs of Latvia.[136] This kind of attitude also undermined the chances for the establishment of an environment, which would be empowering for non-citizens to present and advocate their positions within the Latvian society. It cut off the possibility for non-citizens to gain leverage by referring to international level for support to present their problems as legitimate and worthy of being addressed.

The socio-economic analysis showed significant differences in the starting position and economic opportunities between citizens and non-citizens; indicating that discrimination of the latter was to a great extent a consequence of the citizenship policy. It seems that the citizenship policy was used to address the economic concerns in the first years of the independence,[137] serving the role of a 'shock absorber' – a term that Zorn (2008, 19) used when she analysed a similar problem – the Slovenian 'Erased'.[138] By giving an advantageous position to the majority population within the new economic environment structurally prone to inequality, the lack of social and legal protection and the rise of unemployment, the aim was to secure stability of the new system. Thus, the economic discrimination of non-citizens was a necessary condition for keeping an illusion of an acceptable standard of living, within a context of scarcity of economic opportunities and for constructing a feeling of superiority among the majority that they could not fall under a certain level (being protected by the citizenship status).

[136] See sub-sections 3.5.1 and 3.5.2.5.

[137] See the analysis of the 1993 citizenship law that set a naturalisation quota based on political and economic considerations and introduced the requirement for a legal source of income (the latter was included also in the 1994 and 1998 citizenship laws); in section 3.2.

[138] The problem of the 'Erased' emerged upon the adoption of the Citizenship of the Republic of Slovenia Act in 1991, which left a legal void regarding the status of the permanent residents from the Socialist Federal Republic of Yugoslavia (SFRY) who did not apply for Slovenian citizenship in the six-month deadline for submitting an application. The result was an erasure of 25,671 people (Kogovšek 2010, 9) from the Slovenian registry of permanent residents and their transfer into the registry of foreigners. The 'Erased' were product of the same pattern of exclusion as non-citizens in Latvia, differing from them only in the degree of exclusion, i.e. access to rights. Both problems emerged in a similar context – the responsible countries were part of a socialist federation, (re)establishing their independence through a transformation toward liberal democracy and capitalist economic system. They were a result of the actions of the nationalising states (Brubaker 1996), which although applying different nationalising policies, were led by the identical goal. Eventually, the problems of both these groups were accepted and integrated in the EU, without being properly addressed. For more on the similarities and differences, as well as the appropriateness for comparison of these two cases see Vrbek (2015).

3.5 Political and societal perception change during the European Union pre-accession process

3.5.1 Parliamentary debates

After the 1993 parliamentary election, the main issue of contention among the political parties was the timing of the adoption of the citizenship law. The dilemma was whether the citizenship bill should be adopted before or after the adoption of other related legal acts regulating citizens' rights (Latvian Parliament 1993a). Thus, the debate was more of a technical and legal nature, but with high political implications as it downplayed and overlooked the consequences this legal vacuum had on non-citizens. The only time the effects of the new legal setting on the non-citizens' lives were briefly discussed was with regard to their rental rights and privatisation certificates (*ibid.*). In this context, the Latvian National Independence Movement, a right wing opposition party, argued that since the non-citizens did not have the right to be in Latvia, they should not be given the right to rent apartments or to get privatisation certificates (*ibid.*). The Latvian Way, a centre right party and a member of the government coalition, argued that only after the adoption of the citizenship law, the procedure of eviction could be regulated and decided who could rent an apartment and for how long (*ibid.*).

Furthermore, among the issues raised before the adoption of the citizenship law was the repatriation of Latvians living abroad (Latvian Parliament 1993a). The Latvian Way insisted first on adoption of the citizenship legislation, claiming that proper implementation of repatriation could be conducted only after the actual number of citizens was known and their rights were defined (*ibid.*). Harmony, the centre left political party, focused on the problem of 40,000 ethnic Latvian non-citizens who lost the opportunity to become citizens because they missed the deadline for registration; thus, they argued against the idea of repatriation of the Latvians living abroad by giving them dual citizenship before the status of these Latvians was to be solved (*ibid.*). Although the repatriation referred to the right of the Latvian diaspora to return to Latvia, it paved the way for radical proposals by the right wing For Fatherland and Freedom for repatriation of non-citizens, calling Russia 'in this spirit' to take responsibility for its compatriots (*ibid.*).

In 1993 and 1994, different ideas of the citizenship law were already present in parliamentary debates. The Latvian Farmers' Union, which together with the Latvian Way formulated a

draft law, presented the idea of a quota system and clearly stated that the goal of the citizenship law should not be integration of the Latvian society (Latvian Parliament 1993b). The quota system was considered by these two political parties a 'moderate' compromise solution, as the other right wing political parties were against any naturalisation of Russian-speakers and required repatriation of anyone linked to the USSR military and their families (*ibid.*). Moreover, the far right wing aimed to discredit the quota system as too close to the 'zero option', since this solution recognised the residence period retroactively – during the Soviet time (*ibid.*). Their main argument was that the residence period during the Soviet era should not be equated with the period spent in independent Latvia; therefore, the latter should be taken as a naturalisation criterion, as only then non-citizens could prove their patriotism and loyalty (*ibid.*). The 'zero option' proposed by the Equality, a left wing political party, advocating for the rights of non-citizens, was criticised for restoring the USSR citizenship under a different name and was thus refuted as unacceptable within the legal setting of the re-established Latvian Republic (Latvian Parliament 1993c).

Both proposals, by Equality (the 'zero option') and For Fatherland and Freedom ('no naturalisation'), were rejected by the Latvian Way, which had the majority in the Parliament; the former on the basis of the argumentation that it was in breach of the fundamental constitutional laws, while the latter as a 'reversal of the zero option' foreseeing any forceful repatriation as unacceptable in the eyes of the international community (Latvian Parliament 1994a). The Latvian Way criticised the far right parties for playing the nationalistic card to gain political points, instead of accepting the political reality and focus on the crucial question – the naturalisation rate allowed by the quota system (*ibid.*). Nevertheless, the 'moderate' Latvian Way often sympathised with some of the positions of the far right. Thus, it accepted as legitimate the arguments for delaying the adoption of the citizenship law until the withdrawal of the Russian Army, but refused to lend support to it as this would have negatively affected the status of the Russian speaking Latgalians (ethnic Latvians of Latgale) – i.e. those "more loyal residents of Latvia than some citizens" (*ibid.*).

The international community was often referred to in the parliamentary discussions; however, its position was manipulated for building nationalistic arguments (Latvian Parliament 1993b; 1994a). Thus, the Latvian National Independence Movement often emphasised that the international community accepted the concept of legal continuity as legitimate, to justify its radical proposals allegedly building on the tradition of the First Latvian Republic and the

concept of a restored state (Latvian Parliament 1993b). Moreover, the Latvian Way, until the explicit opposition of the international community to the quota system, justified the quota solution as being in line with international standards (Latvian Parliament 1994a). By referring to the international community, the Latvian Way refuted the criticism of the far right that the quota system represented a betrayal of the Latvian people since it provided a possibility (although very limited) for naturalisation (*ibid.*). Moreover, by referring to the international community, the calls for repatriation of the Russian speaking population were silenced, and the Latvian Way argued that the opportunity for limited naturalisation was a worthy concession for Latvia to secure its European future (*ibid.*).

However, once the international community severely opposed the quota system, the 'moderate' Latvian Way retreated to more radical rhetoric (Latvian Parliament 1994b). They accused the international community of lacking empathy and understanding of the specific situation of Latvia caused by the Soviet oppression (*ibid.*). The Latvian Way also threatened to sacrifice the European prospects if that implied re-establishing the demographic and political imbalance that could cost Latvia its independence (*ibid.*). They also accused the international community of double standards, by referring to more rigid European naturalisation practices, explicitly mentioning the Swiss citizenship legislation (*ibid.*). Together with the Latvian Farmers Union, a centrist and agrarian party, they called upon the international community to fix the historical injustice done to Latvia at the Yalta conference, and show respect and patience by accepting the quota system as a guarantee of Latvian independence and a Latvian way of dealing with the consequences of the Soviet occupation (*ibid.*).

In 1994, after the citizenship law was returned to the parliament, the debate was 'spiced up' by even more radical proposals from the far right political parties. The Latvian National Independence Movement argued in favour of arbitrary revocation of citizenship due to disloyalty (Latvian Parliament 1994c). They referred to the diplomatic practice, according to which the international community did not hold responsible states for dismissing disloyal diplomats; hence, Latvia should not be held responsible for renouncing citizenship to disloyal citizens (*ibid.*). In this context, the need emerged of a high proficiency in the Latvian language as a crucial precondition for naturalisation together with a proof of loyalty and the knowledge of Latvian history (*ibid.*).

However, For Fatherland and Freedom, criticise the bill, i.e. the unclear terminology concerning the language requirement, arguing that it could allow naturalisation of people who could only say 'hello' in Latvian (Latvian Parliament 1994c). On the same line, by posing a rhetorical question as to "what kind of Latvia are we aiming for, one with a single language or two", the Latvian National Independence Movement argued that naturalisation should require fluency in Latvian, rather than "just be able to understand a few phrases" (*ibid.*).[139] In addition to this, a limitation was proposed for former members of the Communist Party to have the right to naturalise after ten years from their last activity in the name of the party (*ibid.*).[140]

In contrast to the nationalistic rhetoric, the political parties Equality and Harmony aimed to turn the focus of the parliamentary debates on violations of the rights of non-citizens resulting from their unregulated status. Thus, Equality raised the problem of the Citizenship and Immigration Department, which lost more than 1,000 court cases due to its arbitrary conduct and non-validation of pre-1940 and Soviet-era personal documents (Latvian Parliament 1994b). Harmony criticised the long period before some non-citizens could even apply for citizenship, comparing it with genocide (Latvian Parliament 1994c).

In parallel to the discussions on the citizenship law in 1994, the parliament raised the issue of employment in public institutions. In the discussion of the law on the state revenue service, the majority agreed that the employees had to be citizens of a proven loyalty (Latvian Parliament 1994a). However, a question emerged about the destiny of the ethnic non-Latvians already working in state institutions (*ibid.*). In the discussion on the Law on the Prosecution Office, the Latvian Way argued that non-Latvian employees already working in the office should not be fired after the law entered into force (*ibid.*). This stance faced harsh criticism, as For Fatherland and Freedom argued that someone who was not a citizen could not carry out charges on behalf of the Republic of Latvia (*ibid.*).

[139] At this point, the debate diverged from the position agreed and integrated in the 1991 Resolution (Resolution on the renewal of Republic of Latvia citizens' rights and fundamental principles of naturalisation 1991), which defined the knowledge of Latvian at conversational level to be a sufficient language requirement for acquisition of citizenship. The language requirement was tightened by the 1994 citizenship law, by setting a higher standard of knowledge of Latvian. For more see section 3.2.

[140] With the adoption of the 1994 citizenship law, a general restriction on naturalisation was set for all those who, after 13 January 1991 acted against the Republic of Latvia through participation in the Communist Party of Latvia, Working Peoples' International Front of the Latvian SSR, United Council of Labour Collectives, Organisation of War and Labour Veterans or the All-Latvia Salvation Committee and its regional committees (Law on Citizenship 1994, Article 11 Paragraph 8).

In 1995, after the adoption of the 1994 citizenship law which set up the 'window system', the focus was placed on the status of the former USSR Citizens without Latvian or other citizenship. A question was raised as to whether all non-citizens should be given a non-citizens passport (Latvian Parliament 1995a). The Latvian Way argued that only those non-citizens who wanted to live in Latvia should be provided with this document, while For Fatherland and Freedom, the very idea of a special status for non-citizens was unacceptable (*ibid.*). Their main argument was that Latvia should not take any responsibility for the Soviet-era settlers and that this special status would imply extra privileges to which they were not entitled (*ibid.*). Furthermore, the Christian Democratic Union took a more 'moderate' stance, suggesting that the non-citizenship status should be conditioned by physical residence in Latvia and that a maximum period for allowed absence from the territory of Latvia should be set (*ibid.*). In case of surpassing this period or not notifying the authorities, they suggested revocation of the non-citizenship status (*ibid.*).

The discussion also raised an additional legal/technical dilemma. As the law foresaw a special 'USSR passport' for non-citizens, the Latvian National Independence Movement criticised the idea of Latvia issuing documents of a non-existent state as absurd (Latvian Parliament 1995a). Nevertheless, the parliamentarian majority was aware that if Latvia wanted to pursue its European path, it needed to give some kind of a legal status to the non-citizens and this solution was seen as the least politically controversial. At this point, due to the explicit condemnation by the international community of the idea of massive expulsion of non-Latvian residents,[141] the calls for repatriation lost their political weight and any chance to become Latvian official policy (*ibid.*). The Democratic Party opposed the rhetoric of the Latvian National Independence Movement by taking a pragmatic stance in favour of recognition of a special status for non-citizens, in return for 'the world' to recognise the unfortunate situation in which the country had been put in the past. Thus, they rejected the calls for repatriation arguing that the smartest thing for Latvia was to join the EU and satisfy their requirements.

In the end, in spite of the far right opposition, the regulation of the non-citizens status, in terms of a right to permanent residence, right to leave and return to Latvia, as well as diplomatic protection abroad, was no longer a politically controversial issue. However, what was specific for this debate was the fact that the rights established by this law were referred to

[141] See the HCNM letter from 1993 discussed in sub-section 3.3.1.

as ‘special’ or ‘extra’ privileges instead of ‘rights’ (Latvian Parliament 1995a). This implied a deeply entrenched belief that non-citizens did not deserve a legal status even as second-class residents; that even the discriminatory status they had was a too generous concession made by Latvia. This discourse perpetuated and fostered the already hostile political context exclusive of any initiative towards equalising their rights with those enjoyed by citizens. Moreover, the position held by the majority undermined any possibility for improvement of their status by alternative means, for instance by broadening the application of the FCNM.[142]

In addition, 1995 was the year when the amendments to the citizenship law foreseeing lower citizenship requirements and easier naturalisation procedure for the Latvians living abroad were adopted (Latvian Parliament 1995a). They were urged by the observation that the requirements, in particular, the one referring to high-level knowledge of the Latvian language was undermining the chances of Latvians living abroad to naturalise. Thus, the Latvian Way argued that the process of political bargaining and compromise making of the 1994 citizenship law did injustice to this category of Latvians that needed to be addressed (*ibid.*).

Moreover, the blame for the lack of knowledge of the Latvian language among Latvians living abroad was ascribed to the occupation; therefore, they (in particular those that have finished their primary education in the Latvian language) should not be punished by being subjected to a high language requirement (Latvian Parliament 1995a). The parliamentarian majority held this stance, and as the Democratic Party Saimnieks pointed out there should not be a difference between those who stayed in Latvia and were repressed and those who moved due to the repression, as both groups were ethnic Latvians (*ibid.*). This discourse actually served to legitimise the introduction of the explicit ethnic basis of the citizenship policy.[143] The Soviet past was again used as a justification for the ethnocentric approach and the double standards applied by loosening the language requirement for ethnic Latvians while requiring a higher level of fluency for non-citizens.

Therefore, in contrast to the parliamentary majority, Equality criticised this as a double standard. They argued that there should not be a special procedure and that everyone should be subjected to the regular naturalisation procedure to experience how hard and problematic it actually was (Latvian parliament 1995b). In this context, they referred to the impact of the language requirement on elderly non-citizens, arguing that it was inhuman to expect from a

[142] See the Declaration submitted by Latvia upon the ratification of FCNM discussed in sub-section 3.3.2.
[143] See the discussion of the 1995 amendments to the citizenship law in section 3.2.

70-year old sick person to pass the tests (*ibid.*). Furthermore, Equality pointed out that the very design of the citizenship policy went against the goal of integration of the Latvian society thus increasing the alienation of the non-citizens from the state (*ibid.*).

In 1996, the Law on the Entry and Residence of Foreign Citizens and Stateless Persons in the Republic of Latvia entered the parliamentary procedure, as a legal act relevant for the process of EU harmonisation. The centre-right and right wing political parties were highly critical of the law as it aimed to make Latvia an immigrants' destination according to the Latvian Way, and for giving new rights to non-citizens as the Latvian National Independence Movement argued (Latvian Parliament 1996b). The Latvian National Independence Movement claimed that after independence ten to twelve laws increasing the scope of rights of the "colonizers, occupants and russificators" were adopted, asking for this trend to stop (*ibid.*).

Harmony supported the law pointing out its importance for the European integration process, and asked all political parties to leave behind the nationalistic rhetoric and constructively to pursue the strategic goal of EU accession (Latvian Parliament 1996b). However, the Latvian Way argued that making Latvia a land of immigration was too expensive a concession for the EU accession; therefore, a different way should be found to consolidate the goals of accession to the Union and the restriction of immigration (*ibid.*). To justify these concerns, a reference was made to the 'unique' ethnic balance of Latvia, where ethnic Latvians represented only 59 % of the total population. Thus, due to the small share of ethnic Latvians, the fear of immigration was founded for the Latvian Way. It was additionally argued by the Latvian Way that even for the other EU member states and candidate countries, with a significantly higher share of the titular nation, immigration was the biggest worry (*ibid.*).

The fear that this and similar laws from the EU agenda would increase the scope of non-citizens' rights, was the reason for the For Fatherland and Freedom to insist that the term 'non-citizens' was not used within these laws since the law on their status, adopted in 1995, already regulated their rights (Latvian Parliament 1996b). The main problem for them was that the process of EU harmonisation tackled the issue of family reunification, which was perceived as a threat to Latvian independence. Thus, For Fatherland and Freedom argued that allowing family members of non-citizens to gain the same status would double the official number of non-citizens (*ibid.*). Moreover, the Latvian Way criticised the principle of family reunification as an unacceptable 'privilege' given to non-citizens, which was not enjoyed by ethnic Latvians (*ibid.*). The People's Movement of Latvia argued that this opened the door for

stateless immigrants from other satellite states, such as Armenia and Georgia, "who just need to move to get a status in Latvia" (*ibid.*).

The same year, Harmony proposed amendments to the Law on the Status of Former USSR Citizens Who are not Citizens of Latvia or Any Other State, which foresaw a substitution of the USSR passport with a Latvian passport indicating a non-citizen status (Latvian Parliament 1996c). Despite the fact that Harmony presented the amendments as a purely technical issue, enabling easier travel for non-citizens, the discussion got a strong nationalistic connotation as for the majority it was completely unacceptable for non-citizens to hold the same travel document as Latvian citizens (*ibid.*).

Furthermore, in 1996, in the context of the amendments to the Law on Land Privatisation in Rural Areas, For Fatherland and Freedom proposed a complete exclusion of non-citizens from land ownership arguing that the political freedom of the Latvian nation could only be achieved through its economic freedom (Latvian Parliament 1996a). They argued that the right to land ownership was a freedom gained by Latvian independence, and it should belong only to ethnic Latvians (*ibid.*). This was supported by the far right People's Movement for Latvia claiming that by selling the land to non-citizens not only would Latvians never be the rulers of their land, but they would be condemned by future generations (*ibid.*).

In contrast to the rigid position of For Fatherland and Freedom, its coalition partner in the government, the Latvian Farmers' Union/the Christian Democratic Union, did not see any harm to the citizenship rights of ethnic Latvians if other nationalities were allowed to own property (Latvian Parliament 1996a). Holding a centrist ideological position this was not a controversial issue for them: individuals of other nationalities already owned land and it was a matter of honesty to recognise this fact (*ibid.*). Moreover, the Latvian Way criticised the proposal of For Fatherland and Freedom regarding limitation of tenant rights of non-citizens. They pointed out that although the proposal allowed non-citizens to rent a property, it banned them from renovating or rebuilding rented non-functional old venues, which represented a health and life threatening risk (*ibid.*). Thus, the Latvian Way called other MPs not to vote for the proposal, as it held significant prejudice against non-citizens that could endanger their lives (*ibid.*).[144]

[144] It is to be noted that this more liberal position with regard to socio-economic rights of non-citizens, among political parties from the parliamentary majority, occurred after the process of privatisation had largely been completed and when it could not substantially change the position of the non-citizens. For more see section 3.4.

Similarly, the discussion of the right to unemployment benefits, in the context of the Labour Law, was permeated by nationalistic rhetoric (Latvian Parliament 1996d). As the Latvian National Independence Movement put it, social benefits were provided by the state; therefore, they needed to be conditioned by a proof of loyalty and sufficient knowledge of Latvian language. Moreover, only those who respected Latvian culture and language could be given the right to unemployment benefits (*ibid.*). Hence, the adopted legislation set a condition of high proficiency in the Latvian language for the unemployment benefit, which was later abolished in the process of EU harmonisation and under strong EU pressure.[145]

This was not the only case when the argument 'lack of loyalty' was used. During the 1996 parliamentary debates, it was widely referred to with a view to discarding legislative initiatives that could improve the status of non-citizens *inter alia* by granting them voting rights. It was argued that the 1994 citizenship law was too loose to protect the Latvian nation; therefore, there was no room for new legislative acts increasing the scope of non-citizens rights (Latvian Parliament 1996e).

In the following year (1997), the need for a further simplification of the citizenship procedure for Latvians living abroad got prominence again. To justify this, the Latvian Way referred to economic and demographic reasons, arguing that 100,000 Latvians living outside of Latvia would not only contribute to the Latvian economy but it would also increase the share of ethnic Latvians in the total population (Latvian Parliament 1997a). This was also the year when the Socialist Party launched an initiative for easing the naturalisation procedure for non-citizens and proposed an automatic citizenship for non-citizens living in Latvia in the period before 1996 (*ibid.*; Latvian Parliament 1997b). In this context, the Socialist Party referred to the existing social problems of non-citizens, criticising the quality of the parliamentary debates for focusing on obsolete issues such as 'the scars of the history', instead of on the burning problems non-citizens faced as a result of their discriminatory status (Latvian Parliament 1997a). Hence, they referred to the difficult naturalisation procedure and criticised the official policy for encouraging statelessness by not granting citizenship automatically to new-born children to stateless parents (*ibid.*). Moreover, the party referred to the practical problems faced by families comprised of persons with different citizenship status, since holding different passports very much complicated their travel abroad together as a family (*ibid.*). The language tests were also challenged as over-complicated and the procedure

[145] See sub-section 3.3.3.

exhausting, as it required the applicants to take tests in two different governmental facilities (*ibid.*).

Eventually, the Socialist Party referred to the main Latvian concern – 'the problem of loyalty', arguing that the loyalty of non-citizens could not be achieved by their marginalisation (Latvian Parliament 1997a). Not only was their proposal refuted by the majority, but the For Fatherland and Freedom/The Latvian National Independence Movement[146] referred to it as "a waste of time" (Latvian Parliament 1997b). Again, the idea of automatic citizenship was out of the question because it would disturb the post-independence demographic balance (*ibid.*).

In addition, the parliament discussed the amendments to the citizenship law proposing increased competences of the President to grant citizenship on the basis of merit (Latvian Parliament 1997c; Latvian Parliament 1997d). The aim was to tighten the special procedure and to reduce to a minimum cases of special naturalisation. This was urged by the observation that the parliament misused its powers and granted citizenship for economic reasons to many controversial persons with a criminal background (Latvian Parliament 1997c). According to the Latvian Way, by transferring this competence from the parliament to the President the number of cases of special naturalisation would decrease (Latvian Parliament 1997d). The far right People's Movement for Latvia supported the initiative; however, the other far right political party For Fatherland and Freedom/The Latvian National Independence Movement refuted the idea of expansion of the Presidential powers as unconstitutional (*ibid.*).

In 1998, the citizenship law was liberalised; the 'window system' was removed and an opportunity for stateless children born in Latvia to gain citizenship was provided.[147] The parliamentary debate preceding the adoption of the amendment featured strong political polarisation (Latvian Parliament 1998a). The Latvian Way, the largest party in the government, held a position that the adoption of the amendments was the only way for Latvia to secure its European future (*ibid.*). Despite its previous opposition to any liberalisation of the law, the party expressed its awareness of the changed international environment, which required concessions and a compromise (*ibid.*). The fear for the Latvian language, identity and overall Latvian future was still very much present, but according to the Latvian Way it

[146] In 1997, For Fatherland and Freedom merged with the Latvian National Independence Movement (LNNK).
[147] See section 3.2.

needed to be addressed through different legal means as the change of the citizenship law was inevitable (*ibid.*).

For Fatherland and Freedom/The Latvian National Independence Movement, although part of the government coalition, was strongly opposed to the amendments. They argued that the Latvian language as a crucial factor for the survival of Latvia would be undermined by the amendments foreseeing liberalisation of the language requirement (Latvian Parliament 1998a). Moreover, they referred to the implementation of the HCNM requirements as a Latvian capitulation (*ibid.*). They challenged the HCNM criticism of the citizenship legislation as being in breach of the Convention on the Rights of the Child, by a rhetorical question whether it "was not the situation of Latvia in breach of the Geneva Convention concerning occupied territories" (*ibid.*). Thus, For Fatherland and Freedom/The Latvian National Independence Movement criticised the requirement for granting citizenship to children of "those who occupied the country" as unfounded and unjust (*ibid.*).

Moreover, they argued that an automatic citizenship for stateless children and looser language requirement would encourage children living in a Russian speaking environment not to learn Latvian (Latvian Parliament 1998a). In addition, they suggested that not only should the language requirement apply to stateless children, but that additional safeguards for ensuring the loyalty of their school teachers had to be installed (*ibid.*). The Russification of Latvia and the status of the Latvian language were pointed as the main concerns that needed to be addressed by showing 'a backbone' and not obeying the West (*ibid.*). In the end, For Fatherland and Freedom/The Latvian National Independence Movement concluded that Latvia's citizenship law was already too liberal and identified the problem in the unwillingness of non-citizens to learn Latvian as they expected, someday in future, to be granted Latvian citizenship automatically (Latvian Parliament 1998b).

However, Harmony confronted this rhetoric and accused For Fatherland and Freedom/The Latvian National Independence Movement of manipulation, arguing that the adoption of the amendments would not mean an end of the Latvian state, or of the political life of their party (Latvian Parliament 1998b). Moreover, Harmony referred to the changes as a necessary condition for Latvia to comply with international treaties on children's rights and reduction of statelessness (*ibid.*). Thus, Harmony, together with the Latvian Farmers' Union, the Christian Democratic Union and the Democratic Party, pointed out the need for a compromise and its importance for the Latvian European future (Latvian Parliament 1998a). In the beginning, the

Latvian National Reform Party and the Latvian Green Party were critical of the amendments, but they later joined this position as the momentum required Latvia's fulfilment of the international requirements (*ibid.*). However, they left room for a reversal of the 'problematic' part of the amendments (referring to the language requirement) after international pressure was gone (*ibid.*).

The far right opposition party People's Movement for Latvia was the loudest critic of the law. They accused the other far right parties participating in the government (For Fatherland and Freedom/the Latvian National Independence Movement) of betrayal of their voters and lying that the citizenship law would not be changed (Latvian Parliament 1998a). The People's Movement saw the change of the law as a direct pressure of Russia (*ibid.*). Hence, they called upon other political parties to show a 'backbone' by not bending under the strong international pressure (*ibid.*). Non-citizens were referred to as 'invaders', who did not deserve additional privileges (*ibid.*). Moreover, non-citizens were obliged to accept Latvia as a state of Latvians, and if they wanted to integrate, they could do that by mastering the Latvian language (*ibid.*). In such a nationalistic context, the Socialist Party was unsuccessful in pushing for a provision that would have enabled non-citizens, who finished a university in Latvia, to be granted citizenship automatically (Latvian Parliament 1998c; 1998d). The majority firmly opposed this as this would enable non-citizens to circumvent the language tests and the regular naturalisation procedure (*ibid.*).

Later in 2000, the parliament discussed the problem of stateless persons without any legal status who did not belong to any official category of persons. Many of these stateless persons were Russian-speakers without a status (they were not registered as non-citizens). The Latvian Way warned that these people were considered illegal immigrants and could therefore end up in jail unless a legal solution was found (Latvian Parliament 2000a). The idea was that these stateless persons were given the possibility to designate a state of origin to arrange for their legal status (*ibid.*). This was criticised by For Fatherland and Freedom/The Latvian National Independence Movement, as giving them the right that resembled the concept of dual citizenship, something that was not allowed for Latvian citizens (*ibid.*). Consequently, their position was that the parliament should not enact any positive measures for stateless persons (*ibid.*).

The Latvian Social Democratic Workers Party confronted For Fatherland and Freedom/The Latvian National Independence Movement that the proposal put Latvian citizens in a less

favourable position in comparison to stateless persons. However, they noted that the amendments gave the right to revocation of the status of non-citizens, arguing that this could not be handled in administrative procedure, as only courts had that authority (Latvian Parliament 2000a). This was contrary to the position of the Coalition for Human Rights in United Latvia comprised of Harmony, For Equal Rights and the Socialist Party, which argued that non-citizens were discriminated against citizens, since they were stuck in lengthy court procedures, while citizens who wanted to renounce their Latvian citizenship could do that in fast administrative procedures (*ibid.*). Hence, the coalition asked for consistency and balance of the procedures tackling a similar issue regardless of one's citizenship status (*ibid.*).

Radical ideas were still present in 2000, however, without any success to gain wider support. In this context, For Fatherland and Freedom/The Latvian National Independence Movement proposed severe punishments for violations of the Latvian Constitution (Latvian Parliament 2000b). This was not an ethnically neutral legislative proposal as it was justified by the higher rate of naturalisation after the 1998 amendments; particularly, of many 'Ivans' or 'Petars' who required a legal instrument to secure their respect of the Latvian laws, under a threat of being expelled from the country or jailed (*ibid.*). Although the proposal was rejected, it was nevertheless representative of the distrust towards non-citizens even a decade after independence. Despite the fact that explicitly radical proposals were no longer acceptable, the trend of exclusionist policies towards non-citizens was present and justified by this mistrust. Thus, in 2001, the amendments allowing employment of non-citizens in the Army were discarded by the majority (Latvian Parliament 2001), and in 1999 non-citizens' right to own weapons and firearms for self-defence was restricted (Latvian Parliament 1999).

In 2003, the left wing political parties aimed to amend laws other than the citizenship law to increase the rights of non-citizens and provide for a better environment for integration. In this context, they raised the problem of employment restrictions for non-citizens in the State Revenue Service (Latvian Parliament 2003a). Harmony and the Coalition for Human Rights in United Latvia argued that it was not justifiable to deny this right to a great number of tax payers, who on equal terms as citizens contributed to the budget (*ibid.*). This meant that they had same obligations, but not same rights by being cut off the opportunity to work in state institutions financed by their money. Hence, the Coalition for Human Rights claimed that the employment right should not be related to the citizenship status, since the employment

requirements for the Revenue Service were lower than those foreseen for the acquisition of citizenship (*ibid.*).[148]

In addition, the Coalition recalled that Latvia had failed to keep up the promise that all non-citizens would have a citizenship by that time; therefore, they needed to find different ways to include them in the society (Latvian Parliament 2003a). In this context, the right to employment in state institutions was suggested as an instrument of integration (*ibid.*). The political centre, namely the Union of Greens and Farmers, supported the proposal; however, this was not enough for the proposal to be adopted, as the right wing political parties holding the parliamentary majority were strongly opposed (*ibid.*). Thus, the amendments foreseeing a possibility for non-citizens to work in the State Revenue Service were rejected, while at the same time this right was given to EU citizens who had a permanent residence in Latvia (Poleshchuk and Tsilevich 2002/3).

The fact that the main arguments against this proposal, i.e. the lack of language skills and loyalty among non-citizens, which lacked consistency and solid grounds (as it could not be expected for EU citizens to be more fluent and more loyal), did not change the position of the parliamentary majority. The New Era, a centre-right party which had a majority in the parliament, argued that it was not true that the employment requirements for the Revenue Office were lower than those for acquiring citizenship as the key employment requirement was proficiency in Latvian (Latvian Parliament 2003a). Moreover, the New Era and For Fatherland and Freedom/The Latvian National Independence Movement argued that those non-citizens who spoke Latvian but refused to naturalise were not loyal, therefore, they must not be allowed to work for the state (*ibid.*).

The People's Party criticised the initiative as a way for non-citizens to circumvent the naturalisation procedure, while the Fatherland and Freedom/The Latvian National Independence Movement argued that if non-citizens spoke Latvian for real, they would have been naturalised (Latvian Parliament 2003a). Moreover, For Fatherland and Freedom/The Latvian National Independence Movement stressed that the only way for non-citizens to get an employment opportunity in state institutions was through naturalisation (*ibid.*). Harmony confronted the 'blaming and shaming' of non-citizens' choice not to naturalise, arguing that in

[148] This idea was explicitly supported by the international community much later, when in 2008 the Advisory Committee asked the government to consider replacing the citizenship requirement for employment with a requirement on legal permanent residence. For more see sub-section 3.3.2.

its very essence, naturalisation is a personal decision, which needs no justification; and therefore, it could not be a basis for exclusion (*ibid.*).

The same nationalistic logic was applied against the proposal on non-citizens' right to vote at the referendum on Latvia's accession to the EU (Latvian Parliament 2003a). The New Era stated that all non-citizens should decide about the nation's future, but not before they naturalise (*ibid.*). In favour of the proposal, Harmony referred to the period of the reestablishment of independence, when non-citizens had the right to vote and the result was positive, concluding that there was no strong enough argument why they should not vote this time (*ibid.*).

Moreover, in this period it became evident that the EU harmonisation process of the Latvian legislation did not necessarily lead to improvement of the level of non-citizens rights. Indicative of this was the discussion on the proposal giving the right to EU citizens to buy land in Latvia (Latvian Parliament 2003b). The left wing parties, Harmony and the Coalition for Human Rights in United Latvia, expressed fears that this might put non-citizens in a less favourable position in comparison to EU citizens, as priority would be given to EU citizens making the possibility for non-citizens to acquire land even more difficult than previously (*ibid.*). This was problematic for them as the number of non-citizens one year before Latvia's accession was still enormously high, with a half of the total minority population holding a non-citizens status (*ibid.*).[149] The far right also criticised the initiative, but for different reasons. Namely, the far right expressed a fear that the EU accession, contrary to the claims of the left, would increase the rights of the non-citizens to own land (*ibid.*).

In 2004, the year of Latvia's accession to the EU, the issue of electoral rights for non-citizens at national and local levels came into the focus of the parliament (Latvian Parliament 2004a). The Coalition for Human Rights in United Latvia referred to the Treaty on European Union (TEU) to argue that voting rights for non-citizens were an EU standard with which Latvia had to comply (*ibid.*). They also referred in general to EU and NATO documents, claiming that they required non-citizens to be given the right to vote as a crucial condition for better integration of the Latvian society (*ibid.*). Moreover, they argued that non-citizens as taxpayers needed to be allowed to vote at least at the local level (Latvian Parliament 2004b). In this context, a reference was made to the positive experience of Germany and Estonia, the latter as

[149] One year before the accession to the EU, the number of non-citizens was 494,319 (Office of the Commissioner for Human Rights 2004, para. 27).

an example sharing similar historical context with Latvia (*ibid.*). This was a global trend that needed to be followed by Latvia (*ibid.*).

However, this was unacceptable to the majority, in particular for the far right For Fatherland and Freedom/The Latvian National Independence Movement, which denounced the proposal as absurd and accused non-citizens that "they would rather prefer living in the USSR than in independent Latvia where the decisions are made by the legal Latvian citizens" (Latvian Parliament 2004a). Moreover, For Fatherland and Freedom/The Latvian National Independence Movement discarded the arguments that the international community was putting pressure for voting rights for non-citizens, arguing that neither the EU nor NATO were interested in this issue (Latvian Parliament 2004b). According to For Fatherland and Freedom/The Latvian National Independence Movement, the EU supported integration of non-citizens only through naturalisation, not by amending electoral laws (*ibid.*).

Based on the above discussion, the parliamentary debates showed that during the pre-accession period, there was an insignificant change in positions of the political parties, which dominated the political arena. Participation in the government of the far right political party For Fatherland and Freedom/The Latvian National Independence Movement, known for its firm position against any increase of non-citizens' rights, had not only fostered the nationalistic discourse but it also normalised it as the centre right parties often tilted towards its positions. The right wing block managed to shape the debate on non-citizens as a problem of state security and economic interest, instead of a human rights issue. In such a context, the international community was often (mis)used as a reference for building arguments against any substantial change of the situation.

Despite the softer stance held by part of the centre and centre-right political parties (later when the economic restructuring was completed) regarding some economic issues, i.e. ownership rights, no change occurred. The fears of 'Russification' and of 'survival of the nation' were constantly perpetuated and used as a mobilising tool against any, even a symbolic, initiative for improvement of their position. This undermined the initiatives of the left wing political parties, and alienated parliamentary debates from everyday socio-economic problems non-citizens faced due to their discriminatory status.

3.5.2 Interviews with political and societal actors

3.5.2.1. Opportunity and leverage of the international community to challenge the basis of the citizenship policy

The first impression of the interviews was that even after nine years from the Latvian accession to the EU, different societal sentiments were still strongly divided. Hence, contradictory positions were expressed about the possibility and leverage of the international community to put pressure on Latvia in the direction of the 'zero option' (automatic citizenship). According to Citkovskis (2013) and Cilevičs (2013), the debate on the founding principles of the citizenship law had been closed much before the international involvement, leaving limited space for the international community to change the main political course. Although a window of opportunity existed for the 'zero option' until 1994, the international community lacked interest to pursue a solution in this direction, due to a lack of political leverage and fear of radicalisation of Latvian nationalism (Zālītis 2013).

The EU did not even consider the possibility of automatic citizenship as it got involved much later in the process (Zālītis 2013), while the OSCE could not challenge the approach chosen by Latvia as it was "legally correct" (Pabriks Bollow 2013). Therefore, the international community marginalised the 'zero option' and normalised the nationalising course undertaken by Latvia in the initial years after its independence (Cilevičs 2013). This approach was justified by the conclusions of international reports and fact-finding missions on Latvia, which found Latvian policies coherent with international law and did not recognise the link between violations of human rights and the "restored citizenship" (*ibid.*).

When referred to the example of Lithuania (which did not compromise the legal continuity principle by giving automatic citizenship to its Russian-speaking minority), the majority interviewees raised the issue of the demographic 'disbalance' as the main reason for a different path chosen by Latvia. Thus, the Latvian fear of being demographically outnumbered set the tone and shaped the post-independence Latvian policies (Cilevičs 2013; Pabriks Bollow 2013; Streips 2013; Zālītis 2013). Moreover, it was emphasised that Lithuania could afford the zero option due to the small number (around 10 %) of non-Lithuanians, whereas Latvia was faced with a high number (more than 40 %) of non-ethnic Latvians living permanently in its territory (Latkovskis 2013; Pabriks Bollow 2013; Streips 2013). These

statistics were successfully used by the nationalist forces to establish and foster the fear of losing the Latvian state due to the high number of Russian-speakers (Zālītis 2013).

However, some of the representatives of the civil society advocating the stance of the Russian-speaking minority had a different view on the matter. They argue that if the international community had had an interest and willingness, it could have challenged the dominant nationalising course in Latvia (Berdnikov 2013; Kuzmins 2013; Petropavlovsky 2013). According to Petropavlovsky (2013), there were no limitations for the HCNM, the OSCE and the EU to push for a different citizenship policy in Latvia, i.e. the 'zero option'. As the Lithuanian case showed, an automatic citizenship for non-Latvians would not have challenged the principle of the state continuity (*ibid.*). Moreover, the international community had an opportunity to put pressure on Latvia in this direction: by insisting on the fulfilment of the 1989 pre-election promise of the PFL for automatic citizenship to all permanent residents, or by requiring *ex gratia* citizenship for non-citizens without challenging the principle of legal continuity (Kuzmins 2013).

Although the EU had leverage to put pressure on Latvia to do something during the pre-accession period, it lacked interest and willingness to solve the problem due to economic considerations (Berdnikov 2013). The Union was more interested in Latvia pursuing a neoliberal economic agenda, and the concession for this was its more tolerant stance with regard to Latvia's ethnopolitical problems (*ibid.*). From today's perspective, Berdnikov (*ibid.*) argued, it seemed as if there was a silent 'barter' between Latvia and the international community – on the one hand, Latvia was to undertake all the necessary economic measures required by the EU bureaucracy and other neoliberal agents, while on the other hand, the international community was to tone down its criticism in other areas.[150]

3.5.2.2 Clarity of the goal and the expected results of the requirements by the High Commissioner on National Minorities and the European Union

There were also different views about the clarity of the goal and the expected results of the HCNM/EU requirements regarding the citizenship law. According to Pabriks Bollow (2013), the HCNM provided clear requirements asking for: an abolishment of the 'window system', a

[150] To a great extent the perception of Berdnikov (2013) resonates with the analysis of the EU's approach (in sub-section 3.3.3), which showed that economic considerations of the Union overshadowed the human rights dimension of the citizenship issue.

revision of the citizenship tests and the granting of citizenship to stateless children born in independent Latvia. In addition, Streips (2013) believed that in the absence of clear requirements, no change would have occurred and the country would not have acceded to the EU. The HCNM had been perceived as straightforward in providing clear requirements for the Latvian government, but doubts were expressed about the same level of explicitness in the case of the EU (Citskovskis 2013).

However, although at a technical level, the requirements were clear, the expected results from their implementation were not, as a timetable for elimination of statelessness did not exist (Pabriks Bollow 2013; Kuzmins 2013). It was difficult for the international community to foresee the results of the legislative changes, and thus, to set better benchmarks for assessment of progress (Pabriks Bollow 2013; Zālītis 2013). Thus, some diplomats had informally admitted to Cilevičs (2013) that even in a nightmare scenario, they could not have imagined over 300,000 stateless people living in Latvia after 20 years since independence.

In contrast to the idea of clear requirements as a condition for a successful reform, some human rights activists criticised the international community that by providing clear technical guidelines, focused only on the 'window system' and the problem of stateless children, it accepted as legitimate the very status of non-citizens and the system of naturalisation (Petropavlovsky 2013). The international community never criticised the very existence of non-citizens; moreover, it praised Latvia for compliance with the EU accession requirements despite 523,000 non-citizens at the time of the Latvian accession to the Union (*ibid.*).

The HCNM recommendations and later the EU conditionality preferred to focus on the naturalisation procedure, rather than on the problems of mass statelessness and political, economic and social exclusion (*ibid.*). Thus, Petropavlovsky (*ibid.*) criticised the international community not only for accepting but also for supporting mass statelessness as an instrument for continuous and uninterrupted control on the political configuration in Latvia. He recognised the exclusion of non-citizens as a guarantee for the unhampered implementation of the global neoliberal system after Latvian independence (*ibid.*).

3.5.2.3 (In)effectiveness of the 'window system'

On the question as to whether there was a genuine societal awareness of the ineffectiveness of the 'window system' and the need for it to be changed, interviewees suggested that it was not

societal awareness but international pressure that was crucial for the changes of the citizenship law (Citskovskis 2013). According to Pabriks Bollow (2013), there was a lack of awareness in the beginning, but this changed the moment Latvian institutions started to revise the citizenship law. However, the representatives of the civil society were more critical and believed that the Latvian political elite saw the 'window system' as very effective in achieving their goal of keeping most non-citizens outside of politics (Kuzmins 2013). Latvian radical nationalists, informally supported by the mainstream political elite, saw the naturalisation as a threat to the nation-state and thus tried to delay the process (Cilevičs 2013).

In the meantime, Latvian officials were forced to report their willingness to improve naturalisation to their European partners – a situation that Cilevičs (2013) referred to as "political schizophrenia". This position of the ethnic Latvian political elite was contrary to the position of minority representatives and the pro-equality voices from the majority, who had a very critical stance regarding the Latvian citizenship policy and the 'window system' (Kuzmins 2013). Moreover, the referendum on the abolition of the 'window system' was won by a very narrow margin; its success was mainly due to the votes of Russian-speaking citizens and ethnic Latvians who voted in favour, under pressure for future EU integration of the country (Cilevičs 2013). Although the government advocated for these amendments as a test of the Latvian European prospect, it failed to persuade a higher number of ethnic Latvians to vote in favour (*ibid.*).

3.5.2.4 The lack of success of the international community

On the question as to how the interviewees assessed the role of the international community and whether the problem has been solved, many of them assessed it as generally positive, but insufficient to solve the problem (Berdnikov 2013; Cilevičs 2013; Citskovskis 2013; Kuzmins 2013; Zālītis 2013). In this regard, the role of the HCNM was assessed as crucial for the law change in 1994 and 1998, while the EU had a secondary role completely relying on the HCNM recommendations (Citskovskis 2013; Pabriks Bollow 2013; Streips 2013). Additionally, the interviewees referred to yet another problem of the EU: limited effect of the conditionality on the pre-accession period, leaving the citizenship issue unresolved before Latvia's accession to the Union (Zālītis 2013).

In addition, Pabriks Bollow (2013), the former deputy head of the OSCE Mission in Latvia, argued that from a legal point of view the problem was solved and there were no more open questions. She noted that the number of non-citizens was reduced over the years; nevertheless, she also pointed that the decline was not in such a scale that in mid-term the status of non-citizens would disappear in Latvia. Therefore, Pabriks Bollow (*ibid.*) raised the question of an integrated society, where besides the citizenship issue important role should play education and the knowledge of the state language. In this context, integration was recognised as a "noticeable task for the years to come" (*ibid.*). However, the fact that the knowledge of the state language was mentioned (besides the citizenship issue) as the main aspect for the achievement of the goal of an integrated society, very much resonated with the official Latvian position, i.e. that to improve their situation, non-citizens need to accept the Latvian terms of integration. Thus, the international community actually gave legitimacy to the perception of many ethnic Latvians, shared also by Streips (2013), that "Latvia's naturalisation system is by no means onerous or excessively difficult, and so those who have chosen not to undergo naturalisation over the past 20+ years have only themselves to blame."

This was the reason for the criticism of the international approach as "opportunistic", overwhelmed by political and conflict prevention considerations over human rights, achieving less than it was actually possible to be achieved (Cilevičs 2013). Moreover, the EU was criticised for not exercising stronger pressure and be more demanding: simpler rules for naturalisation, a more effective procedure of registration of stateless children and at least voting rights for the non-citizens at the local level (Kuzmins 2013). Hence, Petropavlovsky (2013), as the loudest advocate and activist of the non-citizens' rights, expressed his deep disappointment in the international community. Although the liberalisation of the naturalisation procedure enabled more than 130,000 non-citizens to acquire citizenship and solve some of their problems at the individual level, this did not address the structural discrimination and collective ethnic barriers they faced, such as the employment restrictions in state institutions (*ibid*.). Hence, despite "the increased share of Russian-speaking citizens in population, about 26 % of all citizens, in the institutions of state governance, they are not more than 7 %", and "in state-financed academic institutions, the share of Russian-speakers is around 2 %" (*ibid*.).[151] Moreover, after the EU accession, non-citizens were put even in more

[151] In 2002, the percentage of Russians within the ministries was 5.7 *vis-à-vis* their share of 17.4 % among citizens (Pabriks 2003). The Advisory Committee also recognised disproportionately low representation of persons belonging to minorities in the civil service, however it did not offer specific figures due to the lack of official data (Advisory Committee 2008, para. 161; 2013, para. 129).

disadvantaged position, now *vis-à-vis* the EU citizens (*ibid*.). The dominant perception among non-citizens was that the international community was not interested in solving their situation, leaving the fight to them, which eventually led to new forms of their self-organisation (Berdnikov 2013).[152] As Petropavlovsky (2013) said, these were not problems of the international community but of the Russian community in Latvia, and as such, they needed to be solved by the Russian-speaking population itself.

3.5.2.5 The 'Russian threat'

On the question whether the fear of the 'Russian threat' decreased during the EU pre-accession process, most of the interviewees agreed that regardless of Latvia's EU and NATO accession, this was still a strong mobilising force. In this context, NATO accession was mentioned as a more important factor guaranteeing geostrategic security of Latvia (Citskovskis 2013; Latkovskis 2013; Streips 2013; Zālītis 2013). Therefore, the fear of a direct violence by Russia had certainly decreased, but not the fear from its soft-power through media and cultural influence (Streips 2013). As Cilevičs (2013) described: "it is a sort of historical trauma and emotional perception, rather than a rational conclusion based on logical analysis /therefore,/ it depends little on the factual situation." Thus, this fear of the 'Russian threat' was often used by nationalistic politicians, who tended to capitalise on these emotions and consistently stirred them up (*ibid*.).

The 'Russian threat' was always a major factor behind popular mobilisation of ethnic Latvians and the most important resource of legitimation of any government (Berdnikov 2013). This fear was intentionally and actively evoked before any major decision, e.g. the EU accession referendum in 2003 and the introduction of the Euro in 2014 (Kuzmins 2013; Petropavlovsky 2013).[153] During the 2003 referendum campaign, as Petropavlovsky (2013) argued, Europe was presented as the saviour of the Latvians and the only way for Latvia to prevent Russian influence. This fear reached a real mass hysteria, as the day before the referendum some Latvian-speaking newspapers wrote on their front pages "Europe or Russian tanks tomorrow" (*ibid.*). A similar pattern was noted when the Euro was introduced, as the Latvian political elite actively argued that it was not a decision between the Lat and the Euro,

[152] Such an example is the 'Non-citizens' congress'; see sub-section 3.5.3.5.
[153] In June 2013, the European Council adopted a recommendation in favour of a proposal to allow Latvia to join the currency union on 1 January 2014 (European Council 2013).

but between the Euro and the Russian Ruble; therefore, unless Latvia joined the Euro area, it would be bought by Russians (*ibid.*).[154] Also, some prominent ethnic Latvian intellectuals fuelled the fear by arguing that even the adoption of the Euro might not be an obstacle for Russia to attack Latvia (Kuzmins 2013).

This fear, however, was not instigated exclusively under the pressure of big geostrategic decisions, but it was a constant feature of the Latvian society affecting everyday lives of non-citizens and their transnational contacts, Kuzmins (2013) observed. Namely, minority activism and cross-border contacts of NGOs with Russia were perceived, by many politicians and opinion leaders, as a foreign influence and a national security threat (*ibid.*). Moreover, this kind of transnational contacts were registered in the annual reports of Security Police and Constitution Protection Bureau (*ibid.*). In addition to this, the Latvian media often referred to foreign (mostly the US) security experts who spoke of a possibility of the use of force by Russia against Latvia to establish an alternative government (*ibid.*). This scenario was often mentioned to discredit non-citizens initiatives, such as the 'Non-citizens' congress', which organised elections of a 'Parliament of the non-represented' aiming to advocate the interests of non-citizens (*ibid.*).

3.5.2.6 The role of the civil society and the academia in challenging the nationalistic political discourse

On the role of the civil society and the academia in challenging the predominately nationalistic political discourse, the interviewees' views differed. Not everyone agreed with the attribute 'nationalistic' when describing the Latvian political discourse, because it was "logical for the newly independent parliament to adopt a citizenship law" and "equally logical to reject the idea that anyone who happened to be present in Latvia on the day when the independence was restored should be given citizenship automatically" (Streips 2013). Similarly, Pabriks Bollow (2013) described the label of the Latvian politics as 'predominantly nationalistic' as problematic. In this context, the former deputy head of the OSCE Mission in Latvia argued that the parliamentary majority consisted of centre and centre right political

[154] This rhetoric was applied to shift the debate to a familiar terrain, where successful mobilisation in favour of the position of the government was guaranteed. The purpose was to influence the public opinion, as the percentage of population opposing the introduction of the Euro was very high, i.e. 55 % *vs.* 42 % in favour (Eurobarometer 2013, 65), which was a direct result of the unpopular economic measures the government introduced as a response to the 2008 economic crisis.

parties according to European standards, while the left political parties advocating the so-called Russian-speakers' interests were also represented in the parliament (*ibid.*).

Contrary to these views, Cilevičs (2013), an MP from Harmony, agreed that the political discourse was clearly nationalistic. However, he noted that in spite of strong political nationalism, the Latvian society, in general, was very tolerant if one referred to indicators like ethnically-based violence, a high share of ethnically-mixed marriages, ethnically mixed neighbourhoods and workplaces. This implied that ethnic Latvians accepted Russian-speakers as friends, relatives, colleagues, but not as co-citizens, as the vast majority believed that only ethnic Latvians should have the right to govern the state (*ibid.*).

Although the civil society was also perceived as very tolerant when speaking about issues related to ethnic and interethnic relations, instead of challenging it rather supported the national political position on the citizenship issue (Citskovskis 2013). Actually, the citizenship and language policies were the only issues where the society maintained strong national positions, and as a result, there was no significant change and redefinition of the citizenship beyond "the national state theory" (*ibid.*). Furthermore, Kuzmins (2013) argued that the academic circles sometimes held an even more nationalistic position than political actors, which fostered the nationalistic mainstream. The exception was a group of academics from private Russian-language tertiary education bodies but whose voice was marginalised (*ibid.*). The only actors that aimed to challenge the dominant discourse were few 'Latvian-speaking' NGOs, a small number of journalists and policy-oriented websites, and 'Russian-speaking' NGOs, which were not influential enough (*ibid.*).

3.5.2.7 The impact of the international community on the change of the political and societal perceptions with regard to non-citizens

Regarding the impact of the international community on the change of the political and societal perceptions, most interviewees agreed that there was not a significant change (Cilevičs 2013; Citskovskis 2013; Kuzmins 2013; Latkovskis 2013; Streips 2013; Zālītis 2013). The existing system was accepted as natural by the Latvian majority; therefore, the international pressure did not change anyone's perceptions and beliefs to any extent (Streips 2013). At most, it changed the form of the message, but not its essence (Kuzmins 2013). After the 1998 liberalisation of the citizenship law, the dominant discourse spoke of 'a free will to

naturalise,' but the essence remained – not to relax the citizenship law for non-citizens (*ibid.*). This was also recognised in the content of the 2013 amendments allowing dual citizenship to citizens of the EU, NATO and European Free Trade Association (EFTA) member states, Australia, New Zealand and Brazil, but not to citizens of Russia, Belarus, Ukraine and Israel (*ibid.*). The fact that dual citizenship was not allowed to those already holding a citizenship of the countries with a majority or significant share of Russian-speakers indicated a still high level of distrust towards non-citizens (*ibid.*).

Moreover, international pressure was pointed out as the key factor for consolidation of the political elite around nationalistic ideas (Cilevičs 2013). Thus, when some concessions appeared inevitable under international pressure, they were immediately compensated by stricter legislation in other, usually more essential areas (*ibid.*). For instance, in 2002 when the language restrictions for deputy candidates had to be removed as a precondition for the withdrawal of the OSCE mission, constitutional amendments were immediately adopted banning the use of minority languages at municipal level, submissions written in minority languages, as well as active voting rights for non-citizens (*ibid.*).

Another representative example of the unchanged attitude towards non-citizens was the 2011 document National Identity and Integration Guidelines, which replaced the EU pre-accession Integration Programme (Kuzmins 2013). The new integration programme degraded non-citizens to 'immigrants' despite the fact that more than 40 % of them were born in Latvia (*ibid.*). Also, the campaign of the 2012 referendum on the official status of the Russian language[155] indicated that not much was changed from the early 1990s (Petropavlovsky 2013). During the referendum campaign, some politicians requested an arrest of the initiators of the referendum, deportation of non-citizens activists who helped the campaign and revocation of the Latvian citizenship of those who supported the referendum (*ibid.*). Moreover, some prominent ethnic Latvian intellectuals asked for a list of all citizens who voted in favour, to publicly discredit them as disloyal (*ibid.*).

The only difference from the 1990s, according to Petropavlovsky (2013), was the higher caution within the public debate when using derogatory words for non-citizens. And this was not a result of some positive influence of the international community during the pre-

[155] The referendum failed as 74.8 % of the voters voted against *vis-à-vis* 24.8 % for the change of the Constitution (Central Election Commission 2012). The aim of the referendum was to set Russian as the second official language for self-government institutions and to establish the rights for everyone to receive information in Latvian and Russian.

accession period but was due to the many court processes for invoking hate speech claimed by Russian activists. But, regardless of the terminology used the message stayed the same (*ibid.*).[156] Any discussion of the 'Russian problem' beyond the ethnic Latvian narrative was a taboo, and the scholars who approach the problem differently were discredited as "chauvinist, Russian imperialist and a Hand of Moscow" (*ibid.*). Moreover, any public statement that opposed the Latvian official narrative could cause serious problems, from losing a job to facing criminal charges (*ibid.*).

Thus, one of the leading activists of the Latvian People's Front Sergey Kruk, who became a non-citizen in 1991 (refused to undergo naturalisation as a humiliating procedure for someone who was born in Latvia, had a Ph.D. and had written books in Latvian) faced criminal charges, which were later dropped, after he published that "Latvian ethnic and folk dances, chorus singing, regime of linguistic repressions and ethnocentric paradigm of the state in whole cannot provide competitiveness in the modern world" (*ibid.*). Another similar example was the organisation of the conference on "The autonomy of Latgale: political, legal, economic, historical and cultural aspects" whose organisers had their homes searched by the police and their research with the survey data confiscated (*ibid.*). Furthermore, Petropavlovsky (2013) referred to situations when people lost their job because of the public perception of them as disloyal. One of them, Oleg Nikiforov, a doctor of psychology who at a public protest meeting in 2004 stated "I love this country, but I hate this state" (a phrase very popular in Russia), not only had problems with the State Security police but was dismissed by the University of Latvia where he worked as an associate professor (Petropavlovsky 2013).

Despite the differences, there was a consensus among the interviewees that the international community did not manage to challenge the main position of the political and societal actors during the pre-accession process. The changes to the citizenship law were done only because of international pressure and the goal of Latvia to integrate into international organisations,

[156] The Advisory Committee noted radicalisation of the public rhetoric, in particular after the 2012 referendum on the status of the Russian language in Latvia. As it was noted in its Second Opinion, the public debate was featured by hate speech directed at both Russians and Latvians, mainly on the internet, but also in public debates where public officials participated and instigated such a speech (Advisory Committee 2013, para. 12). Although the Advisory Committee did not refer to precise number of hate speech cases, it praised the efforts of the Latvian government towards improving the legislative framework and the institutional capacity for a more efficient fight against this type of criminal offences (Advisory Committee 2013, para. 60). At first sight, the observations of the Advisory Committee (2013) and Petropavlovsky (2013) seem in conflict with Cilevičs' assessment (2013) of the Latvian society as tolerant (in sub-section 3.5.2.6). However, they are actually compatible views indicating that non-citizens are tolerable as an apolitical segment of the Latvian society, as long as they do not articulate their political goals and challenge the exclusive (ethnic Latvian) ethno-national setting.

not because of change of the core beliefs key political and societal actors held (Zālītis 2013). Thus, the result was partially softened, rather than essentially changed legislation (*ibid.*).

3.5.2.8 The problem of the non-citizens' status in the context of economic transformation

In spite of the serious implications of the citizenship status on the social and economic standing of non-citizens, the problem was exclusively approached as a political issue – a consequence of the radical political change Latvia underwent with the re-establishment of independence. However, in parallel to the political change, Latvia changed its economic system. On the question as to whether the citizenship issue was discussed in the context of the establishment of the capitalist economy and the new redistribution of wealth and economic opportunities, the majority of the interviewees said that this aspect was not present in the debate (Berdnikov 2013; Cilevičs 2013; Citskovskis 2013; Kuzmins 2013; Latkovskis 2013; Pabriks Bollow 2013; Petropavlovsky 2013; Streips 2013; Zālītis 2013).

In general, the problem of the non-citizens was perceived as an exclusively political issue that "has nothing to do with economic reasons" (Zālītis 2013). Moreover, no need was recognised for a discussion of the problem beyond its political reasons since "plenty of non-citizens got on the bandwagon of economic opportunities that appeared as the Soviet Union collapsed" (Streips 2013). This was a widely accepted perception among ethnic Latvians, which overlooked the obstacles non-citizens faced during economic transition: the smaller number of privatisation certificates, the ban to own land, restrictions to occupy some positions in public and private sector, etc. (Cilevičs 2013). However, Cilevičs (*ibid.*) agreed that in the early 1990s, non-citizens were dominating many areas in the private sector. They controlled the industrial and transport sectors and used their connections in Russia and the Commonwealth of Independent States for the development of their post-socialist businesses (*ibid.*). But, he also noted that the situation changed by the end of the 1990s, when also the business sector got largely "Latvianised" (*ibid.*).

The concentration of non-citizens in the private sector was recognised as a direct result of their exclusion from all jobs in the public sector (Cilevičs 2013) and the process of deindustrialisation (Petropavlovsky 2013). The process of 're-establishment of the state' was tightly linked to the necessity of deconstruction of large industry, in particular, Russian hi-tech industry, where tens of thousands of non-citizens worked (*ibid.*). All these industries

were bankrupt and physically destroyed without any significant protest, as they were declared too Soviet and dangerous for Latvian independence and the new capitalistic economy (*ibid.*). In spite of the many limitations for non-citizens that also existed in the private sector, the latter was the only area in the Latvian economy where non-citizens could get employment (*ibid.*).

The lack of a discussion about economic consequences of the change of the system that disproportionally affected non-citizens actually gave legitimacy to the dominant perception that apart from political rights, non-citizens enjoyed equal socio-economic rights. The main reason for the marginalisation of the economic aspect of the issue of non-citizens, according to Berdnikov (2013), was the underdeveloped and immature civil society, which lacked its own alternative knowledge, radical critique and resistance. An additional reason was the lack of sustained protest activism, long-lasting protest groups and movement-focused media that would provide space to and coverage of grassroots initiatives (*ibid.*). The knowledge in Latvia was produced and reproduced by mainstream political parties and corporate media, both controlled by ethno-national elites and local oligarchs (*ibid.*). Moreover, the academia in Latvia was engaged only in producing "routine science" in the traditional academic fashion thus failing to provide education on alternative contents and research that could contribute to social change (*ibid.*).

3.5.2.9 The problem of the lack of socio-economic statistic disaggregated on the basis of citizenship

Another relevant problem was the lack of official socio-economic statistic disaggregated on the basis of citizenship. The limited statistic that existed, according to Kuzmins (2013), showed higher unemployment, higher incarceration rates, lower salaries and lower life expectancy among persons belonging to minorities. Non-citizens were also disadvantaged regarding pensions' calculation for work abroad, unemployment benefits, employment opportunities and privatisation (*ibid.*). Although socio-economic data could be found in some academic research, that was not enough to compensate for the lack of a systematic institutional approach (Cilevičs 2013).[157]

[157] The Central Statistical Bureau of Latvia disaggregates statistics according to citizenship status and ethnicity with regard to: marriages, births, international long-term migrations, deaths and resident population. Although most of the socio-economic data is not disaggregated according to ethnicity or citizenship status, it is worthy to

This was a problem because, as Cilevičs (2013) argued, academic research often provided different (and unverified) data about the ethnic and citizenship factors of economic stratification. The official explanation by the authorities for the lack of socio-economic statistics was "data-protection", which according to Cilevičs (*ibid.*) was only a "pretext rather than a genuine reason". Some of the interviewees, however, did not see a need for such statistics. Latkovskis (2013), for example, stated that only few specific limitations were applying to non-citizens and that without the proficiency in Latvian, it was normal for them to experience difficulties in the labour market; eventually, "it was up to them to learn the language." Moreover, the lack of statistics was not seen as a highly problematic since non-citizens had the same socio-economic rights as citizens, so there were no differences in this regard (Akule 2013).

3.6 Conclusion

The problem of non-citizens cannot be understood only as a result of the political transformation of Latvia and the re-establishment of the Latvian state. The citizenship policy, which triggered the problem, was a very convenient instrument in the process of economic transformation of Latvia that reshaped the socio-political milieu in the post-independence period. In this context, the citizenship status was used as the main criterion for the new distribution of economic opportunities and social rights through policies such as privatisation, housing, pensions, land ownership, employment, etc. The unjust distribution of wealth that followed was conducted despite the fact that in the previous system, all residents contributed to social wealth. It was conducted along ethnic and citizenship lines, securing access to the bigger share of the common wealth only to those with the 'right' status, i.e. of the 'right' ethnic affiliation.

The advantageous position given to the majority served very well as a compensation and a 'shock absorber' from the increased social uncertainty and inequality after independence, which could otherwise endanger the stability of the new system. Nationalistic arguments thus legitimised this course of events, i.e. the need for 'reparation of the historical injustice',

note that since 2011, the Statistical Bureau calculates 'at risk of poverty rate by citizenship status'. The last 2011 census provided data on resident population according to ethnicity and citizenship status, as well as educational attainment and labour status according to ethnicity (Central Statistical Bureau of Latvia 2017b).

'securing the survival of the state' and protection of 'national identity', which perpetuated and normalised the ethnocentric view – that the state should be exclusively in the service of the ethno-national majority population. The omnipotence of the nationalistic discourse has not only prevented the majority from recognising the wrongness of the exclusion and thus to be capable to problematise it, but it has successfully shifted the conflict from the economic field to the field of ethnicity, loyalty and citizenship.

Therefore, in contrast to the dominant perception of the issue of non-citizens as a political problem, citizens' exclusion can also be interpreted as a result of the most extreme tendency of the capitalistic system (with the help of the nation-state) to fragment society and assimilate ideologically conflicting ideas. In this light, the arguments that justified the exclusion of non-citizens for the purpose of the establishment of a democratic system guaranteeing human rights and freedoms and more importantly, market reforms, no longer seem paradoxical, but they appeared rather pragmatic. Refering to the economic aspect of the citizenship issue also helps to explain the efforts of the Latvian state to install a citizenship policy subjected not only to the *ius sanguinis* principle but also to economic and income criteria. Eventually, it gives a more solid basis for the understanding of the employment and language restrictions, which represented a significant obstacle to the right to work of non-citizens, and the interventions of the government towards more restrictions during the economic crisis.

However, normalisation of the exclusionist policies was not an exclusively local feature and as the Latvian case showed, it was a trend very much present also at the international level. This was evident during the EU pre-accession process when the problems of non-citizens fell into the shadow of the EU's economic concerns. As a result, the accession to the EU did not ameliorate discrimination of non-citizens but it led to its acceptance and establishment of an additional level of discrimination at the EU level. This was done through the European migration policy, namely, by applying the Council Directive concerning the status of third-country nationals (Council Directive 2003), which categorised non-citizens as 'third country nationals' and legitimised their discriminatory status within the EU framework. Despite the legal possibilities to grant them the EU citizenship and thereby provide a certain level of protection at the EU level, the Union decided to degrade their status and allow discrimination of non-citizens against both Latvian and EU citizens after Latvia's accession to the EU.[158]

[158] As Gregorčič (2008, 13) has observed, in a similar and comparable case of the 'Erased' (see above, section 3.4), the neoliberal environment 'requires' the establishment of new restrictive and selective systems, at both

In such a context, the main shortcomings of the approach by the international community were its failure to recognise the discriminatory status of non-citizens as a human rights violation and the embodiment of a state-centric view of the problem. The international community departed from the position that Latvia was a functional democracy guaranteeing human rights and equal rights to citizens and non-citizens in the socio-economic sphere, which did not correspond with the situation on the ground. The problems of non-citizens were approached partially, as problems within particular policies (the restrictive naturalisation procedure, the employment restrictions or the language restrictions set by the language policy) that could be addressed by formal requirements and legislative changes. This led to a prevalence of legal and formal criteria within the assessment, at the expense of the impact of these changes on the overall standing and position of non-citizens within the Latvian society. Thus, it was evident that the goal of the international community's intervention was not to address discrimination of non-citizens, but to abolish the most extreme legal aspects of the nationalising exclusionist policies; in which it eventually succeeded with the liberalisation of the citizenship law.

However, the amendments to the citizenship law in 1998 did not bring about a solution to the problem, understood as a structurally underprivileged position of non-citizens within the Latvian society in both political and socio-economic terms. Except the limited interest in the employment restrictions and the problem of pension rights (which came too late to the focus of the CoE), the unfavourable economic position of non-citizens resulting from the discriminatory post-independence policies was marginalised.[159] There was a complete silence in the documents of the international community (the HCNM, the CoE and the EU) about the policies of privatisation or housing rights, which shaped the structural position and stratified

national and global levels. At the global level, this was done through the design of the migration systems. During the pre-accession and the process of harmonisation with the EU law, candidate countries transpose the migration and asylum *acquies*, which presuppose the EU hierarchy of legal status and the scope of rights they imply. Within this hierarchy, an undocumented alien was at the bottom of the scale, whereas a citizen at the top, possessing all rights. Similarly, Pistotnik (2010) has argued that the main goal of the European migration policy was not migration of foreigners *per se*, but an establishment of a clear system of hierarchy of the population on the basis of their citizenship and legal status. Such a design suited the EU economic system, which depended on labour force from third countries. However, to be successful and to reproduce itself, it needed systematically to push migrants at the margins of the society; as any other scenario would have been too expensive and unsustainable within the neoliberal environment (Pistotnik 2010, 55). This was recognised (Kurnik 2008; Pistotnik 2010) as the main reason for the acceptance and normalisation of indigenous forms of exclusion at national level, within the process of EU 'harmonisation'. Local exclusions were reintegrated as acceptable within national and European society, because they complied with and reinforced the hierarchical system of integration. By accepting them, Kurnik (2008, 125) has concluded, the EU has legitimised its intrinsically problematic and inhuman migration system.

[159] Even the abolishment of the employment restrictions, with the exception of the CoE, was not strongly advocated and pressured on Latvia. See sub-section 3.3.3.

the population along citizenship and ethnic lines in the first years of the post-independence period. The implicit message was that this kind of discrimination was acceptable and a normal by-product of the establishment of a functioning market economy; which revealed the structural, i.e. ideological bias and limitations of the international community's approach to detect and appropriately address problems of discrimination and human rights violations.

Even though the problems of employment restrictions and electoral rights at the local level were noted as additional issues to the restrictive naturalisation procedure, they were not consistently pursued by the international community. The HCNM did not pay much attention to these issues, as he was predominantly concerned with the liberalisation of the naturalisation procedure and took the word of the government that non-citizens would enjoy the same socio-economic rights as citizens. In addition, although the EU noted the employment restrictions and the lack of electoral rights as problems, it did not apply stronger pressure on Latvia to address them after these limitations had been removed for EU citizens. Eventually, the CoE was the only international actor that extensively and thoroughly tackled discrimination in these two areas, however, without much success to impact the situation on the ground. The reason for this was twofold: firstly, after the accession of Latvia to CoE, the CoE lacked an attractive enough reward for the country to reconsider its position; and secondly, the EU, which at that time still had the leverage to influence the developments, did not make clear reference to the CoE reports, as it did with regard to the HCNM recommendations on the citizenship law. Better alignment with the CoE reports (in particular the ECRI reports)[160] could have justified a stricter EU conditionality and a stronger pressure for the abolishment of the unjustified disproportional differences applied towards non-citizens *vis-à-vis* Latvian and EU citizens.

However, there was not only an inconsistency among the approaches of different international actors but also within each one of them.[161] The problem of inconsistency had a negative impact at the national level by indirectly empowering nationalist sentiments to turn down

[160] The Advisory Committee (2008; 2013) has tackled many of the problems non-citizens faced, as well as the issue of integration of the Latvian society. However, the First Opinion on Latvia was adopted in 2008, four years after the accession of Latvia in the EU, when the EU pre-accession leverage was long gone.

[161] Namely, the withdrawal of the HCNM pressure for the abolishment of the income requirement (for unemployed persons) and the complete abolishment of the language requirement for people older than 65 years; as well as the positive reaction to the 1998 amendments despite the fact that the requirement on citizenship for stateless children was not fully met; the silence of the CoE with regard to the economic requirements for citizenship (the income criterion) and the late reaction to the discrimination non-citizens faced in the economic field; the lack of clear reference by the EU to the abolishment of employment and electoral restrictions applying to non-citizens as part of the pre-accession conditionality. For more see section 3.3.

proposals that could improve the position of non-citizens. This was done by the argument that these initiatives were not in line with the conditionality, i.e. the requirements of the international community or that they were beyond the accepted international standards. The fact that the international community heavily relied on the Latvian official positions, *inter alia* that integration into the Latvian society was possible only through naturalisation, was also an advantage for the nationalistic sentiments.

This, on the one hand, legitimised discrimination of non-citizens in a number of areas, and, on the other hand, implied integration conditioned by absolute acceptance of unilaterally defined and imposed conditions of naturalisation, although liberalised to a certain extent under the pressure by the international community. Thus, with the exception of the efforts of the CoE to acknowledge the perspective of the non-citizens, the international community took a rather state-centric view, which could not challenge the structural discrimination non-citizens faced.

Therefore, it was not a surprise that the international community failed to socialise national political and societal actors towards a more inclusive idea of the Latvian society open to the concerns of non-citizens. As the analysis of the parliamentary debates and the interviews showed the nationalistic rhetoric during the EU pre-accession period was not neutralised, but it was in fact radicalised. At the same time, non-citizens were left with failed expectations by the international community and a feeling that it was only up to them, through alternative ways of self-organisation, to improve their position.

4 Macedonia's policy of equitable representation of ethnic communities in the public sector

4.1 Introduction

This chapter analyses implementation of the policy of equitable representation, as one of the crucial reforms deriving from the Ohrid Framework Agreement (OFA). On the basis of the analysis of parliamentary debates, media coverage, the European Union (EU, also Union) Progress Reports, as well as interviews conducted with national actors and a representative from the EU Delegation in Skopje, I seek to identify the main shortcomings at both national and EU levels that led to the problematic implementation of the policy.

The research is limited to the period of 2001–2011, which is the period when the basic conditions for successful Europeanisation were present, i.e. a prospect of membership linked to a clear set of conditionality. Although the prospect of membership was undermined in 2009 with the first Greek veto (European Stability Initiative 2017) on the beginning of the accession negotiations, the analysis covers additional two years, during which national actors were still hoping that the prospect of membership was not completely lost. After this period, it became clear that the Greek veto was not a temporary strategy of pressure and that the resolution of the name dispute was set as an additional condition beyond the legitimate EU pre-accession conditionality. Therefore, the post-2011 period is not covered, as the aim of this research is to analyse the reasons for unsuccessful Europeanisation results in the context of a favourable EU enlargement environment.

Hence, to map the wider context in which the equitable representation policy was implemented, section 4.2 discusses the background of the problem of minority underrepresentation in the public sector (with a special focus on the situation in the public administration). Sub-section 4.2.1 refers to the economic structural problems, while sub-section 4.2.2 discusses the structural problems of the public administration. In addition, section 4.3 analyses the principles and implications of the OFA, whereas section 4.4 focuses on the period of adoption of the OFA and the constitutional amendments. The following section 4.5 refers to the period of implementation of the equitable representation policy where I present and analyse the findings of the political discourse analysis, i.e. the attitudes of the

main political and societal actors with respect to the implementation of the principle of equitable representation.

The political discourse analysis, differently from the Latvian case study in chapter 3 above, relies on both parliamentary transcripts and media reports. The main reason for supplementing the political discourse analysis with media coverage from printed/online media was the limited information provided by the parliamentary transcripts, as they covered only the period of adoption of the legislative framework of the equitable representation policy. Relying only on the parliamentary debates would have not given a comprehensive insight into the changing attitudes of political actors. Moreover, the fact that the political discourse analysis has been widened to include the media coverage of the equitable representation policy has not only provided information about attitudes of political actors, but also of other actors such as international and societal ones (which are also included in the analysis). This has contributed to better understanding of the context in which the change has occurred, by giving an additional insight to the potential mutual impact and influence among different groups of actors.

The parliamentary debates were selected with the help of the Macedonian Parliament's web engine on the basis of the key word: 'equitable representation'. The selection of the written media reports and articles was done with the help of the Macedonian search engine www.najdi.org.mk (in function until 2012), on the basis of the following key words: 'equitable representation' (*правична застапеност/pravična zastapenost*) and 'Ohrid Framework Agreement' (*Охридски рамковен договор/Ohridski ramkoven dogovor*). The information gathered, i.e. statements of relevant political and societal actors were coded according to actor's position relaring the issues under examination and the year in which a certain statement was made.

Actors have been categorised according to their position in one of the following categories: international community representatives; paramilitary organisations (National Liberation Army (NLA) and Albanian National Army (ANA)); representatives of political parties in the government; representatives of political parties in opposition; representatives of other state institutions (e.g. the President of the Republic, the Ombudsperson); civil society representatives (e.g. experts, non-governmental organisations and the academia); and the media (journalists' comments and coverage of the issue). The statements are analysed and presented chronologically with a view to understanding the context in which they were made.

This has proven to be a more suitable approach than an analysis of each category of actors separately, because it enables a better understanding of the context and the potential mutual impact of other actors on positions and responses of a specific group of actors.

As this section covers a long period (from 2002 to 2011), and with the purpose to provide a more comprehensive picture of this period, it is structured in four sub-sections: the sub-section 4.5.1 captures the political climate in the first year after the adoption of the OFA; the sub-section 4.5.2 discusses the first phase of implementation from 2003 to 2006; the sub-section 4.5.3 covers the period after the change of the government in 2006; and finally, the sub-section 4.5.4 analyses the period after the change of the Albanian partner in the government coalition (from 2008 to 2011).

In addition, in section 4.6, based on a qualitative analysis of the Progress Reports of the European Commission and an interview conducted with a representative from the EU Delegation in Skopje in 2012, I discuss the EU's response to the implementation of the equitable representation. Finally, in section 4.7, I refer to the political and societal attitudes regarding the equitable representation policy, mapped on the basis of 14 qualitative interviews.

The interviews were conducted in the period of February and March 2012, in Macedonia. Their aim is to provide qualitative data about the attitudes regarding the policy on equitable representation, the existent ideas and recommendations for solutions to the problems and local perceptions of the EU's role in this process. The main criterion for the selection of the interviewees was their direct involvement in the process of implementation of the equitable representation policy or their active participation in the public debate regarding this issue. The interviewees were selected as: 1) political representatives of the main political parties (signatories of the OFA), who were at some point directly included in the process of adoption of the relevant legal framework; 2) experts and scholars – representatives of the expert community, who actively contributed to the public debate about the policy; and 3) representatives of the state institutions responsible for the implementation and monitoring of the equitable representation policy.

Regarding the first group, interviews were made with four members of the parliament (MPs): Ganka Cvetanova – an MP from the Internal Macedonian Revolutionary Organisation-Democratic Party for Macedonian National Unity (*Внатрешно Македонска*

Револуционерна Организација Демократска Партија за Македонско Национално Единство ВМРО ДПМНЕ, VMRO-DPMNE) in the periods of 1998–2000 and 2002–2006; Radmila Shekerinska – an MP from the Social Democratic Union of Macedonia (*Социјал Демократски Сојуз на Македонија СДСМ,* SDUM) in the periods of 1998–2002, 2006–2008, 2008–2011, 2011–2014, 2014–2016; and Mersel Biljali and Rizvan Sulejmani – two MPs from the Party for Democratic Prosperity (PDP) in the period of 1998–2002.[162] In addition, five university professors and three civil society representatives/experts were interviewed as representatives of the expert community.

The former group includes: Vlado Popovski – a co-author of the OFA and a Professor at the Law Faculty at the University Ss. Cyril and Methodius in Skopje; Ana Pavlovska Daneva – a Professor of Administrative Law at the Law Faculty at the University Ss. Cyril and Methodius in Skopje; Bekim Kadriu – a Professor of Law at the Law Faculty at the University of Tetovo;[163] Dimitar Mirchev – a Professor of Political Sciences at the FON University; and Mirjana Najchevska – a Professor of Law at the Institute for Sociological, Political and Juridical Research at the University Ss. Cyril and Methodius in Skopje. The latter group includes: Marija Risteska – a senior researcher at the Centre for Research and Policy Making and an EU and a public administration expert; Lidija Dimova – an executive director of the Macedonian Centre for European Training; and Margarita Caca Nikolovska – a former judge at the European Court of Human Rights and a president of the Institute for Human Rights. In the end, interviews were conducted with Naim Memeti – a SIOFA official; and Dragi Celevski – a deputy Ombudsperson in the period 2006–2014.

The interviews were semi-structured and tailor-made for each of the interviewees, depending on the interviewee's expertise and role in the process. Despite the variations, all interviews covered two main aspects: 1) the implementation of the policy on equitable representation and 2) the EU's role in the implementation process.[164] With regard to the first aspect, the interviews aimed to obtain answers regarding the problems with the implementation of the policy and the reasons behind them, as well as information about the understanding of the

[162] Although efforts were made for organisation of interviews with representatives from the Democratic Party of the Albanians (DPA) and the Democratic Union for Integration (DUI), they were not realised because of a 'lack of time' or 'other responsibilities' of the potential interviewees.
[163] At the time of the interview, Bekim Kadriu was an Assistant Professor at the Law Faculty, University of Tetovo.
[164] The interview conducted with the Deputy Ombudsman was an exception, as it was exclusively focused on the implementation of the policy of equitable representation. Other issues were considered to be 'too political', for which the interviewee did not have the authority to comment.

concept of equitable representation among the respondents. The questions referring to the role of the EU aimed at giving information about the views of political and societal actors with regard to the success of the EU's approach, the flaws of the approach and the impact on the policy implementation.

To better present the findings from the interviews, this section is structured according to the two main topics covered; namely, the sub-section 4.7.1 refers to political and societal attitudes on the design, quality and impact of the policy of equitable representation, whereas the sub-section 4.7.2 focuses on political and societal perceptions of the EU's approach with regard to the implementation of the equitable representation. In the end, in section 4.8, I present the main reasons, at both national and EU levels, that led to a suboptimal policy design and implementation of the equitable representation policy.

4.2 The background of the problem of minority underrepresentation and the wider socio-political context

Macedonia was the only republic that peacefully seceded from the Yugoslav federation, and did not witness any of the post-1990 atrocities otherwise characteristic for Yugoslavia's dissolution. In that turbulent period, the country enjoyed a reputation of an 'oasis of peace' (Daskalovski 2003; Vetterlein 2006; Vankovska 2007) and was a positive example of a successful inter-ethnic cohabitation within the bellicose Balkan region. However, in 2001, with the start of the violent conflict, this image faded away.

Contrary to the image promoted in the 1990s, the post-independence reality of inter-ethnic relations was not so relaxed by 2001. Not only was there no successful cohabitation, let alone societal integration, but there were constant antagonisms and radicalisation as a result of the nationalising course the country undertook after its declaration of independence (Ilievski 2007). The nationalising trend, however, had its roots before independence with the 1989 change of the preamble of the Constitution, which installed the Macedonian people as the titular nation (*ibid.*, 4) and represented a stark contrast to the wording of the 1974 Constitution of the Socialist Republic of Macedonia, which established Macedonia as "the national state of the Macedonian nation and the state of the Albanian and Turkish nationalities" (Constitution

of the Socialist Republic of Macedonia 1974, preamble).[165] This was done in spite of the strong opposition of political representatives of the Albanian community, who required for Macedonian Albanians to be recognised as a constitutive people (*народ/narod*) of the Republic, i.e. as an equal partner, instead of a nationality (*националност/nacionalnost*) implying a minority status with fewer rights than before 1991 (Ilievski 2007).

Moreover, during this initial phase of nationalisation, the Cyrillic alphabet and the Macedonian language were declared as official (Constitution of the Republic of Macedonia 1991, Article 7), whereas the Orthodox Church was the only religious community that was explicitly mentioned in the 1991 Constitution (*ibid.*, Article 19).[166] Importantly, the 1991 Constitution did not envisage any minority (nationality) rights such as political representation or the use of the Albanian language (Ilievski 2007).

The response of Albanian political parties and the Albanian community was a boycott of the referendum on independence (in 1991) and of the adoption of the Constitution in the parliament. Moreover, in 1992, they organised a referendum for political and territorial autonomy, which was declared illegal (against the constitutional order) by the Macedonian authorities, i.e by the Macedonian government (Blazhevska 2014). These developments perpetuated the fear among ethnic Macedonians for the survival of Macedonia as an independent state and raised suspicion about the actual political goals of the Albanians. Thus, the cleavage between the two most numerous communities was cemented, and both ethnic identities were set as a key basis for identification and political participation of individuals belonging to the communities.

However, in the period until the 2001 conflict, different political strategies were applied by the Albanian political parties (Mincheva 2005; Ilievski 2007). From 1990 to 1994, the main political aims of ethnic Albanians were federalisation and secession (Mincheva 2005). Later, in the period 1994–1999, the 'radical' approach was replaced by a more pragmatic, as the goal of secession was substituted with the idea of collective rights, i.e. proportional representation

[165] Later, the wording used in the preamble of the 1991 Constitution proclaimed "that Macedonia is established as a national state of the Macedonian people, in which full equality as citizens and permanent co-existence with the Macedonian people is provided for Albanians, Turks, Vlachs, Roma and other nationalities living in the Republic of Macedonia" (Constitution of the Republic of Macedonia 1991, preamble).

[166] "The freedom of religious confession is guaranteed. The right to express one's faith freely and publicly, individually or with others is guaranteed. The Macedonian Orthodox Church and other religious communities and groups are separate from the state and equal before the law. The Macedonian Orthodox Church and other religious communities and groups are free to establish schools and other social and charitable institutions, by way of a procedure regulated by law" (Constitution of the Republic of Macedonia 1991, Article 19).

in state institutions; a change of the Constitution; securing of tertiary education in Albanian language, etc. (*ibid.*). Eventually, the 1999–2001 period was characterised by a strong pressure for concessions as the Albanian political representatives tried to take advantage of the unstable and militarised regional context after the Kosovo conflict and the activities of the trans-border paramilitary groups, which challenged effective governance in the Macedonian territory (*ibid.*; Minorities at Risk 2010).

During the 1990s, the claims for collective rights were considered highly controversial for the Macedonian political and intellectual elite; however, this changed after 2001, and, from the perspective of the post-Ohrid political environment, they are perceived as legitimate and compatible with the concept of multicultural state (Daskalovski 2003, 55).[167] Thus, the main issues, which fuelled inter-ethnic tensions in the 1990s, i.e. the Preamble of the 1991 Constitution, the problem of representation of the Macedonian Albanians in the public sector (including in the police and military), the right to higher education in the Albanian language, the rigid 1992 citizenship law, are all ascribed to the failure of the post-independence Macedonian elite properly to implement the concept of a liberal civic state (*ibid.*, 54).[168] Some authors go even a step further when they claim that in this period Macedonia installed an ethnic democracy (Smooha 2004, 247) or a majoritarian democracy (Maleska 2013, 1).

However, in spite of the problems in the 1990s, there is a strong view among the Macedonian ethnic community that the violent means used for the adoption of the OFA were not legitimate. Although Daskalovski (2003, 51) recognised the flaws of the Macedonian liberal democracy during the 1990s, he argued that the state "had not violated the rights of its citizens to the extent sufficient to warrant armed rebellion" and therefore, the NLA had no moral right to military insurgency in 2001. Moreover, the 2001 events have been criticised for giving legitimacy to violence as an acceptable instrument for pursuing future political aims (Vankovska 2007). These conclusions, however, are based on the observation that in spite of the problems, there were many positive trends in the 1990s, which could gradually achieve the goals later enshrined in the OFA (Ortakovski 2001; Daskalovski 2003; Ilievski 2007).

[167] The discussion on the basis of the interviews (see sub-section 4.7.1) confirms that after the adoption of the OFA, the public opinion changed. The public became more aware of the systemic discrimination the Albanian community faced and, consequently, it became more acceptable of their requests contained in the agreement. However, this seems to be a pragmatic response to the new post-OFA environment in which the implementation of the agreement was seen as a *sine qua non* for the Euro-Atlantic integration of the country – a strategic priority recognised by all relevant national actors.

[168] See also the comment of Vlado Popovski, the co-author of the OFA, during the parliamentary debate on the VI amendment, in section 4.4.

In this context, researchers have mentioned the problem of representation of the non-majority communities in the public sector and the fivefold increase in the number of Albanians in the public administration during the period of 1990–2000 (Daskalovski 2003, 60; Ilievski 2007, 6). The statistics show that the share of ethnic Albanians[169] among the public servants increased from 2.5 % in 1991 to 8.27 % in 1997; whereas in 2000, i.e. the year before the conflict, their share was 10.19 % (Daskalovski 2003, 60). Moreover, only in the period of 1997–2000, the number of Albanians in the public administration rose by 26.5 %, while the share of other ethnic groups, mainly the Macedonian, decreased (*ibid.*, 60). This trend was also observed at the local level in the region of Tetovo – a municipality with a majority Albanian population and a place where the 2001 conflict was geographically located. Before the conflict, ethnic Albanians managed four out of five state-owned companies and nine out of 14 regional governmental units, e.g., the local offices of the ministries of interior, economy, justice, education, and the agency for pensions and social security. The list would be longer if regional offices of the public enterprises were included, such as the regional medical centre, the cultural centre, the public library, the post office, the centre for social affairs and the local agency for urban planning (*ibid.*, 60–61).

Moreover, progress was also observed in the police and the army, which were considered to be the most sensitive sectors for employment of individuals from the Albanian ethnic community (Ortakovski 2001). As a result of the quota introduced in 1991 (which set the goal of 15 % representation in the police force) and the 23 % enrolment quota for persons belonging to minorities in the educational institutions preparing candidates for employment in the Ministry of Interior, the share of minority employees in the ministry rose to 8.7 % in 1996, representing a twofold increase from 1993 (Ortakovski 2001, 33; Daskalovski 2003, 60). Further, the first Macedonian Albanian army general was commissioned in 1995, and the invitation to take up several seats in the Constitutional and the Supreme Court to ethnic Albanians was issued in that period (Daskalovski 2003, 60).

An additional argument for the lack of any moral justification for the 2001 insurgency is political representation of the Albanian political parties in all government coalitions since independence (Jovevska 2001; Ortakovski 2001; Daskalovski 2003). In spite of a lack of legal obligation for multi-ethnic government coalitions, the participation of the Albanian political parties in the government was an ‘unwritten law’ (Jovevska 2001). From 1992 to 1998, the

[169] According to the 1994 Census the Albanian ethnic community constituted 22.6 % of the total population (MAKStat database 2017a).

Albanian political party PDP had five ministerial posts in the government led by the SDUM. Later, in the 1998–2002 government led by the VMRO-DPMNE, the DPA had one deputy prime minister, five cabinet ministers, five deputy ministers and a proportional share in the management of public institutions (Jovevska 2001; Ortakovski 2001, 29; Daskalovski 2003, 59; Bieber 2005).

Nevertheless, this representation was not automatically translated in participation in the decision-making process. There was a practice of the deputy ministers to be of a different ethnic affiliation from the ministers, but this led to only symbolic representation of the Albanians in the government. In reality, they did not have any substantial impact on the work of those ministries, as they were often denied access to information and to the decision-making process (Bieber 2005). For instance, Albanian deputy ministers did not have any control over the Ministry of Interior and the Ministry of Defence (*ibid*.).

The perceptions of the ethnic Albanians, however, differ not only regarding the focus on the problem but also on the question of a moral justification of the conflict; and in the belief that a substantial change in the absence of international intervention would have never occurred without the conflict. In contrast to the positive trends in the 1990s observed by ethnic Macedonians, the Albanian community was generally disappointed with the results achieved by their political representatives through institutional means. Many of their initiatives and political requests (later integrated into the OFA) were easily outvoted and rejected by the parliament. For instance, in 2000, the non-discrimination law proposed by Rizvan Sulejmani from PDP was rejected; the proposal aimed *inter alia* to introduce the principle of equitable representation to the public and private sectors (Parliament of the Republic of Macedonia 2001a).[170] This rejection of the very idea of non-discrimination and equitable representation of minorities is characteristic of the pre-2001 political environment and the limitations of the institutional means for substantial change.

Moreover, there is a difference in the perception of the roots of the problem. Ethnic Albanians trace the problem of systemic discrimination to the period much before independence – as a feature of the previous system, arguing that after independence discrimination only deepened (Musliu and Ademi 2002). During the period of the Socialist Federal Republic of Yugoslavia (SFRY), in the 1980s, economic indicators showed significant differences between the two most numerous groups, i.e. the Albanian and the Macedonian communities, in particular with

[170] For more on the legislative initiative see the discussion of Sulejmani (2012), in sub-section 4.7.1.

regard to the employment in the secondary and tertiary sectors (Sandevski 2009). The latter group was represented with a significantly higher share, while the majority of ethnic Albanians were working in the less paid primary sector (*ibid.*).

Moreover, the share of ethnic Albanians in 1981 in the public administration was only 2.4 % (*ibid.*). Furthermore, at the time of independence, the Albanian political leaders argued that the share of the Albanians in the state bureaucracy was only 4 % (Daskalovski 2003, 56). The Human Rights Watch Report from 1996 referred to the most burning problems recognised by political representatives of the ethnic Albanians, *inter alia* their underrepresentation in the government and the public administration (Abrahams 1996). According to Abrahams (*ibid.*), in spite of their political participation in the government, they argued that no Albanians were working even in the central organs of the ministries, which were headed by Albanians. A similar situation was observed in the administration of the parliament, as only four out of 200 employees were ethnic Albanians. Also, in administrative organs of the state, only 2 % were Albanians (*ibid.*).

Stemming from the data provided by the Albanian political party DPA, in 1995, only two Albanians out of 400 were employed in the ministries of Labour and Social Policy, Urban Affairs and Finance (Abrahams 1996). Similarly, in the Ministry of Culture, only one ethnic Albanian was employed, while there was no single Albanian in the Ministry of Foreign Affairs. Moreover, in the judiciary and the army, the share of ethnic Albanians was only 1.7 %. In this context, the DPA accused that the Albanians who were applying for jobs in the public sector had smaller chances of employment even when they were more qualified than their Macedonian counterparts. The criticism, as reported by Abrahams (1996), was also directed at the local level, in the regions where Albanians constituted the majority population: Macedonians were overrepresented in the Tetovo hospital, where from the total number of 1,350 employees, less than 350 were ethnic Albanian.

Although from today's perspective nobody disputes the underprivileged position of the Albanian ethnic community during the post-independence period, some authors (e.g. Bieber 2005) do not point exclusively to systemic discrimination as the only explanatory variable for their low representation in the public sector. Many confrontations between members of the Albanian community and the authorities during the 1990s (the unrecognised University of

Tetovo[171] and the flag incident[172]), widespread police harassment and administrative neglect – all led to alienation of the Albanian community from the state. In such a context, employment in public administration (perceived as owned by the majority) was not an attractive prospect for ethnic Albanians who also feared their exclusion from their community (*ibid.*). Consequently, ethnic Albanians primarily targeted the private sector for their employment.

An additional problem of the post-independence period that had a negative effect on the inter-ethnic relations was a post-independence economic crisis. The crisis was perpetuated by the Yugoslav conflict, the lost Yugoslav markets, the Greek embargo, international sanctions against the Federal Republic of Yugoslavia and the Kosovo crisis. However, the core of it was the very process of economic transformation – rationalisation of the public administration, restructuring of the social state and privatisation, which negatively affected all ethnic communities, although in different ways and to a different degree (Musliu and Ademi 2002). The Albanians, unlike their Macedonian counterparts, were far less affected by privatisation and the closure of state industries, as their share in these sectors was significantly lower than that of ethnic Macedonians (*ibid.*). Importantly, however, there was a perception among the Albanian ethnic community of the Macedonians as being privileged in the process of privatisation, benefiting from the sale of more successful state enterprises to the employees at low cost (*ibid.*). Nevertheless, the main flaw of this perception is that the winner of the privatisation was not the Macedonian ethnic community, in terms of individuals, i.e. workers of Macedonian ethnic affiliation, but it was the ethnic Macedonian establishment – a (narrow) political elite of Macedonian ethnicity.

[171] In 1995, at the opening of the Tetovo University, the Albanians who attended the event clashed with the police (Binder 1996). As a result one man was killed and the founder of the Tetovo University – Fadilj Sulejmani – was arrested for inciting rebellion and was detained for four month (*ibid.*). The authorities declared the institution illegal, in violation of the Macedonian Constitution (*ibid.*). In spite of these events, the University continued to exist illegally until 2004, when it was officially recognised by the state (Minorities at Risk 2010).

[172] In 1997, ethnic Albanian mayors of Tetovo and Gostivar, Alajdin Demiri and Rufi Osmani, were convicted for violation of a constitutional court ruling, by raising the Albanian state flags in front of their town halls (Human Rights Watch 2000). This led to riots in which three ethnic Albanians were killed and more than 200 were wounded, including nine police officers (Human Rights Watch 1999). The special forces of the Macedonian police faced criticism for using excessive force against violent ethnic Albanian demonstrators, whereas the trials of Demiri and Osmani were criticised for failing to meet international standards of due process (Human Rights Watch 1999; 2000). After initially refusing to do so, on 6 of February 1999, President Kiro Gligorov signed the Amnesty Law on which basis approximately 900 prisoners were released, including the mayors of Tetovo and Gostivar, Alajdin Demiri and Rufi Osmani (Human Rights Watch 2000).

4.2.1 The problem of structural unemployment and poverty

There is a consensus along ethnic lines that the economic and social problems in the post-independence period were the greatest challenge for the weak country burdened with inter-ethnic tensions. Macedonia was struggling with structural unemployment, as a result of the privatisation process and economic restructuring. The economic transformation led to a fall of state industries, which was followed by a massive loss of jobs and almost no possibility of transfer of the laid off workers to other economic sectors (Zeqiri and Aziri 2011). Throughout the 1990s, the unemployment rate was extremely high, without any viable prospect to fall under 30 % (Sandevski 2009). Young people were a particularly vulnerable category; in the second half of the 1990s, the unemployment rate among citizens aged between 15 and 24 was as high as 50–70 % (*ibid.*).

Also, persons belonging to national minorities were disproportionally affected by the change of the system; as statistics from 1998 show, the unemployment rate among the Roma was 76 %, among the Albanians 60 % and among the Turks 43 % (Sandevski 2009). By the late 1990s, the unemployment rate had grown by more than 130 % in comparison to 1991 (Musliu and Ademi 2002). A public opinion poll from 1997 registered that the majority population (irrespective of their ethnic affiliation) had a feeling that their economic situation deteriorated since independence (*ibid.*). One of the things that ameliorated their unbearable economic situation were remittances sent by the diaspora. From 1993 to 2001, private transfers, *inter alia* remittances, amounted to 2,157 million United States Dollars (USD), which was twice as higher as the foreign direct investment for the same period – i.e. 1,003 million USD (Sandevski 2009, 66). Qualitative research indicated that the Albanian community was particularly dependent on remittances – a trend common also in the Yugoslav period (Musliu and Ademi 2002; Sandevski 2009).

The situation did not improve after 2001, and the country continued to sink in deeper economic problems. By 2013, the unemployment rate was over 30 %. Since then a gradual decline of the unemployment rate was registered, falling to 26.1 % in 2015 (MAKStat database 2017b). However, this decrease was perceived as an ‘artificial’ fall – a result of uncontrolled employments in the public service, active government measures for employment which provided subventions for the private sector (which were not successful in the long run)

and mass migrations (F. R. 2015).[173] In addition to this, the government faced accusations of manipulations of the number of unemployed, by changing the methodology that enables it to reckon and erase entire groups from the unemployment register, e.g. students and social assistance beneficiaries (Tomich 2011).

The high unemployment was coupled with poverty. According to the World Bank (2012, 33), the poverty rate rose from 32.7 % in 2005 to 42.5 % in 2010. In the same period, the share of people living in extreme poverty (on a less than 2.5 USD), increased from 7.4 % to 14.7 % (World Bank 2012, 33). Moreover, Macedonia became the 'leader' in income inequality among European and ex-Soviet countries (Savevski, Sadiku and Vasilev 2013). In the period of 1998–2008, the Gini index noted a significant leap from 28.1 % to 44.0 % (World Bank 2017). While in 2008, the ratio of the highest and average gross salary was 1:48, in only four years it widened to 1:185 (*ibid.*, 29). In 2008, the share of people earning below average wage was 62.1 % in contrast to 11.2 % earning above average wage; the rest were unpaid family workers – 10.3 % and workers who had either not received salary or for which this information was missing – 16.5 % (*ibid.*, 34). In the following year – 2009 the share of the population working for under average wage increased to 77.0 %, after which a mild decrease followed and their share, in 2012, fell to 71.6 % (*ibid.*).

The economic and social deprivation of the majority population (irrespective of ethnic belonging) was a direct result of the aggressive neoliberal policy the country pursued since independence. Establishment of 'a favourable business climate' became the new political 'mantra', which did not allow room for any political and societal sentiment to challenge these policies. They were seen as an inevitable concession for breaking up with the communist past and the only path towards a Western standard of progress and wealth. Irrespective of which political parties were in the government, the labour related legislation was annually amended at the expense of social and economic rights (Savevski *et al.* 2010). Therefore, it is not a surprise that in such an unfavourable economic environment for workers, limited employment

[173] In 2010, the World Bank reckoned 447,000 people from Macedonia were living abroad, which represented 21 % of the total population living in the country (The Economist 2015). Moreover, estimates imply that only in the period 1999–2009, around 163,000 emigrants have left the country (Nikolovski et al. 2009, 20). In the period of 2010–2013, according to the data of the European Statistical Office Eurostat, 58,713 people from Macedonia received first residence permit or citizenship in the EU (Kostovska 2016). Taking into consideration that this figure refers only to the EU, as well as that many Macedonian citizens work and live in the Union either illegally or on the basis of a possession of a Bulgarian passport, the total number of emigrants for this period is assumed to be much higher.

opportunities, low salaries[174] and a high uncertainty, many citizens perceived the public sector as the most attractive employment option (European Stability Initiative 2002; Toevski 2013; Radio Free Europe 2014; 24News 2015). A job in the public administration not only offered better security but also assured if not higher at least an average wage, which for many people was something unattainable.[175]

4.2.2 The problem of overburdened public administration, politicisation and corruption

The new neoliberal context also implied rationalisation and restructuring towards a small and effective public administration. Nevertheless, at the end of the 1990s, the number of public servants was still high – around 100,000 (Trajkovski *et al.* 1999). Later, under strong pressure and conditionality applied by the international financial institutions on the SDUM–DUI government, this number decreased and, in 2006, settled on a figure of 65,000 (Jovanovska 2015).[176] However, after the 2006 elections, in the period of the governments led by the VMRO-DPMNE, the public administration noted a threefold increase reaching the number of 185,000 employees in 2015, without the employees in the public enterprises (*ibid.*). The government, however, refuted this information as incorrect stating that the actual number was 128,253 in all 1,354 public institutions, including public enterprises (Libertas 2015). A few months later, in February 2016, the Minister of Information Society and Administration came up with different official data – that the number of employees in 1,266 public institutions was 127,139, noting a decrease of 1 % from the previous year (Nova Makedonija 2016).[177]

[174] Macedonia has the lowest average wage in comparison to both the EU and Western Balkan countries (Milekic 2014). In its best year, at the end of 2016, the average net-wage amounted to 381 Euros, i.e. 23,457 denars (MAKStat database 2017c).

[175] Since 2007, the salaries in the public sector were increased several times: in 2007, 2008 and 2014 (Faktor 2014).

[176] For more information on the pressure of the International Monetary Fund (IMF) for rationalisation of the public administration see sub-section 4.5.2.

[177] On the basis of the Law Amending the Law on Organisation and Operation of the State Administration (2010), the Ministry of Information Society and Administration (MISA) was set responsible for the Register of employees in the public sector. The Register is part of a complex electronic platform (Information System for Human Resources Management) which enables each institution to keep records and data of its employees. This platform is the only place where records of all institutions and employees in the public institutions are contained. The information registered refers to: the position of the institutions in the system and their authority; and 'personal files' of all employees implying their basic personal information (*inter alia* ethnic belonging), employment, vocational qualifications, seniority, holidays, assessments, etc. According to the annual reports of MISA, the number of employees in the public sector: in 2011 was 25,559 (Ministry of Information Society and Administration 2012a; 2012b); in 2012 was 23,382 (Ministry of Information Society and Administration 2013a; 2013b); in 2013 was 26,845 (Ministry of Information Society and Administration 2014a; 2014b); in 2014 was 33,167 (Ministry of Information Society and Administration 2015a; 2015b); whereas for 2015 and 2016 the registered number of employees was 128,347 (Ministry of Information Society and Administration 2016) and

The problem is that the official statistics of the state institutions and the methodology on which basis they are collected are subject to dispute and criticism (S. T. 2016). According to some estimates made by experts, the actual number of public servants is somewhere in between 160,000 and 180,000 (*ibid.*). Reliable data is crucial not only for the public administration reform but also for proper implementation of the equitable representation policy as one of the main pillars of the OFA and a key condition for the EU integration of the country.

This vagueness raises suspicion that it was created intentionally to disguise the problems of 'partisation'[178] corruption and nepotism in the public administration. In the 2016 report, the Transparency International referred to the country as a captured political system,[179] due to *inter alia* the problem of firing public servants not associated with the ruling elite (McDevitt 2016, 5). This followed after continuous (over a decade) negative assessments of the corruption level in the country. In the Corruption Index Perception the country got the worst score in 2003 – 2.3; later, a slow improvement was noted, and in 2014, the score rose to 45 (Transparency International 2017).[180] However, after 2015, a new downfall was registered and in 2016, the score fell to 37 (*ibid.*).

This downgrade coincided with the political crisis the country faced in 2015 when the so-called wiretaps scandal broke out. Zoran Zaev, the leader of the opposition party SDUM, accused the government of an illegal surveillance programme – phone tapping of up to 20,000 people (Baumgartner 2016). The opposition organised a series of press conferences under the platform 'The truth about Macedonia' where some of the wiretaps, the so-called 'bombs', were publicly broadcasted. Their content indicated high-level corruption, electoral fraud, abuse of the justice system, cover-up of a murder of a young man by a police officer and other

129,653 (Tomovska Arsovska *et al.* 2017), respectively. It does not take much for one to conclude that the reports by 2014 did not reflect the actual number of employees. In this period the ministry registered barley 30% of the employees in the public sector, if we take the number of the last two reports as more relevant and closer to the actual situation. Moreover, with regard to situation in 2015 and 2016, it is peculiar, that neither 'official' number the ministry presented to the media matched the number registered in the annual reports.

[178] Although 'partisation' is a non-existent word (derives from the Macedonian word *партизација/partizacija*), it is a term widely used (Trajkovski *et al.* 1999, 13; Brown 2001, 4; Vankovska 2007; Hislope 2008, 151; Janev 2011, 35; Rizankoska and Trajkoska 2016, 10) to depict the specific Macedonian context and to describe the enormous political influence of political parties on the institutional system.

[179] Also the European Commission, in the 2016 Progress Report, referred to Macedonia as a captured state (European Commission 2016, section 2.1.).

[180] Until 2011, the level of perceived corruption was determined within a range from 0 (perceived to be highly corrupt) to 10 (perceived to be very clean). Since 2012, the sores are reckoned within a range of 0 (highly corrupt) to 100 (very clean).

criminal activities organised and performed by high-level officials in the government of the VMRO-DPMNE and DUI (Prizma 2017a).[181]

The 'bombs' also gave an insight into the process of 'partisation' of public administration in which the then Minister of Interior Gordana Jankuloska had a key co-ordinative role. In one of the conversations with the Prime Minister Nikola Gruevski, they were arranging employment of 30 members of VMRO-DPMNE in the Revenue Office (Jovanovska 2015; Prizma 2017b). Gruevski advised her to select people of confidence to conduct the recruitment procedure and secure employment of people close to the party. In an additional conversation with Gruevski's secretary, when employments in the National Park Galichica were discussed, Jankulovska said that the municipal committees of the party prepared a list of members to be employed in the park (*ibid.*). Moreover, in a conversation between Jankulovska and the head of the Prime Minister's Cabinet Martin Protugjer, a strategy was deliberated for employing a party activist at a post "where he will not have to go to work", to have time for party assignments (*ibid.*).

The wiretaps did not only refer to the problem of political influences on the employment process but also to politically motivated layoffs (Jovanovska 2015; Prizma 2017b). Namely, in one of the conversations with Protugjer, Janulovska explained that the leader of the workers union in the Civil Aviation Agency was fired for publicly stating that the Agency management was repressing the employees (*ibid.*). Moreover, discussing the employment of teaching assistants at the University in Skopje, with the Minister of Education Panche Kralev, Jankulovska suggested the candidates first to be checked if they were 'commies' (*комуњари*/*komunjari)* – a pejorative word used for members and supporters of SDUM; on which the Minister assured her that people close to SDUM were never accepted (*ibid.*). Eventually, in a conversation with Sasho Mijalkov, the director of the Agency for Administration and Counterintelligence, Janulovska stated that they needed to check if there were any 'commies' left in the institutions to fire them (*ibid.*).

The broadcasted 'bombs' predominantly referred to alleged criminal activities performed by VMRO-DPMNE officials; thus, the DUI was to a great extent speared from public exposure

[181] To end the political crisis, in June 2015 under the patronage of the United States of America (USA, also US) and the EU ambassadors, the party leaders of the four largest political parties signed the Przino Agreement. The agreement foresaw a return of the opposition to the parliament, organisation of an early parliamentariy elections and the establishment of a Special Prosecutor responsible to investigate crimes related to the wiretaps (Przino Agreement 2015).

of their 'behind the scene' activities. Although some of the broadcasted materials mentioned an inter-party agreement between DUI and VMRO-DPMNE regarding employments in the public sector, there was not a single wiretap broadcasted that would directly implicate DUI officials in arrangements of politically motivated employments.[182] This was a pragmatic decision of SDUM to stay in good relations with DUI, as the largest Albanian party and thus a potential coalition partner in future.[183]

4.3 The Ohrid Framework Agreement as the basis for implementation of the equitable representation policy

The OFA was signed on 13 August 2001, after seven months of armed conflict and under a strong international pressure. Under the aegis of the President of the Republic of Macedonia Boris Trajkovski, leaders of the four largest political parties in the parliament, Branko Crvenkovski (SDUM), Ljupcho Georgievski (VMRO-DPMNE), Imer Imeri (PDP) and Arben Xhaferi (DPA), signed the document. The international community took a role of a 'guarantor' of the Agreement; therefore, the EU and the US Special Representatives Francois Leotard and James Pardew, respectively, signed the OFA on behalf of the EU and the US. Thus, the OFA ended the greatest political and military crisis since Macedonian independence and provided the pillars for managing the new multi-ethnic reality.

The aim of the OFA was to address the main worries of both parties to the conflict: on the one hand, to secure territorial integrity of the country as the greatest concern of ethnic Macedonians, and on the other hand, to introduce collective rights for other ethnic communities (national minorities), particularly for the Albanian community. Hence, the Agreement unequivocally refutes the use of violence for the pursuit of political aims and guarantees territorial integrity of the country by explicitly stipulating that "there are no territorial solutions to ethnic issues" (Ohrid Framework Agreement 2001, Basic Principles 1.2.). At the same time, it acknowledges the multi-ethnic character of the country, requiring

[182] The agreement of DUI and VMRO-DPMNE about employments in the public sector in Gostivar was revealed in the conversation between the director of the public enterprise Power-plants of Macedonia ELEM Vlatko Chingovski and the VMRO-DPMNE MP Sasho Akimoski (Prizma 2017c).

[183] This opportunity occurred in 2017, when VMRO-DPMNE as a party which won the majority votes at the 2016 election failed to form a government and the mandate was given to SDUM (Dimeska 2017).

this feature to be reflected in the public life and the institutional system. For the achievement of these goals, the OFA introduced several principles (*ibid.*, Basic Principles 1–7):

- Cessation of hostilities,
- Development of decentralised government,
- Nondiscrimination and equitable representation,
- Special parliamentary procedures,
- Education and use of languages,
- Expression of identity.

The principle of non-discrimination and equal treatment refers to the employment in the public sector and to access to public finances for business development (Ohrid Framework Agreement 2001, Basic Principles 4.1.). It requires measures for equitable representation of non-majority ethnic communities at central and local levels, as well as at all levels of the public sector hierarchy while respecting the merit principle (*ibid.*, Basic Principles 4.2.). Also, the OFA stipulates an obligation for the authorities to take action to correct the imbalances in the composition of the public administration through recruitment of members of under-represented communities (*ibid.*). Specifically, the OFA mentions the police service and the need to "reflect the composition and distribution of the population of Macedonia" (*ibid.*).

Being a political agreement, the OFA did not have a legal effect; therefore, it had to be integrated into the Macedonian legal framework. The process of adoption of the constitutional amendments was a difficult challenge, much like the process of OFA negotiations.[184] In such a tense political atmosphere, the President of the Republic Boris Trajkovski played a crucial role as the only ethnic Macedonian politician who gave public and unequivocal support to the OFA implementation (Barabovski 2001). In this context, he praised the Agreement as the turning point that made the Macedonian nation a political one, arguing that its implementation is the only way towards the ideal of a civic state (*ibid.*).

Unfortunately however, and contrary to this ideal, the implementation of the OFA resulted in a system of hierarchical access to collective rights, conditioned by the size and constitutional categorisation of ethnic communities. The main reason that led to this situation was the change of the wording of the preamble, during the adoption process in the parliament. In contrast to the wording used in the OFA, where no ethnic community was specifically

[184] See section 4.4.

mentioned, but reference was made to "the citizens of the Republic of Macedonia" (Ohrid Framework Agreement 2001, ANNEX A),[185] the adopted constitutional amendment enumerated some of the ethnic communities living in Macedonia – "the Macedonian people, as well as citizens living within its borders who are part of the Albanian people, the Turkish people, the Vlach people, the Serbian people, the Romany people, the Bosniak people and others" (Constitution of the Republic of Macedonia 1991, Amendment IV).

Hence, the amended preamble, as well as the established threshold of '20 % of the population' as a key criterion for access to certain collective rights (Ohrid Framework Agreement 2001, Basic Principles 6.2., 6.5., 6.6.) shaped the contour of the new post-2001 hierarchy of ethnic communities. At the top, representing the majority population was the ethnic Macedonian community. The ethnic Albanian community followed, by surpassing the threshold of 20 % at the national level, which guaranteed better access to collective rights in comparison to other ethnic communities mentioned explicitly in the preamble and occupying the third layer in this scale. At the bottom of the scale were the ethnic communities designated as 'others' and representing less than 20 % of the population, who were the most disproportionately affected by the new framework.

In such a context, the census became the main instrument for determining the size of the ethnic communities and thus their position within this framework. Therefore, the OFA set an organisation of a census under international supervision by the Council of Europe (CoE) and the European Commission as one of its key requirements (Ohrid Framework Agreement 2001, Annex C-2.1.). The census was conducted in the period of 1–15 November 2002 and registered the following demography according to ethnic affiliation: Macedonians 64.17 %, Albanians 25.17 %, Turks 3.85 %, Roma 2.66 %, Vlachs 0.48 %, Bosniaks 0.84 % and 'others' 1.04 % (State Statistical Office of the Republic of Macedonia 2005).

Since the size of ethnic communities was set as the main basis for legitimisation and pursuit of political goals, in terms of access to collective rights, the census turned from a primarily statistical operation into a highly politicised and sensitive issue. This is still the case and, in 2011, after several postponements, the planned census failed to be conducted due to a

[185] The ethnic Macedonian political parties, signatories of the OFA, insisted the term 'Macedonian people' not to be erased from the preamble. This was the condition under which they agreed to a change in the preamble during the OFA negotiations. The explicit reference to the 'Macedonian people' was seen important for the national collective identity of ethnic Macedonians who perceived the establishment of the Macedonian state to be a realisation of a dream and long historical struggle for their own country (T. G. 2001).

disagreement among the main political parties over the surveying methodology (Advisory Committee 2016, para. 13). This means that the implementation of the OFA, *inter alia* the implementation of the equitable representation policy, is still based on the 2002 census results. It is questionable, however, to what extent these numbers are reliable today, especially in the light of the large scale emigration the country has been facing.[186] Moreover, the numbers of the 2002 census are challenged by smaller ethnic communities who claim that their size is much larger than officially recognised (*ibid.*). Hence, the credibility of the implementation of the equitable representation policy is not only called into question due to the problem of the lack of reliable data on the number of civil servants[187] but also due to out-dated census results.

4.4 Negotiating the Ohrid Framework Agreement and adoption of the constitutional amendments

The OFA negotiations were led by the four largest Macedonian and Albanian political parties. Nevertheless, this did not imply a nationwide consensus, since many representatives of the Macedonian political parties in the government, but also in opposition, as well as intellectuals and academics, held a highly critical stance with regard to the Agreement. Only twelve days before the OFA was signed, at the celebration of the most important national holiday for ethnic Macedonians – the Ilinden (August 2), the President of the Parliament Stojan Andov criticised the international community for changing its position in favour of the "terrorists" disguised as fighters for human rights (Gjorgjevski 2001). Moreover, the international community was often discredited in the official statements issues by state institutions. The Ministry of Interior directly accused the Organisation for Security and Co-operation in Europe (OSCE) of constructing a false case against the Macedonian police as responsible for killing civilians in the Ljuboten action (K. I. 2001).[188] A similar rhetoric was used by representatives

[186] For more detail information and estimates on the number of migrants see sub-section 4.2.1.
[187] For more on the problem of the lack of reliable data on the number of civil servants see sub-section 4.2.2.
[188] During the action of the Macedonian police forces in Ljuboten between 12 and 15 August 2001, the police unit under the command of Johan Tarchulovski shot and killed six unarmed ethnic Albanians and severely mistreated 13 other residents (ICTY 2008). Ten of those were further beaten by police forces, as a result of which one of the men died (ICTY 2008). Moreover, at least 12 houses in the village were set on fire and as people fled from the village faced cruel treatment by the police (ICTY 2008). The case was taken by the International Criminal Tribunal for the former Yugoslavia (ICTY) and charges were raised against Johan Tarchulovski and the former Minister of Interior Ljube Boshkoski (also present in the village on the day of the worst atrocities). In 2008, the ICTY sentenced Johan Tarchulovski to 12 years of imprisonment for crimes

of the ethnic Macedonian centre and centre left parties in opposition. They expressed doubts that the Agreement would solve the problem and accused the international community that it supported, due to higher geostrategic interests, 'terrorists' and 'aggressors' fighting for Greater Kosovo and Greater Albania (Goshev 2001; Popovski 2001). On the same line, Vasil Tupurkovski, the president of the Democratic Alternative – a coalition partner of the VMRO-DPMNE government until 2000,[189] argued that the OFA would not bring peace because it could not secure the territorial integrity and peaceful coexistence of the peoples living in the country (Dnevnik 2001a).

In addition, with a few exceptions, ethnic Macedonian intellectuals and academics were the loudest critics of the international community and the process of negotiations on the OFA. They used the position of a 'neutral and objective' academic authority to fuel the nationalistic rhetoric. Thus, a couple of weeks before the signing of the OFA, a group of university professors and intellectuals sent a letter to the President of the country, the parliament and the government accusing the USA, the North Atlantic Treaty Organization (NATO) and the EU of preventing the country from fulfilling its state duty, i.e. to protect its territorial integrity and sovereignty from the Albanian insurgents fighting for Greater Albania (Basotova *et al.* 2001). The aim of the letter was also to explain to the public that the EU did not have any legal arguments to place the OFA as a condition within the Stabilisation and Association framework, and thus, as a relevant issue for the EU integration of the country (*ibid.*).

After calling the political actors to withdraw from the OFA negotiations, they presented a list[190] of controversial policy recommendations (Basotova *et al.* 2001). In addition to this, the World Macedonian Congress, a nationalistic organisation of the Macedonian diaspora,

committed against ethnic Albanians in the village of Ljuboten, whereas the co-accused Ljube Boshkoski was acquitted of all charges (ICTY 2008).

[189] Information about government coalitions and parliamentary majority *vis-à-vis* parliamentary opposition is presented in Annex B, Table 4.1.

[190] The recommendations, addressed to the key state institutions, were exhaustively enumerated as follows: "to raise the problem of the 2001 conflict in the UN Security Council and to ask for military support for elimination of the terroristic threat over the territorial integrity of the country; to raise the issue of recognition of the country under its constitutional name in the UN General Assembly, as a basic right and crucial condition for security, territorial integrity and sovereignty of the country; to publish a 'White Book' listing all minority protection measures undertaken by the country, followed by an explanation of the system of collective rights already set in place and referring to all positive reports by the international community; to publish a 'Black Book' listing all breaches of official duties by Albanian citizens, organised and orchestrated by their radical politicians; to discard international pressure as a double standard and to ask the international community for a more balanced approach as Macedonia already had a minority protection system beyond international standards; to raise the problem of the Macedonian minority living in the neighbouring countries; not to allow any changes of the preamble of the Constitution; to ban ethnic political parties; to proceed with the adoption of the constitutional amendments in the parliament only after the complete seizure of armed attacks by the terrorist; and to launch a positive campaign at the international level to improve the image of Macedonia" (Basotova *et al.* 2001).

threatened to call upon all Macedonians to organise a wide national military defence to expel all armed Albanians from Macedonia, unless they voluntarily disarm and leave the country (A. B. 2001). They also called the citizens to block the roads on the day of the signing of the OFA, to physically prevent politicians from signing the Agreement (Dnevnik 2001f).

Hence, it is not surprising that the public opinion among ethnic Macedonians was not in favour of the Agreement. A United Nations Development Programme (UNDP) survey published ten days after the signing of the OFA showed that the majority (70 %) of the respondents did not support the constitutional changes deriving from the Agreement (Dnevnik 2001g). Moreover, it was evident that the survey results were divided along ethnic lines; thus, with the majority opposing the constitutional amendments being ethnic Macedonians, while 21 % of the respondents in favour were ethnic Albanians (*ibid.*). The survey also noted a great level of distrust in the international community, as 65.3 % and 58.7 % of the respondents stated that they did not trust the NATO and the EU, respectively (*ibid.*). These percentages, which to some extent corresponded to the share of the majority population, indicated a significant decline in support of the international community among ethnic Macedonians.

The situation did not change dramatically during the period of the adoption of constitutional amendments. The process was still seen as a 'win-lose' game – a perception additionally perpetuated by statements of Albanian politicians who praised the Agreement as an exclusively Albanian victory over ethnic Macedonians, i.e. "the main losers of the Ohrid Agreement" (Dnevnik 2001c). As a reaction to this rhetoric and under pressure of the negative stance towards the OFA among ethnic Macedonians, the Macedonian political parties in the government used every possibility to delay the adoption of the constitutional amendments (*ibid.*). Their adoption faced many obstacles and political games as ethnic Macedonian politicians aimed at least to postpone the process since they could not stop it if Macedonia wanted to pursue its European future.

Therefore, they used every opportunity not only to delegitimise the international community as being partial, i.e. in favour of the Albanian side, but to raise a number of political and procedural conditions for the adoption of the amendments (Dnevnik 2001b). The VMRO-DPMNE as the largest Macedonian party in the government conditioned the adoption of the constitutional amendments with a complete seizure of the military actions by the NLA (Dnevnik 2001d); while the President of the Parliament Stojan Andov conditioned the voting

on the amendments with a previous political agreement for the changes to be supported by a two-thirds majority of the Albanian MPs (Dnevnik 2001d).

The political context was additionally complicated by the fact that the country was in a very strained economic position facing bankruptcy. The international community promised financial help but under the condition of the adoption of the constitutional amendments (Ilich 2001). After a few months and no concrete progress with regard to the implementation of the OFA, the prospect of bankruptcy became more acute. The non-adoption of the constitutional amendments was the main reason for the failure of the first meeting within a framework of donor conference organised by the EU, the World Bank and the IMF, which had to raise 100 million Euros of irrevocable budget assistance for Macedonia (Jovanovska 2001). However, an additional official reason for cancellation of the meeting was the non-conclusion of the agreement with the IMF, which was considered a guarantee for the country's economic stability (*ibid.*).

The international community required the constitutional amendments to be adopted by 15 November 2001, as a condition for the country to be saved from bankruptcy (Dnevnik 2001e). Moreover, the EU promised not only to increase the regular assistance but to double its financial support for the implementation of the OFA after the adoption of the amendments (Jovanovska 2001). The estimates were that the whole increase of the financial aid would be around 70 million Euros (*ibid.*). Such a scenario was interpreted as a signal that the EU would place Macedonian European integration as a top priority in its enlargement strategy (*ibid.*). Nevertheless, the dominant local response was a harsh criticism of the Union for hypocrisy and for unjustly using a 'stick' instead of a 'carrot' (Ilich 2001; Stojanov 2001). The action of the international community was interpreted as an economic blackmail and illegitimate pressure applied on a completely 'new front'.

In spite of the criticism, eventually, this was a successful strategy. Under strong pressure from the international community and faced with economic bankruptcy, the country could not have allowed for any further postponement of the constitutional amendments. However, once the amendments entered the parliamentary procedure, it became clear that ethnic Macedonian political parties in the government would not easily give up on their positions. Now, they changed their strategy by aiming to downplay, as much as possible, the impact of the constitutional amendments on the legal system.

During the parliamentary debate on amendment VI referring to the principle of equitable representation, the VMRO-DPMNE initially refuted the need for the amendment arguing that such a principle already existed in the Constitution, but in a different wording (Parliament of the Republic of Macedonia 2001a). It argued that the adoption of the amendment would be a precedent and would make Macedonia an exception from the developed Western democracies, which the country looked up to (*ibid.*). Hence, the VMRO-DPMNE suggested this issue be dealt with at a lower level, by amending the relevant laws (*ibid.*).

Despite this official position of the VMRO-DPMNE, at least at the declaratory level, the party was not against the very principle of equitable representation. However, some of the party MPs aimed to downplay the concept by referring to the term 'equitable representation' as a non-existent phrase and a 'mask' for employment of incompetent staff in the public administration (Parliament of the Republic of Macedonia 2001a). Of a similar line was the criticism by smaller (centre) right opposition political parties in the parliament. Their main concerns derived from the vagueness of the term 'equitable representation' and the fear that it left room for: "partisation and ethnicisation" of the public administration, abolishment of the merit-principle, employment of disloyal people in the public administration (implying Albanians) and eventually, disintegration and dissolution of the country (*ibid.*).

Aside from the explicitly nationalistic rhetoric, the focus of the debate was also placed on the (in)compatibility of the merit principle and the principle of equitable representation. However, this issue was raised by smaller right wing ethnic Macedonian political parties, as a pretext of their nationalistic positions and justification of their opposition to the amendment (Parliament of the Republic of Macedonia 2001a). Thus, amendment VI was criticised for the lack of a clear reference to the merit principle (*ibid.*). It was argued that it should stipulate that equitable representation would be implemented on the basis of merit and competence determined in a public call for employment – as a safeguard from misuse and different interpretations (*ibid.*). Nevertheless, this argumentation was denounced by the ethnic Albanian parties, as well as by the co-author of the OFA Vlado Popovski, who argued that a more detail regulation of the principle was an issue to be dealt at the legislative, rather than the constitutional level (*ibid.*).

The Albanian political parties, however, had different worries. For the PDP, for instance, the different wording used in the OFA and the VI amendment on equitable representation was problematic (Parliament of the Republic of Macedonia 2001a). They argued that the

formulation of the VI amendment as 'equitable representation of citizens belonging to ethnic communities in state institutions and in all public institutions at all hierarchical levels' covered smaller part of the public sector than that foreseen by the OFA (*ibid.*). Therefore, the Albanian political parties insisted the wording from the OFA to be 'copy-pasted' to the constitutional amendment (*ibid.*), which eventually happened. In a situation of a deep ethnic cleavage regarding the understanding of the OFA, the easiest way out from a deadlock was a 'copy-paste' strategy of the provisions contained in the Agreement without any additional specification. This was the only viable compromise in a context where, on the one hand, ethnic Macedonian parties aimed to downplay the implications of the new framework and, on the other hand, ethnic Albanian parties feared any alternation of the wording of the OFA as disproportionate (*ibid.*).

Furthermore, ethnic Albanian parties problematised the term 'equitable' and suggested that the adjective be replaced with the term "proportional representation" (Parliament of the Republic of Macedonia 2001a). Recalling to similar initiatives before 2001, which were rejected as unconstitutional by the parliament, they insisted the principle to be given a constitutional status (*ibid.*). In the end, they reminded that the issue of underrepresentation would not be solved only by the adoption of the amendment, in the absence of a whole new strategy for its implementation and without raising the awareness of the problem among all relevant parties (*ibid.*).

The SDUM and the Liberal Democratic Party (LDP), which at the time of the adoption of the constitutional amendments were part of the 'Government of National Unity',[191] did not take part in the debate. They wanted to show full support to the process as it was clear that the international community would no longer tolerate any delay. This was actually a result of the strong international pressure on MPs from the ethnic Macedonian political parties, signatories of the OFA, to restrain from any debate on the principles and amendments agreed in the Agreement.[192]

The amendment VI was most strongly advocated by the advisers to the President of the Republic Ljubomir Frchkoski and Vlado Popovski (who were also the authors of the OFA). Frchkoski argued that a stronger safeguard must be provided for the right to equitable

[191] As an answer to the armed hostilities and under a strong international pressure, a 'Government of National Unity' was formed on 13 May 2001 and it lasted until 23 November 2001. For more information on the composition of the government see: Annex B, Table 4.1.
[192] For more see sub-section 4.7.2.

representation; therefore, this principle needed to be integrated into the Constitution. However, he stressed that the nature of the Constitution did not allow for a more detailed definition of this principle, and that a thorough formulation and operationalisation needed to be done at a lower level, in the relevant laws and strategic documents setting up the implementation dynamic (Parliament of Republic of Macedonia 2001a).

In addition, Popovski dismissed the accusations that the amendment undermined the civic character of the state, arguing that the country was already far from the civic ideal as only the Macedonian ethnic community was represented in public institutions (Parliament of Republic of Macedonia 2001a). He presented the amendment as a non-discrimination instrument providing equal opportunities in the public sphere for all citizens irrespective of their ethnic affiliation and as a means for addressing the civic and democratic deficit of the pre-2001 period (*ibid.*). Nevertheless, he warned that its implementation would be "a long and complicated process" (*ibid.*). Eventually, the result of the parliamentary debate was positive as on 15 November 2001, all OFA constitutional amendments, including amendment VI, were adopted and the deadline imposed by the international community was met (Dimishkova 2001).

4.5 Implementation of the principle of equitable representation

4.5.1 The post-Ohrid Framework Agreement political context

The political environment to a certain extent changed after the 2002 elections. The coalition led by the SDUM won the majority of votes and together with a new Albanian party, the Democratic Union for Integration (DUI), emerging from the political wing of the paramilitary organisation – the NLA, formed the government. The SDUM held a more opportunistic and pragmatic position than the VMRO-DPMNE towards the OFA implementation, accepting it as an inevitable concession for the EU integration of the country. Thus, at the very beginning of the mandate, the SDUM promised concrete measures for the implementation of the policy of equitable representation, but it emphasised that its implementation would be based on the merit principle taking into account candidates' competences (Ch. K. 2002). Initially, the main focus of the new government was on the army and the police, by planning to employ 500 individuals from the non-majority communities in 2002, and additional 500 in 2003 (*ibid.*).

Moreover, the government took responsibility to adopt an Action Plan for the implementation of the equitable representation policy by the beginning of 2003, with a view to defining its implementation dynamic (K. S. 2002).

Regardless of the change of the government, the political environment was still fragile and thus challenging the implementation of the OFA. After the electoral defeat in 2002, the VMRO-DPMNE retreated from the leaders' meetings, which were established as an informal but a key instrument for political negotiations and consensus-building among political parties (signatories of the Agreement) on the most important OFA issues (Ch. K. 2002). The party also announced to reconsider their signature of the Agreement (*ibid.*). This seriously challenged the future of the OFA, as it came in the middle of the discussions on the Action Plan for OFA implementation. However, a year later (in 2003), the VMRO-DPMNE decided to stop the boycott and return to the leaders' meetings (Trpchevska 2003). The party initially conditioned its return with a proof from the DUI to respect territorial integrity of the country; hence, they asked them to sign the OFA (J. M. 2003). The largest ethnic Macedonian political party in the government, the SDUM, rejected this initiative as absurd, arguing that it was very dangerous for political elites to go back and question the OFA every time a new political party emerged (*ibid.*). Moreover, they explained that such initiatives were unacceptable as the OFA was no longer a political agreement, but a part of the Constitution and hence of the legal order of the country (*ibid.*).

Later, the VMRO-DPMNE abandoned this requirement and returned to the leaders' meetings; however, their return did not signify an end to political turbulences (Trpchevska 2003). Now, the Albanian opposition party, the DPA, not only refused to participate in the leaders' meetings but its leader Arben Xhaferi threatened to withdraw his signature from the OFA, in case the Agreement was not implemented as it was agreed in 2001 (E. G. 2003). Moreover, Xhaferi took the position previously held by the VMRO-DPMNE and called upon Ali Ahmeti (the leader of the DUI) to sign the OFA (Dnevnik 2003c). He also announced that his party was considering other non-institutional instruments of pressure, i.e. demonstrations and public events, as a response to the lack of improvement of the position of the Albanian ethnic community (E. G. 2003). At the same time, Xhaferi assured that the main aim of his party was regional peace and stability and that the steps they planned to take were not intended to destabilise the country but to achieve the goals of the OFA (*ibid.*).

Later, the DPA threatened to launch an initiative for self-determination of Albanians in Macedonia, which was supported by the PDP – the second Albanian signatory of the OFA (T. G. 2003). However, Abdulmenaf Bexheti from the PDP reminded that the idea of self-determination was not an invention of the DPA, as the PDP was the first Albanian party that raised this issue at the beginning of the 1990s (*ibid.*). This 'competition' (which one was a 'better advocate' of the interests of Albanians) can be interpreted that radicalisation of the nationalistic rhetoric was recognised by both, the PDP and the DPA, as the only effective strategy for restoration of support among the disappointed electorate. A few months later, in September 2003, Arben Xhaferi in an interview for an Albanian newspaper from Tirana reiterated the idea of federalisation of Macedonia (T. Zh. 2003). He argued that Macedonia was a segregated country, where ethnic communities lived parallel lives, lacked understanding, cohesion and loyalty; hence, he required this *de facto* division to be legally recognised (*ibid.*).

This kind of statements had a potential to fuel suspicions among ethnic Macedonians that 'the fight for human rights' in 2001 was only a pretext of a hidden Albanian agenda for federalisation and self-determination, but not to significantly improve the position of the Albanian opposition parties in the eyes of ethnic Albanians. The electoral loss they faced in 2002, at the expense of DUI, showed that ethnic Albanians saw the new party (a successor of NLA) as the most creditable for the implementation of the OFA (despite the fact that DPA and PDP were the official signatories of the OFA). Thus, the DUI was perceived as the legitimate representative of the ethnic Albanians who succeeded to achieve the goals that the DPA and PDP failed to achieve through institutional means during the 1990s.

In such a tense political context, the implementation of the equitable representation was picked as the main target of criticism by the Albanian opposition parties (E. G. 2003; Hristov 2003b). They accused the government of lacking political will, ideas and concrete measures for improving representation of the Albanians in public institutions (Hristov 2003b). Therefore, the DPA required a legal obligation that all future employments be reserved for ethnic Albanian candidates (*ibid.*). However, the DPA was accused of hypocrisy, and their claims in the eyes of ethnic Macedonians were seen as an attempt to gain political points among the Albanian electorate. It was argued that the DPA did not have any legitimacy to criticise the implementation of the OFA since the party itself did not respect the Agreement at the local level – in the Tetovo municipality where they held power (Radio Free Europe

2003e). The VMRO-DPMNE, the coalition partner of the DPA in the Tetovo Municipal Council, revealed that the equitable representation at the local level was not implemented, referring to numbers that showed underrepresentation of ethnic Macedonians in comparison to their share of the local population (Radio Free Europe 2003e).

4.5.2 Introduction of the principle of equitable representation in the legal framework and implementation of the policy in the period 2003–2006

In spite of the political turbulences, the parliament adopted in 2003 the amendments to the Civil Servants Law, the Law on Public Enterprises and the Law on Courts, which were crucial acts for the implementation of the equitable representation principle. The parliamentary debate on the amendments to these laws (Parliament of the Republic of Macedonia 2003) indicated a high level of consistency and consolidation of the positions between the ethnic Macedonian and ethnic Albanian political parties in the government. The 2003 amendments built on the 2002 changes to the Civil Servants Law, which introduced the principle of equitable representation in the public sector of citizens belonging to smaller ethnic communities. Their aim was to operationalise the application of this principle and to define the employment procedure by: setting an obligation for an employment call published in at least two daily newspapers;[193] defining the composition of a commission responsible for recruitment of new employees; and regulating the status of civil servants working in public administration organs that have been abolished or merged (*ibid.*).

The MPs belonging to the government majority advocated the adoption of these amendments as a crucial condition for the EU integration process. In this context, Ali Ahmeti, the leader of the DUI, stated that the DUI, as a coalition partner in the government, intensively worked on the implementation of the policy on equitable representation for the Albanians, and achieved significant results, in particular at ministerial level, in public enterprises and health centres. However, he noted that there was still a lot to be done, as the process was at the very beginning and needed to address discrimination present for several decades. In this context, he explained how his party understood the principle of equitable representation: not only as an employment of Albanians in state institutions, but also as shared responsibility in all future political and social matters. In the end, he argued for adoption of the law as an important issue

[193] One issued in the Macedonian language and one in the language spoken by at least 20 % of the citizens (Law on Civil Servants 2005, Article 14).

for the goal of EU integration of the country – the only viable future that can bring progress and well-being for our citizens (Parliament of the Republic of Macedonia 2003).

Similarly, the SDUM, the Macedonian partner in the government, gave its unequivocal support to the amendments and announced its withdrawal from any discussion to speed up their adoption (Parliament of the Republic of Macedonia 2003). Their justification was that the implementation of the OFA in due time was the highest priority of the government and the parliamentary majority (*ibid.*). Also, the LDP, a centre political party from the government coalition, extended its unconditional support to the amendments, as well as to all future measures deriving from the OFA (*ibid.*).

However, political representatives of the smaller ethnic communities in the Parliament did not have a unified positive stance on these legal changes. On the one hand, the amendments were praised by the United Party of the Roma in Macedonia (a political party in governmental coalition) as "a historic opportunity for the Roma community and the other communities to integrate" (Parliament of the Republic of Macedonia 2003). They publicly expressed support for the amendments arguing that this was the only right path towards a multicultural country (*ibid.*). However, on the other hand, Adnan Khahil, an MP of the Turkish Movement Party (in opposition), expressed fears that the amendments to the Civil Servants Law would enable and legalise dismissals of many civil servants already working in the civil service (G. B. 2003).

The analysis of parliamentary debates therefore suggests that support/opposition to the measure cannot be explained along ethnic lines, as it was cross-cutting ethnic identities. The attitudes of political parties are better explained by whether they belonged to the parliamentary majority or the parliamentary opposition. Once an agreement was reached among government coalition partners, the legislative initiative was unequivocally accepted and advocated by the MPs who were part of the parliamentary majority irrespective of their ethnic background. And *vice-versa*, regardless of the substance of the legislative changes introduced and supported by the parliamentary majority, the parties in opposition were always against them. This very much undermined the legitimacy of political and decisions, as they were not based on a deliberative process and constructive debates aiming to find the best possible solution to the problems, but on particularistic political interests.

Therefore, also ethnic Macedonian opposition parties were highly critical of the changes, seeing them as an instrument for additional 'politisation' of public administration (Parliament

of the Republic of Macedonia 2003). Although the VMRO-DPMNE declaratively supported the OFA, it openly opposed the operationalisation of the equitable representation principle. More precisely, the VMRO-DPMNE supported the amendments to the Law on Civil Servants, with the exception of the change of Article 82 (referring to measures undertaken in cases of the abolishment of an organ, reduction of competencies and workload or change of the internal organisation by abolishing jobs due to structural changes).

They argued that the Law on Civil Servants in force already regulated the issue of reassignments of civil servants due to reorganisation and that there was no need for change in this area (Parliament of the Republic of Macedonia 2003). The controversy derived from the fact that the legal changes allowed dismissal of a civil servant whose post was abolished, in case he/she was not assigned to a different post within a time period of a month (*ibid.*). This was interpreted by the VMRO-DPMNE as a legalisation of the intention of the new government, under the disguise of the implementation of the equitable representation principle, to fire civil servants employed in the period of the VMRO-DPMNE government (*ibid.*). The fears were not unfounded as the employment in state institutions, ever since independence and irrespective of political parties in power, had a reputation of a highly politicised process.[194]

The smaller right wing opposition political parties (VMRO-Populist) had similar concerns regarding the amendments to the Law on Public Enterprises (Parliament of the Republic of Macedonia 2003). They also argued that under the mask of equitable representation the government provided a legal basis for dismissal of people employed by the previous government. Moreover, the Liberal Party of Macedonia (LPM), a small centre opposition party, was completely against any application of the equitable representation principle in public enterprises. Taking a strong ideological stance in favour of market freedom, they argued that despite the fact that these enterprises were owned by the state, they functioned according to market rules; therefore, the changes to the Law on Public Enterprises and the introduction of the equitable representation in this area were against any economic or market logic (*ibid.*).

In contrast, the Albanian opposition parties insisted on faster implementation of the OFA and the equitable representation principle. Abduladi Vejseli from the PDP thus warned that any delay in the OFA implementation was to the detriment of citizens of Macedonia (Parliament

[194] See sub-section 4.7.1.

of the Republic of Macedonia 2003). Referring to its importance for the EU integration process – a strategic goal supported by all political parties, he reminded that the process was already running late (*ibid.*).

Besides the legislative changes, another big challenge for the government was the programme for the implementation of the equitable representation policy, which had to set clear implementation dynamics, the number of new employments, available public administration posts and a time-frame for implementation (Dnevnik 2003a). This issue became relevant in 2003 when the overall implementation of the OFA faced financial problems. Namely, the preliminary calculation of the OFA financial implications in the first three years amounted to 69.9 million Euros (H. B. 2003). Although Macedonia received 50 million Euros from the donor conference organised in 2002 in Brussels, there was a financial gap of 20 million Euros to cover the projected budget (*ibid.*).

Hence, at the leaders' meeting organised in February 2003 (attended by the OFA signatories, government representatives and representatives of the international community – the EU and the USA), the international community promised additional 20 million USD conditioned by the adoption of a programme for the implementation of the equitable representation in the public administration (Hristov 2003a). Later that month, at a meeting between the EU commissioner for external relations Chris Patten and the Macedonian minister for foreign affairs Ilinka Mitreva, it was agreed that the programme would be defined by both the government and the EU (Dnevnik 2003a). Moreover, the EU promised to provide financial assistance for employment of ethnic Albanians once the implementation programme was agreed by the government coalition (*ibid.*).

Already in March 2003, Musa Xhaferi (the deputy Prime Minister for the implementation of the OFA), came up with concrete numbers regarding the implementation of the equitable representation policy: announcing an annual increase of 2.3 % of the number of ethnic Albanians in the public administration and 2 % increase in other public institutions financed from the budget (Radio Free Europe 2003d). In this context, he addressed concerns about the lack of qualified civil servants from the non-majority communities, assuring that the newly established training system by the government was capable of tackling those concerns (*ibid.*). Moreover, he assured that the implementation of the equitable policy would not imply a dismissal of ethnic Macedonian civil servants, as the process would follow the retirement dynamics and different programmes for transfer of civil servants from the public to the private

sector (*ibid.*). In this context, the government set the goal of 23 % representation of the Albanian community in the public sector by the end of its mandate (S. N. 2003).

A few months later, in July 2003, the High Representative for Common Foreign and Security Policy Javier Solana, at a meeting with Ali Ahmeti, announced an EU-funded project for training and employment of 600 ethnic Albanians in public administration (Gjorgjevich 2003). The same year, two EU projects (PACE 1 and PACE 2) were launched providing a nine-months training for 600 and 250 civil servants, respectively, from the non-majority communities (mainly Albanians) with the purpose to be employed in the public administration (S. N. 2003). Although all this represented a significant input for the implementation of the policy and indicated strong EU support to the process, at the same time, it also implied an exclusive focus of the Union on the ethnic Albanian community. At that time, the EU completely ignored the underrepresentation of the smaller ethnic communities representing less than 20 %, which later proved to be a mistake as this problem became the main issue of concern for the Union.[195]

However, the implementation of the OFA not only faced a shortage of financial means, but it was also challenged by the collision of the political and economic agendas of the international community. Namely, IMF experts suggested that the OFA implementation would increase public spending, as the equitable representation policy implied an increase of public spending for administration (Darkovska 2004a). Thus, the IMF expressed concern that additional finances for the new employments along with increased expenditures of the municipalities might cause a higher inflation rate (*ibid.*). But the US and EU representatives in Macedonia negotiated and pressured the IMF to allow higher public spending for the implementation of the equitable representation policy, which resulted in an agreement on the IMF monitoring of the budget line regarding the salaries for the administration (Dnevnik 2003b).

Moreover, it was agreed that the money for the equitable representation would be secured by reallocation from other budget lines (Dnevnik 2003b). Thus, the finance minister Nikola Popovski proposed an amendment to the budget, asking a four million Euro reallocation for the equitable policy (*ibid.*). Eventually, the government assured the IMF that the overall number of public administration employees would not be increased as the implementation of the equitable policy would follow the retirement dynamic (Changova 2003b).

[195] For more on the EU criticism about the underrepresentation of the smaller ethnic communities representing less than 20 % of the population see section 4.6.

Besides the inconsistencies within the international community, there were additional obstacles to the implementation of the policy at the national level. The adoption of the Action Plan for the implementation of the Programme for Equitable Representation failed three times because of the opposition of the Albanian coalition partner DUI (Radio Free Europe 2003a; 2003b). They not only opposed the terminology used but also argued that there was a lack of relevant data for the projections of the new employments. The DUI insisted on a different formulation of the policy, instead of "equitable" the term to be used was "proportional" representation (Radio Free Europe 2003a).

Teuta Arifi, the deputy Prime Minister from the DUI, insisted the equitable representation be applied according to the census results, which was also supported by the PDP – the smaller Albanian coalition partner (Gj. B. 2003). This idea, however, was not consolidated among the coalition partners in the government. The government spokesman Igor Ivanovski (from the SDUM) stated that the process could not be a simple 'copy-paste' activity of the census results and that a solid quality solution required more time (*ibid.*). He also stressed that the goal of the government was to enable all ethnic communities to be represented in the public administration with a percentage even higher than their census figures, but within a clear employment procedure and by defined employment criteria (*ibid.*). Thus, for the SDUM, at least on a declarative level, the most important issue was a consolidation of the merit principle and the principle of equitable representation through a gradual implementation process (Radio Free Europe 2003c). They were against the fast implementation of the policy as a potential threat to the quality of public administration.

The ethnic Macedonian media were very critical of DUI's interpretation of the policy as proportional representation (Radio Free Europe 2003f). They argued that there was not only a linguistic but a substantial (conceptual) difference between the two terms (Radio Free Europe 2003f). In this context, it was pointed out that equitable representation not necessarily and automatically meant a reflection of population percentages, as it was limited by the level of competencies and qualifications of the candidates (Changova 2003b; Radio Free Europe 2003f). Moreover, the media reporting was focused on the EU requirement for competent, professional public administration as a 'higher' goal that must not be compromised by the implementation of the equitable representation principle (Changova 2003b). At the same time, they challenged the implementation of the policy as a double standard by referring to the situation at the local level, in the municipalities with majority Albanian population (Radio

Free Europe 2003e). Here, not only a lack of progress but a negative trend of dismissals of ethnic Macedonians was observed (*ibid.*).[196]

Faced with the unwillingness of the ethnic Macedonian partner in the government and the dilemmas raised in public, the DUI referred directly to the international community to push for faster implementation of the equitable representation policy (Changova 2003a). They required results in the more sensitive sectors where the numbers were very low, i.e. in the army, the police, the ministries of finance and economy (*ibid.*). The effects of the international pressure were soon visible as the SDUM publicly supported DUI's request for faster reforms, but they insisted that the acceleration of the process be done on the basis of clear directions and rules (*ibid.*).

This did not provoke strong public opposition, as by 2003, the OFA was already accepted as an inevitable price for European future of the country. Many experts started to recognise positive political and social results from the implementation of the equitable representation policy (Radio Free Europe 2003b). There was a significant number of experts of ethnic Macedonian affiliation who praised the policy as an appropriate measure for addressing the structural discrimination of ethnic Albanians, at the same time insisting that the process was subjugated to at least some minimum merit criteria (*ibid.*). They argued that the problem of the lacking qualifications among the civil servants from the non-majority communities could be addressed by additional training (*ibid.*). They also warned that any political influence on the employment process would be detrimental to this policy (*ibid.*).

Despite the generally positive mood, there was a small group of experts and academics who dismissed the very idea of affirmative action. For instance, Gjorgje Ivanov, at that time considered one of the most prominent professors of political science and since 2009 the president of the republic, was the loudest critic of the OFA. He considered the problem of underrepresentation to be a result of an individual choice, rather than of a state-wide discrimination (Ivanov 2003). Moreover, he based his arguments on very controversial grounds, reflecting the dominant stereotypes ethnic Macedonians have about the Albanian

[196] A reference was made to the situation in the Tetovo municipality, where not a single ethnic Macedonian held a head position in the local administration and in the public enterprises under local competence (Radio Free Europe 2003e). In this context, was mentioned the decision of the Council of the municipality, by which they removed from the post of the head of the local public transport enterprise, the only ethnic Macedonian who held a higher position (*ibid.*). Moreover, it was noted that not only the representation of the ethnic Macedonian community, but also of the Roma, Serb and Turkish communities, was far from being equitable (*ibid.*).

community. Thus, he explained the underrepresentation in state institutions with Albanian traditional culture and mentality. He argued that Albanian women were inclined to a traditional role in the family taking care of children and going to the public with a veil, whereas Albanian men were too conservative to allow their women to work and be exposed to the gaze of other men. He also referred to the low salaries, which made the public sector unattractive for ethnic Albanians, making them more interested in trade with legal and illegal products and services (*ibid.*). Aside from this kind of 'analysis', the main focus of the public debate was placed on the issue of consolidation of the equitable representation with the merit principle.

The main problem, however, was that the merit aspect was not seriously addressed beyond declarative support by political actors. From the very beginning, the policy was 'infected' by political bargaining and deals at the highest political level. Political influence was so normalised that it was even publicly acknowledged, such as in the case of the DUI's decision to support the SDUM's candidate Branko Crvenkovski for the second round of the 2004 presidential elections. The victory in the second round (usually between two ethnic Macedonian candidates) depends very much on the votes of the Albanian community. Therefore, it is very important who the Albanian political parties support and thereby 'direct' their votes.

The DUI explicitly stated that the implementation of the equitable representation policy was the crucial reason for their decision to support Crvenkovski (N. S. 2004). They justified this by engagement of Crvenkovski and the SDUM in the OFA implementation, particularly the implementation of the equitable representation (*ibid.*). In this context, the DUI publicly gave credit to the SDUM for the employment of candidates from the ethnic Albanian community in the ministries of justice and health (*ibid.*). By this, they implicitly admitted that the process was not conducted independently and impartially by the relevant institutions, but it heavily depended on political bargaining at the highest levels of the government.

Eventually, Branko Crvenkovski won the 2004 elections. In his speech in the parliament, he reminded that stability of the country always depended on inter-ethnic tensions; therefore, he asked for faster reforms regarding the use of ethnic symbols and minority languages, and full implementation of the equitable representation policy (Radio Free Europe 2004b). The coalition partner DUI expressed its expectation that the new president would act as a president of all citizens irrespective of ethnicity, and that he would apply the principle of equitable

representation in his office (G. B. 2004). Moreover, in this context, the DUI praised the government coalition with SDUM as successful for building confidence between the two largest communities, improving the level of trust among the Albanian community in state institutions and addressing the systemic discrimination of the Albanians (*ibid.*).

In such a positive political climate within the government coalition, the Law on Civil Servants was again amended in 2004. The new amendments aimed to give legal grounds to the employments of civil servants from the non-majority communities conducted under the EU funded projects PACE 1 and PACE 2. Thus, the amendments revoked the regular procedure for these employments until the end of 2006, providing a right to employment on the basis of a successfully completed training (Chichevska 2004; Darkovska 2004b; V. O. 2004a). This implied that the civil servant's exam was abolished and replaced with a training certificate (Darkovska 2004b). At the operational level, the amendments provided a legal basis for the government to organise training, determine selection criteria and decide upon the institutions of appointment of the new employees (Chichevska 2004).

Despite the strong EU support to the legislative changes, they were criticised by the opposition as unconstitutional and breaching the principle of equality in the area of employment (V. O. 2004a). Similar dilemmas were shared even by some MPs from the SDUM (Ch. D. 2004; V. O. 2004a). However, they soon aligned with the party, claiming that the explanation provided by the government officials convinced them that there was no breach of the Constitution (V. O. 2004a). Moreover, Kenan Hasipi, an MP from the parliamentary majority (Democratic Party of the Turks in Macedonia), expressed doubts that the employment process would take into consideration and improve the representation of the ethnic communities representing less than 20 % of the population, i.e. the Turks, Roma, Vlach, Serbs and Bosniaks (*ibid.*).

This scepticism derived from the perception of the ethnic Albanian community as being favoured in the process, since its representation was set as the main priority by both national and international actors. However, what is interesting in this context is the exclusive reference to the representation of the Turk, Roma, Vlach, Serb and Bosniak communities. Although this was an important issue, which later turned into a major problem and shortcoming of the policy implementation, the way it was approached overlooked and additionally marginalised the smaller ethnic communities who were not officially recognised in the Constitution. Thus, the problem of the ethnic communities designated as 'others' was left in the shadow, due to

the lack of their political representation, as well as the lack of interest or awareness among other political parties in the parliament to advocate for their equal rights.[197]

Moreover, political parties in opposition stressed that they were not against the very principle of equitable representation, but that they required a more cautious approach that would not be in collision with the Constitution (V. O. 2004a). Even the DPA, the Albanian party in opposition, which insisted on fast implementation of the policy, was against the amendments. DPA's MP Iliaz Halimi said that the government needed to respect the principle of equitable representation, but not at the expense of the regular employment procedure. He insisted that the recruitment procedure is conducted on the basis of an open call, not on the basis of training: "the government must launch a call on which basis the best and most competent candidates will be employed without attending additional training. Now, the training is conducted with a financial help of foreign donors, but what will happen when the finances seize? Would the government be strong enough to continue the implementation of this project?" (Ch. D. 2004).

The main remark of all opposition political parties was that the amendments of the law failed to set clear criteria for employment of the candidates who successfully passed the training (V. O. 2004b). Thus, they referred to the Parliamentary Commission on Political System, the government and the Parliamentarian Legal Commission to examine their constitutionality (V. O. 2004a). The Parliamentary Commission for Political System concluded that the employment of candidates belonging to minorities must be conducted on the basis of a public call, clear employment criteria and without additional training (Ch. D. 2004).

The amendments faced strong criticism also by experts. The Director of the Civil Servants Agency Tatjana Popovska Trendafilovska criticised the establishment of a parallel system of employment: "on one hand, we will have a regular employment through a public call, and on the other hand, a new system will be created enabling candidates from the smaller ethnic communities to be employed after having successfully completed a training" (Chichevska 2004). She argued that irrespective of the time limitation (until the end of 2006) the measure was going to have detrimental effects on the overall quality of the public administration (*ibid.*). Moreover, she criticised the amendments for derogating the merit principle and for

[197] Their problem got public attention after the Party for a European Future (PEF) representing the Macedonian Muslims (Torbesh) joined the opposition block in 2011. For more on the role of the PEF in sub-section 4.5.4.

eliminating the role of the Agency of Civil Servants in the employment process of the candidates from the smaller communities (Darkovska 2004b).

As the most problematic aspect, she considered the derogation of the role of the Agency at the expense of the government, which was now responsible for the 'OFA employments' (Darkovska 2004b). She discussed this as a breach of the constitutional principle of separation of powers since the amendments set the government as the employer not only within the ministries but also within other institutions that belonged to different branches – the parliament and the courts (*ibid.*). Other public administration experts criticised the newly bestowed authority of the government to determine employment conditions as a potential threat for political influences (*ibid.*). They argued that the government could appoint or dismiss political officials, but not regular civil servants, and insisted the employment criteria be regulated by law, instead of being left to the arbitrary decision of the government (*ibid.*).

The deputy Prime Minister for OFA implementation Musa Xhaferi admitted that the policy was subjected to political influence; however, he stressed that irrespective of which political party was in power, political influences could not have been avoided (Radio Free Europe 2004a). Nevertheless, he rejected the criticism that the implementation of OFA negatively affected the public administration reform (*ibid.*). In addition, he stated that the end result, i.e. the percentage of civil servants from the non-majority communities, rather than the quality of the process, was crucial for political stability of the country and the loyalty of the smaller ethnic communities (*ibid.*). This indicates that the highest officials responsible for implementation of the equitable representation saw the policy primarily as a statistical/quantitative operation, in which undue political influence was the inevitable price that had to be paid for the achievement of a 'higher' goal, i.e. political stability of the country.

Later that year, this cynical attitude towards the implementation of the equitable representation policy was pointed out as the main reason for the resignation of the Prime Minister Hari Kostov. He criticised the DUI as an obstructive partner in the government, accusing it of nepotism and corruption (J. L. and G. T. 2004; T. D. and Zh. Gj. 2004). Kostov publicly revealed that many reforms, which were not related to the OFA were held hostage as the DUI conditioned them with uncontrolled employment of party members under the equitable representation policy (T. D. and Zh. Gj. 2004). The DUI dismissed these accusations, but only a year later, in 2005, Tatjana Popovska Trendafilovska resigned from

the position of Director of the Civil Servants Agency due to the same reasons, i.e. serious misuses of the policy of equitable representation (T. D. and Zh. Gj. 2004; Changova 2005).

The criticism of the policy was additionally fuelled by some official statements by representatives of state institutions, as well as by the media coverage of the problem. In this context, the general secretary of the government Snezhana Stankovich acknowledged that the Albanian ethnic community was put in a more favourable position compared to other smaller ethnic communities; whereas the media reporting referred to the experiences of candidates from the smaller ethnic communities, who claimed to be discriminated due to lack of equal employment opportunities in comparison to their Albanian counterparts (Changova 2005).

Representatives of the SDUM, the larger party in the government, tried to neutralise the criticism by downplaying the problems. They argued that despite some shortcomings, the greatest achievement of this policy was the fact that the very principle of equitable representation was no longer disputed by any relevant political actor (Shekerinska 2005). However, they were aware of the dissatisfaction among different ethnic communities: i.e. ethnic Macedonians felt discriminated in the employment process, the Albanians expected faster implementation, while persons belonging to the smaller ethnic communities were frustrated for being marginalised in the process (*ibid.*). Nevertheless, they ascribed the reasons for these frustrations to the unfavourable economic environment and high unemployment, rather than to the implementation of the equitable policy *per se* (*ibid.*).

Although it was true that the very idea of equitable representation was not problematised, still the views on its implementation were very much polarised along ethnic and party lines. On the one hand, ethnic Macedonians criticised the policy for compromising the merit principle and giving a privileged treatment to the ethnic Albanian community over other non-majority communities; while on the other hand, Albanian politicians criticised the slow implementation dynamics. Despite the favourable treatment of the Albanian community, the DUI was not fully satisfied with the pace of reform. Relying on the Ombudsman report from 2005, they argued that the implementation of equitable representation was slow, as many ministries did not respect the principle (Parliament of Republic of Macedonia 2005). Thus, they insisted that it was time for "a new mechanism for control and monitoring of the implementation process" (*ibid.*). Similarly, the PDP noted a lack of legal mechanisms that secured application of the principle of equitable representation by the heads of state institutions (*ibid.*). Thus, the PDP supported the conclusion of the Ombudsman on the need for a special law on non-

discrimination and required a system of sanctions for all officials who failed to fulfil their obligations (*ibid.*).[198]

The smaller ethnic communities, however, had different concerns. Kenan Hasipi from the Democratic Party of the Turks criticised the lack of progress regarding representation of the non-majority ethnic communities representing less than 20 % of the population (Parliament of the Republic of Macedonia 2005). He challenged the role of the Ombudsman as the key institution for monitoring the process, because not a single Turk or a Bosniak worked in the institution (*ibid.*). He argued that an institution, which did not reflect the multi-ethnic character of the country, could not have legitimacy to monitor and safeguard the principle of equitable representation (*ibid.*). As an answer to the problem of underrepresentation of the smaller ethnic communities, he suggested better-defined deadlines for policy implementation (*ibid.*).

The ethnic Macedonian opposition approached the issue from a different angle, arguing that this principle was applied to the detriment of ethnic Macedonians. They argued that individuals from the Macedonian community were stripped of their constitutional right to employment as they were automatically rejected from the employment process in state institutions (Parliament of the Republic of Macedonia 2005). Moreover, they criticised the OFA implementation for being subjected to manipulations and formal implementation interested only in quantitative progress and statistics (Chashule 2005). Thus, they warned that employment quotas established exclusively on the basis of percentages accelerated hate and fear among the communities in the uncertain and depriving economic environment (*ibid.*).

Again, the academic and expert community was critical of the implementation of the policy. The 2004 Helsinki Committee Report criticised the general political situation for the lack of the rule of law and complete subjugation of the democratic processes to political bargaining and the implementation of the OFA (Cvetkovska 2005). In this context, the Report referred to the implementation of the policy on equitable representation as a particularly problematic aspect. The policy was criticised for being implemented solely on the basis of ethnic and political affiliation neglecting the merits and competencies of candidates (*ibid.*). Thus, the

[198] The Law for Protection of Discrimination was adopted in 2010 after it was set as a conditionality requirement by the EU (Council of the EU 2008; Commission of the European Communities 2009, section 4.19). The Law was criticised for not setting sexual orientation as a basis for discrimination, as well as for establishing weak monitoring and protection mechanisms (Commission of the European Communities 2010, section 2.2.). Specifically the issue of equitable representation did not emerge as an issue of concern in this context.

policy was recognised as directly responsible for undermining the quality and neutrality of public administration (*ibid.*). Moreover, other experts criticised the quality of the public debate on the matter. The debate was characterised as being more emotional than intellectual, generating tensions and segregation, rather than seeking to find a solution to the problem (Jankulovski 2005).

By this time the implementation of the equitable representation raised serious concerns in at least three respects: 1) the Albanian community was the only ethnic community that benefited from this policy, while the smaller ethnic communities were completely marginalised; 2) the implementation was in collision with the merit principle, as many of the posts in the public administration were filled with incompetent candidates only for statistical purposes; 3) the policy was considered indirectly responsible for making the country a bi-national state, contrary to the OFA's goal of creating a multi-ethnic state (Changova 2005). At the same time, however, the ethnic Albanian parties in the government were not happy with the level of representation of the ethnic Albanian community, in particular at the higher posts in the public administration. Moreover, their credibility was challenged by accusations of dismissals of ethnic Albanians on the basis of 'inappropriate' political affiliation and their replacement with party members who often lacked basic skills and qualifications (*ibid.*).

In spite of the serious shortcomings, in 2005 Macedonia was granted a candidate status by the EU as a prize for its progress with regard to the OFA implementation. This was a paradoxical situation as, on the one hand, the EU was praising the Macedonian case as successful, while, on the other hand, there were calls and warnings in the media directly addressed to the international community to play a more active role to prevent further misuse of the equitable policy, before it was too late (Changova 2005).

4.5.3 Implementation of the equitable policy by the 2006–2008 government

The situation did not improve with the change of the government after the 2006 parliamentary elections when the country entered a new politically turbulent period. Just 15 days before the official start of the electoral campaign, the government of SDUM-DUI was accused of a misuse of power and corruption for launching employment calls in several state enterprises and institutions (C. Zh. 2006). However, neither these employments nor Macedonia's EU candidate status, both advertised as the greatest success during their mandate, secured them

another four years in the government. The opposition party VMRO-DPMNE won the elections by winning the majority votes of the ethnic Macedonian community. Despite the fact that the DUI won the majority among the ethnic Albanian community, the VMRO-DPMNE formed a government coalition with their traditional Albanian partner – the DPA. Although there were no legal limitations for the VMRO-DPMNE to choose a coalition partner according to their ideological and political preferences, the fact that they did not respect the will of the majority Albanian voters faced mass criticism. The very legitimacy of the new government was questioned, ending up with street demonstrations organised by the DUI (Dimeski 2014, 29–30).

Moreover, the 2006 elections did not change anything substantial with regard to the quality of implementation of the equitable representation. Only political actors changed, while the rhetoric remained the same. Now, the VMRO-DPMNE and the DPA were those who defended the implementation of the equitable representation policy, while the SDUM and the DUI as opposition parties appropriated the arguments previously held by the VMRO-DPMNE and the DPA. Once in government, the DPA aimed to downplay DUI's success, as well as the progress made in the period of the previous government. Imer Selmani, the new deputy Prime Minister for OFA implementation, criticised the implementation of the equitable representation by the previous government, pointing at a number of state and public institutions where this policy did not have any effect (T. M. 2006).

In this context, he promised faster implementation and a higher budget to this effect (T. M. 2006). In contrast, the SDUM and the smaller Macedonian opposition parties criticised the new government for eroding the democratic capacity and for 'partisation' of state institutions, while the DUI radicalised their rhetoric and actions.[199] This was DUI's strategy aimed not only to pressure VMRO-DPMNE to reconsider its choice of a coalition partner but to establish an unofficial political convention by which future governments would be formed by the winners among the two largest ethnic communities, the Macedonian and the Albanian.[200]

Thus, the opposition was rather loud during the parliamentary debate on the 2007 amendments to the Civil Servants Law. In March, the Minister of Justice Mihajlo Manevski proposed amendments to the Law foreseeing an extension of the application of Article 95-b for an additional year (Parliament of the Republic of Macedonia 2007). This article regulated

[199] See further in this sub-section.
[200] The so-called principle 'winner and winner' was applied after the 2008 elections, when the VMRO-DPMNE formed a government with the DUI; for more see sub-section 4.5.4.

the 'irregular' employment procedure for candidates from the smaller ethnic communities on the basis of a successfully completed training (*ibid.*). It was stipulated to be in force until the end of 2006, which matched the date of the conclusion of the EU training projects.

However, the new amendments aimed to postpone its application for an additional year, until the end of 2007 (Parliament of the Republic of Macedonia 2007). To justify the changes, Manevski reminded that the deadline was already once postponed until 31 December 2006 and assured that this action was in line with the government's endeavours fully to implement the equitable representation policy (*ibid.*). The policy was referred to as a top priority for which the government had already secured a higher budget for 2007 (*ibid.*). However, the VMRO-DPMNE, when still in opposition, strongly opposed the irregular procedure as a channel for employment of incompetent civil servants close to the political parties in power. Now, as a party in government, instead of addressing this concern, they proposed an extension of the problematic solution they were once criticising (*ibid.*).

The main reason for the amendments was not the concern for equitable representation as much as the intention this policy to be used as a pretext for employment of candidates close to their political party. The equitable representation policy was also seen as an instrument by ethnic Macedonian parties in the government to secure employment of their party members by giving total freedom to their Albanian partner in the (mis)management of the 'OFA employments'.[201] This was confirmed by the enormous increase in the overall number of the public administration[202] as a result not only of the 'framework employments', but to a greater extent of the actions of the VMRO-DPMNE.

Therefore, the fears of the SDUM (Parliament of the Republic of Macedonia 2007) that the DPA would misuse the amendments for employment of people close to their party were justified. They argued that the legislative changes did not rely on any rational arguments, as the circumstances when this mechanism was adopted were different (*ibid.*). The SDUM reminded that during their mandate, there was a great debate and many dilemmas about the solution contained in Article 95-b were addressed by setting the 'irregular' procedure as a temporary solution, until the end of 2006. In this period, the SDUM argued, there was no room for malpractice, as the employments were conducted within the framework of the EU projects implemented by the European Agency for Reconstruction (*ibid.*). Under these

[201] See Cvetanova (2012), Biljali (2012) and Pavlovska Daneva (2012), and further in sub-section 4.7.1.
[202] The number of civil servants, for the period from the end of the 1990s to 2016, is presented in sub-section 4.2.2.

projects the duration of the training was nine months, the recruitment process took two months and the assessment of the candidates another two months; hence, they questioned the intentions of the government as it was obvious that by the end of 2007, such a schedule could not have been ensured (*ibid.*).

Faced with this criticism and in the absence of counterarguments providing solid justification for the legislative changes, Ruzdi Matoshi, from the DPA, accused the opposition of sabotaging the implementation of the equitable representation policy (Parliament of the Republic of Macedonia 2007). This, however, was not true as the government enjoyed unequivocal support by the parliamentary majority; thus, the adoption of the amendments to the Law on Civil Servants was never called into question. Therefore, these qualifications of the opposition as unconstructive were actually targeting the public opinion among the ethnic Albanian community, aiming to discredit the SDUM as non-supportive of the policy implementation and indirectly to undermine the efforts and progress achieved by the previous government.

Not surprisingly, only a few months after the adoption of the amendments, the media leaked information about their problematic implementation. According to unofficial sources within the government, the media reported that the policy continued to be conducted exclusively on a quantitative basis (Changova 2007). Moreover, it was indicated that due to the great expectations for fast results by the Albanian coalition partner, there was no room or a political will for improvement of the situation (*ibid.*). It is interesting that the political influences were not mentioned as an issue by the government source, who was obviously of ethnic Macedonian background (*ibid.*). This indirectly set, if not a distorted, a limited picture of the implementation shortcomings reducing them to a quantitative problem, thereby placing the blame on the shoulders of the Albanian coalition partner in the government.

Moreover, the legislative changes were not embraced by the expert community and the experts continued to criticise the implementation of the equitable policy as unlawful. They asked for clearer criteria so that this measure was not implemented at the expense of the Macedonian ethnic community and the smaller ethnic communities representing less than 20 % of the total population (Changova 2007). In this context, Professor of Administrative Law Borche Davitkovski argued that there was a collision between the Constitution and the Law on Civil Servants. He explained that the policy of equitable representation must provide an opportunity for employment for all candidates that fulfil the conditions, irrespective of their

ethnic background (*ibid.*). According to him, only in such a context of open competition, the principle of equitable representation could be applied. Therefore, the design of the policy providing for an automatic advantage on the basis of ethnicity was considered unconstitutional and against the merit principle. Consequently, Davitkovski suggested a change of the Civil Servants Law and a more detailed regulation of the issue of equitable representation (*ibid.*).

Even Ljubomir Frchkoski, one of the co-authors of the OFA and a strong supporter of the equitable representation policy, criticised its implementation; however, recognising as the main problems of the equitable policy political influences and the 'partisation' of the public administration (Frchkoski 2007). He identified the very design of the employment procedure as problematic and suggested international monitoring as a guarantee that only the most competent candidates from all ethnic communities be employed in the public sector (*ibid.*).

Although this idea was not seriously taken by the public and the international community,[203] it is very much indicative of the failure of the post-2001 institution-building (under EU patronage) to establish professional institutions enjoying citizens' trust. It also reveals a strong feeling of dependence on the international community and a 'protectorate mentality' among the expert community. This should not be a surprise, as the expert community was often ignored and marginalised in the process, which fell under the exclusive competence of the political parties (through the framework of leaders' meetings). In such a context, as Frchkoski (2007) implied a substantial change was possible only under strong EU pressure on political party leaders. However, it is interesting that the Union, here, was not only seen as an instance of power pressing for reform, but also as an actor from whom concrete institutional models/solutions to the problems were expected.

Moreover, in this period, the media referred to the implementation of the equitable policy by covering stories about experiences of individuals from other ethnic communities than the Albanian (Changova 2005; Changova 2007; Jordanovska 2007). A special focus was typically placed on ethnic Macedonians who complained to be automatically excluded from the employment process due to their ethnic affiliation. Some of them were even unofficially advised by representatives of state institutions 'not to bother to apply for the post' (Changova 2007; Jordanovska 2007). The media interest was provoked by the fact that the majority of the

[203] This would have undermined the engagement of the international community and discredited the EU assessment of the implementation of this policy, which at that time was still generally positive. For more about the EU assessments of the policy on equitable representation in the period of 2006–2008 see section 4.6.

candidates with a 'wrong ethnic affiliation' believed that the calls were open to all, as no explicit preference was given to any ethnic community in the employment calls (Jordanovska 2007).

Eventually, they felt deceived and disappointed as the whole procedure was not only time consuming, but also expensive, especially for those who were unemployed or were coming from remote parts of the country just to apply (Jordanovska 2007). Nevertheless, the media articles highlighted that these candidates were not against the principle of equitable representation, but against being manipulated and deceived that the employment calls were open to all qualified candidates irrespective of ethnicity. The official reaction of the government was that the employment calls complied with the OFA obligations (*ibid.*). Unofficially, however, a representative of the secretariat of the government admitted that the main aim of these calls was the fulfilment of the quantitative goals of representation, but that it was unlawful and unconstitutional to specify for which ethnic community the posts were reserved (*ibid.*).

In spite of all the problems, at the 2007 Conference dedicated to the OFA, the Prime Minister Nikola Gruevski announced that the OFA was almost implemented (Idividi news 2007). As the greatest success of the process, he mentioned the implementation of the Strategy for Equitable Representation and the 3.5-fold increase in the budget for this purpose (*ibid.*). Moreover, the President of the Parliament Ljubisa Gjorgjievski (VMRO-DPMNE) assured the public that the policy was not approached as a statistical operation aimed at 25 % representation of the Albanian ethnic community (*ibid.*).

Thus, he argued that state institutions worked hard to achieve the required percentage while taking care of the competencies of the new employees and the overall reform of the public administration (Idividi news 2007). The deputy Prime Minister responsible for OFA implementation Imer Selmani referred to the security and EU-integration aspects of the equal representation policy and the OFA in general (*ibid.*). This confirms that the political parties in the government were satisfied with the situation, having no intention to improve the system, as it was in line with their particularistic party interests. Regardless of the accusations of political influence and subjugation of the employment process to statistical goals, they did not

feel any pressure to address the problems, as the EU was still 'generous' in its assessment of the policy on equitable representation.[204]

Nevertheless, this optimism of the government was pretty surprising in a context of a year-long political crisis caused by the DUI's boycott of the parliament (Markovich and Popovich 2015). The DUI left the parliament as a sign of protest after a piece of 'inter-ethnic' legislation was adopted without their votes.[205] However, this was actually a pressure by DUI in the long run to become part of the government and replace the DPA as the 'legitimate' representative of the Albanians. Thus, the policy of equitable representation, as well as the overall implementation of the OFA, became an instrument of the DUI to legitimise the radical rhetoric and actions.

During the institutional boycott, DUI retreated to non-institutional, sometimes radical means to turn the attention on their official political aims. The political wing of DUI used more moderate rhetoric, while still strongly criticising the government.[206] At the same time, there were radical statements made by high DUI officials, such as the call for a war by Fazli Veliu, a high NLA official and DUI's MP (Kamarska and Vojnovska 2007). This statement was given at the sixth anniversary of the adoption the OFA, as a response to the reversal of the progress achieved by DUI during the period of the government of VMRO-DPMNE and DPA.

The situation escalated in the autumn of 2007 when former NLA commanders and fighters occupied villages along the Macedonian-Kosovar border (Ilievski 2008). The Macedonian police answered with a special force operation called the 'Mountain Storm' in which six Albanian guerrilla fighters were killed and 14 arrested (*ibid.*). The international community supported the operation, as it was performed by the multi-ethnic police forces and in close co-ordination with the KFOR (*ibid.*). However, these events founded the fears that the 2001

[204] See section 4.6.

[205] According to the OFA, all legal acts that refer to the non-majority ethnic communities must be adopted with a two-third majority and a majority of the smaller ethnic communities, i.e. the so-called Badinter principle (Ohrid Framework Agreement 2001, Article 131). The Badinter principle was formally respected in this case, with the votes of the DPA and the political representatives of the other smaller ethnic communities. However, DUI disputed the legitimacy of the adopted legislation arguing that based on the 2006 electoral results, they were the only legitimate party representing the majority ethnic Albanians. Hence, they conditioned their return to the parliament with a list of specific laws adopted on the basis of the Badinter principle, including a law guaranteeing same social rights to NLA soldiers as the Macedonian Army soldiers who fought in 2001 (Markovich and Popovich 2015).

[206] For instance, Teuta Arifi, the Vice President of DUI, in one of her columns criticised the implementation of the equitable representation and accused the DPA for misusing the policy for employment of loyal party members and supporters. As a proof, she referred to the call of the leader of DPA upon all new civil servants to pledge loyalty and political support to the political establishment in the government (Arifi 2007).

events normalised violence as a legitimate instrument for pursuing political aims.[207] This was a dangerous situation implying that political stability is under serious threat any time the opposition does not agree with the way the OFA is implemented.

Eventually, the situation calmed down, and due to the mediation of the international community, the VMRO-DPMNE and the DUI reached the so-called 'May Agreement' after which the DUI returned to the parliament. The agreement was never made public and its content was only a subject of speculations.[208] However, this did not signify the end of the political crisis, as now the DPA left the government and opened a new process of negotiations with the VMRO-DPMNE. The result was the 'March Agreement' after which the DPA returned to the government announcing that this new agreement replaced the 'May Agreement' previously negotiated with DUI (Trajkovska and Sotirovska 2008).

This happened directly before the early parliamentary elections in 2008. During the pre-election period, 5,000 ethnic Albanians were employed, which the DPA presented as a result of the implementation of the 'March agreement' (Trajkovska and Sotirovska 2008). The government, however, stayed silent to the accusation that these employments were actually a pre-election corruption of the electorate (Gjorgjevski 2008; Trajkovska and Sotirovska 2008). The DPA refuted the accusations, arguing that the employments were in line with the OFA and the 'March agreement' (Trajkovska and Sotirovska 2008). Moreover, the media reported that the Anticorruption Commission investigated the employments (conducted mainly by the Ministry of Health) and found them unlawful (*ibid.*).

In its 2008 report, the Anticorruption Commission referred to 70 employment calls, targeting 1,160 people, as problematic during the pre-election period (State Commission for Prevention of Corruption 2009). The response of the Commission was a set of recommendations for improvement of the Electoral Law and the Anticorruption Law (*ibid.*, 24). The lack of a more serious action by the Anticorruption Commission was due to the fragmented legal system, shortcomings of the legal framework regarding election campaigns, and legal gaps in the

[207] On criticism of the OFA agreement see Vankovska (2007) and the section 4.2.

[208] After ten years from the May Agreement, the DUI spokesman Bujar Osmani confirmed the speculation that one of the issues agreed was the principle for formation of a government coalition between: the political party which won the majority votes among the Albanian electorate and the political party which won the majority votes among ethnic Macedonian voters (NovaTV 2017). Although representatives of the international community, present at the negotiations, as well as other DUI officials refuted this statement as untrue, the new government after the 2008 early parliamentary elections was composed on the basis of this principle (*ibid.*). The possibility that this issue was a subject of the agreement sheds a new light on the official political requirements of the DUI's boycott as a pretext of the actual goal, i.e. securing a place in the government.

conflict of interest law with regard to civil servants (Commission of the European Communities 2008b, section 2.1.). However, more importantly, even this institution was facing accusations of political influence and politicisation (*ibid.*), which can explain, at least to some extent, its passivity in cases of corruption implicating the political parties in the government.

4.5.4 Implementation of the equitable representation policy by the 2008–2011 government

At the 2008 elections, the VMRO-DMPNE won the majority of votes and formed a coalition with the DUI – the winner among the ethnic Albanian electorate. Once in the government, the DUI was satisfied with the OFA implementation, pointing only to the equitable representation still to be completed (BBC 2008). Abdilaqim Ademi, the deputy Prime Minister for the OFA implementation, assured the international community and the public that the new government would not employ civil servants on the basis of their political affiliation. This statement was given in the context of the efforts of the government towards the fulfilment of the EU requirement for de-politicisation of the public administration (Dnevnik 2008).

In contrast to optimism of the government, ethnic Albanian experts and civil society representatives felt that even after seven years from the adoption of the OFA, there was still a lot of work to be done (BBC 2008). Albert Musliu, a prominent Albanian intellectual, argued that the OFA was different from other Balkan agreements due to its development component; it served as a frame for a peaceful coexistence of ethnic communities, rather than as a checklist of obligations. Therefore, he argued that nobody could claim that the Agreement was fully implemented (*ibid.*).

Differently, ethnic Macedonian experts not only perceived the OFA to be almost implemented but they criticised the flexible interpretation of the Agreement (BBC 2008; Zafirova 2008). This was recognised as the main reason, which made the Agreement liable to political deals and bargaining (*ibid.*). Hence, Biljana Vankovska, a Professor of Security Studies and one of the loudest critics of the OFA, argued that the vagueness of the Agreement allowed many new issues to emerge from the public debate beyond what was agreed in 2001 (Zafirova 2008). Furthermore, the absence of a clear language and precise goals was seen as the main obstacle to reconciliation of the positions of the Albanian political parties in the government and in opposition (*ibid.*). Thus, it was normal for the Albanian political party in the government

always to be satisfied with the implementation, whereas the party in opposition was to dispute any progress as a justification for their radicalisation.

However, by this time, representation of the ethnic Albanian community was no longer considered the most pressing problem. The international community turned the focus on the representation of the smaller ethnic communities. Thus, the OSCE Ambassador in Macedonia required improvement of Roma representation in the public administration, stating that so far the OFA improved the position only of the Albanian ethnic community (M. Lj. 2008). This encouraged political representatives of the smaller ethnic communities to become louder in asking their share of equitable representation. Political representatives of the Roma community thus argued that despite the measures undertaken, the Roma were still the most disadvantaged (*ibid.*). They referred to the statistics indicating that 71 % of active Roma population was unemployed and that 24 % of the Roma older than 15 years were illiterate (*ibid.*). In such a context, only 0.62 % Roma were working in the public administration, *vis-à-vis* their census share of 2.66 % (*ibid.*).

In addition, political representatives of the Turks accused that their community was held hostage by the political bargaining between the Macedonian and Albanian political elites (Dimitrovski 2008). They criticised the process of OFA implementation for being closed and not transparent, as the main issues were negotiated only between the two largest ethnic groups (*ibid.*). Hence, Turkish intellectuals criticised the implementation of the Agreement for the marginalisation of the Turkish community and for establishing a bi-national state (*ibid.*).

Later, the policy on equitable representation faced additional problems. Namely, in September 2009, the government launched a new call for employment of the smaller ethnic communities (Stojanovska 2009). This was done despite the fact that the employees recruited in the previous calls were not assigned to their posts due to the lack of basic working conditions and equipment.[209] Those civil servants who were employed, but not appointed, stayed at home while being paid as if they actually worked. Although this issue was identified in 2008, it did not get much attention, since it was considered a temporal problem soon to be resolved. However, in 2009, the number of these 'fictitious' civil servants increased to 1,200 people

[209] Officially, the recruitment by the SIOFA was conducted on the bases of the Annual Plans provided by the ministries and on a basis of a call designed for each post; for more see Memeti (2012) and (2012) in section 4.7.1. However, the long periods, from their employment to their appointment to a post, show that the problem was much deeper and structural than 'the lack of basic working conditions and equipment'. In 2016, according to the estimates made in the Forth Opinion of the Advisory Committee (2016, para. 86), available posts in the public administration were missing for 50,000 already employed civil servants.

(*ibid.*). The Secretariat for Implementation of the Ohrid Framework Agreement (SIOFA) refuted any blame, arguing that they followed the procedure, which gave them 60 days to find a post for a newly employed civil servant (*ibid.*). Nevertheless, they admitted that in this period, the civil servants were paid as if they actually worked (*ibid.*).

The deputy Prime Minister Ademi explained the problem as a result of the procedure implying first employment and later appointment to a post, introduced by the previous deputy Prime Minister Imer Selmani from the DPA (T. M. 2009). He also explained that the process took a certain period, during which civil servants received 80 % of the salary, but did not answer on which legal basis those payments were made (*ibid.*). The State Audit Office registered those salaries as unlawful financial allocation, which for 2009 amounted to 130,000 Euros (Gjorgjevski and Todevska 2009). Moreover, the problem continued to be reported in the subsequent Audit Reports. However, the situation was much more serious and 'expensive' than that registered in the reports, as the Audit Office complained about the lack of relevant data and co-operation by the SIOFA (Changova 2011). In its 2011 Report, the Audit Office concluded that it could not locate, which institution was responsible for the 'fictitious' employments (*ibid.*).

The Civil Servants Agency also rejected any responsibility for this problem and placed the whole blame on the SIOFA as the focal institution managing the employment process of the non-majority ethnic communities (Zafirovski 2009). The Director of the Agency argued that they had limited authority to publish employment calls and to check whether the candidates met the legal conditions for employment (*ibid.*). Moreover, the Agency refused to be blamed for the problem of low competencies of the civil servants employed under the equitable representation policy with the explanation that the candidates were not interviewed by them (*ibid.*).

This referred to the new problem registered by the media that many ethnic Albanian civil servants lacked proficiency in the Macedonian language (Zafirovski 2009). In this period, the media covered stories about everyday problems within the ministries due to the language barrier and a lack of communication among employees of different ethnicity, which affected the quality of work (*ibid.*).[210] The Agency refused to accept this as a failure of their

[210] Although this issue was presented as a problem of the implementation of the equitable representation policy, it actually derives from the lack of a system of integrated education as an instrument for bridging segregation and language barriers along ethnic lines. In this context it is relevant to be pointed that knowledge and need for learning the Albanian language is still a 'taboo' and a highly sensitive issue for the majority ethnic Macedonians.

monitoring, clarifying that a diploma issued by education institutions in Macedonia was a sufficient proof of Macedonian language proficiency and that there was no legal basis for additional language tests (Popovska 2009a). Both, the SIOFA and the deputy Prime Minister Ademi rejected the criticism as unfounded, assuring that the legal procedure was respected and that the candidates selected by SIOFA fulfilled the employment criteria (*ibid.*; Zafirovski 2009).

While new problems were emerging, the old were still not resolved, i.e. the representation of the smaller communities representing less than 20 % of the total population and the representation of the ethnic Macedonian community in the municipalities where it represented a minority. The answers to these problems, i.e. establishment of an Agency for Community Rights Realisation (ACRR)[211] and raising the problem of representation of ethnic Macedonians in the Council of the Tetovo municipality,[212] did not lead to any improvement.

Although the general perception was that the equitable policy improved the representation of the Albanian community (at least in terms of statistics), the Albanian opposition was not satisfied (S. A. 2009). The DPA accused the DUI of being a passive actor in the government, blindly supporting the implementation of the programme of the VMRO-DPMNE at the expense of the interests of ethnic Albanians (*ibid.*). They argued that ever since independence Albanian parties played only a formal role in the government. Therefore, the DPA suggested a new agreement to replace the OFA, which would make the Albanian community an 'equal partner' of the ethnic Macedonian community. They insisted this 'partnership' to be applied in the context of equitable representation, by replacing it with the concept of 'proportional' representation according to census results (*ibid.*). As the purpose and 'pillars' of the new agreement were not elaborated, nor DPA clarified what in institutional terms was implied under the phrase 'partnership', this was seen as a tactic for regaining support among Albanian voters after the 2008 elections and the internal problems the party faced.[213]

Therefore, despite the success of limited number of initiatives and projects implementing the concept of integrated education, the state has not gone beyond declarative efforts to implement this concept (Barbieri, Vrgova and Bliznakovski 2013, 7–8).

[211] The ACRR was established in 2009 on the basis of the Law for the Promotion and Protection of the Rights of Persons Belonging to Communities who are less than 20 % of the Total Population in the Republic of Macedonia (2008). However, its establishment did not improve the situation as the Agency was not operational until 2013, i.e. it did not have defined scope of responsibilities and its own budget (Gjorgjevich 2011).

[212] No progress was achieved as the debate took a nationalistic course that led to radical proposals for division of the Tetovo municipality, into a Macedonian and an Albanian part (Samardziev 2009).

[213] In 2008 a fraction of DPA, led by Imer Selmani, left and formed a new party – New Democracy. In June 2009 the party formed a parliamentary group of five MPs (Utrinski Vesnik 2009).

Moreover, the leader of DPA Menduh Thaci threatened to require from Albania's Prime Minister Sali Berisha to veto Macedonian accession to the NATO (Mitevska 2009). At the eighth anniversary of the OFA, the DPA proclaimed the Agreement "dead" and asked the DUI to leave the government since the OFA was not implemented even after eight years since its adoption (Jovanovska 2009). Similarly, but restraining from such a radical rhetoric, the new Albanian political party, the New Democracy, criticised the lack of progress, noting great stagnation with regard to both qualitative and quantitative aspects of the OFA (*ibid.*). They criticised the representation of the ethnic Albanian community in state institutions as symbolic, blaming the DUI and their inferior position in the government (*ibid.*). However, the threats and the criticism were not seriously taken by other political actors (Mitevska 2009) as it was clear by now that this was only a 'harmless' strategy widely used by opposition parties.

In contrast to this ethnically based criticism, the expert and academic community began to focus foremost on the effects of the equitable representation policy on the public administration reform as a crucial requirement for Macedonia's EU integration process. In this context, they recognised the 'fictitious employments' as one of the greatest challenges. However, they pointed to the state as the main culprit for failing to secure optimal working conditions (Gjorgjevski and Todevska 2009). Thus, Tito Belichanec, a professor of law, argued that the revolt of the public must not be directed towards civil servants but towards state institutions, which failed to implement the OFA obligations properly (*ibid.*).

The main cause for this problem was located in the controversial and unlawful employment procedure, which did not rely on clear systematisation and was not conducted for a specific post in the public administration (Popovska 2009a). The fact that the newly employed civil servants did not know where they were going to work and what they were going to do was considered to be a 'scandal' and a 'vulgar' race for numbers (*ibid.*; Stojanovska 2009; Gjorgjevich 2011). Moreover, some experts required political responsibility, while others were more critical arguing that political responsibility was not enough because the SIOFA and the government committed a criminal offence acting against the law (Gjorgjevski and Todevska 2009; T. M. 2009).

The experts again problematised the terminology, now insisting the policy on equitable representation to be referred as "positive discrimination" (Stojanovska 2009). They argued that only the concept of positive discrimination was compatible with the merit principle, defined as a temporary measure implemented on the basis of a precise timetable and clear

goals (*ibid.*). Defined as equitable representation, the model was considered intrinsically inclined to automatic preference to less qualified candidates based only on their ethnic affiliation (*ibid.*).

Thus, the main criticism by the expert community, which was not a novelty as it followed the process from its very beginning, was placed on the uncontrolled employment of members of the political parties in power, ignoring candidates' competencies and public administration needs (Stojanovska 2009). In this context, a problem was also raised of uncontrolled and politically influenced employments by the ethnic Macedonian political parties in the government, which prevented the smaller ethnic communities from reaching the required percentage of representation (*ibid.*).

At this point, there was no doubt that the equitable representation policy was used as an instrument for employment of incompetent party members (Popovska 2009b). The policy was no longer a reason for frustrations only of ethnic Macedonians and the smaller minorities, but also of ethnic Albanians who were not affiliated with any political party (Stojanovska 2009; Zafirovski 2009). They complained that the lists of who was going to be employed in the public administration consisted of party members and were made in the political parties' headquarters (Stojanovska 2009). Now, the media covered stories of well-educated Albanians, who were discriminated because they were not members of the political parties in power (*ibid.*). One of them was a young Albanian woman who applied for a post at the Ministry of Education (Zafirovski 2009). She found a 'connection' that was able to help her get the job; however, the 'connection' did not fulfil the promise as they first had to award DUI members, who had in some way contributed to the party (*ibid.*).

Eventually, in 2010, the problems of the equitable representation policy became so visible that the EU retreated from its previously positive assessment. The Union finally recognised the problems, but rather than focusing on their roots, devoted its attention to the symptoms. Thus, the EU identified the reason for the policy shortcomings in the lack of co-ordination within the government. The special EU representative Erwan Fouéré asked for a more co-ordinated approach, reminding that the OFA implementation was a responsibility of the whole government, not only of the SIOFA (Utrinski vesnik 2010). Moreover, the Union launched a new project providing financial and administrative support for a revision of the Strategy of Equitable Representation and capacity building of the SIOFA (*ibid.*). The deputy Prime Minister for OFA implementation Abdilaqim Ademi admitted that the process faced

weaknesses, but discarded the criticism that the equitable representation policy was a reason for the problems in the public administration (*ibid.*). Moreover, he avoided disclosing the number of civil servants, who did not go to work but received salaries (*ibid.*).

In addition, the deputy Prime Minister for EU integration Vasko Naumovski presented the government measures for addressing the problem of the lack of coordination. In this context, he mentioned the designation of the MISA as a focal institution for the overall public administration reform and the establishment of a single register of all employees in the public sector (Utrinski vesnik 2010). However, he directly called upon the EU to give additional guidelines for improvement of the policy on equitable representation stating that one of "the key priorities for the government is to get an answer" from the Union (*ibid.*). This could have been explained as another manifestation of the 'protectorate mentality' if it were not clear, by now, that the problems of the policy on equitable representation derived from the lack of political will for building a professional system of recruitment resistant to political influences.

Instead, the problematic design of the policy was in line with the particularistic interests of the parties in the government; therefore, this transfer of responsibility on the EU, by 'waiting for an answer', served only as a justification for not taking decisive measures for addressing the systemic shortcomings. Based on the experience with the previous Progress Reports,[214] nobody could have expected the EU to propose a fully-fledged effective model. Political actors could have only expected a set of technical recommendations referring to issues such as better institutional co-operation or improved capacity building. And, precisely, these technical and formal requirements were favoured by the government, as they had no problem to address them 'effectively' while leaving the systemic flaws intact.

In spite of the problems and criticism by both international and national actors, at the ninth anniversary of the OFA, the deputy Prime Minister Ademi described the OFA implementation as a great success. He said that after nine years, Macedonia was more stable making a significant progress on the European path due to the OFA implementation (Unkovska 2010). He also referred to the equitable representation in the public sector as the only challenge to be tackled by the government (*ibid.*). On this occasion, the VMRO-DPMNE stated their support for further implementation of the Agreement despite its weaknesses on the ground (*ibid.*). The international community, represented by the EU Delegation, the NATO mission, the OSCE and the US embassy, gave a joint statement where they referred to the OFA as the essential

[214] See section 4.6.

instrument for building a peaceful, fair and multi-ethnic society (*ibid.*). Moreover, they expressed support for the process and called upon all parties to act in the 'spirit' of the Agreement (*ibid.*).

One month after the OFA anniversary, as an answer to the low representation of the ethnic communities that represented less than 20 %, the SIOFA launched a call for employment of 210 civil servants from these communities (Mitevska 2010). These employments came under public scrutiny because they were conducted on the basis of a controversial procedure called 'first employment and later appointment', but also because of suspicions that they were a result of the political bargaining between the VMRO-DPME and the coalition partners from the smaller ethnic communities (*ibid.*). It was speculated that these employments were a consolation prize for the smaller ethnic communities to vote against the proposal of the opposition on reserved seats in the parliament, which was rejected by the government parties (*ibid.*).

Later, during the parliamentary debate on the report of the Civil Servants Agency, the opposition revealed that the public administration was increasing contrary to the obligation for its rationalisation. The opposition indicated that this increase was not a result of the implementation of the equitable policy (Parliament of the Republic of Macedonia 2010a). The report of the Civil Servants Agency registered only 700 'OFA employments' from a total number of 2,500, which led them to a conclusion that the rest of 1,800 public servants were ethnic Macedonians close to the VMRO-DPMNE (*ibid.*).

Vlado Buchkovski from the SDUM argued that this uncontrolled employment of ethnic Macedonians was not only contrary to the law but was highly controversial in the light of the civil servants who waited at home due to the lack of posts (Parliament of the Republic of Macedonia 2010a). In addition, Cvetanka Ivanovska and Tome Chingovski from the SDUM accused the government coalition that all employments in the public sector, irrespective of ethnicity, were subject to a political agreement between the DUI and the VMRO-DPMNE, and that party members of both political parties were employed under a disguise of the equitable representation policy (*ibid.*). Ivanovska warned that the situation was unsustainable and frustrating for all ethnic communities, including the Albanian (*ibid.*).

The Albanian opposition party the New Democracy referred to the 'fictitious employments' as problematic at both individual and collective levels. They argued that these civil servants

were not able to pursue their career on equal footing with the rest, and moreover, they could not help citizens from their ethnic community in administrative matters (Parliament of the Republic of Macedonia 2010a). The New Democracy also criticised the implementation dynamic pointing at many state institutions where none or only one Albanian was employed (*ibid.*). Thus, they required a change of the laws on civil servants and public administration with the purpose of better implementation of the equitable representation and respect of the merit principle (Parliament of the Republic of Macedonia 2010b).

The VMRO-DPMNE aimed to discredit the SDUM for a lack of credibility to criticise the implementation of the policy on equitable representation, as the same pattern of employment was applied during their government (Parliament of Republic of Macedonia 2010a). Thus, the VMRO-DPMNE tried to shift the focus of the debate, by accusing that it was actually the SDUM that misused the OFA employments for employment of people close to this political party (*ibid.*). In addition, Rafis Aliti from the DUI accused the opposition of applying 'Milošević's tactics' by trying to turn different ethnic communities against each other (*ibid.*).

During this period, the opposition party DPA was passive. Its president Menduh Thaci did not give any public statements since the party's proclamation of the OFA as 'dead' and the call for redefinition of the relations between Albanians and Macedonians (Unkovska 2010). A possible explanation of the DPA behaviour can be found in the wiretaps broadcasted in 2015 by the opposition SDUM.[215] In one of the wiretaps, Menduh Thaci talking to the director of the Administration for Security and Counterintelligence Sasho Mijalkov, the most powerful man and a cousin of Prime Minister Nikola Gruevski, expressed his "fidelity till death" for anything he needed (A1on 2015). This not only indicates that the Albanian opposition was totally controlled by the VMRO-DPMNE but it also casts a shadow on all previous initiatives and activities of the party, e.g. the 'March Agreement', as part of some 'behind the scene' political games and potentially corruptive deals.

Aside from the political accusations, the biggest problem that emerged in the debate on the implementation of the equitable policy was the lack of relevant statistics (Neshkova 2011). The reports of the Civil Servants Agency, as well as those of the Ombudsman, did not contain full information about the public sector. Moreover, the Register of Civil Servants established in 2010 did not provide data about all state institutions (*ibid.*). Thus, the public did not know how many employments were conducted, how many civil servants were waiting at home

[215] For more information on the wiretaps scandal see sub-section 4.2.2.

while being paid, which ministers needed new employees from the smaller ethnic communities and which ministers had already fulfilled the quota (*ibid.*). The lack of statistics left an ample space for the political parties in the government to manipulate with numbers. It was an intentional gap aimed to hinder institutional control and monitoring of the controversies related to the recruitment process.

Eventually, in 2011 – the last year of the time period on which this research is focused, the policy on equitable representation faced unanticipated legal limitations as the PEF representing the Torbesh[216] raised the problems of this ethnic community. At the 2011 parliamentary elections, the party achieved its best electoral result by winning three seats in the parliament as a part of the pre-election coalition led by the opposition SDUM. Even though PEF was a parliamentary party since 2006, it took them five years to challenge the OFA as a framework of collective rights suitable only for the legally recognised ethnic communities. It is peculiar that the problems of the Torbesh community were not even once raised in the period of 2006–2008, when PEF was part of the government coalition with VMRO-DPMNE and thus in a position of power.

For understanding this 'silence', it appears relevant to refer to the leader of the PEF Fijat Canoski – a wealthy businessmen in a family relation to Velia Ramkovski, at that time also an influential businessman and a media baron – owner of the national TV station A1 and the newspapers *Vreme*, *Koha e Re* and *Shpic* (Reporters Without Borders 2011). From 2006 to 2008, Ramkovski was a great supporter of Prime Minister Nikola Gruevski, which was reflected in the editorial policy and the reporting of the media he owned (*ibid.*). However, in 2009, Ramkovski distanced from Gruevski, and A1 took a critical stance towards the policies of the government (*ibid.*). As a result, in 2010, an investigation was launched against Ramkovski and ten of his associates on suspicion of tax fraud, money laundering and organised crime. Although the government originally said that the process would not threaten the work of A1, its broadcast frequency was arbitrarily withdrawn and the TV station was closed in 2011 (*ibid.*).

These events distanced Fiat Canoski from VMRO-DPMNE as he criticised the actions of the authorities that led to the closure of the TV station (N. S. 2015). Later, his support for A1, as well as the fact that Canoski's party entered in a pre-election coalition with the opposition

[216] A minority religious group, i.e. Macedonian Muslims, who self-identify as Torbeshi. This group is also referred to as Muslim Macedonians or Macedonian Muslims (Advisory Committee 2016, para. 14).

SDUM, were the reasons for the 2011 demolition of his investment project (a complex of buildings in the municipality Gazi Baba in Skopje) by the local authorities. The action was justified by the fact that the complex was by 1.5 metre too high than the height determined in the construction documentation (Gadzovska Spasovska 2011). However, the broadcasted wiretaps from 2015 showed that this scenario was directly orchestrated by the then Prime Minister Nikola Gruevski and the Minister of Transport and Communications Mile Janakievski as a political revenge on Canovski (Radio Free Europe 2015).

After these events, in 2011, the PEF raised the issue of the Torbesh community that it was not recognised in the Constitution, and as such could not benefit from the OFA (Gjorgjevich 2011). In this context, they referred to the problem of many Muslim Macedonians who were forced to declare as ethnic Albanians or Turks to gain access to certain rights, such as employment in the public sector through the equitable representation policy (*ibid.*). Also, the Fourth Opinion of the Advisory Committee (2016, para. 14) raised doubts about the actual number of the Torbesh community, indicating that it might have been larger if the Torbesh people did not feel encouraged to declare their affiliation with one of the larger groups.[217]

Although the problem of the Torbesh community seriously undermines the OFA framework as fair, providing equal access to rights to all ethnic communities, the political interest in raising this question in the public debate was very much conditioned by particularistic business interests. The actions of the PEF imply that behind the concern of this underprivileged community and the criticism of the implementation of the OFA, it was actually personal injustice their political leader endured for turning the back to the main government party.

4.6 The role of the European Union

The EU played an important role in the process of implementation of the policy on equitable representation. The Union helped the process by providing administrative and financial

[217] Specifically, the Advisory Committee (2016, para. 14) noted "National minority representatives share the view that persons belonging to numerically smaller groups during the census enumeration process often felt encouraged to declare their affiliation with one of the larger groups, despite the fact that the census questionnaire allowed for the possibility to specify "other". In the case of the so-called "Macedonian Muslims", for instance, who mainly consider themselves as Torbesh, the majority reportedly self-declared either as members of the Macedonian people or, due to their Muslim belief, as members of the Albanian, Turkish or Bosniak communities."

support and more importantly, it provided guidance and policy advice on the basis on the European Commission's assessments.

From 2002 to 2004, the EU assessment was done within the framework of the Stabilisation and Association Agreement (SAA). The implementation of the OFA became a crucial aspect of the SAA. As such, it was regularly addressed in the Stabilisation and Association Reports. After Macedonia was granted a candidate status in 2005, the Commission continued to monitor the progress in its annual Progress Reports.

In the first 2002 Stabilisation and Association Report, the European Commission referred to the constitutional amendments and the change of the Preamble as the most important step for addressing the "long standing grievances of the ethnic Albanian minority, which were at the root of political instability" (Commission of the European Communities 2002b, section 2.1.1.). In this context, the Commission recognised the integration of the principle of equitable representation in the Constitution as a positive step (*ibid.*). However, it reminded the government and the parliament that this was not enough as the implementation required adoption of a whole new legislative framework and its enforcement (*ibid.*).

In the next 2003 Stabilisation and Association Report, the Commission praised the government for its "positive ambition to take the process forward at a good pace" (Commission of the European Communities 2003b, section 2.1.1.). This was due to the adoption of the strategy for the implementation of the OFA encompassing an action and operational plan, as well as a draft programme for equitable representation (*ibid.*). The Commission also called upon the authorities to pursue fast and effective implementation (*ibid.*). Later in the Report, the issue of equitable representation was discussed within the wider context of the public administration reform.

Here, the Commission noted slow progress on the ground and encouraged the government fully to implement the programme through organisational restructuring and redeployment of staff (Commission of the European Communities 2003b, section 2.1.1.). Moreover, the Commission recognised the lack of transparency and stability, corruption and nepotism, and non-existence of a merit-based system as the greatest challenges not only for the public administration reform but also for the equitable representation policy (*ibid.*). Thus, the implementation of the equitable representation principle was specifically referred to by the Commission as a short term priority for the next 12 months. Here, the EU required that the

'OFA employments' followed the processes of reorganisation and redeployment of civil servants in line with the condition of international financial institutions on small and effective public administration (*ibid.*, section 4.5.).

One year later, in the 2004 report, the Commission observed "tangible progress" regarding the legislative component of the OFA, but reminded that full implementation of the Agreement was essential for the Stabilisation and Association Process (Commission of the European Communities 2004b, section 2.1.1.). The Commission praised the "personal commitment" of Branko Crvenkovski (at that time Prime Minister) and Ali Ahmeti (the leader of the Albanian coalition partner DUI), while at the same time, it stressed that a consensus with the opposition was beneficial for the process (*ibid.*). The EU's positive assessment was based on the results of the 2002 Community Assistance for Reconstruction, Development and Stabilisation (CARDS) project for training and employment of 600 civil servants from the non-majority ethnic communities and the adoption of the plan by the government, which set the intermediate objectives of the equitable representation policy (*ibid.*).

However, the Commission noted that the mid-term objectives were only met in a few specific sectors, and it, therefore, encouraged the authorities to increase their efforts to achieve full implementation across the whole public sector. The main improvement was recognised within the police sector, where a special Strategy was adopted and implemented on the basis of the European Commission's recommendations (Commission of the European Communities 2004b, section 4.4.4.). Nevertheless, this positive assessment exempted the Directorate for State Security and Counter Intelligence and the higher posts in the police service, i.e. managerial and investigative functions where no progress was observed (*ibid.*).

In addition, the European Commission recognised a need for reconciliation of the equitable representation with the merit principle by setting a clear and comprehensive strategy, but, without giving more specific guidelines to this effect (Commission of the European Communities 2004b, 2.1.1.). Furthermore, the Commission referred to the problem of the lack of financial means for the implementation of the equitable policy. Hence, besides the recommendations for additional targeted training and legislative changes affecting the employment in the public sector, the Commission asked the government to increase the budget for this policy (*ibid.*). Moreover, in the context of the public administration reform, the EU criticised the increase of the total net employments in the public sector, not only from the public finance aspect as against the international financial institutions' requirement for limited

public spending, but also as an obstacle to fulfilment of the equitable representation of minorities, which at that time was considered still low – under 12 % (*ibid.*, section 3.3.).

Importantly, the 2004 SAA report (Commission of the European Communities 2004b) is a crucial EU document for the equitable representation because it clarifies the EU's stance regarding the policy goal, which was a disputed issue at the national level. The Commission indicated that the policy aimed to reflect the ethnic communities' share in the population in the composition of the public administration, by explicitly referring to the census as "a basis for further efforts on equitable representation in public administration" (*ibid.*, section 2.1.1.).[218]

In addition, the 2005 Analytical Report for the Opinion on the Application for EU Membership (the basis on which the Commission recommended a candidate status for Macedonia) noted a substantial improvement of minority representation in the public administration and public enterprises, at both central and local levels. The assessment relied mainly on adopted measures for implementation (strategic documents and training programmes) and statistical data. The Report registered an increase in the overall representation of persons belonging to minorities in the administration from 16.7 % in 2002 to 20.5 % in 2005 (Commission of the European Communities 2005a, section 1.). The greatest improvement was noted with regard to the ethnic Albanian community, whose representation rose from 11.6 % to 15.3 % (*ibid.*).

In this context, the Ministry of Interior was praised for making the greatest progress, as representation of the non-majority communities reached 19.5 % in 2005, representing a significant leap from 12.1 % in 2002. Moreover, the Report (Commission of the European Communities 2005a) indicated that the proportion of uniformed police officers from the smaller ethnic communities was even higher than these percentages. Also, a positive trend was noted in the army. However, the Commission criticised other public sectors, such as the judiciary, for lacking plans for implementation of the equitable representation principle. The

[218] Here, the EU clarified what the Union understood under the term 'equitable'. Until then, the census was not explicitly linked to the principle on equitable representation. As an issue that needs to be taken into account, the census was mentioned in the context of the revised law on municipal boundaries (Ohrid Framework Agreement 2001, ANNEX B-3) and the law on electoral districts (*ibid.*, ANNEX B-6), as well as, in the context of the 'Education and language policy' where a threshold of 20 % of the population was set for exercise of collective language rights (*ibid.*, para. 6.3.). However, in the section 'Non-discrimination and equitable representation', it was only stipulated that "the authorities will take action to correct present imbalances in the composition of the public administration, in particular through the recruitment of members of under-represented communities" (*ibid.*, para. 4.2.). Moreover, the census was not mention in the context of the police service, although the agreement required reflection of the composition and distribution of the population in Macedonia (*ibid.*).

Commission recommended the adoption of a medium-term strategy for equitable representation, sensitive arbitration and asked the government to show greater political will for implementation (*ibid.*).

Similarly, a formal and quantitative approach was present in the following 2006–2008 Progress Reports (Commission of the European Communities 2006; 2007; 2008b). However, in this period the Commission was more 'cautious' in its assessments. Differently from the previous Reports (Commission of the European Communities 2004b; 2005a), when the Commission used 'tangible' or 'significant' progress to depict the situation, the Commission now used "some progress" to describe the improvements made in the area of equitable representation (Commission of the European Communities 2006, section 2.2.; 2008, section 2.2.). The most problematic issues identified in 2006 were the different pace of implementation across different ministries, the lack of implementation of the equitable principle in the judicial sphere and the absence of a common strategy (Commission of the European Communities 2006, section 2.2.).

It is striking how effectively Macedonian authorities addressed these formal conditions, and already in the 2007 Report, the Commission praised the adoption of a comprehensive strategy on equitable representation and an action plan, the increased budget for implementation and the election of three out of eight members of the Judicial Council from the judges belonging to the non-majority communities (Commission of the European Communities 2007, section 2.2.). However, in spite of this progress, the Commission concluded that "integration of ethnic minorities was limited", as many persons belonging to them were still disadvantaged in terms of access to education and employment (*ibid.*). As pending problems, the Commission again noted: the uneven representation across different ministries; the lack of clear targets and sanctions for non-implementation of the Strategy on Equitable Representation; and slow progress at higher ranks in the police and the more sensitive security sectors (*ibid.*).

In the 2008 Progress Report, the Commission observed a positive annual increase of 3.75 % of the ethnic Albanian community in the public sector (Commission of the European Communities 2008b, section 2.2.). However, the main problem was seen in the lack of progress with regard to the representation of the Turkish and Roma communities, which were still widely underrepresented in the civil service. Moreover, the Commission raised the problem of non-existence of a single data collection system of all employees in the public sector, as crucial for the planning and implementation process of the equitable representation

policy (*ibid.*). In this context, the Commission also mentioned the lack of enforcement mechanisms, i.e. a system of sanctions in case of non-achievement of the representation targets (*ibid.*).

In spite of the increase of civil servants from the non-majority ethnic communities to 26 % at the central level, the 2009 Report did not register progress with regard to the representation of the smaller ethnic communities. This was the most critical report, as the Commission for the first time criticised: 1) the recruitment process for failing to take into consideration the needs of the public sector; 2) the lack of posts for the newly employed civil servants; and 3) the low qualifications of many public servants from the smaller ethnic communities who did not fulfil the employment criteria (Commission of the European Communities 2009, section 2.2.). Moreover, the Commission reminded Macedonia that the recruitment targets were not met and that a single data collection system, as well as a system of sanctions for state organs that did not respect the equitable representation principle, were still missing (*ibid.*). Although by this time the problem of the 'fictitious' employments was a 'public secret', the Commission did not explicitly address it beyond the lack of synchronisation between public administration needs and employment dynamic (*ibid.*).

Interestingly, the implementation of the equitable representation was not referred in the chapter on public administration. The Commission separately approached the public administration reform and positively assessed the legislative changes of the Law on the Civil Service adopted in September 2009, as a significant improvement towards the merit based recruitment process in the civil service (Commission of the European Communities 2009, section 2.1.). However, the assessment failed to go deeper and discuss the implications of this change, i.e. the introduction of a streamlined and more transparent recruitment procedure, on the equitable representation policy. In this context, the Commission only recommended the human resources plans to be conducted and strengthened across the entire civil service as a guarantee for the application of the equitable representation principle (*ibid.*).

Regardless of the positive assessment of the 2009 legislative changes to the Law on the Civil Service, the Commission in the 2010 Report registered serious malpractices in the employment in the public administration: it observed that in many cases the procedure was not open, transparent, competitive and merit-based (Commission of the European Communities 2010, section 2.1.). Now, for the first time in the chapter on 'Public Administration' of the Progress Reports, the Commission referred to the large number of

employments of members from the non-majority communities subjected to "undue influences" and conducted solely on quantitative basis without matching the needs of the public institutions (*ibid.*). The Commission recognised the root of this problem in the lack of structural relationship between the Civil Servants Agency and the SIOFA during the planning process of the equitable representation policy (*ibid.*). Again, the Commission failed to take more seriously the problem of civil servants from the non-majority communities, who received salaries while not being appointed to their posts and without performing any work.

Moreover, for the third year in a row, the Commission criticised the underrepresentation of the Turkish and Roma communities. However, all these problems did not affect substantially the overall positive assessment by the Commission, noting "some progress" of the implementation of the equitable representation (Commission of the European Communities 2010, section 4.23.). Similarly as in the previous years, the assessment of the progress was based on quantitative and formal criteria, i.e. the increase of the civil servants from the non-majority ethnic communities to 29 %, improvement of the administrative capacity of the SIOFA and preparation of the strategic plan for equitable representation for 2010–2012 in close co-operation with the OSCE (*ibid.*, section 2.2.). Hence, the main EU's concern and focus was placed on consolidation of the employment dynamic with the needs of the administration (*ibid.*).

Not surprisingly, the 2011 Report noted the same problems as in the previous years: the lack of institutional coordination; undue political influences; the lack of qualified individuals from the smaller ethnic communities for senior posts in the public administration; mismatch of institutional needs and employment dynamic; recruitment process led exclusively on quantitative grounds; and insufficient representation of the Turkish and Roma communities (Commission of the European Communities 2011, section 2.2.). However, the main conclusion of the Report was that the overall number of civil servants from the non-majority ethnic communities reached 30 %, which was in line with the demographic structure of the country (*ibid.*). Nevertheless, the Commission required additional actions targeting the Roma and Turkish communities, which were still largely underrepresented in the public sector despite the increase of 46 % and 12 %, respectively, in 2010 (*ibid.*).

It should be noted that the focus was placed on these two communities for two reasons: 1) the other ethnic communities representing less than 20 % of the population, i.e. the Serbian,

Vlach and Bosniak, did not face the problem of underrepresentation;[219] and 2) the EU did not show interest to tackle the problem of equitable representation of the ethnic communities referred to under the category of 'others'. The latter derives from the fact that the implementation system does not foresee mechanisms for application of the equitable representation principle in the case of the 'others'; which additionally reflects on the lack of criteria for monitoring and assessment applied by the EU. Thus, the lack of EU interest, even to note this as a problem, can be explained by the very design of the EU monitoring system – predominantly relying on legal acts and official documents as a referential point of assessment. This makes many problems on the ground, which are not part of the formal conditionality, invisible to the Union.

Finally, after two years from the public acknowledgment of the 'fictitious employments', the Commission recognised them as a problem. It noted that "a large number of newly recruited civil servants received salaries, even though they were not assigned any tasks or responsibilities" (Commission of the European Communities 2011, section 2.2.). As an answer, the EU required improvement of the quality of the recruitment process, but without specifying as to how this was to be achieved. The only specific guideline provided by the Commission was the requirement to improve co-operation between the SIOFA and the MISA, which became (with the latest legislative changes) the focal institution responsible for all managerial and operational issues with regard to public administration (*ibid.*, section 2.1.).

The qualitative analysis of the Progress Reports indicates that the equitable representation policy and the public administration reform, although interrelated, were approached separately by the Commission. The issue of equitable representation was addressed in the chapter on 'Minority rights, cultural rights and protection of minorities' as a minority protection measure, independently from the public administration reform (Vrbek 2012, 37). Similarly, the part of the Progress Reports dealing with the public administration reform did not thoroughly refer to the issue of equitable representation. In the period of 2005–2009, the equitable representation policy was not even mentioned in the part of the Progress Report dealing with the public administration reform.

There was a slight change, rather formal than substantial, in 2009 when the issue of fair representation was mentioned within the context of the public administration reform. This was

[219] The Serbian ethnic community was overrepresented in some state institutions; whereas the Vlach and Bosniak communities did not face drastic discrepancy between their share in the total population and their share in the public administration (Ombudsman 2006; 2007; 2008; 2009; 2010; 2011).

related to the requirement for a more coherent approach by state institutions ensuring equitable representation at all levels and in all segments of the public sector (Commission of the European Communities 2009, section 2.1.).

In the subsequent 2010 Progress Report, the policy on equitable representation was again discussed in the context of the public administration, however, without finding any causal link between the implementation of the policy and the problems within the public administration (Vrbek 2012). Consistently with the previous two, the 2011 Progress Report raised the problems of a mismatch of the employment dynamic and the institutional needs, as well as the political influence on the process in both 'Public administration' and 'Minority rights, cultural rights and protection of minorities' chapters. Nonetheless, the Commission not once referred to the design of the policy as a potential threat to the merit principle in the public administration nor did it try to establish a causal link between the two.

Thus, the Progress Reports imply that the provisions of the OFA referring to equitable representation have been satisfactorily incorporated into the legal and political system. Moreover, the silence of the Accession Partnerships regarding any particular legal requirement in this area, and their focus on adoption and implementation of strategic and operational plans imply the Commission's approval of the legal framework set in place (Commission of the European Communities 2004c and 2005b; Council of the European Union 2006 and 2008). This leads to a conclusion that the legislation successfully accommodated the needs of minorities; hence, the administrative capacity and the implementation dynamic were the only problems that needed to be addressed.

However, in spite of the positive EU assessment of the public administration legislation (Commission of the European Communities 2009 and 2010), there was an evident lack of mechanisms that consolidated the merit principle with the principle of fair representation (Vrbek 2012). The Civil Servants Law stipulated the need for balancing of these principles (Civil Servants Law 2010), but it failed to provide clear legal mechanisms able to address their potential collision in practice.[220]

[220] In 2014, a new Law on Administrative Service (Law on Administrative Service 2014; Law Amending the Law on Administrative Service 2014) was adopted replacing the Civil Servants Law. However, even the new law failed to address the problem of open competition and to provide a legal mechanism balancing the merit and equitable representation principle. The issue of open competition was addressed to a certain extent, although it was still primarily limited to a particular ethnic community. The selection was made on the basis of a special sub-list consisted only of candidates belonging to the ethnic community for which the post was reserved according to the systematisation plans. In case there were not enough candidates from this ethnic community, the

A more precise but equally useless language was present in the Strategy for Just and Equitable Representation (Vrbek 2012). Here, the general idea of the concept of positive discrimination was integrated; namely, the Strategy stipulated that if a candidate of a smaller ethnic community for which the post was reserved had the same qualifications as a candidate belonging to the majority ethnic community, the authorities were encouraged to employ the candidate from the group subjected to positive discrimination (Government of the Republic of Macedonia 2007, 23). However, this implied application of an affirmative action in the context of open competition (among candidates of all ethnic groups), which was not provided by the implementation of the policy.

Unlike the Macedonian case, other systems of positive discrimination are familiar with mechanisms that consolidate the principles of merit and fair representation. Such a system is the South Tyrolean, which interestingly, was taken as a best practice within the 2010 EU-funded project for the revision of the Strategy on Equitable Representation and capacity building of SIOFA (Representative of the EU Delegation 2012). Under this project, representatives from the SIOFA were sent on a study visit to South Tyrol, to see if and how their experience could be applied to the Macedonian context (*ibid.*). The South Tyrolean quota system, despite its shortcomings, is considered to be one of the most successful examples of positive discrimination (Lantschner and Poggeschi 2008). The quota system balances the merit and representation aspects by addressing cases when no qualified candidate is belonging to the group for which the post is reserved. In such a situation, the post is given to the most qualified candidate of one of the other two linguistic groups (*ibid.*, 222). However, if one linguistic group gets such an 'off quota' post, it needs to return it in some subsequent recruitment procedure, by giving up one of their reserved posts (*ibid.*).

Differently from the Macedonian experience, this presupposes open competition of candidates from all linguistic groups. The reserved post is not given automatically to a candidate of the disadvantaged group, but the decision is primarily based on the level of his/her competencies and skills. Furthermore, this mechanism tackled some of the recent problems the South Tyrolean quota system faced, which might not be alien to Macedonia in future. Namely, a

call was repeated. If there was still a lack of interest after the repeated call, a new list of best candidates from all ethnic communities that submitted application for employment in the previous calls was composed. Hence, unless there was a lack of interest among the individuals from the community for which the post was reserved, positive discrimination was applied as an automatic advantage for this group. Also, the law failed to establish a mechanism that regulated 'trade off' of posts – implying situations when a reserved post was given to a different ethnic community. This not only represents a potential threat to the fulfilment of the representation goals for certain ethnic communities, but also leaves room for arbitrariness in the employment process.

lack of interest among the German-speaking community for employment in the health service and the court administration (due to low salaries in these sectors) made it impossible to fulfil the required quota (Lantschner and Poggeschi 2008). However, the abovementioned legal mechanism addressed this challenge, by providing a more flexible distribution of the posts, corresponding to the actual situation on the labour market.

At first glance, it seems impossible for this problem to appear in the Macedonian context burdened by a high unemployment rate, which in 2011 – the last year of the research time-frame – was 31.3 % (State Statistical Office of the Republic of Macedonia 2016). Nevertheless, it is not an unrealistic scenario as it already occurred on a significantly smaller scale compared to the South Tyrolean case (Vrbek 2012). Namely, in 2007, the Ministry of Defence faced a problem to fulfil the annual quotas for the non-majority ethnic communities, even after lowering the selection criteria (Ilievski 2007). There was simply no interest among the smaller ethnic communities for the reserved posts in the army. Several awareness raising campaigns, including advertising of the employment possibility in the army, were conducted by the Ministry of Defence. However, all the efforts, i.e. field visits, TV and newspaper advertisements were fruitless.

However, some authors (Bieber 2005) saw positively the fact that Macedonia (in contrast to Bosnia) did not establish strictly defined quotas for the ethnic communities. Nevertheless, this did not prevent the process from being conducted exclusively on a quantitative basis. Although numerically defined quotas were not established by the Macedonian legislation, quantitative goals of representation were blindly pursued, which makes the above-discussed South Tyrolean mechanism highly relevant for the Macedonian context. Nevertheless, this aspect of concrete mechanisms balancing the policy on equitable representation and the merit principle neither provoked a domestic debate nor got the attention of the EU; it did not find a place in the Commission's reports (Vrbek 2012).

Since no need for legislative changes was recognised, the 2010 EU project focused specifically on a review of the Strategy for Equitable Representation as a crucial issue for the improvement of the policy implementation. Unfortunately, the results of the project cannot be assessed as the project failed under unclear circumstances (Dimova 2012; Memeti 2012; Representative from the European Delegation 2012). According to the EU Delegation, the reason was the 2011 parliamentary elections, which prevented the incorporation of the experts' recommendations in the Strategy (Representative from the European Delegation

2012). Differently, the SIOFA blamed the company contracted by the EU, which was responsible to provide expert support and advice. According to the SIOFA, the recommendations by the experts were not handed over to them; therefore the Strategy was not revised and improved (Memeti 2012). Moreover, this was a problem of which the Commission was informed and aware (*ibid.*).

However, even the previous successful EU projects can be questioned for establishing a 'tradition' of closed competition, automatic advantage and parallelism in the process of employment. During the first phase of the implementation of the policy on equitable representation 2004–2006, the expert exam was abolished as an employment requirement for candidates from the non-majority ethnic communities (Risteska 2011). Moreover, the recruitment procedure was divided between two institutions; the regular employment procedure was conducted by the Civil Service Agency, whereas the SIOFA was exclusively responsible for the 'OFA employments' (Commission of the European Communities 2010, section 2.2.). This was encouraged, by both, the EU and national actors from the smaller ethnic communities, who expected fast results. In the beginning, the European Agency for Reconstruction administratively and financially supported the process by providing training for the future civil servants from the non-majority communities.

Later, the 'irregular procedure' of employment was overtaken by the SIOFA, however, without the scrutiny and the monitoring of the EU Agency. Thus, uncontrolled special employment procedure became an opportunity for the political parties representing the minorities in the government (who had control over the SIOFA) to secure electoral support by 'bribing' voters with employments (SIGMA 2008, 3). This was noted in the SIGMA reports on the public administration reform, much before it was mentioned in the EU Progress Reports. Already in 2008, a SIGMA report criticised the implementation of the policy on equitable representation for undue political influences and for being directly responsible for undermining the merit system within the public administration (*ibid.*). It is peculiar that the conclusions by the SIGMA did not reach the European Commission and the EU Progress Reports from this period since SIGMA is a joint initiative of the EU and the Organisation for Economic Co-operation and Development (OECD) for assessment of public administration reforms.

In contrast to this lack of synchronisation with SIGMA reports, there has been a better alignment of the Progress Reports with the Opinions of the Advisory Committee. This could

be interpreted that in the area of minority protection, the EU relies on the expertise of other international actors that have a more developed set of standards and monitoring mechanisms in this area. Therefore, the optimism and absence of a more substantial criticism noted in the Progress Reports (by 2009) has corresponded to the language of the first two Opinions of the Advisory Committee (Advisory Committee 2005; 2008). Similarly to the Progress Reports, the First and the Second Opinions have presented a favourable and optimistic image about the equitable representation policy, based mainly on the adopted legislative changes and the quantitative progress of the implementation of this policy (Advisory Committee 2005, paras. 98, 144, 150; Advisory Committee 2008, para.195). The priority issues raised by the Advisory Committee referred to the representation of the smaller ethnic communities and implementation of the equitable representation principle in all parts and at all levels of the public sector (Advisory Committee 2005, para.144; Advisory Committee 2008, para. 189).

Even the Third Opinion of the Advisory Committee (Advisory Committee 2011), although more critical than the previous two, failed to grasp the gravity of the situation on the ground. Similarly as the 2011 Progress Report (Commission of the European Communities 2011), the Third Opinion raised the issue of newly employed civil servants belonging to national minorities, who were paid a salary, without having to report for work (Advisory Committee 2011, para. 197). However, the impression is that this was considered a rather technical issue that could be solved by better interaction among institutions. Thus, along with the requirement for the authorities to take effective measures to redress the underrepresentation of persons belonging to minorities, the Advisory Committee required fulfilment of the basic conditions for these people to participate effectively in the economic life of the country (Advisory Committee 2011, para. 174). However, in this period, the Advisory Committee did not even once mention the problems of widespread corruption and political influences.[221] Hence, it failed to provide a better analysis of the problems of the equitable representation policy, which could have been used as a reference in the Progress Reports.[222]

[221] The Advisory Committee has only in general referred to "the deep politicisation along party lines (the parties themselves being established along ethnic lines) in all walks of public life, in particular employment" as a concern that contributes to additional divisions in society (Advisory Committee 2011, para. 83).

[222] The Fourth Opinion of the Advisory Committee (2016) comes in a stark contrast to the previous opinions not only because of the criticism, but also because of the thorough analysis of the problems of implementation of the equitable representation. For the first time, the Fourth Opinion mentions the lack of merit-based recruitment process, undue political influences and corruption, institutional parallelism and segregation within the public sector on the basis of ethnicity (Advisory Committee 2016, paras. 4 and 43). The timing of the most critical Opinion of the Advisory Committee coincided with the Progress Report (European Commission 2016, section

Therefore, although the aim of the reform was to establish a more just and inclusive public administration reflecting the ethnic parameters of the 2002 census, in reality, its implementation was reduced to a dubious process of filling posts only for the sake of meeting the required percentages. The reform was praised by the EU on statistical grounds, referring exclusively to the percentage of employed civil servants belonging to the smaller ethnic communities (Commission of the European Communities 2004b; 2005a; 2006; 2007; 2008b; 2009; 2010; 2011). This was the case even when a significant number of new employees *de facto* did not work but stayed at home while being paid from the state budget. For a long time, before the EU recognised the seriousness of the problem, the increase of the percentage of the smaller ethnic communities within the public administration (including these 'fictitious employments') was used as one of the main arguments for the successful implementation of the OFA.

As the analysis in the previouse chapters and the analysis of the Progress Reports show, this problem was already visible in 2009 but was not explicitly tackled by the EU until 2011. This indicates a significant problem of the monitoring process, as the Commission failed to detect on time some of the shortcomings on the ground. Moreover, overlooking the 'fictitious employments' was not incidental nor the only thing missed by the Commission. In spite of the indications in 2004/2005 – upon the resignations of the Prime Minister Kostov and the Director of the Civil servants Agency and later by the SIGMA Reports that the policy of equitable representation was subjugated to political influences and corruption, the Commission stayed silent until the 2010 Progress Report.

Moreover, not only the quantitative approach but also the pressure for a fast reform negatively impacted the quality of the equitable representation policy. The EU pressure for fast results derived from the specific context of latent inter-ethnic tensions, which were kept under control by fast and visible achievements of the OFA implementation. A slower pace of reform not only would have raised suspicions among the Albanian ethnic community about the political will for change, but it would have had a negative impact on the Commission's assessment and the European integration progress of the country.

Thus, the end result was a deviation of the equitable policy from the general understanding of the concept of affirmative action (Vrbek 2012, 35). Although the issue of minority (collective)

2.1.), which defined Macedonia as a captured state, *inter alia* due to complete politicisation and control of the political parties in the government over the public sector.

rights lacks a legal basis in the EU *acquis*, the very concept of affirmative action is not alien to the EU law. Namely, the latter has been tackled in other EU policy areas, in particular with regard to gender equality (Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community 2007).[223]

Taking a broader stance and drawing on the EU experience in the area of gender equality, it can be concluded that the EU understanding of substantial equality (pursued through special measures) does not imply an automatic advantage given to persons belonging to an underrepresented group. The case law of the Court of Justice is quite clear about special measures promoting gender equality. Thus, in the Abrahamsson *v.* Fogelqvist case (C-407/98), the Court ruled that automatic advantage given to candidates from the underrepresented sex was in breach of the EU law (Kent 2006, 192–193).

In the Macedonian case of equitable representation, the candidates from the smaller ethnic groups are not recruited in an open competitive procedure; instead, the recruitment procedure is conducted exclusively among candidates of the disadvantaged group (Risteska 2011). Therefore, a candidate is not employed on the basis of his/her higher qualifications in comparison to all candidates and, in addition to that his/her belonging to a disadvantaged group, but solely and automatically on the latter. Thus, it is obvious that the implementation of this policy has been conducted contrary to the EU experience with affirmative action, which opposes measures giving an automatic advantage to individuals from a disadvantaged group (Vrbek 2012, 35).

4.7 Perceptions of the national political and societal actors

4.7.1 Political and societal attitudes on the implementation of the equitable representation principle

In the beginning, as an important issue for the implementation of this principle, some interviewees (Cvetanova 2012; Popovski 2012; Risteska 2012) mentioned the general

[223] Article 8 of the Treaty on the functioning of the European Union stipulates that "in all its activities, the Union shall aim, to eliminate inequalities, and to promote equality, between men and women" (Consolidated version of the Treaty on the Functioning of the European Union 2012). Moreover, Article 157-4 provides a clear legal basis for introduction of specific measures for the purpose of "ensuring full equality in practice between men and women in the working life" (*ibid.*).

awareness of the need for equitable representation. Contrary to initial expectations, this issue did not mobilise mass opposition in the period of adoption of the crucial constitutional and legislative changes. Concerns were only raised with regard to its reconciliation with the merit principle, while nobody challenged the measure as such (*ibid.*). The main bone of contention was the operationalisation of the policy, which derived from the prejudices of ethnic Macedonians towards ethnic Albanians as uneducated and incompetent to work in the public sector (Risteska 2012). Nevertheless, the general public, as well as political representatives, were very well informed about the enormous discrepancy between the share of the ethnic communities in the total population and the composition of the public administration; hence, the problem of underrepresentation was accepted as a legitimate issue to be addressed by legislative changes (Cvetanova 2012; Popovski 2012; Risteska 2012).

However, having in mind the rejection of a similar initiative launched only one year before the 2001 conflict, it is questionable whether this awareness was due to a genuine change of political and societal attitudes or whether it was simply a pragmatic answer to the new post-OFA political environment. In 2000, Rizvan Sulejmani, an MP from the PDP, proposed an Equal Opportunity Law aimed to address the problem of minority underrepresentation in the public and the private sectors – in those private economic subjects that used state benefits (Sulejmani 2012).

The initiative, however, faced obstruction: first, by the administration of the parliament, which was reluctant to provide logistical support for the preparation of this draft-law; and later by the ethnic Macedonian political parties, which rejected the initiative as unconstitutional (*ibid.*). The VMRO-DPMNE, at that time a political party in power, feared that adoption of such a law would have implied recognition of a systemic discrimination (*ibid.*). Moreover, the Macedonian opposition party SDUM insisted on a change of the form of the initiative to a legally non-binding act – a declaration. However, even as a non-binding declaration, it was not adopted by the parliamentary majority (*ibid.*).

Nevertheless, the fact that during the post-2001 period, the policy on equitable representation was not challenged as an idea was seen as the most positive achievement (Mirchev 2012). Even some of the greatest opponents of the OFA, later, recognised their scepticism as unfounded and changed their positions by supporting the implementation of the Agreement (*ibid.*). In this context, the role of the EU was mentioned by Risteska (2012) as crucial for the change of the societal perceptions. During the first phase of the implementation of the

equitable policy, the EU played a key role by financially and administratively supporting the employment process of the candidates from the minority communities. These projects to a great extent addressed the worries of ethnic Macedonians and broke the stereotypes of the candidates from the smaller ethnic communities as uneducated and not competent (*ibid.*). Thus, this policy had a great psychological effect not only on the majority ethnic community but more importantly on the minorities, who now perceived the public sector as more open and responsive to them (Caca Nikolovska 2012).

However, the negative by-products of the policy mentioned in the interviews outnumbered the positive results. The policy was criticised for being subjected to a mechanical, i.e. statistical approach, enormous political influence by the political parties in the government and the lack of a clear timetable for implementation (Biljali 2012; Caca Nikolovska 2012; Cvetanova 2012; Sulejmani 2012). The different views on the deadlines for implementation and the pressure for fast reform by the Albanian community were recognised as the main obstacles for setting a clear time-frame for implementation (Cvetanova 2012; Sulejmani 2012).

Eventually, this vagueness, not only in terms of deadlines but also in terms of policy operationalisation, left room for the political parties to highjack the policy and to impose themselves as "employment agencies" of party members in return for their unconditional support (Biljali 2012). This situation was sarcastically referred to as a "social policy", by which the political party in power conditioned the right to employment and the social well-being of the citizens with their electoral votes (Sulejmani 2012). Thus, as a powerful instrument for electoral manipulations, this policy became a subject of conflict within the Albanian block, as the political parties started to compete which one will employ more people to secure better support among voters (*ibid.*).

It was a 'public secret' that the whole system of employment in the public sector was corrupted and that the lists of new employees were created in the headquarters of the political parties (Biljali 2012; Kadriu 2012). Therefore, it was not a surprise when the uncontrolled employment of people close to the political parties in power resulted in a significant number of public servants, who waited at home to be appointed to a post in the public administration (Kadriu 2012; Mirchev 2012). This was noted to be problematic from two aspects: 1) it was degrading for those people as workers and 2) it was unlawful, as the payment of their salaries did not rely on any legal grounds (*ibid.*).

Nevertheless, the blame for this situation was not put only on the ethnic Albanian political parties in the government. The ethnic Macedonian coalition partner was considered equally responsible for using this policy as a bargaining chip to ensure partisan employments of its members and supporters (Cvetanova 2012). Contrary to the obligation for rationalisation of the public administration, ethnic Macedonian political parties continued to employ their supporters in much higher proportions, under the condition they did not interfere in the management of the 'framework employments' conducted by the Albanian coalition partner (Biljali 2012; Pavlovska Daneva 2012). Eventually, this corruptive approach had a negative impact on the public opinion, installing a perception that this policy inevitably collided with the merit principle; contrary to the fact that by definition the two are complementary (Kadriu 2012).

Although the interviewees indicated a unified stance with regard to the negative results of the policy implementation, there was a difference along ethnic lines regarding the 'quantitative success' of the policy. For instance, Kadriu (2012) recognised as problematic the assessment of the success in absolute numbers – as a total number of employees from each ethnic community. He explained that this approach overlooked the fact that the majority of civil servants from ethnic minorities were employed at the lowest posts in the public administration (*ibid.*).

In contrast, Risteska (2012) noted a significant increase of the number of Albanians at the higher posts in the public service during the third phase of implementation. In particular, the so-called third phase of the policy implementation signified a rapid and politically influenced change of staff at the highest positions in the institutions headed by officials appointed by the Albanian coalition partner (*ibid.*). This trend followed after the first and the second phase of implementation; the former referring to the period of EU training when representatives from the minority communities were employed at the lowest positions in the public service; and the latter, referring to the period after the EU projects featured by uncontrolled mass employments only for the sake of quantitative increase of the ethnic Albanian community in the public administration (*ibid.*).

As an additional issue, relevant to the discussion of the 'quantitative success' of the policy, the deputy Ombudsperson tackled the problem of different implementation dynamic within the public administration *vis-à-vis* the public enterprises (Celevski 2012). Although Celevski (*ibid.*) could not determine the reasons leading to this situation, as possible causes he

mentioned: the methodology of implementation, the lack of financial means for employments and the administrative needs of state institutions. Moreover, Celevski (*ibid.*) tried to explain the faster implementation dynamic at central level by the role of the SIOFA as the focal institution for public administration employments. As SIOFA was not responsible for the employments in the public enterprises, Celevski (*ibid.*) suggested to look for the reasons for the slower pace of implementation at the local, i.e. at the municipal level, which was responsible for the management of these enterprises. This is a very interesting point indicating that, in spite of the criticism by the EU and experts, the Office of the Ombudsman view performance of the SIOFA as positive.

However, Celevski (2012) made it clear that the Ombudsman did not have the authority to assess the wider substantial impact of this measure beyond its quantitative aspect, i.e. number of employees. According to him (*ibid.*), the competence of the Ombudsman is to monitor the implementation of the principle based on the data provided by state institutions and organs, rather than investigate the state of affairs on the ground. This was a surprising answer as the Ombudsman Law stipulates that the monitoring of the principles of non-discrimination and equitable representation is also conducted by field visits and inspections of state institutions (Ombudsman Law 2003, Article 29). More importantly it indicated the deeply entrenched quantitative/statistical understanding and approach to this measure at the institutional level.[224]

The interviewed representatives of the expert community, however, were very critical of this overly quantitative approach. Najchevska (2012) argued that the problematic implementation of the policy neutralised any potential positive results it might have had. The increased percentages were not seen in a positive light, as they only gave an illusion of improvement, disguising the "complete mess" on the ground (*ibid.*). In this context frustrations were mentioned of all ethnic communities arising from the controversial implementation of the policy (Risteska 2012).

[224] At first sight, this observation contradicted the conclusions and the language used in the Ombudsman's Reports. For instance, the 2010 Ombudsman's report concluded that "the established system for implementation of the principle on equitable representation does not provide substantial effect in the application of this affirmative measure" (Ombudsman 2010, 76). When asked to explain what precisely was implied under 'substantial effect' and how the system of implementation could have been improved, Celevski (2012) refused to discuss potential solutions for improvement referring to them as political issues, beyond the competences of the Ombudsman. Nonetheless, he clarified the meaning of 'substantial effect' as underrepresentation of the smaller ethnic communities who represented less than 20 % of the population (*ibid.*). The understanding of 'substantial effect' solely in terms of higher percentage of employment confirmed that this policy was approached exclusively in quantitative and technical terms.

On the one hand, it was argued that ethnic Macedonians were frustrated because the policy was implemented exclusively on ethnic grounds against any rational and merit arguments; while on the other hand, the public servants from the minority communities were frustrated for not being properly accepted in the institutions, either because of a lack of equipment[225] or because of the colleagues from the majority community who questioned their competencies (Dimova 2012; Risteska 2012). This aspect, however, was marginalised in the public debate despite its negative impact on communication within the public administration and the overall efficiency of the public sector (Risteska 2012).

In addition, it is important to note that the interviewees did not recognise the legislative framework as problematic, but pointed at the implementation and the lack of operationalisation as the main culprits for the problems (Dimova 2012; Pavlovska Daneva 2012; Popovski 2012; Sulejmani 2012). The Law on Public Servants was assessed as pretty concise and clear in regulating the employment procedure (Pavlovska Daneva 2012). Thus, it was argued that the problems emerged from the non-application of the law in the case of the 'OFA employments', as a parallel system was established by the SIOFA that circumvented the regular procedure (Pavlovska Daneva 2012).

It was this parallel employment procedure that was recognised responsible for the problem of the public servants who received a salary while being at home (Pavlovska Daneva 2012). Although the SIOFA implicitly acknowledged the institutional parallelism, they refuted any responsibility for the problems (Memeti 2012). Memeti (*ibid.*) explained that their actions relied on the data collected from the ministries and the projections of equitable representation for each of the non-majority communities. On these bases, the systematisation was made of available posts in the ministries, which was used by SIOFA for the employment calls specifically designed (containing specific employment criteria) for each of the posts (*ibid.*). Hence, the SIOFA accused the ministries to have asked for new employments during the systematisation phase but refused to accept them once they were employed by the Secretariat (*ibid.*). This problem was also downplayed by the deputy Ombudsperson Celevski (2012) who insisted that "it was not and never was an issue." In support of this position, he referred to the

[225] There was no actual space in the institutions, no furniture (i.e. tables and chairs) and computers for the new employees to do their job.

information provided by the SIOFA that almost all employed civil servants in 2011 were appointed to their posts by the end of that year (*ibid.*).[226]

Furthermore, Pavlovska Daneva (2012) criticised the employment parallelism at an additional level, i.e. for not providing an open competition among all potential candidates irrespective of their ethnic affiliation. Memeti (2012), however, disregarded this criticism, claiming that it was not a problem since there were not many cases when candidates from the smaller ethnic communities failed to meet the employment criteria. In such cases, they applied the equitable representation principle more flexibly, i.e. "through different combinations", selecting candidates from other ethnic communities who fulfilled the employment requirements (*ibid.*). However, it is not clear how successfully this flexibility was applied within the context of limited competition and thus, limited choice of best candidates for the post.

Similarly, some of the other interviewees did not recognise the limited competition as a problem. For instance, Caca Nikolovska (2012) and Popovski (2012) argued that systemic discrimination of the smaller ethnic communities reflected on their lower educational level; therefore, an open competition not only would have disproportionally affected them but would have slowed down the whole process. Thus, they believed that the issue of the lack of qualifications should be addressed by clear criteria for employment and additional training (Caca Nikolovska 2012; Popovski 2012). However, contrary to this perception of the individuals belonging to the minorities as less educated, Pavlovska Daneva (2012) pointed that many of them, who were well educated and had the ambition to work in the public administration, preferred to be employed through the regular procedure. The reason for this was that they did not perceive the equitable representation as a measure of positive discrimination on the basis of ethnic belonging but on the basis of political party affiliation (*ibid.*).

In addition to the institutional parallelism, the issue of the lack of policy operationalisation was mentioned as equally problematic for the process. Unfortunately, better operationalisation was perceived impossible to be achieved due to different views and understandings[227] of the idea of equitable representation (Kadriu 2012; Popovski 2012; Sulejmani 2012). To avoid

[226] This disregard of the very existence of the problem is especially problematic in the light of the information provided in the Fourth Opinion of the Advisory Committee that, in 2016, these employees reached the number of 50,000 (Advisory Committee 2016, para. 86). It certainly casts doubts on the overall system of monitoring, as well as the capacity of the Ombudsman to provide a realistic assessment of the situation on the ground.

[227] For more on the different views and understandings of the principle on equitable representation, see the parliamentary discussion on the VI amendment in section 4.4.

political deadlock, political actors just 'copy-pasted' the wording used in the OFA into the laws, without setting clear mechanisms against potential misuse and undue political influences (Sulejmani 2012). Even after the adoption of the new legal framework, there was great vagueness and different interpretations of the goals of the policy (Kadriu 2012; Najcevska 2012; Cvetanova 2012; Sulejmani 2012). It was argued that this derived from the very term 'equitable', which in contrast to the term 'proportional', according to Kadriu (2012) lacked a clear definition. The meaning of 'equitable' was considered too general, embedding both proportional representation and the merit principle, without implying concrete mechanisms for their consolidation (*ibid.*). In addition, Najchevska (2012) claimed that defined in such general terms, the policy left enough space for subjective assessments as to what represented equitable and fair.

This lack of clarity raised confusion regarding the duration of the measure, which is evident in the responses of the interviewees. For instance, Pavlovska Daneva (2012) saw it as a permanent mechanism securing balanced representation, as the composition of the administration changes due to retirements, layoffs or resignations. She also warned that its eventual suspension would mean derogation of the OFA (*ibid.*). Following the same argumentation, Dimova (2012) and Shekerinska (2012) went a step further claiming that it would be contrary to the EU idea of this policy as a permanent feature of the system. In support of this stance, Kadriu (2012) said that only as a permanent mechanism the equitable representation policy had a positive psychological effect on the Albanian community making them feel protected from future discrimination and majoritisation.

In contrast to this stance, other interviewees did not have any dilemma regarding the suspension of the policy once the required level of representation was achieved (Caca-Nikolova 2012; Popovski 2012). Popovski (2012), a co-author of the OFA, stated that this measure was considered to have a temporary application until the public sector reflected the ethnic composition of the population. Thus, its goal was to address state discrimination and to introduce new political culture, after which the employment in the public sector would be conducted only on the basis of merits (*ibid.*). In case of a backlash or an erosion of the achieved results, there should be a new debate for re-adoption of the equitable representation principle (*ibid.*). Nevertheless, some of the interviewees were more reserved in making clear-cut conclusions. Namely, although Najchevska (2012) considered this policy to be an affirmative action in its essence – implying temporary application until the achievement of the

goal, she said that it was not clear how this temporal aspect was addressed in the Macedonian case.

During the interview, some of the respondents (Kadriu 2012; Najchevska 2012; Shekerinska 2012) insisted the equitable representation to be approached within the context of the public administration reform. They argued that its problems were only symptoms – "an iceberg" (Shekerinska 2012) of the structural flaws of the public administration and the general state of a lack of rule of law (Kadriu 2012; Najchevska 2012; Shekerinska 2012). Thus, the suboptimal results of the equitable representation were a logical consequence of the degenerated system of public service which faced a vacuum of rules and arbitrary political decisions (Najchevska 2012). Implemented in such an environment, the equitable policy could not have achieved different, more positive or fair results (*ibid.*).

The situation within the public administration was recognised as the root of the equitable representation problems. Therefore, Pavlovska Daneva (2012) and Shekerinska (2012) explicitly refuted the idea of this policy as the main reason for the inefficiency and 'partisation' of the public sector. They argued that the problem of 'partisation' existed prior to this measure (and would have existed in its absence), because, as Pavlovska Daneva (2012) noted, political parties a long time ago recognised the employment in the public sector as an instrument for securing electoral support. According to Shekerinska (2012), the fact that the equitable representation was the most visible aspect of the failure of the public administration reform was strategically used by the ethnic Macedonian political party in the government (implying VMRO-DPMNE) to turn the focus of the public away from the actual problems.

In this context, the problem was raised of a lack of official and reliable data on the number of public servants (Shekerinska 2012). Shekerinska (*ibid.*) argued that in the absence of such statistics all projections and plans for the implementation of the equitable representation were ill-founded. In addition, she criticised state institutions for their lack of strategic and long term planning that would take into account the educational background of individuals belonging to minorities and their compatibility with the institutional administrative needs (*ibid.*). Thus, the problem was not only associated with the lack of relevant data, but also with the non-existence of programmes supporting individuals from the smaller ethnic communities to be educated in those areas where the administration faced a shortage of staff (Celevski 2012; Shekerinska 2012).

Unfortunately, the general perception among the interviewees was that there was no interest among the political elite to improve the situation, because, as Kadriu (2012) concluded, better regulation would mean the shrinking of their space for manipulations and bargaining. Cvetanova (2012) was even more pessimistic, stating that the mistakes made were so grave that there was no room for improvement.

4.7.2 Political and societal attitudes regarding the role of the European Union

The interviewees also critically referred to the role of the EU in the context of implementation of the policy of equitable representation. The approach of the Union was assessed as pragmatic (Kadriu 2012), led by the "logic of extinguishing current fires" predominantly interested in achieving a certain level of stability of the system (Mirchev 2012). In this context, Cvetanova (2012), as a former MP from the VMRO-DPMNE, recalled the pressure of the Union for as fast as possible adoption of the constitutional amendments, which often took a form of non-diplomatic messages to limit and even avoid any debate on these issues. Although a more substantial debate was recognised as beneficial, Mirchev (2012) argued that it had to be compromised because a delay of the process could represent a threat to the fragile political stability.

The fragile political stability was also referred by Kadriu (2012) as the main reason for the mild criticism of the EU of the implementation of the equitable policy. Optimal policy solution was a trade-off for political stability; therefore, according to Cvetanova (2012), the EU insisted on a fast increase of the numbers of civil servants from the smaller communities to the detriment of the merit principle. A shift of the Union's focus to the merit aspect of the policy was recognised later in the process, however, without signifying any substantial change. As Kadriu (2012) noted, the EU language remained general and technocratic, avoiding more precise guidelines beyond the general requirements for OFA implementation, promotion of minority rights or improvement of institutional co-operation and co-ordination.

Although the main reason for the vague directions of the Union was detected in the lack of a legal basis in the EU *acquis* (Kadriu 2012), both Kadriu (*ibid*.) and Biljali (2012) emphasised that the EU law was keen on positive measures by leaving the decision on their design to local actors. In particular, this last observation reveals the paradox of the EU approach to the Macedonian case. Due to security concerns, the EU discouraged public debate and

deliberation, while at the same time, it failed to provide an optimal model of affirmative action; eventually, this led to a vacuum allowing the policy on equitable representation radically to deviate from its original goal.

As an additional reason for the mild reaction of the Union, Risteska (2012) pointed at the very design of the EU system of monitoring and assessment. She argued that the most important issues for the progress assessment are the existence of an institutional framework, administrative capacity (in terms of staff and equipment) and a plan for future implementation activities; not the effects of implementation (*ibid.*). Therefore, the main focus of the Union is placed on the process of law adoption, i.e. inclusion of all relevant stakeholders, harmonisation with the EU law and establishment of institutional infrastructure for implementation (*ibid.*). Since all these formal requirements were met by the implementation of the equitable representation policy, the actual problems on the ground were overlooked by the Union, until it was no longer possible to ignore them.

Furthermore, Shekerinska (2012) explained the mild EU criticism as a lack of interest in the problems of the public administration because the Union did not see the Macedonian accession happening anytime soon. In contrast to this, Kadriu (2012) argued that because of the EU resistance to enlargement, the Union became more critical of the progress made by the country, *inter alia* of the implementation of the policy of equitable representation. In this context, Mirchev (2012) explained that the bilateral dispute with Greece coincided with stronger EU criticism in the problematic policy areas, such as equitable representation and public administration reform, in order to legitimise the postponement of the start of the accession negotiations.

However, in spite of the criticism directed at the EU, the Union was not singled out as the main 'culprit' for the problems of the policy of equitable representation. For instance, Shekerinska (2012) was clear that the EU role was not to substitute Macedonian institutions in finding better policy solutions: "the EU cannot be more interested than us in addressing our problems." Although she had an understanding as to why the Union did not take a more invasive role in the process, she criticised the approach to the problem as an exclusively technical issue (*ibid.*). By reducing the problem to a lack of co-ordination, Shekerinska (*ibid.*) concluded, the Union overlooked the real problem of the lack of political will for introduction of the merit principle. Due to its technocratic approach, Najchevska (2012) added, the Union missed the chance to challenge the role of SIOFA as the focal institution managing the policy

implementation, which implied EU support of the highly problematic parallel system of 'OFA employments'. Therefore, Najchevska (*ibid.*) went a step further in the criticism of the EU's role, accusing the Union of being an accomplice of the government in the process of deformation of the recruitment system in the public service and for suspension of the rule of law.

4.8 Conclusion

The greatest (if not its only) success was that through its pre-accession conditionality in a relatively short time, the EU managed to impose the very idea of equitable representation as inevitable; and thus, to ensure wide societal and political acceptance of the policy. Once the constitutional amendments were adopted and the first legislative changes completed, there was no relevant political or societal actor that questioned the necessity of this policy. Nevertheless, the absence of opposition to the measure did not translate into an optimal policy solution. The policy was compromised and reduced to a controversial process of employment solely on statistical grounds without any consideration for the competence of the newly employed civil servants or the capacity of the public sector.

However, it would be wrong to place the whole blame on the EU, without taking into account the wider socio-political context in which the measure was installed. The problems of a 'captured state' and structural unemployment indirectly impacted the policy solution making it depart from its initial goal. The Macedonian experience shows that even positive initiatives targeting structural discrimination are doomed to failure in a political environment burdened by endemic corruption, political influence in every segment of the society and poor economy. Instead of correcting the system and making it more open and accessible to all citizens equally, this measure set an additional institutional channel for political influence and societal control. The policy was simply appropriated by the corrupted public sector already liable to political influences. Therefore, the implementation of the equitable representation could not have turned into anything else, but an instrument for employment of people close to political parties in power.

Moreover, the deprived and highly uncertain economic situation was another 'favourable' condition that enabled political parties to misuse the policy by 'blackmailing' citizens with

jobs, in return for their unconditional loyalty and support. Instead of fighting discrimination, the measure introduced an additional layer of discrimination on political basis of all those individuals belonging to minorities who were not affiliated with the political parties in power, regardless of their competences (given that the system completely ignored the merit principle).

Although the EU cannot be blamed for the problems, it nevertheless bears a great responsibility. Led by security considerations and the fear for the still fragile political stability of the country, the Union insisted on a limited political and societal debate about the problem. However, this lack of any meaningful and open debate had extremely negative consequences. As the interviews showed, even after a decade after the adoption of the OFA, there were still different interpretations of essential aspects of the policy: its duration, design and even the very meaning of the term 'equitable'.

The public debate was substituted by a non-transparent (closed) process of negotiations and bargaining among the political parties in power. This was approved by the Union, which occasionally praised the leaders of the largest ethnic Macedonian and ethnic Albanian political parties in the government for the results of the policy implementation. However, the Union did not realise that by giving so much political weight to the process and making it dependable on the 'mood' of the political parties, it weakened the very capacity of the institutions to deal with the implementation in a neutral and impartial way. On the contrary, it – albeit indirectly – helped to legitimise the ownership of the policy implementation in the hands of political parties.

At the same time, the monitoring conducted by the European Commission focused mainly on technical issues, providing rather superficial and formal guidelines that addressed questions of administrative capacity and inter-institutional co-operation. Thus, the main issues recognised by the European Commission were a symptom of the structural shortcomings of the public sector and the total political control of the political parties, rather than an actual cause of the problem. Moreover, this technical and formal approach not only led to over-optimistic assessments in the Progress Reports based on percentages, but it was the reason for the late detection of many serious problems that emerged in the process of implementation of the policy.

Furthermore, there was a lack of a holistic approach at both the EU and national levels, failing to take the issue of equitable representation as an inseparable part of the public administration reform; and thus, to address not only the problem of institutional parallelism, but also the structural problem of political influence and corruption in the public sector. Such an approach was crucial for the establishment of a professional, efficient and responsive public administration to all citizens irrespective of their ethnic affiliation. The politicisation of the policy eventually undermined the merit principle, which is (should be) a crucial aspect of the reform. Without this, the policy on equitable representation has been held hostage by the political parties, representing a source of frustrations, political manipulations and radicalisation within the ethnically divided political context.

In the end, it needs to be noted that the EU pursued a rather selective approach as it placed the main focus on the representation of the Albanian ethnic community. This to a great extent put in the shadow the problem of underrepresentation of other smaller ethnic communities (e.g. the Turkish and the Roma communities). Although, later, the Union acknowledged this issue, it did not show interest to provide a more substantial guidance for improvement of the situation. It is even more alarming, however, that the EU did not show any interest for the systemic discrimination of persons belonging to ethnic communities designated as 'others', which was a direct result of the post-OFA legislative framework established under the EU patronage. Thus, the EU legitimised a system of hierarchy of ethnic communities according to their access to certain rights (that otherwise, should be guaranteed and equally enjoyed by all citizens). Contrary to the initial goal, both the OFA and the policy of equitable representation legalised and normalised precisely that what they were trying to address – discrimination on the grounds of ethnic affiliation.

5 Conclusion – the prospect of deep Europeanisation

The purpose of the present Ph.D. thesis has been to improve our knowledge about the Europeanisation process in the European Union (EU) candidate countries; it has sought to achieve this by analysing the field of minority protection. The need for this stems from the prevailing knowledge about the process of Europeanisation, which is limited and hence presents a problem for understanding the causes of unresolved issues on the ground in candidate countries even after a successful rule transfer and implementation. As the main reasons that prevent us from better grasping the actual effects of Europeanisation in candidate countries, the Ph.D. thesis has recognised the theoretical framework on Europeanisation and the narrow research focus.

The theoretical framework applied to the research on Europeanisation draws predominantly on the tenets of rational institutionalism. Relying on the rational cost-benefit and actor-centred logic, the literature on Europeanisation has managed to explain why political actors in candidate countries engage in a policy transfer and which factors restrict or facilitate policy transfer. At the same time, however, it has failed to explain the remaining problems on the ground after a successful rule transfer. Moreover, this theoretical framework has proved to be unsuitable for analysis of policy areas where the EU lacks clear rules and norms to be transferred and where the improvement of the status of final beneficiaries/policy recipients has been set at the core of the pre-accession conditionality, such as in the case of minority protection.

An additional (but a related) problem in the existing literature about Europeanisation is its limited research focus. Namely, the research focus has been placed either at a macro level trying to explain political and economic changes in candidate countries (on the basis of macro-level democratisation and marketisation indicators) or, when confined to a specific policy area, it has been primarily placed on the process of formal rule adoption, implementation and positive EU recognition as the main indicators for successful Europeanisation. This has resulted in an unrealistic (i.e. too positive) view about the progress made by candidate countries and the impact of the EU during the pre-accession process. Such a limited research focus has overlooked problems in candidate countries, which persist even after an impeccable formal rule adoption and implementation (positively recognised by the EU).

Problems noted, during rule adoption and implementation, have been explained either in terms of procedural shortcomings at the EU level or as issues deriving from the weak institutional capacity of candidate countries. However, the very substance of EU norms, rules and 'ways of doing things' transposed in candidate countries has rarely been critically deliberated. Such a limited research focus, usually, takes them for granted as the best solutions bringing peace, respect for human rights, minority protection, democratic consolidation and prosperity in candidate countries. The problem, however, is that these benefits of EU integration are not self-assuming. They cannot be assessed properly without taking into consideration the perspective of those that are the most affected by the changes during the pre-accession process, i.e. people in candidate countries. And precisely here lays the main problem of the research focus: being preoccupied with formal rule adoption and implementation it has completely marginalised the perspective of the final beneficiaries, i.e. people most affected by the change, as a relevant indicator for assessing the success of Europeanisation.

To address these problems and to better understand the quality of the outcomes of the process of Europeanisation, the Ph.D. thesis relies on the social constructivist understanding of Europeanisation (Börzel and Risse 2000) and the theory of communicative action (Habermas 1994). The social constructivist model of Europeanisation is taken as an alternative to the predominant rationalist approach. It is considered to be a more appropriate theoretical framework for explaining the quality of Europeanisation results, i.e. beyond formal rule adoption and implementation. Relying on the 'logic of appropriateness', it sets socialisation as the main mechanism that leads to a deeper, i.e. a more substantial change of identities and interests of (political and societal) actors. This is recognised as the key condition securing a better quality and sustainability of Europeanisation outcomes. The problem, however, of the social constructivist model of Europeanisation is its top-down understanding of socialisation and the lack of consideration of the perspective of the final beneficiaries. This emerges as a limitation in policy areas where the EU lacks clear norms as a basis for socialisation and where the accommodation of the needs of final beneficiaries/policy recipients is set at the core of the pre-accession conditionality. In the absence of such a perspective, even this theoretical framework is inclined to assess the change of actors' identities and attitudes with a reference to the quality of the legislative changes as such, rather than through the prism of their actual impact on the ground.

With a view to overcoming these limits, the Ph.D. thesis refers to the theory of communicative action (Habermas 1994). According to Habermas (1994, 49–50), a positive (i.e. successful) change is a product of a deliberative process of search for the best policy solution where all affected actors freely participate as equals and accept the consequences of the policy outcome as equitable. Thus, Habermas's (1994) theory provides the theoretical basis for introduction of the perspective of the final beneficiaries as the main indicator for any assessment of the quality of policy results. Also, this gives legitimacy for reassessment of the effects and success of the pre-accession process at a new level, by critical deliberating on: 1) the extent to which the pre-accession conditionality reflects the needs and interests of those most affected by a change that is expected to occur as a result of Europeanisation; and 2) the extent to which successful Europeanisation as assessed by the EU refers to the satisfaction of the needs and interests of policy recipients/final beneficiaries.

The advantage of such an extension of the Europeanisation theoretical framework is twofold. Firstly, it shifts the research focus from technical issues – i.e. rule adoption and implementation – to their effects and impact on the quality of people's life. Secondly, it suggests a need for a redefinition of our understanding of socialisation as the main mechanism leading to better quality and sustainability of Europeanisation outcomes. The present top-down understanding of socialisation, which indirectly implies the dichotomy of the 'civilised' Europe that exercises undisputed 'paternalistic' authority *vis-à-vis* 'uncivilised' and 'barbaric' candidate countries, is no longer suitable in a context where the needs and interests of the final beneficiaries are placed at the core of the change. Thus, the introduction of the perspective of the final beneficiaries requires a redefinition of the concept of socialisation as 'a two way process' of influence where the EU shapes identities and interests in candidate countries, and where the EU pre-accession strategy is simultaneously informed and shaped by the local needs of the final beneficiaries.

Based on this theoretical framework the Ph.D. thesis has then developed the concept of deep Europeanisation. Deep Europeanisation is defined as accommodation of both, the EU 'higher' goal of a specific set of pre-accession conditionality and the needs of policy recipients/final beneficiaries. The 'higher' goal refers to the very purpose of a particular scope of EU pre-accession conditionality and its expected impact on society. Thus, successful, i.e. deep Europeanisation is approached not only through the prism of the EU norms and values, but

also through the prism of the 'value judgement' of the policy recipients and the actual improvement of their status and access to rights as a result of the EU-induced change.

The concept of deep Europeanisation best suits policy areas where the EU lacks a clear legal basis, norms and rules and where pre-accession conditionality is primarily designed to improve the position of the policy recipients. As such, it is applied in this Ph.D. thesis to the field of minority protection, which stands out as a policy area where the EU lacks clear rules and norms, but also where accommodation of the needs and interests of persons belonging to minorities is at the core of the pre-accession conditionality. Specifically, in this field, deep Europeanisation is defined as a policy result emerging from an EU-induced reform, which accommodates both, the EU 'higher' goal referring to non-discrimination and substantive equality, and the needs of the policy recipients, i.e. persons belonging to minorities.

An additional advantage of selecting this policy area is that it provides a context that is sensitive to the potentially negative impact of other EU considerations (e.g. economic, but also security) on the wellbeing of final beneficiaries. Although the initial motive of the EU (in the 1990s), as well as other European institutions addressing minority issues, to place minority protection among the top pre-accession priorities was securing peace and stability (through protection of minority rights as part of human rights), a reference to its security concerns cannot be understood as a legitimate justification for problematic Europeanisation outcomes in candidate countries (i.e. to outcomes that undermine the status and access to rights of persons belonging to minorities).[228] Therefore, this policy area allows other EU considerations (except the improvement of the status of the final beneficiaries) to be more easily tracked and identified as inhibiting factors of deep Europeanisation. This is so in particularly in comparison to other policy areas (e.g. economic policies or asylum and migration policy) where economic or security considerations could be justified as legitimate concerns of the Union.

Hence, to practically and empirically analyse the prospect of deep Europeanisation, as well as to identify the factors that lead/prevent deep Europeanisation, the Ph.D. thesis has referred to two case studies officially recognised by the EU as successfully Europeanised policies – Latvia's citizenship policy and Macedonia's policy of equitable representation of ethnic communities in the public sector. The analysis of the case studies is limited to the pre-

[228] This is because the very idea of accommodation of their needs and improvement of their status, through the achievement of the goals of non-discrimination and equality, has been set as the main path of the EU to securing peace and stability; for more see sections 1.1 and 2.3.

accession period, precisely to the period of presence of the basic conditions for successful Europeanisation – i.e. a prospect of membership linked to a clear set of conditionality. The reason for such a time-span lays in the fact that this research has sought to register factors that lead to a (lack of) fully-fledged policy in a context of an environment favourable to the EU enlargement. Therefore, the analysis of Latvia's citizenship policy covers the period from 1993, when the first legal proposals of the citizenship policy were discussed, to 2004, when Latvia acceded to the EU; while the analysis of Macedonia's policy of equitable representation refers to the period from 2001 – the year when the Stabilisation and Association Agreement (SAA) was signed, to 2011, when the basic conditions for successful Europeanisation were no longer present.

On this basis, the Ph.D. thesis has aimed to: 1) answer the research question as to whether the EU's external governance, during the pre-accession process, has the capacity to initiate and support such reforms that could address and resolve problems of discrimination and inequality of persons belonging to minorities in candidate countries (i.e. reforms that would lead to deep Europeanisation); and 2) identify the factors that lead to deep Europeanisation, i.e. to policy solutions that substantially address the problems on the ground and thereby significantly improve the quality of life of the final beneficiaries.

The latter has been pursued with a reference to the hypothesis guiding this research: namely, deep Europeanisation in the area of minority protection is a result of a successful socialisation of the political and societal actors in a candidate country. Such successful socialisation occurs when an issue-area (minority protection) is addressed based on a commonly shared idea of a policy solution that accommodates both, the needs of the final beneficiaries (persons belonging to minorities) and the 'higher' EU goal in the area of minority protection (non-discrimination and substantive equality). The key factors at the domestic level that enable successful socialisation and thus lead to deep Europeanisation are: 1) a political culture conducive to consensus building and 2) the presence of agents of change – norm entrepreneurs who use moral arguments and strategic constructions (that embed the perspective of the final beneficiaries) to redefine political and societal actors' interests and identities. The key factor at the EU level that leads to deep Europeanisation is an EU's approach relying on a clearly defined goal, uncompromised by other considerations (e.g. economic, security), which substantially includes the perspective of the final beneficiaries

(persons belonging to minorities) in the definition of the pre-accession conditionality on minority protection and in the assessment of the policy outcome.

The analysis of the two case studies has shown that in both of them, Europeanisation outcomes demonstrate a regression from the situation before the pre-accession period. In the case of non-citizens in Latvia, not only have the existing problems remained but they have multiplied. Discrimination by citizenship status has widened at the national level (e.g. the increased number of employment restrictions); moreover, it has been reflected at the EU level. If in the pre-accession period non-citizens were discriminated *vis-à-vis* citizens, since accession to the EU they have been discriminated in comparison to both Latvia's and other EU citizens. Furthermore, the EU pre-accession approach has normalised and legitimised their discriminatory status by adding yet another level of discrimination at the EU level, where they are now treated as third country nationals deprived of the rights and protection enjoyed by their Latvian counterparts.

In the case of the equitable representation policy, the problem of structural discrimination on ethnic basis has remained for persons belonging to ethnic communities and those designated as 'others' (persons belonging to ethnic communities which are not specifically mentioned in the Constitution). Additionally, policy implementation has encouraged discrimination on political basis of all those who are not affiliated with political parties in power. Instead of fighting discrimination, the policy of equitable representation has thus turned into a corrupt instrument for 'blackmailing' citizens with jobs, in return for unconditional loyalty and support of the political parties in power.

Thus, the policy results in both case studies have not fulfilled the criteria for deep Europeanisation. They have neither accommodated the needs of the final beneficiaries/policy recipients (non-citizens in Latvia and persons belonging to ethnic communities in Macedonia) nor achieved the 'higher' goal of the EU in the area of minority protection – non-discrimination and substantial equality of persons belonging to national minorities. On this basis, of the two cases under examination here, the Ph.D. thesis can offer only a negative answer to the research question: the EU's external governance, during the pre-accession process, cannot initiate and support such reforms that address and resolve problems of discrimination and inequality of persons belonging to minorities in candidate countries (i.e. reforms that lead to deep Europeanisation).

Moreover, as deep Europeanisation has not been observed in the two case studies analysed, the hypothesis guiding the present research cannot be proven. In the Latvian case, no socialisation effects can be observed. Whereas in the Macedonian case, limited effects of socialisation do not reflect sufficiently the understanding of successful socialisation (i.e. as a process towards a common idea of a policy solution that accommodates both, the needs of the final beneficiaries and the 'higher' EU goals).

Also, the domestic factors recognised to be crucial for the success of the socialisation process, i.e. political culture inclined to consensus building and norm entrepreneurs trying to redefine political and societal interests and identities, have not been present in the two case studies. In the case of Latvia, political culture during the pre-accession period remained exclusive towards the requests of non-citizens, while the intellectual elite that was supposed to take the role of a norm entrepreneur appropriated the official government positions. In the case of Macedonia, political culture presumed consensus building only at the inter-party level and 'behind closed doors', which led to marginalisation of the voices of the expert community and thus prevented them from active socialising agents, i.e. as norm entrepreneurs.[229]

Moreover, the key factor at the EU level, as set in the initial hypothesis, i.e. an EU's approach relying on a clearly defined goal uncompromised by other considerations and reflecting the aspect of the final beneficiaries, has also not been fulfilled either. In the case of Latvia, the goal of the EU conditionality has been compromised by economic considerations while the perspective of the final beneficiaries has been marginalised at the expense of a state-centred view. In the Macedonian case, the goal of the EU conditionality has been overshadowed by security concerns while the perspective of the final beneficiaries has been marginalised by an elite-centric approach pursued by the EU.

Although the factors from the hypothesis have not contributed to deep Europeanisation, they nevertheless had a significant impact on policy outcomes in both cases. Therefore, three issues warrant more attention. These are: the perspective of final beneficiaries, the 'higher' goal of the EU and the socialisation process.

With respect to the final beneficiaries, the EU has marginalised the perspective of final beneficiaries in the context of both policies under research. In the case of Latvia, the marginalisation has been a result of the state-centric approach pursued by the international

[229] More about the reasons leading to this situation, see the analysis below.

community. The main assumptions, from which international actors have departed in addressing the problem of citizenship, appropriated Latvia's official positions and therefore reflected ethnocentric concerns. International actors involved, such as the High Commissioner on National Minorities (HCNM), the Council of Europe (CoE) and the EU, have accepted the official position of the government – i.e. that the path to integration of the Latvian society and, more importantly, to non-discrimination was through naturalisation.

Consequently, international actors have failed to be creative enough to push for an alternative path to integration to address the citizenship problem and hence discrimination of a significant number of non-citizens who have not naturalised. This could have been done, for instance, by requiring equal access to socio-economic rights regardless of citizenship status or by insisting that the criterion of citizenship status (as a condition for accessing certain rights) be substituted by legal permanent residence as a possible alternative criterion.[230]

With the exception of the CoE, though only to a certain extent, the standpoint of non-citizens has not been even declaratively referred to in reports/communication of international actors involved in addressing the matter, such as the EU and the HCNM. This is somewhat understandable for the HCNM, due to its clear mandate as a conflict prevention mechanism and hence a security-oriented institution. However, it cannot be understandable for the EU, as an actor promoting an image of a value based Union, building on equality, respect for human rights and the rights of persons belonging to minorities, as well as promotion of well-being of its people (Consolidated Version of the Treaty on European Union and the Treaty on the functioning of the European Union 2016, Article 2 and Article 3). The EU has not only failed to refer to a standpoint of non-citizens, but it has also failed to take into consideration fully the CoE reports (e.g. ECRI Report 1999; 2002; Parliamentary Assembly 1999)[231] to fill in this gap. A better synergy with the CoE could have secured a legitimate basis for a stronger pressure on Latvia to address some of the most burning issues for non-citizens, such as their employment and political rights (thus overcoming the present electoral restrictions).[232]

[230] This was suggested by the Advisory Committee in 2008, when the leverage and the possibilities of the international community to put pressure on Latvia had long been gone. See sub-section 3.3.2.

[231] The EU could not rely on the Opinions of the Advisory Committee during the pre-accession period, as Latvia ratified the FCNM in 2005. More about the reluctance of Latvia to ratify the FCNM and the declaration it submitted upon the ratification of the convention, see section 3.3.2.

[232] At a first glance, this emerges as a significant difference from the Macedonian case, where strong alignment of the EU Progress Reports with the CoE reports, precisely with the Opinions of the Advisory Committee, has been observed. However, this alignment has not guaranteed a better detection of the problems and, eventually, better guidance of the reform. The main reason was that even the (first three) Opinions of the Advisory

However, the problem is that even the CoE, the only actor which has explicitly referred to the perspective of non-citizens, has not tried to challenge the very basis of the system as problematic and discriminatory. The grievances of non-citizens have not been approached as human rights violations deriving from the very principles of the restored state, but as shortcomings that could be addressed by legislative changes and ratification of CoE conventions – a position taken by the Parliamentary Assembly of the Council of Europe (Parliamentary Assembly 1994a; 1994b; 1994c; 1995) from the very beginning of the process. It should be noted, however, that there have been differences in the tone and focus of CoE reports, issued by different bodies of the organisation.

There has also been an inconsistency within communication and documents at intra-institutional level; for instance, in the 1999 report of the Parliamentary Assembly – Information Report Honouring of Obligations and Commitments by Latvia (Parliamentary Assembly 1999), the employment restrictions were referred to as a problem, whereas the 1236 Resolution Honouring of Oobligations and Commitments by Latvia (Parliamentary Assembly 2001) did not raise them as an issue (although they were still a problem). In this context, it is important to stress that the conclusion of the CoE as the most critical international actor of the situation in Latvia has been inferred on the basis of the reports of the European Commission against Racism and Intolerance (ECRI), the Commissioner for Human Rights and the Advisory Committee, although the latter came into play only later, given Latvia's refusal to ratify the Framework Convention for the Protection of National Minorities (ECRI 1999; 2002; 2008; 20012; Office of the Commissioner for Human Rights 2004; Advisory committee 2008; 2013). In their repots, the perspective of non-citizens has been included and discrimination on the grounds of citizenship status in the socio-economic area has been addressed.

Regardless of the differences in the 'tone' of criticism, the standpoint of non-citizens has been taken into consideration within the limits of the jurisdiction of the Latvian state,[233] and as long as their perspective on the problem has not challenged the founding principles of the restored state. As such, the inclusion of the standpoint of non-citizens in CoE reports has only seemingly provided a counterweight to the apparent and prevailing state-centred approach, without any intention to challenge it. Thus, the aim of the CoE (as well as of other international actors – the HCNM and the EU) has not been to address the systemic reasons

Committee failed to provide a more profound analysis of the problems of the equitable representation policy, beyond the general positive assessment based on adopted legislation and quantitative progress (for more see section 4.6).

[233] See sub-section 3.3.2.

leading to discrimination of non-citizens. Instead, the actual aim has been to establish an environment that would not go beyond a degree of discrimination acceptable to the CoE standard[234] and that would not cross the allowed margin of appreciation.[235]

As a result, even the CoE as the most critical international actor of the situation in Latvia has overlooked discrimination on the basis of citizenship status in key areas, such as the privatisation process, the housing rights and pension rights. To be fair, the CoE has acknowledged discrimination in the area of pension rights, but this happened much later and only after the European Court of Human Rights (ECtHR) judgement in the Andrejeva *v.* Latvia case (ECtHR 2009). Despite previous indications of discrimination (the discriminatory State Pensions Act and the 1998 protest of Russian speaking pensioners), i.e. before the official recognition of discrimination by the ECtHR in the Andrejeva *v.* Latvia case, the CoE had ignored concerns voiced by non-citizens.

In this particular case, the reason for the marginalisation of the perspective of non-citizens was the presumed right of states to a wide 'margin of appreciation', i.e. discretion in implementing social and economic policies due to a problem of public concern (Council of Europe 2017b). The main argument used by Latvia to justify the differential treatment of non-citizens, as explained in the case of Andrejeva *v.* Latvia, was the 'margin of appreciation'. The discriminatory system of pensions' calculation was defended by budgetary considerations in a period when a new social welfare system was to be established (ECtHR 2009).

However, the ECtHR (2009) concluded that the means used[236] for achieving the legitimate goal (i.e. the stability of the new pension system) of the state were not proportional – the actions of Latvia went beyond a 'margin of appreciation'. Since then, the problem of discrimination on the basis of a citizenship status in the area of pension rights has been regularly referred to in CoE reports (e.g. ECRI 2012; Advisory Committee 2013); which indicates that in the absence of an official confirmation of discrimination (i.e. the ECtHR judgment), the CoE is cautious to take into consideration the perspective of non-citizens in the context of socio-economic rights.

The late reaction of the CoE to this problem not only confirms precedence of a state-centric view over the perspective of a discriminated group of individuals without Latvia's citizenship

[234] See sub-section 3.3.2.
[235] See below the discussion about the margin of appreciation.
[236] The refusal of the state to take into account Andrejeva's employment years 'outside Latvia' due to her stateless status (ECtHR 2009).

but it also presumes giving priority to economic considerations of states in general. Until there is an official proof of discrimination, an unfavourable (discriminatory) treatment in the socio-economic area is acceptable within a 'margin of appreciation'. Moreover, without an official confirmation that a state has overstepped its boundaries, the 'margin of appreciation' is 'automatically' presumed and the concerns of policy recipients are overshadowed by the official positions of the state.[237]

This attitude could also explain the lack of interest by the international community in tackling discrimination in the context of privatisation and housing rights, in spite of the obvious discriminatory legal provisions and the available data indicating discrimination on the basis of citizenship status. Thus, not only has the perspective of non-citizens been marginalised by the state-centric approach, but also by the ideological, economic bias of international actors. The latter has been the main reason for the selective approach of international actors (e.g. the CoE) as to what represents legitimate grievances and discrimination that needs to be addressed.

The same result – i.e. marginalisation of the perspective of the final beneficiaries can be noted in the second case study on the equitable representation policy in Macedonia. Here, however, the reason is not so much the state-centric approach, but the elite-oriented approach pursued by the EU. Differently from Latvia, in the Macedonian case, political representatives of minorities (foremost from Albanian political parties) were actively included in the processes of adoption and implementation of the policy of equitable representation.

Nevertheless, their participation has not ensured that the best interest of the policy recipients has been appropriately translated in the policy design. The international community has given too much political weight to the process, placing it exclusively in the hands of political parties (the largest Albanian and Macedonian political parties in the government) and praising party leaders for employments in state institutions over which they have not had any legal authority.[238] As a result, the capacity of state institutions to conduct policy implementation professionally and neutrally has been undermined. Contrary to the public interest, the process has become strongly depended on political bargaining and affected by undue political influences.

[237] The approach of the international community strongly relied on the assumption that Latvia guarantees equal rights to citizens and non-citizens in the socio-economic area, see sub-section 3.3.1.
[238] See section 4.6.

Moreover, the EU has actively limited any debate on the matter aiming to secure fast adoption of the relevant legislation and its implementation. Not only has the EU pressure for fast implementation resulted in 'self-censorship' of some political actors (e.g. the Social Democratic Union of Macedonia (SDUM) and the Liberal Democratic Party (LDP)) so as to present themselves as 'constructive' actors and to please the EU; but it has also resulted in a complete exclusion of the public and the expert community from the debate. The latter has been particularly problematic as the perspective of the final beneficiaries could have been advocated better if the expert community had been included in the process.

This conclusion derives from the observation that the expert community has insisted on a clear procedure and criteria for employment as safeguards from undue political influences. Thus, marginalisation of the perspective of the final beneficiaries has been to a great extent a result of the lack of public deliberation and debate and the failure of the EU to compensate for this by providing a successful policy model. This has left a 'vacuum', which has been misused by dominant political parties, Macedonian and Albanian, to capture the process and shape the policy according to their particularistic interests.

In addition to the marginalisation of the perspective of the final beneficiaries, the Ph.D. analysis has noted a deviation from the EU 'higher' goal, i.e. achievement of substantial equality and non-discrimination in both case studies. In the case of the policy of equitable representation, the 'higher' goal has been suppressed by security considerations of the EU. The problem has been predominantly addressed as an issue of concern for the political stability of the country, rather than as a human rights issue (evident in the rhetoric of both the EU and national political actors).

The EU has thus chosen to support politicisation, and thereby a deviation of the process due to security concerns. An inter-party consensus between the largest ethnic Macedonian and Albanian political parties in the government has been recognised as a guarantee for the political stability of the country. But contrary to the expectations of the EU, the result of the politicisation has been even more fragile political stability.

Political parties have gained enormous leverage to manipulate and threaten with destabilisation any time they felt it was the right moment to gain political points or elicit particularistic benefits. The issue of political stability has become a convenient target of threats of political parties in opposition that have never been satisfied with the progress or the

implementation of the policy. While political parties in power have 'boasted' with quantitative results of the implementation, the process has been constantly challenged and disputed by political parties in opposition.

The fact, however, that no political actor – while in power – has addressed the concerns and criticism it had while in opposition, indicates that such a flawed policy, susceptible to political influences, has actually been in everybody's interest. For political parties in the government, it has been a mechanism for employing individuals closely associated with those parties and a bargaining chip for eliciting benefits (even corruptive deals) in other unrelated policy areas. For political parties in opposition, it has been a reason for 'radicalisation' of their rhetorics/actions recognised as a winning strategy to get to power (and to ensure access to the 'benefits' of the problematic policy implementation).

Moreover, due to the fear that unfulfilled expectations would disturb the fragile political stability, the EU has embraced policy progress solely on a statistical basis. This has additionally compromised the achievement of the 'higher' goal, as the EU assessment has been built almost exclusively on the basis of quantitative indicators ignoring the quality of the implementation process. As a result, instead of a guidance and policy advice for the instalment of a neutral employment procedure that would ensure equal employment opportunities for all, the Union has been inclined towards technical recommendations, asking for rather cosmetic corrections of the inherently politicised and corrupt institutional set-up.

Security concerns, however, have not been the only considerations that (could have) compromised the 'higher' goal of the EU. Implementation of the policy, especially in the beginning, was challenged also by its collision with the economic agenda of the international community, i.e. the goals of rationalisation of the public administration and the need to lower public spendings. International financial institutions (in particular the International Monetary Fund (IMF) pursued a stringent economic conditionality,[239] which endangered the prospect of new employments of persons belonging to smaller ethnic communities. As it became clear to the EU that this approach threatened the very implementation of the policy (and thus the political stability of the country), the EU consequently loosened its economic conditionality.

[239] The pressure for rationalisation of the public administration was strong, in spite of the fact that the Macedonian public administration was smaller in comparison to public administration in member states of the EU. For more information about the share of public sector employments in the total employment see Gocevski and Maleska-Sachmaroska (2017, 27).

This development indicates that in an unstable post-conflict environment, security considerations have precedence over economic, but only when a certain economic agenda could endanger (short-term) stability. The EU does not deal in advance and sustainably with issues such as integration of society and security, but it does that in a rather *ad hoc* manner – when it is directly confronted with a security problem. Therefore, in a 'normal' context (where no security threat 'lurks'), the goals of equality and non-discrimination are usually suppressed by the economic goals of the Union;[240] they come to the top of the EU priorities only when the implementation of the neoliberal agenda is considered a direct threat to security. However, this does not imply that neoliberal goals are abandoned by the EU. On the contrary, they are interpreted more flexibly within a specific policy area – where they collide with the EU security goals.

Differently from the Macedonian case, Latvia was not burdened by imminent security problems by the time the EU got involved (due to a successful intervention of the HCNM).[241] However, the absence of such imminent security concerns has not ensured a better environment for pursuing the 'higher' goal of the EU. On the contrary, the goal of substantial equality has been completely subordinated to economic considerations and the implementation of the economic *acquis* of the Union.

Although equality of treatment of non-citizens and persons belonging to minorities has been declaratively set as the main goal of the political pre-accession conditionality (Commission of the European Communities 1997), the EU has approached the problem of unequal treatment of non-citizens mainly from an economic perspective. To be precise: the unequal treatment on the grounds of a citizenship status has been considered through the lense of its impact on the right to freedom of movement and business activities for enterprises from the EU. The reason for this approach has been the fear of the Union that the limitations applicable to non-citizens would also apply to EU citizens after Latvia acceded to the Union, which would have represented a breach of the EU law.

Once Latvia addressed this fear, by exempting EU citizens from the restrictions applicable to non-citizens, the EU no longer recognised obstacles to the implementation of the economic

[240] This has been confirmed by the Latvian case as it will be seen below.

[241] Although in the early 1990s, the Russian 'threat' was perceived as a highly tangible problem, it was successfully addressed by the active involvement of the international community and the withdrawal of the Russian army from Latvian soil (see section 3.3). Differently form the Latvian case, Macedonia in 2001 faced an open military conflict.

acquis and its economic goals. Led by economic considerations, the Union thus embraced a selective implementation of the political conditionality, which led to its abandoning of the 'higher' goal and greater inequality and discrimination of non-citizens in comparison to both Latvian and EU citizens.

And thirdly, regarding successful socialisation, no significant result has been observed in any of the two case studies. In the case of Latvia, no socialisation effects have been recognised, while in the case of the equitable representation policies in Macedonia, only limited socialisation effects have been noted. The analysis of the Latvian parliamentary debates and the interviews has shown that the main positions of political and societal actors remained unchanged during the pre-accession period.

Nationalistic arguments continued to dominate the political debate and they continuously and successfully countered any initiative in favour of non-citizens. Moreover, they have been 'fed' and encouraged by the reluctance of the international community to put a stronger pressure on Latvia's authorities to address discrimination on the basis of a citizenship status.

By accepting the basic principles of the restored state and the official positions of the government as legitimate (despite their ethnocentrism and exclusiveness), the international community has thus limited the space for socialisation within the context of specific policies built on these principles.

Hence, the factors recognised to be crucial for 'galvanisation' of the socialisation process (political culture inclined to consensus building and norm entrepreneurs trying to redefine political and societal interests and identities) have not been present in the case of Latvia. Political culture during the pre-accession period remained exclusive towards the requests of non-citizens. This was very much due to their political disenfranchisement and domination of (far) right wing political parties.

Furthermore, the intellectual elite that was supposed to take the role of a norm entrepreneur (and challenge the dominant attitudes) appropriated the official positions – that non-citizens enjoy equal rights in the socio-economic area and that naturalisation is the only path to integration. Those who confronted the ethnic Latvian narrative were marginalised and could therefore not impose themselves as norm entrepreneurs and challenge deeply rooted beliefs or shape the public discourse. Arguments that contradicted Latvian official positions were dismissed as a proof of disloyalty and used for justification of the nationalistic positions. This

has been to a great extent enabled by the fact that the EU (and in general the international community) had failed to provide an ideational reference and encouragement for building a moral argumentation in favour of non-citizens.

As the socialisation failed, the design of the Latvian policy response to the problems of non-citizens has been shaped exclusively by pragmatic considerations aimed at ensuring integration of Latvia in international organisations. This is evident in the overly pragmatic statements of political actors who supported the 1998 citizenship law amendments only for the sake of the accession to the EU. Some of them expressed hopes for a reversal once the international pressure was gone, while others required 'compensation' for the liberalisation of the citizenship law with more stringent policies in other areas (e.g. the language policy).

Although the lack of socialisation has negatively impacted the quality of the Europeanisation outcome for non-citizens, in the long run and in the context of economic integration of Latvia, it has actually suited the EU interests. For instance, the adoption of the Euro was at stake until popular mobilisation was secured by capitalising on the fears of the 'Russian' threat. During the pre-accession period, the 'Russian' threat was the most exploited narrative used to justify nationalising policies discriminating non-citizens, who were demonised as its local 'personification'. This has been one of the key myths on which the nationalistic narrative has been built, and which the Europeanisation process has failed to challenge.

As opposed to Latvia, some socialisation effects can be observed in the Macedonian case. The effects of its Europeanisation process seem significant if one refers to the pre-2001 period or the first years after the 2001 conflict when the constitutional amendments and the initial legislative changes were adopted that introduced the principle of equitable representation. Before the impact of the EU pre-accession conditionality, the very idea of affirmative action had been unacceptable – a legal initiative aimed to introduce such a mechanism had already failed. Even after 2001, the political context continued to be unfavourable; the adoption of the relevant legal framework was challenged by political games of ethnic Macedonian political actors who were trying to downplay the impact of the changes on the overall system.

Despite the unfavourable political environment during the initial phase of policy implementation, later in the process, a significant shift in the attitudes has occurred as no relevant political or societal actor has called into question the very existence of the policy of equitable representation. However, the wide acceptance of the principle of equitable

representation does not automatically imply deep socialisation. Although no notable societal actor questions the measure as an appropriate instrument for addressing structural discrimination on ethnic basis in the public sector, its implementation is a subject of dispute due to different interpretations and ideas regarding its duration, design and even the very meaning of the term 'equitable'. This indicates that during the pre-accession process, the Macedonian society was successfully socialised to recognise the necessity of the policy; but it has not been socialised towards a commonly accepted idea of a policy implementation that would not be disputed across ethnic and political lines or by the expert community.

This limited socialisation (Europeanisation) can be explained by the mediating factors crucial for successful socialisation, i.e. political culture and norm entrepreneurs. Political culture nurtured under the EU patronage presumed consensus building only at the inter-party level and 'behind closed doors'. The active involvement and direct contact between the EU and the leaders of the four largest political parties (in power and in opposition) have ensured political support of the implementation of the Ohrid Framework Agreement (OFA) agreement in general (*inter alia* of the principle of equitable representation). This, however, has encouraged a culture of non-transparency and a lack of public debate. In the context of equitable representation, consensus-building on its operationalisation and implementation has been limited only to the largest political Macedonian and Albanian political parties in the government, which has additionally strengthened the culture of non-transparency and has made it prone to inter-party bargaining.

In such an environment the impact of other societal actors who are supposed to presume the role of norm entrepreneurs, has been very limited. Although the expert community has been loud in pointing out the (potential) problems and it has aimed to challenge the policy implementation as non-transparent and subjected to undue political influences, its impact has been insignificant. Their leverage to act as an active socialising agent has been undermined by the EU efforts to limit public debate and the late response of the Union to the shortcomings of implementation – once those shortcomings could no longer be ignored. Being predominantly interested in quantitative progress, the Union has failed to provide legitimacy to the concerns voiced by domestic experts regarding the quality of the process. Without an ideational support by the EU, they could not present themselves as a relevant actor with the capacity to change the attitudes of political actors, who captured the process for their particularistic benefits.

Socialisation, however, has not been affected only by the EU's approach, but also by systemic structural problems noted at the local level. The policy of equitable representation is only a small piece within a corrupt and politicised system of public service; therefore, partial socialisation in this area would not have led to a significant improvement on the ground (for the final beneficiaries). For a substantial change is not possible without re-evaluation of the political principles and values on which the public sector and the 'captured' state in general rely.

An additional limitation came in the form of a weak economy (the high structural unemployment and the lack of employment opportunities offering a decent standard of living), which lacks a viable prospect of improvement within the general neoliberal framework. The flawed implementation of the policy of equitable representation has been to a great extent conditioned by the incapability of political parties in power to solve economic problems of citizens and on this basis to ensure their prime goal – electoral support. Therefore, they have chosen a rather corrupt, but effective 'shortcut', by taking advantage of the unfavourable economic situation and the image of the public sector as the most attractive employment option (providing the 'privilege' of economic security and a relatively good standard of living). The result has been a complete control over the 'distribution' of employment opportunities in the public service and consequently a control of a sizable part of the electorate. This situation indicates that in a hopeless economic environment, where legitimate options for political actors to achieve their main goal – gaining political power – are limited (as they cannot offer sustainable solutions to existential problems of the majority population), the prospect of socialisation is almost non-existent.

Hence, the Ph.D. thesis provides a solid basis for conclusions about the reasons that lead to problematic results of otherwise formally successful Europeanisation. The Ph.D. thesis infers that problematic Europeanisation policy results are to a great extent shaped by the EU's approach, which is overly state-centric/elite-centric and ideologically biased. Led primarily by economic and security considerations, the EU's external governance is structurally inclined to marginalise the perspective of the final beneficiaries and alienate them from the 'higher' goal (which in the area of minority rights is the achievement of non-discrimination and effective equality). As such, it fails to support a reform capable of addressing problems in candidate countries, for the benefit of individuals and societies at large.

Thus, the Ph.D. thesis concludes in a rather pessimist tone: within the global neoliberal context, deep Europeanisation does not have a viable prospect. Making deep Europeanisation a reality is an ambitious challenge that requires not only a redefinition of the EU's external governance, but a systemic change and a radical re-evaluation of the values and goals which the EU relies on. The expectation that the EU's external governance can solve problems in candidate countries for the benefit of individuals and societies at large, while the Union pursues its economic agenda at the disadvantage of the majority population, is both unrealistic and naive. The pre-accession process in candidate countries has legitimised and enhanced problems of the post-independence period deriving from the economic transformation, which has undermined the achievement of the EU political goals.

Precisely in the context of minority protection (minority rights), the EU ignores the fact that persons belonging to minorities have been disproportionally affected in the process of wealth distribution – an issue that to a great extent has determined their underprivileged position. Moreover, the Union fails to tackle the structural reasons (severe and uncertain economic environment) that have made persons belonging to minorities as well as minoirties as such a 'target' to which dissatisfaction of the majority has been strategically redirected. It ignores the fact that its neoliberal policies perpetuate inequality and economic uncertainty setting a fruitful soil for xenophobia and intolerance; which in the long run undermines any possibility for the achievement of the EU's political goals – substantial equality and non-discrimination. As the Macedonian case shows, even selective flexibility in the implementation of the neoliberal agenda (due to security concerns), is not a solution. In an economically devastated environment, with no prospect of a decent quality of life for all citizens, such an approach contributes to even greater frustrations among citizens and to animosity towards the 'privileged' minority community and persons belonging to it, which makes integration of the society a distant and unattainable goal.

These are important lessons from the previous and current cycle of enlargement, and as such could be useful guidelines for the design of the EU's external governance, particularly with regard to the newly developed concept of 'resilience'.[242] However, in the light of the detected discrepancy of citizens' needs and the EU's approach to, an important question arises about the capacity of the EU to empower individuals and societies to make them resilient. The neoliberal agenda of the EU, which emerges as an omnipresent factor shaping considerations

[242] See section 1.1.

and actions of the EU, obviously cannot improve the quality of people's life – which is recognised as the main concern of citizens.[243] The most extreme example, but at the same time the most illustrative one, of the failure of the EU's economic agenda is the case of Greece (Polychroniou 2014; Kennedy 2016). This, however, is not an isolated case, as similar effects are also present in candidate countries. In spite of the Union's (in general) positive assessment of macro-economic stability and growth rate in candidate countries (European Commission 2015a, Section II), these states lack any realistic prospect for being able to solve the most burning problems such as high unemployment, high social inequality and a high level of poverty.

Moreover, with the latest shift in the EU enlargement priorities towards an almost exclusive focus on the rule of law (European Commission 2015a; 2015b), the EU has indicated that even its interest in other policy areas that could be beneficial for the improvement of the status of some groups (e.g. minorities) and persons belonging to them has decreased. Namely, the issue of minority rights, once a top priority in the context of the Western Balkan (WB) enlargement, has been placed at the bottom of its agenda. And this is not only evident in the limited attention dedicated to minority rights since the 2015 enlargement strategy (European Commission 2015a, Section II) – only one sentence (referring specifically to the Roma community),[244] but also in official statements of EU representatives. An indicative example is the statement of Johannes Hahn, the Commissioner for European Neighbourhood Policy and Enlargement Negotiations, regarding the adoption of Macedonia's law on the use of languages (which aims to secure the status of the Albanian as an official language at the national level).[245] Namely, the Commissioner required from the government to focus

[243] One of the latest surveys on citizens' attitudes about the Macedonian accession to the EU has shown high support (73 %) for accession (Institute for Democracy Societas Civilis 2017). As the main reason to support accession, 51 % of the respondents stated "higher standard of living", 23 % "reduction of unemployment", 7 % "improvement of democracy", 5 % "workers mobility", 2 % "affiliation to Europe" and 12 % "better security and stability of the state" (*ibid.*). This clearly indicates that the main expectation from the EU is placed in the socio-economic area, as citizens believe that EU accession will secure their wellbeing and a better quality of life.

[244] Minority rights are mentioned among the priorities set in the area of fundamental rights (European Commission 2015a, Section II). "Inter-ethnic and status disputes" and "the situation of minorities" are also mentioned in the section "Good neighbourly relations and regional cooperation", however, they are only enumerated along with other issues relevant for overcoming bilateral disputes (*ibid.*).

[245] After the 2016 parliamentary elections, the Albanian political parties united around a 'Declaration of the Albanian political parties' (Makfaks 2017). The Declaration set the adoption of a new language law arranging the official status of the Albanian language as one of the key conditions for participation of the Albanian political parties in the government. After a government coalition was formed among the SDUM, the Democratic Union for Integration (DUI) and the Alliance for Albanians in May 2017, this issue has become a key political priority of the government. At the same time, however, the issue has faced great public opposition by a significant part of the Macedonian ethnic community. Ethnic Macedonian experts have opposed the adoption of the law as unconstitutional and as a solution that undermines the status of the Macedonian language (Blazhevska

exclusively on the urgent reform priorities[246] as the key conditions for the start of the accession negotiations, explicitly stating that the language law was not one of them.[247]

Thus, an EU strategy cut off (from the onset) from economic redistributive requirements, and (since recently) from cultural recognition claims, does not give much hope that the ambitious goal set in the 2016 Global Strategy for the European Union's Foreign and Security Policy (i.e. empowerment of individuals and societies to resist the global challenges and threats) could be achieved. What can change this situation is a radical redesign of the EU pre-accession approach, or the Europeanisation process, by setting the needs and main concerns (i.e. the perspective) of all individuals (whole societies) in candidate countries as the main basis for its rebuilding. This implies a comprehensive strategy that tackles not only priorities set by the EU (e.g. the rule of law), but also issues which at the moment might be in collision with its economic agenda (e.g. redistribution), or to some extent outside of its mandate (e.g. recognition and societal integration). As such, this could imply a process of rethinking and transforming the very basis on which the EU project relies. Without this, the future of candidate counties is doomed to be a trade-off between EU values (and 'civilisational' values in general), on the one hand, and, its economic and security considerations, on the other hand.

2018). The Internal Macedonian Revolutionary Organisation-Democratic Party for Macedonian National Unity (*Внатрешно Македонска Револуционерна Организација Демократска Партија за Македонско Национално Единство ВМРО ДПМНЕ*, VMRO-DPMNE) although having initially, i.e. during the negotiations with the DUI for a government coalition, accepted this condition, it later, i.e. as an opposition political party, criticised it as unconstitutional and as a step towards federalisation (*ibid.*). This has led to a parliamentary crisis, in which the VMRO-DPMNE has used different means to stop the adoption of the law, i.e. filibustering, a parliamentary boycott and a submission of a record number of amendments to the law – no fewer than 35,000 (24.mk 2018). Nevertheless, the law has been adopted by the Parliament, but it has not entered into force (as of May 2018) due to the veto of the President of the Republic. President Ivanov has unconstitutionally used a second veto, by not signing the law after its second adoption in the Parliament (Stanoevich 2018). Not only has the debate on the language law raised nationalistic tensions and 'revived' the DUI as a key political actor (after its worst electoral result due to its corruptive and clientelistic governance in the period of the government led by VMRO-DPMNE until 2016), but it has also overlooked many important issues related to the improvement of the language rights of persons belonging to minorities. Namely, the law arranges only the status of the Albanian language as an official language, while ignoring the language rights of the smaller ethnic communities (Law on the Use of Languages 2018, Article 1). More importantly, the law links the official status of the Albanian language to the size of the ethnic community (*ibid.*). Hence, a question arises as to what would happen if the size of the Albanian community decreased. This is a realistic prospect in the light of the high emigration rate the country is facing (see section 4.2.1), and thus stands out as a reason for potential future tensions. In the end, the law relies on rather strict punitive provisions (Law on the Use of Languages 2018, Article 22), instead on integrative measures (for instance an integrated education), which could better bridge segregation among ethnic communities and secure its objectives.

[246] Rule of law and reform of the judiciary; de-politicisation of public administration; electoral reform; implementation of the recommendations of the committee of inquiry into the events of 24 December; media: freedom of expression (European Commission 2015b).

[247] Johannes Hahn stated that "the law on languages is a reasonable demand but it is not one of Brussels' priorities in terms of what Macedonia should accomplish on its road to the EU-integration /…/ at the moment Macedonia's government should focus on identifying the priority spheres for obtaining positive recommendation from Brussels" (MIA 2017).

Hence, the conclusions of the Ph.D. thesis challenge the idea of Europeanisation as the most successful strategy in bringing about peace, respect for human rights, minority protection, democratic consolidation and prosperity (Anastasakis 2005; Schimmelfennig 2005; Belloni 2009). The analysis indicates that this positive image and uncritical trust in the EU integration process is ill-constructed; it downplays all the problems after a positive recognition of candidates' progress by the EU and their normalisation within the EU framework. Contrary to the promoted image of a value-based Union, the EU's external governance departs primarily from economic and security concerns, rather than from the founding values of the Union – "respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities" (Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community 2007, Article 1a). In such a context, minority and human rights violations are approached mainly from the perspective of their impact on the political and economic integration of a candidate country within the EU system, and on the candidate's security prospects. Therefore, they are tackled only to the point where they no longer represent an obstacle to the economic and security goals of the Union. Once this is achieved, problems of discrimination and inequality became invisible for the EU, while local exclusions at the national level are appropriated at and translated to the EU level.

The Ph.D. thesis, however, confirms the main assumptions of the Europeanisation literature that a membership prospect and a clear conditionality are crucial conditions for rule transfer/adoption (Schimmelfennig and Sedelmeier 2005). Without the EU pre-accession process and pressure, the legislative changes on the citizenship law in Latvia and the introduction of the equitable principle in Macedonia would not have occurred. Nevertheless, the research also shows that formal compliance with the EU pre-accession conditionality is not sufficient for addressing the actual problems on the ground.

Moreover, the Ph.D. thesis contributes to the literature on Europeanisation by identifying the main factors that inhibit successful socialisation – considered a key condition for the quality of the Europeanisation outcome (Börzel and Risse 2003; Noutcheva *et al*. 2004, Noutcheva 2006). The inhibiting factors are ascribed to structural limitations of the EU's approach: its state-centred/elite-centred view and ideological bias deriving from the global neoliberal economic context or security considerations. Whether economic or security consideration prevails as an inhibiting factor of socialisation, it will depend on the local context. Thus, in an

unstable political context facing a security threat, neoliberal economic goals pursued by the EU can be overshadowed by its security considerations, particularly if both are in collision.

Here, it is also important to note the contextual differences between the two case studies (deriving from the different enlargement cycles) and their impact on the Europeanisation outcomes: 1) the vaguer membership prospect given to the WB countries in comparison to the Central and Eastern European (CEE) countries and 2) the different quality of pre-accession problems (post-conflict problems and first order democratisation in the case of the WB countries and democratic consolidation in the case of the CEE countries). Moreover, from today's perspective, Latvia has already acceded to the EU in 2004, while Macedonia is a candidate country still awaiting the opening of accession negotiations.

With regard to the prospect of membership, the Ph.D. thesis shows that the level of clarity and certainty does not play any role for the formal compliance with the EU conditionality nor has a significant impact on the quality of the Europeanisation result. The fact that there was a concrete date as an accession goal in the case of Latvia, while in the case of Macedonia the prospect of membership has been set more vaguely, have not had any impact on the process of adoption of the legislative changes. In both cases the legislative changes, precisely those on which the EU consistently insisted, have been adopted.

Interestingly, despite the more complicated post-conflict context in the Macedonian case, the adoption of the legislative changes has gone even more 'smoothly' than in the Latvian case. The reason for the 'better performance' of Macedonia has been the more intrusive involvement of the EU (and the international community) in the country. Differently from the Latvian case, in Macedonia, the EU has challenged the basic principles of the post-independence state. The OFA has redefined 'statehood' by establishing a new 'social contract' and setting the principles of the 'renewed' multi-ethnic Macedonian state. Moreover, the OFA has become a corner stone of the pre-accession conditionality, whereas the EU as one of the guarantors of the Agreement (and a key actor providing administrative and financial support for its implementation) has presumed an enormous leverage in the implementation process. Using this leverage in a context of a devastating economy facing bankruptcy (after 2001), as well as actively encouraging a 'protectorate mentality' (by limiting public debate), the Union has managed to secure adoption of any legislative initiative recognised as crucial for preserving the fragile stability of the country. Hence, the problematic

post-conflict environment has actually empowered the EU and thus stimulated adoption of the required legislation.

On the basis of the two case studies, the Ph.D. thesis shows that for better understanding of the actual effects of Europeanisation we need a radical shift of the research focus from technical issues – rule transfer, implementation and harmonisation to their impact on the ground in candidate countries. Not only will such a shift provide a more realistic idea about the quality of EU induced changes, but it will also stimulate a critical deliberation on the very rules, norms and values promoted by the EU during the pre-accession process. This also implies breaking up with the positivist approach in the analysis of the transfer of international norms and standards, and its replacement with a more teleological understanding of their expected impact. This should secure a more suitable research framework that will be less tolerant to policy solutions which formally comply with international standards but fail to challenge the *status quo*. Moreover, there is also a need for a research framework sensitive to ideological biases (of international and domestic actors) as potentially inhibiting factors in the processes of transfer and internationalisation of international standards in candidate countries.

In addition, by referring to the perspective of the final beneficiaries as the main indicator for successful, i.e. deep Europeanisation, the analysis of the two case studies has come to different conclusions about the quality of the Europeanisation results (from those in the existing literature on Europeanisation). This suggests a need for a conceptualisation of the perspective of the final beneficiaries as a central element defining successful Europeanisation within the theory on Europeanisation.

The theory of communicative action (Habermas 1994) provides the theoretical basis for introduction of such a perspective, i.e. for conceptualisation of the preferences of final beneficiaries as the main variable of successful, i.e. deep Europeanisation. However, this theory also opens up many new questions; for instance, how can we achieve participation of 'all concerned' in a context featured by enormous inequalities on political, economic and cultural bases, which are often normalised within the political and economic framework (at both international and national levels)? This is a question that goes beyond the present research and has not been addressed in the Ph.D. thesis; nevertheless, it is an important issue that needs future theoretical deliberation and empirical research.

Moreover, the analysis of the two case studies also suggests that there is a need for a theoretical rethinking of the concept of socialisation. For instance, the limited socialisation in the case of Macedonia would have been overlooked as successful if the analysis did not refer to the perspective of the final beneficiaries and if it did not analyse whether and to what extent the change of political and societal attitudes corresponded to the needs of the final beneficiaries, i.e. persons belonging to the non-majority ethnic communities. This raises a question about the need for a redefinition of the understanding of successful socialisation. Instead of understanding successful socialisation as a change of actors' identities and interests only in line with the EU norms and standards, it needs to be broadened to capture attitude changes towards accepting the needs and interests of the final beneficiaries. In such a conceptual framework, successful socialisation could no longer imply a top-down influence on candidate countries, but a deliberative process, which encourages interaction and simultaneous influence between the EU pre-accession strategy and the local needs (of the people most concerned by the change).

In the end, it should be stressed that the Ph.D. thesis is focused on a single policy area and on a limited number (two) of case studies. Although this enables a better insight and understanding of the effects of the EU's external governance on the ground, it also simultaneously poses the main limitation of the Ph.D. thesis. Due to the small number of case studies, the conclusions inferred cannot claim their universal applicability. They can, however, serve as a basis for additional research interested in a more substantial impact of the EU's external governance or as a basis for theoretical discussions about a possible application of the concept of deep Europeanisation to other policy areas.

6 References

A., B. 2001. The Constitution will not be changed under military threats. *Dnevnik,* August 2.

A. van Dijk, Teun. 1997. What is Political Discourse Analysis? In *Political Linguistics*, eds. Jan Blommaert and Chris Bulcaen, 11–52. Amsterdam: Benjamins.

Aasland, Aadne. 2006. Russians and the Economy. In *Latvian-Russian Relations: Domestic and International Dimensions,* ed. Nils Muižnieks, 53−63. Riga: Latvian University.

Abrahams, Fred. 1996. *A Threat to 'Stability'- Human Rights Violations in Macedonia*. Helsinki: Human Rights Watch. Available at: www.hrw.org/reports/1996/Macedoni.htm (17 June 2014).

Advisory Committee on the Framework Convention for the Protection of National Minorities. 2008. *Opinion on Latvia adopted on 9 October 2008*. Available at: https://rm.coe.int/168008be5a (10 July 2017).

Advisory Committee on the Framework Convention for the Protection of National Minorities. 2013. *Second Opinion on Latvia, adopted on18 June 2013*. Available at: https://rm.coe.int/168008c1a1 (10 July 2017).

Advisory Committee on the Framework Convention for the Protection of National Minorities. 2005. *First Opinion on "the former Yugoslav Republic of Macedonia," adopted on 27 May 2004*. Available at: https://rm.coe.int/168008bd41 (6 March 2018).

Advisory Committee on the Framework Convention for the Protection of National Minorities. 2008. *Second Opinion on "the former Yugoslav Republic of Macedonia," adopted on 23 February 2007*. Available at: https://rm.coe.int/168008c189 (6 March 2018).

Advisory Committee on the Framework Convention for the Protection of National Minorities. 2011. *Third Opinion on "the former Yugoslav Republic of Macedonia," adopted on 30 March 2011.* Available at: https://rm.coe.int/168008c62e (6 March 2018).

Advisory Committee on the Framework Convention for the Protection of National Minorities. 2016. *Fourth Opinion on "the former Yugoslav Republic of Macedonia*," *adopted on 24 February 2016*. Available at: https://rm.coe.int/16806d23e3 (9 May 2017).

Agné, Hans. 2009. European Union Conditionality: Coercion or Voluntary Adaptation? *Alternatives: Turkish Journal of International Relations* 8 (1): 1–18. Available at: http://www.alternativesjournal.net/volume8/number1/agne.pdf (2 April 2011).

Akule, Dace. 2013. Interview with the Director of the Centre for Public Policy PROVIDUS. E-mail interview, June 5.

Alesina, Alberto and David Dollar. 2000. Who gives foreign aid to whom and why? *Journal of Economic Growth* 5 (1): 33-63.

Amendments to the Law on Citizenship. 1995. Available at http://www.proyectos.cchs.csic.es/transitionaljustice/sites/default/files/maps/info/other-legislation/latvia/latvia_citizenship_law_1995.pdf (24 July 2017).

Analytica. 2008. *Lessons Learned on Effective Public Administration in Macedonia*. Available at: http://www.analyticamk.org/files/ReportNo19.pdf (20 March 2015).

Anastasakis, Othon. 2005. The Europeanization of the Balkans. *The Brown Journal of World Affairs* 12 (1): 77–88.

Anastasakis, Othon. 2008. The EU's political conditionality in the Western Balkans: towards a more pragmatic approach. *Southeast European and Black Sea Studies* 8 (4): 365–377.

Antane, Aina and Boris Tsilevich. 1999. Nation-building and Ethnic Integration in Latvia. In, Nation-building and Ethnic Integration in Post-Soviet Societies. In *Investigation of Latvia and Kazakhstan*, ed. Pål Kolstø, 63−152. Boulder: Westview Press.

Apeldoorn, B. van. 2007. The Political Economy of European Integration in the Polder: Asymmetrical Supranational Governance and the Limits of Legitimacy of Dutch EU Policy-making. *WRR Webpublications* 15: 1–63.

Arifi, Teuta. 2007. '*Disciplina Kichme*'. *Dnevnik*, July 22. Available at: http://www.dnevnik.com.mk/?itemID=4F34BF3AEF9AD84D811B69FF352C290A&arc=1 (9 December 2011).

Atanasov, Petar. 2006. The Impact of the Ohrid Agreement on the Macedonian Future.In *International Peace Plans for the Balkans – A Success?* Eds. Predrag Jureković and Frederic Labarre, 83–91. Vienna: Austrian Federal Ministry of Defence.

Atanasova, Gorica. 2008. Does Europeanization equal democratization? Application of the Political Conditionality Principle in the Case of the Macedonian System of Governance. *Analytical Journal* 1 (1): 1–11.

A1on. 2015. (Video) SDUM: Menduh Thaci will be faithful unto death to Mijalkov. March 10. Available at: http://vesti.mk/read/news/4848036/1823154/sdsm-menduh-tachi-kje-mu-bil-veren-do-smrt-na-mijalkov (3 May 2017).

Barabovski, Georgi. 2001. Interview: Boris Trajkovski, president of the Republic of Macedonia −"All displaced citizens will return, that is my top priority." *Dnevnik*, August 25.

Barbieri, Sara, Roska Vrgova and Jovan Bliznakovski. 2013. *Policy Brief Overcoming Ethnic-Based Segregation: How to Integrate Public Schools in Macedonia and Bosnia and Herzegovina*. Skopje and Sarajevo: IDSCS, ŽoštoNe? and DGAP. Available at: https://dgap.org/sites/default/files/article_downloads/zasto_ne_bosnia-herzegovina_idscs_macedonia_overcoming_ethnic-based_segregation.pdf

Barnett, Michael and Christoph Zürcher. 2009. The Peacebuilder's Contract: How External Statebuilding Reinforces Weak Statehood. In *The Dilemmas of Statebuilding: Confronting the Contradictions of Postwar Peace Operations*, eds. Roland Paris and Timothy D. Sisk, 23–52. New York: Routledge.

Barry, Jim, Elisabeth Berg and John Chandler. 2012. Embedding European identity in context: changing social solidarities in Europe. In *Reinventing Social Solidarity Across Europe*, ed. Marion Ellison, 83–97. Bristol: Policy Press.

Basotova, Ljubinka, Zoran Ivanov, Igor Janev, Ivan Kantardziev, Eftим Kletnikov, Naum Radicevski, Gordana Ristevska, Trajko Stamatovski, Katica Kulafkova, Svetlana Hristova Jocik, Ljubomir Cuculovski and Vera Cajkovska. 2001. Open letter to the President of the Republic, the Parliament and the Government. *Dnevnik*, August 1.

Baumgartner, Pete. 2016. Explainer: Roots of Macedonia's Political Crisis Run Deep. *Radio Free Europe*, April 15. Available at: https://www.rferl.org/a/explainer-crisis-in-macedonia-leads-to-violent-protests/27675969.html (3 May 2017).

BBC. 2008. The legacy of the Ohrid Agreement. August 13. Available at: http://www.bbc.co.uk/macedonian/news/story/2008/08/080812_ohrid_ramkoven.shtml (9 December 2011).

Bechev, Dimitar. 2012. The Periphery of the Periphery: The Western Balkans and the Euro Crisis. European Council on Foreign Affairs, ECFA/60 Policy Brief. Available at: https://www.files.ethz.ch/isn/173470/ECFR60_WESTERN_BALKANS_BRIEF_AW.pdf (29 August 2013).

Bechev, Dimitar and Svetlova Andreev. 2005. Top-Down vs. Bottom-Up Aspects of the EU Institution-Building Strategies in the Western Balkans. Oxford: European Studies Centre, Occasional Paper, No. 3/05.

Belloni, Roberto. 2009. European Integration and the Western Balkans: Lessons, Prospects, and Limits. *Journal of Balkan and Near Eastern Studies* 11 (3): 313–331.

Berdnikov, Andrey. 2013. Interview with a scholar and activist, Senior Researcher at the Advanced Social and Political Research Institute University of Latvia. E-mail interview, July 19.

Bieber, Florian. 2005. Partial Implementation, Partial Success: The Case of Macedonia. In *Power Sharing: New Challenges for Divided Societies*, eds. David Rusell and Ian O'Flynn, 107–122. London: Pluto.

Bieler, Andreas. 2002. The Struggle over EU Enlargement: a Historical Materialist Analysis of European Integration. *Journal of European Public Policy* 9 (4): 575–597.

Bieler, Andreas. 2003. European Integration and Eastward Enlargement: the Widening and Deepening of Neo-liberal Restructuring in Europe. Queen's Papers on Europeanisation, No. 8.

Bieler, Andreas and Adam David Morton. 2001. Introduction: Neo-Gramscian Perspectives in International Political Economy and the Relevance to European integration. In *Social Forces in the Making of the "New Europe": the restructuring of European social relations in the global political economy*, eds. Andreas Bieler and Adam David Morton, 3–24. Basingstoke: Palgrave-Macmillan.

Biljali, Mersel. 2012. Interview with a Member of the Parliament from PDP in the period of 1998–2002. Skopje, March 7.

Binder, David. 1996. Balkan College for Albanians Fights to Stay Alive. *The New York Times*, February 14. http://www.nytimes.com/1996/02/14/world/balkan-college-for-albanians-fights-to-stay-alive.html (5 May 2017).

Birkenbach, Hanne-Margret. 1997. *Preventive Diplomacy through Fact-Finding: How International Organisations Review the conflict over Citizenship in Estonia and Latvia*. New Brunswick, N.J.: Transaction.

Blazhevska, Katerina. 2014. The idea and the promoters of 'Illyrida' are outdated. *Deutsche Welle*, September 16. Available at: http://www.dw.com/mk/%D0%B8%D0%B4%D0%B5%D1%98%D0%B0%D1%82%D0%B0-%D0%B8-%D0%BF%D1%80%D0%BE%D0%BC%D0%BE%D1%82%D0%BE%D1%80%D0%B8%D1%82%D0%B5-%D0%BD%D0%B0-%D0%B8%D0%BB%D0%B8%D1%80%D0%B8%D0%B4%D0%B0-%D0%BF%D1%80%D0%B5%D0%B3%D0%B0%D0%B7%D0%B5%D0%BD%D0%B8-%D0%BE%D0%B4-%D0%B2%D1%80%D0%B5%D0%BC%D0%B5%D1%82%D0%BE/a-17923778?maca=maz-TB_maz_utrinski-5917-xml-mrss (30 April 2017).

Blazhevska, Katerina. 2018. The Language Law 'set the fire'. *Deutsche Welle*, January 12. Available at: http://www.dw.com/mk/%D0%B7%D0%B0%D0%BA%D0%BE%D0%BD%D0%BE%D1%82-%D0%B7%D0%B0-%D1%98%D0%B0%D0%B7%D0%B8%D1%86%D0%B8%D1%82%D0%B5-%D0%B3%D0%B8-%D1%80%D0%B0%D1%81%D0%BF%D0%B0%D0%BB%D0%B8-%D0%B7%D0%B1%D0%BE%D1%80%D0%BE%D0%B2%D0%B8%D1%82%D0%B5/a-42120738 (3 April 2018).

Blumer, Simon and Christian Lequesne. 2002. New perspectives on EU – Member states relationship. *Research in question* 4: 1–35. Available at: http://www.ceri-sciencespo.com/publica/question/qdr4.pdf (20 February 2011).

Bohle, Dorothee. 2006. Neoliberal Hegemony, Transnational Capital and the Terms of EU's Eastwards. *Capital & Class* 30 (1): 57–86.

Börzel, Tanja A., Aron Buzogany and Sonja Guttenbrunner. 2006. Enlarging Environment Mapping New Modes of Governance in the Adoption of and Adaptation to EU Environmental Policies in Poland, Hungary and Romania. Paper prepared for the European Consortium for Political Research Standing Group on EU Politics, Third Pan-European Conference, 21–23 September, in Istanbul, Turkey.

Börzel, Tanja A. and Thomas Risse. 2000. When Europe Hits Home: Europeanisation and Domestic Change. *European Integration online Papers* 4 (15): 1–13. Available at: http://eiop.or.at/eiop/texte/2000-015.htm (20 February 2011).

Börzel, Tanja A. and Thomas Risse. 2003. Conceptualizing the Domestic Impact of Europe. In *The politics of Europeanisation*, eds. Kevin Featherstone and Claudio Radaelli, 57–82. New York: Oxford University press.

Brown, Keith. 2001. *Beyond Skopje: Patterns of Interactions between Government and Local Communities in Macedonia*. Washington DC: World Bank Social Development Initiative for South East Europe. Available at: http://siteresources.worldbank.org/EXTGLDEVLEARN/Resources/Beyond_Skopje_Keith_Brown.pdf (12 April 2014).

Brubaker, Rogers. 1996. Nationalizing States in the Old 'New Europe' – and the New. *Ethnic and Racial Studies* 19 (2): 411–437.

Buller, Jim and Andrew Gamble. 2002. Conceptualising Europeanisation. *Public Policy and Administration* 17 (2): 4–24.

Buzajevs, V., A. Dimitrovs and T. Ždanoka. 2008. *Citizens of a Non-Existent State*. Riga: Latvian Human Rights Committee.

Buzayev, V., G. Kotov and L. Raihman. 1999. *Comments on the List of Differences between the Rights of Latvian Citizens and Non-citizens*. Available at: http://www.minelres.lv/count/non_cit-rights_1.htm (5 May 2017).

C., Zh. 2006. Manufacturing jobs for electoral purposes. *Dnevnik*, May 26. Available at: http://www.dnevnik.com.mk/?itemID=1747465C69F96A45BA6E0989E8A4AC4D&arc=1 (7 December 2011).

Caca Nikolovska, Margarita. 2012. Interview with a former Judge at the European Court of Human Rights and a President of the Institute for Human Rights. Skopje, March 5.

Caporaso, J. 1996.The European Union and Forms of State: Westphalian, Regulatory or Post-Modern? *Journal of Common Market Studies* 34 (1): 29–52.

Cederman, Lars Erik. 2001. Nationalism and Bounded Integration: What it Would Take to Construct a European Demos. *European Journal of International Relations* 7 (2): 139–174.

Celevski, Dragi. 2012. Interview with the Deputy Ombudsman. Skopje, March 9.

Central Election Commission. 2012. *Referendum on the Draft Law 'Amendments to the Constitution of the Republic of Latvia'*. Available at: https://www.cvk.lv/pub/public/30287.html (28 May 2017).

Central Statistical Bureau of Latvia. 2017a. *At Risk of Poverty Rate*. Available at: http://data.csb.gov.lv/pxweb/en/Sociala/Sociala__ikgad__monetara_nab/NI0200.px/table/tableViewLayout2/?rxid=a79839fe-11ba-4ecd-8cc3-4035692c5fc8 (2 June 2017).

Central Statistical Bureau of Latvia. 2017b. *Statistics Database*. Available at: http://www.csb.gov.lv/en/dati/statistics-database-30501.html (29 May 2017).

Ch., D. 2004. Employment of minorities on the basis of a public call. *Nova Makedonija*, September 14.

Ch., K. 2002. Precise deadlines for the implementation of the Framework Agreement. *Utrinski Vesnik*, December 23. Available at: http://star.utrinski.com.mk/?pBroj=1052&stID=4311&pR=2 (5 December 2011).

Chandler, David. 2007. EU Statebuilding: Securing the Liberal Peace through EU Enlargement. *Global Society* 21 (4): 593–607.

Chandler, David. 2008. Normative Power and the Liberal Peace: A Rejoinder to John O'Brennan. *Global Society* 22 (4): 519–529.

Changova, Katica. 2003a. DUI is seeking international support for an intensified implementation of the Framework Agreement. *Utrinski vesnik*, September 16. Available at: http://star.utrinski.com.mk/?pBroj=1271&stID=5195&pR=3 (6 December 2011).

Changova, Katica. 2003b. Unsatisfactory educational competencies among ethnic groups. *Utrinski vesnik*, March 19. Available at: http://star.utrinski.com.mk/?pBroj=1122&stID=7158&pR=3 (6 December 2011).

Changova, Katica. 2005. The equitable representation is misused. *Utrinski vesnik*, February 4. Available at: http://star.utrinski.com.mk/?pBroj=1693&stID=29736&pR=2 (7 December 2011).

Changova, Katica.2007. OFA employments – a collision between law and politics. *Utrinski vesnik*, June 21. Available at: http://www.utrinski.com.mk/?ItemID=4FD22A5BF192694A92E31BAD3FFA32D5 (9 December 2011).

Changova, Katica. 2011. 'Flood' of Framework calls for employment. *Utrinski vesnik*, March 31. Available at: http://www.utrinski.com.mk/?ItemID=50A4BAA35509E148A1265DC66773638C (10 December 2011).

Charter of Fundamental Rights of the European Union. 2012. OJ C 326, October 26. Available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT (15 July 2017).

Chashule, Slobodan. 2005. Agreement without a frame. *Dnevnik*, Jully 9.

Chichevska, Daniela. 2004. Public calls for Macedonians, minorities employed automatically. *Nova Makedonija*, August 18.

Cilevics, Boris and others. 2000. *Freedom of movement for the residents of Latvia and Estonia, Motion for a recommendation, Doc. 8647, Parliamentary Assembly, Council of Europe*. Available at: http://www.assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewHTML.asp?FileID=8852&lang=en (5 July 2017).

Cilevičs, Boriss. 2013. Interview with a Member of the Parliament from Harmony (elected in 1998, 2002, 2006, 2010, 2011 and 2014). E-mail interview, May 18.

Citizenship Law. 1998. Available at http://eudo-citizenship.eu/NationalDB/docs/LAT_Citizenship_Law_(as_amended_1998,_English).pdf (24 July 2017).

Citskovskis, Janis. 2013. Interview with the Deputy Head of the Office of Citizenship and Migration Affairs – Central Division. E-mail interview, May 30.

Civil Servants Law. 2010. Official Gazette of the Republic of Macedonia n. 76, June 7. Available at: http://www.slvesnik.com.mk/Issues/E2B274377C661A4981AEB8FF244B4C60.pdf (7 February 2016).

Commission of the European Communities. 1997. *Agenda 2000 – Commission Opinion on Latvia's Application for Membership of the European Union*. Available at: http://webcache.googleusercontent.com/search?q=cache:HCXVzzzILhwJ:www3.kalkinma.gov.tr/DocObjects/Download/1013/Letonya%2520Agenda%25202000.pdf+&cd=1&hl=en&ct=clnk&gl=si (1 June 2014).

Commission of the European Communities. 1998. *Regular Report from the Commission on Latvia's Progress Towards Accession*. Available at: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/archives/pdf/key_documents/1998/latvia_en.pdf (23 May 2014).

Commission of the European Communities. 1999. *Regular Report from the Commission on Latvia's Progress towards Accession*. Available at: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/archives/pdf/key_documents/1999/latvia_en.pdf (2 June 2017).

Commission of the European Communities. 2000. *Regular Report from the Commission on Latvia's Progress towards Accession*. Available at: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/archives/pdf/key_documents/2000/lv_en.pdf (2 June 2017).

Commission of the European Communities. 2001. *Regular Report from the Commission on Latvia's Progress towards Accession*. Available at: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/archives/pdf/key_documents/2001/lv_en.pdf (2 June 2017).

Commission of the European Communities. 2002a. *Regular Report from the Commission on Latvia's Progress towards Accession*. Available at: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/archives/pdf/key_documents/2002/lv_en.pdf (2 June 2017).

Commission of the European Communities. 2002b. *The Former Yugoslav Republic of Macedonia Stabilisation and Association Report*. Available at:

http://ec.europa.eu/enlargement/pdf/the_former_yugoslav_republic_of_macedonia/com02_342_en.pdf (14 May 2015).

Commission of the European Communities. 2003a. *Comprehensive Monitoring Report on Latvia's Preparations for Membership*. Available at: http://ec.europa.eu/development/body/organisation/docs/CMR_LV.pdf (2 June 2017).

Commission of the European Communities. 2003b. *The Former Yugoslav Republic of Macedonia Stabilisation and Association Report*. Available at: http://www.europarl.europa.eu/RegData/docs_autres_institutions/commission_europeenne/sec/2003/0342/COM_SEC(2003)0342_EN.pdf (14 May 2015).

Commission of the European Communities. 2004a. *Fourth Report on Citizenship of the Union (1 May 2001–30 April 2004)*. Available at: http://ec.europa.eu/justice/citizen/files/com_2004_695_en.pdf (29 May 2017).

Commission of the European Communities. 2004b. *The Former Yugoslav Republic of Macedonia: Stabilisation and Association Report 2004*. Available at: http://ec.europa.eu/enlargement/pdf/the_former_yugoslav_republic_of_macedonia/cr_fyrom_en.pdf (14 May 2015).

Commission of the European Communities. 2004c. *Proposal for a Council Decision on the principles, priorities, and conditions contained in the European Partnership with the Former Yugoslav Republic of Macedonia*. Available at: http://www.esiweb.org/pdf/macedonia_EC-European%20partnership-MK-march04.pdf (15 May 2015).

Commission of the European Communities. 2005a. *Analytical report for the Opinion on the application from the former Yugoslav Republic of Macedonia for EU membership*. Available at: http://ec.europa.eu/enlargement/archives/pdf/key_documents/2005/package/sec_1425_final_analytical_report_mk_en.pdf (15 May 2015).

Commission of the European Communities. 2005b. *Proposal for a Council Decision on the Principles, Priorities, and Conditions contained in the European Partnership with the Former Yugoslav Republic of Macedonia*. Available at: http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52005PC0557&from=EN (15 May 2015).

Commission of the European Communities. 2006. *The Former Yugoslav Republic of Macedonia 2006 Progress Report*. Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2006/nov/fyrom_sec_1387_en.pdf (15 May 2015).

Commission of the European Communities. 2007. *The Former Yugoslav Republic of Macedonia 2007 Progress Report*. Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2007/nov/fyrom_progress_reports_en.pdf (15 May 2015).

Commission of the European Communities. 2008a. *Fifth Report on Citizenship of the Union (1 May 2004–30 June 2007).* Available at: http://csdle.lex.unict.it/Archive/LW/Data%20reports%20and%20studies/Reports%20and%20%20communication%20from%20EU%20Commission/20130506-114144_com-85_2008_enpdf.pdf (29 May 2017).

Commission of the European Communities. 2008b. *The Former Yugoslav Republic of Macedonia 2008 Progress Report*. Available at: http://ec.europa.eu/enlargement/pdf/press_corner/key-documents/reports_nov_2008/the_former_yugoslav_republic_of_macedonia_progress_report_en.pdf (15 May 2015).

Commission of the European Communities. 2009. *Commission Staff Working Document the Former Yugoslav Republic of Macedonia 2009 Progress Report accompanying the Communication from the Commission to the European Parliament and the Council Enlargement Strategy and Main Challenges 2009–2010*. Available at: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2009/mk_rapport_2009_en.pdf (13 October 2014).

Commission of the European Communities. 2010. *The Former Yugoslav Republic of Macedonia 2010 Progress Report*. Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/mk_rapport_2010_en.pdf (15 May 2015).

Commission of the European Communities. 2011. *The Former Yugoslav Republic of Macedonia 2011 Progress Report*. Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/mk_rapport_2011_en.pdf (15 May 2015).

Commission of the European Union. 2004. *Green paper – Equality and Non-discrimination in an Enlarged European Union, COM/2004/0379*. Available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52004DC0379 (15 July 2017).

Consolidated Version of the Treaty on European Union and the Treaty on the functioning of the European Union. 2016. Official Journal of the European Union 59: 1–389. Available at: http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C:2016:202:FULL&from=EN (19 August 2017).

Consolidated Version of the Treaty on the Functioning of the European Union. 2012. OJ C 326/47. Available at: http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012E/TXT&from=EN (12 August 2014).

Constitution of the Republic of Macedonia. 1991. Available at: http://www.wipo.int/edocs/lexdocs/laws/en/mk/mk014en.pdf (20 March 2014).

Constitution of the Socialist Republic of Macedonia. 1974. Official Gazette of the Socialist Republic of Macedonia n. 7. Available at: http://www.slvesnik.com.mk/Issues/0AF2E0456C964935B7705FB5BF6F31F9.pdf (30 April 2017).

Convention on the Reduction of Statelessness. 1961. Available at: http://www.ohchr.org/Documents/ProfessionalInterest/statelessness.pdf (14 July 2017).

Convention on the Rights of the Child. 1989. http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx (13 July 2017).

Cooper, Zachary L. 2008. Changing Demographics in Latvia by Changing Ethnic Law. Master's of Arts, University of Kansas, Geography Department.

Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. Official Journal L 180. Available

at: http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32000L0043 (23 July 2017).

Council Directive 2003/109/EC of 25 November 2003 concerning the Status of Third-country Nationals who are Long-term Residents. Official Journal L 16, 23.1.2004. Available at: http://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX:32003L0109 (10 May 2014).

Council of Europe. 2016. *The Framework Convention: a key tool to managing diversity through minority rights. Thematic commentary No. 4 The scope of application of the Framework Convention for the Protection of National Minorities.* Available at: https://rm.coe.int/16806a8fe8 (20 September 2017).

Council of Europe. 2017a. *Chart of signatures and ratifications of Treaty 163, European Social Charter*. Available at: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/163/signatures?p_auth=qn8UgNRV (12 June 2017).

Council of Europe. 2017b. *The Margin of Appreciation*. Available at: https://www.coe.int/t/dghl/cooperation/lisbonnetwork/themis/echr/paper2_en.asp (9 August 2017).

Council of the European Union. 1999. *Presidency Conclusions, Tampere European Council, 15-16 October 1999*. Available at: http://www.europarl.europa.eu/summits/tam_en.htm (1 June 2017).

Council of the European Union. 2006. *Council Decision of 30 January 2006 on the Principles, Priorities and Conditions contained in the European Partnership with the Former Yugoslav Republic of Macedonia and repealing Decision 2004/518/EC*. Available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2006.035.01.0057.01.ENG (13 October 2014).

Council of the European Union. 2007. *Press Release of the 2808th Council meeting on General Affairs and External Relations*. June 18. Available at: https://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/gena/94804.pdf (28 July 2017).

Council of the European Union. 2008. *Council Decision of 18 February 2008 on the Principles, Priorities and Conditions contained in the Accession Partnership with the Former Yugoslav Republic of Macedonia and repealing Decision 2006/57/EC*. Available

at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV%3Ar18013 (13 October 2014).

Council of the European Union. 2009. *Visa liberalisation for Western Balkan countries*. November 30. Available at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/111561.pdf (28 July 2017).

Council of the European Union. 2011. *Commission staff working paper on the post-visa liberalisation monitoring for the Western Balkan countries in accordance with the Commission Statement of 8 November 2010.* June 1. Available at: http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2010997%202011%20INIT (5 September 2014).

Cox, Robert. 1981. Social Forces, States and World Orders: Beyond International Relations Theory. *Millennium - Journal of International Studies* 10 (2): 126–155.

Cronin, Ciaran. 1994. Translator's note. In *Justification and Application: Remarks on Discourse Ethics* by Jurgen Habermas. Cambridge: MIT Press.

CSCE. 1994. *Annual Report 1994*. Available at: http://www.osce.org/secretariat/14569?download=true (7 September 2014).

Cvetanova, Ganka. 2012. Interview with a former Member of the Parliament from VMRO-DPMNE. Skopje, February 28.

Cvetkovska, Tatjana. 2005. Ahead towards tyranny. *Vecher*, January 22. Available at: http://star.vecer.com.mk/tekst.asp?tid=5145 (7 December 2011).

Darkovska, Zorica. 2004a. Ensure more money for the employment of Albanians in the public administration. *Vreme,* August 12.

Darkovska, Zorica. 2004b. The government employs as much as it wants and whoever it wants. *Vreme,* August 12.

Daskalovski, Zhidas. 2003. The Right to Rebel: The National Liberation Army and the 'Macedonian Crisis' of 2001. *Romanian Journal of Political Science* 3 (2): 51–69.

De Witte, Bruno. 2000. Politics Versus Law in the EU's Approach to Ethnic Minorities. San Domenico di Fiesole: Robert Schuman Centre for Advanced Studies, EUI Working Paper, No. 2000/4.

De Witte, Bruno. 2004. The Constitutional Resources for an EU Minority Protecton Policy. In *Minority Protection and the Enlarged European Union: The Way Forwards*, ed. Gabriel N. Toggenburg, 107–124. Budapest: LGI Books.

Declaration contained in the instrument of ratification deposited on 6 June 2005. 2017. Reservations and Declarations for Treaty No.157 − Framework Convention for the Protection of National Minorities, Council of Europe. Available at: http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/157/declarations?p_auth=ft9qpOBu (13 June 2017).

Demetropoulou, Leeda. 2002. Europe and the Balkans: Membership Aspiration, EU Involvement and Europeanisation Capacity in South Eastern Europe. *Southeast European Politics* 3 (2–3): 87–106.

Devrim, Deniz and Tomislav Maršić. 2009. Croatia, Macedonia and the EU: Setting the Bar too High? *Notes Internacionals CIDOB*. Available at: https://www.files.ethz.ch/isn/121055/notes_internacionals_08.pdf (3 August 2014).

Dimeska, Frosina. 2017. Zaev announced that a government will be formed soon. *Radio Free Europe*, May 17. Available at: https://www.slobodnaevropa.mk/a/28493334.html (1 June 2017).

Dimeski, Jovan. 2014. *Manual for the Parliamentary Elections in Macedonia*. Skopje: Institute for Democracy Societas Civilis and Konrad Adenauer Stiftung:. Available at: http://www.kas.de/wf/doc/kas_37897-1522-2-30.pdf?140529135320

Dimishkova, Slagjana. 2001. The constitutional amendments in a 'photo-finish'. *Dnevnik*, November 16.

Dimitrova, Antoaneta. 2002. Enlargement, Institution building and the EU's administrative capacity requirement. *West European Politics* 25 (4): 171–190.

Dimitrovski, Predrag. 2008. The Turkish community− a collateral victim of the Ohrid Framework Agreement. *Dnevnik,* March, 25. Available at:

http://www.dnevnik.com.mk/?itemID=9811723933DCFC4891F8066E795BE30D&arc=1 (9 December 2011).

Dimova, Lidija. 2012. Interview with the Executive Director of the Macedonian Centre for European Training. Skopje, March 5.

Djackova, Svetlana. 2015. Ending Childhood Statelessness: A Study on Latvia. London: European Network on Statelessness, Working Paper 07/15. Available at: http://www.statelessness.eu/sites/www.statelessness.eu/files/Latvia_0.pdf (15 August 2017).

Dnevnik. 2001a. Dialogue will not bring peace. August 8.

Dnevnik. 2001b. OFA is imposed by the West. November 12.

Dnevnik. 2001c. Macedonians are the main losers of OFA. November 1.

Dnevnik. 2001d. VMRO-DPMNE and Andov have 'frozen' the parliamentary process. November 2.

Dnevnik. 2001e. Andov in a 'wedge', PDP in a 'panel'. November 3/4.

Dnevnik. 2001f. Roadblocks against the OFA. August 13.

Dnevnik. 2001g. The political stability of Macedonia is rapidly eroding. August 23.

Dnevnik. 2003a. Are Albanians going to be employed in the public administration with European money? February 26.

Dnevnik. 2003b. Popovski presented IMF with a fait accompli. December 29.

Dnevnik. 2003c. Xhaferi: I will withdraw my signature, unless Ahmeti signs the OFA. February 15.

Dnevnik. 2008. Partisan employments will not pass. November 7. Available at: http://www.dnevnik.com.mk/?itemID=8DED9B3CD511FD40806A64B7EA616DF5&arc=1 (11 December 2011).

Dokos, Thanos. 2017. Conclusion: The EU and the Western Balkans as a Single Security Space. In *Resilience in the Western Balkans,* eds. Sabina Lange, Zoran Nechev and Florian Trauner, 105–110. Paris: EU Institute for Security Studies.

Dolenec, Danijela. 2009. Europeanization as a Democratising Force in Post-communist Europe: Croatia in Comparative Perspective. *Politička misao* 45 (5): 23–46.

Dolmans, Liefke and Elisabeth Kühn. 2013. Renewed Non-discrimination and Equality promises for National Minorities in Europe. Flensburg: European Centre for Minority Issues, ECMI Working Paper, No.72.

Dolowitz, David P. and David Marsh. 2000. Learning from Abroad: The Role of Policy Transfer in Contemporary Policy-Making. *Governance* 13 (1): 5–23.

Dorodnova, Jekaterina. 2002. Challenging Ethnic Democracy: Implementation of the Recommendations of the OSCE High Commissioner on National Minorities to Latvia, 1993–2001. Hamburg: Centre for OSCE Research, CORE Working Paper 10.

E., G. 2003. Xhaferi is threatening to withdraw the signature of the Ohrid Agreement. *Utrinski vesnik*, February 15. Available at: http://star.utrinski.com.mk/?pBroj=1095&stID=4236&pR=2 (6 December 2011).

ECtHR. 2009. *Andrejeva v. Latvia, Application No. 55707/00*. Available at: http://hudoc.echr.coe.int/sites/eng/pages/ (12 August 2014).

Edwards, Rosalind and Janet Holland. 2013. *What is qualitative interviewing?* London: Bloomsbury.

Elbasani, Arolda. 2008. EU enlargement in the Western Balkans: Strategies of Borrowing and Inventing. *Journal of Southern Europe and the Balkans* 10 (3): 293–307.

Ellison, David. 2006. Divide and Conquer: The EU Enlargement's Successful Conclusion? Budapest: Institute for World Economics of the Hungarian Academy of Sciences, Working paper, No. 161. Available at: http://www.vki.hu/~ellison/Ch1-Divide_and_Conquer.pdf (5 October 2014).

Emerson, Michael and Gergana Noutcheva. 2004. Europeanisation as a Gravity Model of Democratisation. Paper presented at the CEPS – Stanford Conference on Democracy and the Rule of Law, 4–5 October, in Palo Alto, California.

Eurobarometer. 2013. *Introduction of the Euro in the More Recently Acceded Member States*. Brussels: European Commission. Available at: http://ec.europa.eu/commfrontoffice/publicopinion/flash/fl_377_en.pdf (12 July 2017).

European Commission. 2012. *Commission Staff Working Document the Former Yugoslav Republic of Macedonia 2012 Progress Report accompanying the document Communication from the Commission to the European Parliament and the Council*. Available at: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2012/package/mk_rapport_2012_en.pdf (15 January 2015).

European Commission. 2013. *The Former Yugoslav Republic of Macedonia 2013 Progress Report.* Available at: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2013/package/brochures/the_former_yugoslav_republic_of_macedonia_2013.pdf (15 January 2015).

European Commission. 2014. *The Former Yugoslav Republic of Macedonia 2014 Progress Report.* Available at: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2014/20141008-the-former-yugoslav-republic-of-macedonia-progress-report_en.pdf (15 January 2015).

European Commission. 2015a. *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, EU Enlargement strategy*. Available at: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2015/20151110_strategy_paper_en.pdf (28 March 2018).

European Commission. 2015b. *Urgent Reform Priorities for the Former Yugoslav Republic of Macedonia*. Available at: https://eeas.europa.eu/sites/eeas/files/urgent_reform_priorities_en.pdf (1 April 2018).

European Commission. 2016. *Commission Staff Working Document: The former Yugoslav Republic of Macedonia 2016 Report*. Available at: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_the_former_yugoslav_republic_of_macedonia.pdf (9 January 2017).

European Commission against Racism and Intolerance ECRI. 1999. *ECRI's Country-by-Country Approach: Report on Latvia*. Available at: https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Latvia/LVA-CbC-I-1999-008-EN.pdf (3 June 2017).

European Commission against Racism and Intolerance ECRI. 2002. *Second Report on Latvia*. Available at: https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Latvia/LVA-CbC-II-2002-021-EN.pdf (4 July 2017).

European Commission against Racism and Intolerance ECRI. 2008. *Third Report on Latvia, Adopted on 29 June 2007*. Available at: https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Latvia/LVA-CbC-III-2008-2-ENG.pdf (3 June 2017).

European Commission against Racism and Intolerance ECRI. 2012. *ECRI Report on Latvia (Forth Monitoring Cycle)*. Available at: https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Latvia/LVA-CbC-IV-2012-003-ENG.pdf (6 July 2017).

European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14 supplemented by Protocols No. 1, 4, 6, 7, 12 and 13. 1950. Council of Europe, November 4. Available at: http://www.echr.coe.int/Documents/Convention_ENG.pdf (12 August 2013).

European Convention on Nationality. 1997. Available at: https://rm.coe.int/168007f2c8 (13 July 2017).

European Council. 1993. *Conclusions of the Presidency*. June 21–22, Copenhagen. Available at: http://www.europarl.europa.eu/enlargement_new/europeancouncil/pdf/cop_en.pdf (12 September 2012).

European Council. 2013. *Euro Area Countries Recommend Latvia Euro Accession*. Available at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ecofin/137564.pdf (11 July 2017).

European Court of Justice. 2014. *Opinion 2/13 of the Court*. December 18. Available at: http://curia.europa.eu/juris/document/document.jsf?text=&docid=160882&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=40247 (14 July 2017).

European Migration Network. 2013. *Intra-EU Mobility of third-country nationals*. Brussels: European Commission. Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/doc_centre/immigration/docs/studies/emn-synthesis_report_intra_eu_mobility_final_july_2013.pdf (28 May 2017).

European Parliament. 2006. *Resolution on the Protection of Minorities and Anti-discrimination Policies in an Enlarged Europe (2005/2008(INI))*. OJ C 124E, May 25. Available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52005IP0228 (15 July 2017).

European Parliament. 2017. *Resolution on the situation in Hungary 2017/2656*. May 17. Available at: http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2017-0216+0+DOC+XML+V0//EN (30 July 2017).

European Roma Rights Centre. 2014a. *ERRC Challenges Discrimination of Roma at the Border before the Constitutional Court of Macedonia*. February 26. Available at: http://www.errc.org/article/errc-challenges-discrimination-of-roma-at-the-border-before-the-constitutional-court-of-macedonia/4248 (1 October 2014).

European Roma Rights Centre. 2014b. *Factsheet: Freedom of Movement for Roma in Macedonia.* Available at: http://www.errc.org/cms/upload/file/macedonia-factsheet-freesom-of-movement-for-roma-in-macedonia-english-26-february-2014.pdf (1 October 2014).

European Stability Initiative. 2002. *Ahmeti's village – the political economy of interethnic relations in Macedonia*. Available at: http://www.esiweb.org/index.php?lang=en&id=156&document_ID=36 (15 March 2015).

European Stability Initiative. 2009. *Scorecard – Schengen White List Conditions 22 May 2009 Based on Expert Visits and Internal Assessments by the European Commission of the Implementation of the Visa Liberalisation Roadmaps by Western Balkan countries*. Available at: http://www.esiweb.org/pdf/schengen_white_list_project_ESI%20Scorecard%20-%20Meeting%20Conditions%20for%20Visa%20Free%20Travel.pdf (18 May 2014).

European Stability Initiative. 2017. *Macedonia's Name Dispute with Greece*. Available at: http://www.esiweb.org/index.php?lang=en&id=562 (12 August 2017).

F., R. 2015. Reduced unemployment: 'Macedonia employs' or 'Macedonia emigrates'? *Faktor*, September 15. Available at: http://faktor.mk/namalena-nevrabotenost-makedonija-vrabotuva-ili-makedonija-isseluva/ (22 December 2015).

Faktor. 2014. Higher salaries for the administration from September – announced Gruevski. January, 14. Available at: http://faktor.mk/od-septemvri-povisoki-plati-za-administracijata-najavuva-gruevski/apologija-feridova?desktop=true (3 February 2017).

Favell, Adrian and David Reimer. 2013. Winners and Losers? Citizens and Sceptics? European Integration and the Spread of Cosmopolitanism. EUCROSS Policy Brief, No.1: 1–11. Available at: https://halshs.archives-ouvertes.fr/hal-01025056/document (20 June 2014).

Featherstone, Kevin. 2003. Introduction: in the Name of "Europe". In *The Politics of Europeanisation*, eds. Kevin Featherstone and Claudio M. Radaelli, 3–26. Oxford: Oxford University Press.

Fink-Hafner, Danica and Alenka Krašovec. 2009. Determinants and Consequences of Institutional Adaptation: The case of the Slovenian Parliament. Paper presented at the 2009 ECRP Joint Session, Workshop on Institutional Design of Parliamentary Rules and Party Politics, 14–19 April, in Lisbon, Portugal.

Ford, Jeffrey, Laure Ford and Angelo D'Amelio. 2008. Resistance to Change: The Rest of the Story. *Academy of Management Review* 33 (2): 362–377.

Framework Convention for the Protection of National Minorities. 1995. Council of Europe, adopted on 1 February 1995. Available at: https://rm.coe.int/16800c10cf (12 July 2017).

Frchkoski, Ljubomir. 2007. And again, 'for the hundredth time', the Ohrid Agreement. *Dnevnik*, September, 24. Available at: http://www.dnevnik.com.mk/?itemID=75B5FE6A5A002E4DA2C97B3A06763F6C&arc=1 (9 December 2011).

Friis, Lykke and Anna Murphy. 1999. The European Union and Central and Eastern Europe: Governance and Boundaries. *Journal of Common Market Studies* 37 (2): 211–232.

G., B. 2003. 'Green light' for the amendments to the laws. *Utrinski vesnik*, June 5. Available at: http://star.utrinski.com.mk/?pBroj=1185&stID=3518&pR=3 (6 December 2011).

G., B. 2004. Ahmeti expects equitable representation in the Cabinet of the President. *Utrinski vesnik*, June 5. Available at: http://star.utrinski.com.mk/?pBroj=1491&stID=16365&pR=2 (6 December 2011).

Gadzovska Spasovska, Zorana. 2011. Demolition of the complex buildings Kosmos, investment of the Member of Parliament Canoski. *Radio Free Europe*, August 1. Available at: https://www.slobodnaevropa.mk/a/24283538.html (3 May 2017).

Galbreath, David J. and Joanne McEvoy. 2012. The European Minority Rights Regime: Towards a Theory of Regime Effectivness. Basingstoke: Palgrave Macmillan.

Gj., B. 2003. Albanians demand a quarter of the administration. *Dnevnik*, December 4.

Gjorgjevski, Branko. 2001. The supporters of Iilinden will defend Macedonia even today. *Dnevnik*, August 2.

Gjorgjevski, Branko. 2008. The 'framework' employments in collision with the electoral legal framework. *Dnevnik*, April 29. Available at: http://www.dnevnik.com.mk/?itemID=75EB57E743990D45AE236DF3CE149984&arc=1 (9 December 2011).

Gjorgjevski, Branko and Aneta Todevska. 2009. Going to work for fun. *Dnevnik*, January 22. Available at: http://www.dnevnik.com.mk/?itemID=C4765C3B445400499C9927EB09D99156&arc=1 (9 December 2011).

Gjorgjevich, Zhaklina. 2003. Solana backed the project of employment of more Albanians in the public administration. *Utrinski vesnik*, Jully 25. Available at: http://star.utrinski.com.mk/?pBroj=1228&stID=6916&pR=2 (6 December 2011).

Gjorgjevich, Zhaklina. 2011. The Framework agreement did not open the doors for everyone. *Utrinski vesnik*, August 8. Available at: http://www.utrinski.com.mk/?ItemID=F32D8A1487226446970D80CBD14157A7 (10 December 2011).

Glotov, Serguei and others. 1997. *Latvia's honouring of commitments and obligations undertaken upon accession to the Council of Europe, Motion for a Resolution, Doc. 7879, Parliamentary Assembly, Council of Europe*. Available at:

http://www.assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewHTML.asp?FileID=7881&lang=en (5 July 2017).

Glotov, Serguei and others. 1998. *Violation by the Latvian Authorities of Universally Recognised Human Rights, Motion for a resolution, Doc. 8039, Parliamentary Assembly, Council of Europe*. Available at: http://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewHTML.asp?FileID=8365&lang=en (5 July 2017).

Glotov, Serguei and others. 1999. *Rights of national minorities in Latvia, Motion for an order, Doc. 8375, Parliamentary Assembly, Council of Europe*. Available at: http://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewHTML.asp?FileID=8692&lang=EN (5 July 2017).

Gocevski, Dragan and Neda Maleska-Sachmaroska. 2017. *How Large and What Kind of Public Sector the Republic of Macedonia has? Analysis of the Public Sector in the Republic of Macedonia*. Skopje: Centre for Change Management. Available at: http://cup.org.mk/publications/Monitoring%20izvestaj_Mac_f%20(2).pdf (28 August 2017).

Goshev, Petar. 2001. Macedonia can defend itself. *Dnevnik*, August 14.

Government of the Republic of Latvia. 2014a. *Government of the Republic of Latvia*. Available at: https://tai.mk.gov.lv/ (2 February 2014).

Government of the Republic of Latvia. 2014b. *Comments of the Government of Latvia on the Second Opinion of the Advisory Committee on the Implementation of the Framework Convention for the Protection of National Minorities by Latvia*. Available at: https://rm.coe.int/168008f51e (27 August 2017).

Government of the Republic of Macedonia. 2007. *Strategy for Just and Equitable Representation*. Available at: http://arhiva.vlada.mk/registar/files/VRM_Strategija_za_soodvetna_i_pravicna_zastapenost_na_pripadnicite_koi_ne_se_mnozinstvo_vo_RM.pdf (12 April 2014).

Government of the Republic of Macedonia. 2009. *The Government has new ministers for education, finances and agriculture*. Available at: http://arhiva.vlada.mk/?q=book/export/html/3395 (11 May 2017).

Government of the Republic of Macedonia. 2011. *New government formed*. Available at: http://arhiva.vlada.mk/?q=book/export/html/6913 (11 May 2017).

Grabbe, Heather. 1999. A Partnership for Accession? The Implications of EU Conditionality for the Central and East European Applicants. San Domenico di Fiesole: European University Institute, *Robert Schuman Centre Working Paper*, No. 12/99.

Grabbe, Heather. 2001. How does Europeanisation Affect CEE Governance? Conditionality, Diffusion and Diversity. *Journal of European Public Policy* 8 (4): 1013–1031.

Grabbe, Heather. 2002. European Union Conditionality and the Acquis Communautaire. *International Political Science Review* 23 (3): 249–268.

Grabbe, Heather. 2003. Europeanisation Goes East: Power and Uncertainty in the EU Accession Process. In *The Politics of Europeanisation*, eds. Kevin Featherstone and Claudio Radaelli, 303–329. Oxford: Oxford University Press.

Grabbe, Heather. 2006. *The EU's Transformative Power Europeanization through Conditionality in Central and Eastern Europe*. London: Palgrave Macmillan.

Gregorčič, Marta. 2008. Fantomska Neodgovornost ali Fašizem v Preoblekah. *Časopis za Kritiko Znanosti, Domišljijo in Novo Antropologijo* 35 (228): 81–98.

Gwiazda, Anna. 2002. Europeanisation in Candidate Countries from Central and Eastern Europe. Paper prepared for the EPIC workshop, 19–22 September 2002, in Florence, Italy.

H., B. 2003. The 'Ohrid' reforms weight around 70 million Euros. *Dnevnik*, January 22.

Habermas, Jurgen.1994. *Justification and Application: Remarks on Discourse Ethics*. Cambridge: MIT Press.

Hansen, Peo. 2009. Post-national Europe - without cosmopolitan guarantees. *Race and Class* 50 (4): 20–37.

Harmsen, Robert and Tomas M. Wilson. 2000. Introduction: Approaches to Europeanisation. *Yearbook of European Studies* 14: 13–26.

Haverland, Markus. 2000. National Adaptation to European Integration: The Importance of Institutional Veto Points. *Journal of Public Policy* 20 (1): 83–103.

Hazans, Mihails. 2005. *Unemployment and the Earnings Structure in Latvia*. Washington DC: World Bank.

Hazans, Mihails. 2010. Ethnic Minorities in the Latvian Labour Market, 1997–2009: Outcomes, Integration Drivers and Barriers. In *How Integrated is Latvian Society? An Audit of Achievements, Failures and Challenges,* ed. Nils Muižnieks, 125–158. Riga: University of Latvia Press.

HCNM. 1993a. *Letter to the Minister for Foreign Affairs of the Republic of Latvia, Reference No 238/93/L*. April 6. http://www.minelres.lv/count/latvia/930406r.htm (1 July 2017).

HCNM. 1993b. *Letter to the Minister for Foreign Affairs of the Republic of Latvia, Reference No 1463/93/L*. Available at: http://www.minelres.lv/count/latvia/931210r.htm (1 July 2017).

HCNM. 1996a. *Letter to the Minister for Foreign Affairs of the Republic of Latvia, Reference No 516/96/L*. Available at: http://www.minelres.lv/count/latvia/960314r.htm (3 July 2017).

HCNM. 1996b. *Letter to the Minister for Foreign Affairs of the Republic of Latvia, Reference No 1085/96/L*. Available at: http://www.minelres.lv/count/latvia/961028r.htm (3 July 2017).

HCNM. 1997. *Letter to the Minister for Foreign Affairs of the Republic of Latvia, Reference no. 376/97/L*. Available at: http://www.minelres.lv/count/latvia/970523r.htm (3 July 2017).

HCNM. 1998a. *OSCE welcomes naturalization reforms in Latvia*. Available at: http://www.osce.org/hcnm/52688 (2 July 2017).

HCNM. 1998b. *Letter to the Prime Minister of the Republic of Latvia, Reference No 984/98/L*. Available at: http://www.osce.org/hcnm/30644?download=true (30 May 2017).

HCNM.1998c. *OSCE welcomes adoption of amendments to Latvian citizenship law*. Available at: http://www.osce.org/hcnm/53193 (23 June 2017).

HCNM. 1998d. *Statement on Latvia by OSCE High Commissioner on National Minorities*. Available at: http://www.osce.org/hcnm/53194 (16 July 2017).

Henrard, Kristin. 2007. *Equal Rights versus Special Rights? Minority Protection and the Prohibition of Discrimination*. Luxembourg: Office for Official Publications of the European Communities.

Henrard, Kristin. 2010. The EU, Double Standards and Minority Protection: A Double Redefinition and Future Prospects. In *Double Standards pertaining to Minority Protection: a critical and multi-dimensional re-appraisal*, edited by Kristin Henrard, 21–70. Leiden: Brill.

Henrard, Kristin. 2011. Boosting Positive Action: the Asymmetrical Approach towards Non-discrimination and Special Minority Rights. *Heidelberg Journal of International Law* 71 (2): 379–418.

High Commissioner on National Minorities. 2012. *The Ljubljana Guidelines on Integration of Diverse Societies*. Available at: http://www.osce.org/hcnm/integration-guidelines?download=true (13 August 2017).

Hislope, Robert. 2008. Corrupted Exchange in Divided Societies. In *Transnational actors in Central and East European transitions*, eds. Mitchell A. Orenstein, Stephen Bloom, and Nicole Lindstrom, 142–161. Pittsburgh: University of Pittsburgh Press.

Hoffmeister, Frank. 2004. Monitoring Minority Rights in the Enlarged European Union. In *Minority Protection and the Enlarged European Union: The Way Forwards*, ed. Gabriel N. Toggenburg, 85–106. Budapest: LGI Books.

Howell, Kerry. 2002. Developing Conceptualizations of Europeanisation and European Integration: Mixing Methodologies. Sheffield: ESRC Seminar Series/UACES Study Group on the Europeanisation of British Politics. Available at: http://aei.pitt.edu/1720/1/Howell.pdf (15 December 2010).

Hristov, Bobi. 2003a. Another 20 million dollars for the implementation of the Ohrid Agreement. *Dnevnik*, February 15.

Hristov, Bobi. 2003b. Iljaz Halimi: SDUM and DUI only ‘talk the talk, but they do not walk the walk’. *Dnevnik*, Febrary 6.

Hughes, James. 2005. 'Exit' in Deeply Divided Societies: Regimes of Discrimination in Estonia and Latvia and the Potential for Russophone Migration. *JCMS: Journal of Common Market Studies* 43: 739–762.

Hughes, James and Gwendolyn Sasse. 2003. Monitoring the monitors: EU enlargement conditionality and minority protection in the CEECs. *Journal on Ethnopolitics and Minority Issues in Europe* 1 (1): 1–36.

Hughes, James, Gwendolyn Sasse and Claire Gordon. 2004. Conditionality and Compliance in the EU's Eastward Enlargement: Regional Policy and the Reform of Sub-national Government. *Journal of common market studies* 42 (3): 523–551.

Hughes, J., G. Sasse and C. Gordon. 2005. *Europeanisation and Regionalization in the EU's Enlargement to Central and Eastern Europe: The Myth of Conditionality*. Basingstoke: Palgrave Macmillan.

Human Rights Watch. 1999. Macedonia – Human Rights Development. Available at: https://www.hrw.org/legacy/worldreport99/europe/macedonia.html (19 March 2014).

Human Rights Watch. 2000. Macedonia – Human Rights Development. Available at: https://www.hrw.org/legacy/wr2k/Eca-14.htm (19 March 2014).

Idividi news. 2007. Conference 'Ohrid Framework Agreement − a step forward'. Available at: http://www.idividi.com.mk/vesti/svet/373920/index.html (8 Decemebr 2011).

Ilich, Biljana. 2001. Europe blackmails: no money for refugees, until you change the Constitution. *Dnevnik*. August 23.

Ilievski, Igor. 2007. The Army has lowered the employment criteria for the non-majority communities. *Dnevnik*, December 4. Available at http://www.dnevnik.com.mk/?itemID=6F23B774957E3A4BB36BD177D6B0C595&arc=1 (11 October 2011).

Ilievski, Zoran. 2007. *Country Specific Report: Conflict settlement agreement Macedonia*. Bolzano: European Academy. Available at: http://www.eurac.edu/en/research/autonomies/minrig/Documents/Mirico/16%20Macedonia.pdf

Ilievski, Zoran. 2008. *Country Specific Report: Macedonia. The Role of Human and Minority Rights in the Process of Reconstruction and Reconciliation for State and NationBuilding: Macedonia*. Bolzano: European Academy. Available at: http://www.eurac.edu/en/research/autonomies/minrig/Documents/Mirico/23_Macedonia.pdf

Ilievski, Zoran and Dane Taleski. 2009. Was the EU's Role in Conflict Management in Macedonia a Success? *Ethnopolitics* 8 (3): 355–367.

Inotai, Andras. 2000. The Czech Republic, Hungary, Poland, the Slovak Republic, and Slovenia. In *Winners and Losers in EU Integration: Policy Issues for Central and Eastern Europe*, ed. Helena Tang, 17–51. Washington, D.C.: World Bank.

Institute for Democracy Societas Civilis. 2017. *Analysis of the Public Opinion on the Macedonian process of accession to the European Union*. Available at: http://idscs.org.mk/wp-content/uploads/2018/03/infographic_final.pdf (28 March 2018).

International Covenant on Civil and Political Rights. 1966. Available at: https://treaties.un.org/doc/publication/unts/volume%20999/volume-999-i-14668-english.pdf (2 August 2017).

International Criminal Tribunal for the former Yugoslavia. 2008. *Press Release: Boškoski Acquitted and Tarčulovski Sentenced to 12 Years' Imprisonment*. Available at: http://www.icty.org/en/sid/9943 (10 May 2017).

Ivanov, Georgje. 2003. The wolf and the lamb. *Vest,* August 26. Available at: http://star.vest.com.mk/default.asp?id=65784&idg=4&idb=941&rubrika=Po%7Bta (6 December 2011).

Ivlevs, Artjoms and Roswitha M. King. 2012. From immigrants to (non-)citizens: Political economy of naturalizations in Latvia. *IZA Journal of Migration* 1 (14): 1−23.

J., L. and G. T. 2004. Hari is sick of DUI. *Vest*, November 16. Available at: http://star.vest.com.mk/default.asp?id=86820&idg=5&idb=1315&rubrika=Makedonija (6 December 2011).

J., M. 2003. No need for new signatories to the Framework Agreement. *Utrinski Vesnik*, January 25. Available at: http://star.utrinski.com.mk/?pBroj=1077&stID=3644&pR=2 (6 December 2011).

Jacoby, Wade. 1999. Priest and Penitent: The European Union as a Force in the Domestic Politics of Eastern Europe. *East European Constitutional Review* 8 (1–2): 62–67.

Janev, Goran. 2011. What happened to the Macedonian Salad: establishment of modern ethnocracy. Talk presented at "Southeast European (Post)Modernities", 6th conference of the International Association for Southeast European Anthropology, 28 April−11 May, in Regensburg, Germany.

Jankulovski, Zvonko. 2005. Affirmative action *vs.* positive discrimination. *Vreme*, June 21.

Jano, Dorian. 2008. The Stages of Western Balkans Complex Transformations. *L'Europe en Formation* 3 (349–350): 55–69.

Jordanovska, Meri. 2007. No Macedonians on the lists with the most successful candidates. *Vreme*, November 29.

Jovanovic, Tamara. 2012. National minority groups in post-Lisbon Europe: the presence of Europeanisation and transnational human rights in one policy field. Flensburg: European Centre for Minority Issues, ECMI Working Paper, No. 56.

Jovanovska, Biljana. 2009. OFA is a guarantee of security. *Nova Makedonija*, August 13. Available at: http://www.utrinski.com.mk/?ItemID=0B973A6A551605458D2AED498DED2556 (9 December 2011).

Jovanovska, Svetlana. 2001. Brussels praises and promises financial assistance. *Dnevnik*, November 17/18.

Jovanovska, Svetlana. 2010. Tight controls on visa-free travelers from Albania and Bosnia. *Euobserver*, November 9. Available at: https://euobserver.com/news/31229 (11 August 2017).

Jovanovska, Svetlana. 2015. Brussels will be included in the elections. *Utrinski vesnik*, September 24. Available at:

http://www.utrinski.mk/default.asp?ItemID=845B3C9F547EA74ABD8E4CB1DEAE6BBF (26 January 2016).

Jovevska, Aneta. 2001. Minorities Presence in Political Life – Republic of Macedonia. Paper prepared for presentation at the 9th Annual Meeting of the Network of Institutes and Schools of Public Administration in Central and Eastern Europe, May 10–12, in Riga, Latvia.

K., I. 2001. The OSCE wants to stage a 'Macedonian Rachak'. *Denvnik*, August 15.

K., S. 2002. All leaders, with the exception of Gjeorgievski, keep their signatures on the Framework Agreement. *Utrinski vesnik,* December 27. Available at: http://star.utrinski.com.mk/?pBroj=1056&stID=4720&pR=3 (6 December 2011).

Kadriu, Bekim. 2012. Interview with an Assistant Professor of Law at the Law Faculty at the University of Tetovo. Skopje, February 29.

Kahanec, Martin and Anzelika Zaiceva. 2008. Labor Market Outcomes of Immigrants and Non-Citizens in the EU: An East-West Comparison. Bonn: Institute for the Study of Labor, Discussion Paper No. 3420.

Kamarska, Sonja and Olivera Vojnovska. 2007. Six years after, the OFA is still under scrutiny. *Dnevnik*, August 13. Available at: http://www.utrinski.com.mk/?ItemID=1DFD163AD505104E88B13242107D891B (9 December 2011).

Karanja, Stephen Kabera. 2008. *Transparency and Proportionality in the Schengen Information System and Border Control Co-Operation*. Boston: Martinus Nijhoff Publishers.

Karasihska-Fendler, Maria, Elibieta Skotnicka-Illasiewicz, Kazimierz Sobotka and Janusz Swierkocki. 2000. Poland. In *Winners and Losers in EU Integration: Policy Issues for Central and Eastern Europe,* ed. Helena Tang, 162–189. Washington, D.C.: World Bank.

Kelley, Judith G. 2003. Does Domestic Politics Limit the Influence of External Actors on Ethnic Politics? *Human rights review* 4 (3): 34–54.

Kelley, Judith G. 2004. *Ethnic Politics in Europe: The Power of Norms and Incentives.* NJ: Princeton University Press.

Kennedy, Geoff. 2016. Embedding Neoliberalism in Greece: the Transformation of Collective Bargaining and Labour Market Policy in Greece during the Eurozone Crisis. Paper prepared for the Annual Conference of the Western Political Science Association, 24-26 March, in San Diego, United States of America.

Kent, Penelope. 2006. *European Union Law.* London: Sweet & Maxwell.

Knaus, Gerald and Felix Martin. 2003. Travails of the European Raj. *Journal of Democracy* 14 (3): 60–74.

Knezović, Sandro. 2009. EU's Conditionality Mechanism in South East Europe – Lessons Learned and Challenges for the Future European Perspectives. *Journal on European Perspectives of the Western Balkans* 1 (1): 93–113.

Knill, Christoph and Dirk Lehmkuhl. 1999. How Europe Matters. Different Mechanisms of Europeanisation. *European Integration Online Papers* 3 (7): 1–11. Available at: http://eiop.or.at/eiop/texte/1999-007.htm (11 April 2010).

Kochenov, Dimitry. 2004. Behind the Copenhagen façade. The meaning and structure of the Copenhagen political criterion of democracy and the rule of law. *European Integration online Papers (EIoP)* 8 (10): 1–34. Available at: http://eiop.or.at/eiop/pdf/2004-010.pdf (23 February 2011).

Kochenov, Dimitry. 2011. EU Minority Protection: A Modest Case for a Synergetic Approach. *Amsterdam Law Forum* 3 (4): 33–53.

Kochenov, Dimitry and Aleksejs Dimitrovs. 2013. EU Citizenship for Latvian "Non-Citizens": A Concrete Proposal. New York: New York University School of Law, Jean Monnet Working Paper, 14/13.

Kogovšek, Neža. 2010. Uvod: Izbrisani Včeraj, Danes, Jutri – Spodkopani Stereotipi in Nepovrnljiva Pot k Popravi Krivic. In Brazgotine izbrisa: Prispevek h Kritičnemu Razumevanju Izbrisa iz Stalnega Prebivalstva Republike Slovenije, ed. Neža Kogovšek and Brankica Petković, 9–18. Ljubljana: Mirovni inštitut.

Kostovska, Ivana. 2016. At least 40 Macedonian citizens per day are emigrating to the EU. *Prizma*, January 28. Available at: http://prizma.birn.eu.com/%D0%BC%D0%BA/%D1%81%D1%82%D0%BE%D1%80%

D0%B8%D0%B8/%D0%BD%D0%B0%D1%98%D0%BC%D0%B0%D0%BB%D0%BA%D1%83-40-%D0%BC%D0%B0%D0%BA%D0%B5%D0%B4%D0%BE%D0%BD%D1%81%D0%BA%D0%B8-%D0%B3%D1%80%D0%B0%D1%93%D0%B0%D0%BD%D0%B8-%D0%B4%D0%BD%D0%B5%D0%B2%D0%BD%D0%BE-%D1%81%D0%B5-%D0%B8%D1%81%D0%B5%D0%BB%D1%83%D0%B2%D0%B0%D0%B0%D1%82-%D0%B2%D0%BE-%D0%B5%D1%83 (3 February 2017).

Křížková, Alena, Beata Nagy and Aleksandra Kanjuo Mrčela. 2010. The gender implications of labour market policy during the economic transformation and EU accession. A comparison of the Czech Republic, Hungary, and Slovenia. In *Welfare states and gender in Central and Eastern Europe Continuity and post-socialist transformation in the EU Member States*, eds. Christina Klenner Simone Leiber, 329–361. Brussels: European Trade Union Institute (ETUI).

Kurnik, Andrej. 2008. Izbrisani gredo v nebesa. *Časopis za Kritiko Znanosti, Domišljijo in Novo Antropologijo* 35 (228): 122–131.

Kuzmins, Aleksandrs. 2013. Interview with the Secretary-executive of the Latvian Human Rights Committee LHRC. E-mail interview, June 11.

Ladrech, Robert. 1994. Europeanisation of Domestic Politics and Institutions: The Case of France. *Journal of Common Market Studies* 32 (1): 69–88.

Lantschner, Emma and Giovanni Poggeschi. 2008. Quota system, Census and Declaration of Belonging to a Linguistic Group, and Quota System. In *Tolerance Established by Law. Self Government and Group Rights: The Autonomy of South Tyrol*, eds. Joseph Marko, Francesco Palermo and Jens Woelk, 219–233. Leiden: Martinus Nijhoff.

Latkovskis, Ilmars. 2013. Interview with a member of the Latvian Popular Front and a Member of the Parliament since 2011 from National Alliance "All For Latvia!" – For Fatherland and Freedom/LNNK parliamentary group. E-mail interview, May 23.

Latvian Parliament. 1993a. *First Session, Fifth Parliament*.

Latvian Parliament. 1993b. *Third Session, Fifth Parliament*.

Latvian Parliament. 1993c. *Fourth Session, Fifth Parliament*.

Latvian Parliament. 1994a. *Twelfth Session, Fifth Parliament*.

Latvian Parliament. 1994b. *Emergency Session, Fifth Parliament*.

Latvian Parliament.1994c. *Fifteenth Session, Fifth Parliament*.

Latvian Parliament. 1995a. *Second Session, Fifth Parliament*.

Latvian Parliament. 1995b. *Twelfth Session, Fifth Parliament*.

Latvian Parliament. 1996a. *Fifth Session, Sixth Parliament*.

Latvian Parliament. 1996b. *Thirteenth Session, Sixth Parliament*.

Latvian Parliament. 1996c. *Tenth Session, Sixth Parliament*.

Latvian Parliament. 1996d. *Sixth Session, Sixth Parliament*.

Latvian Parliament. 1996e. *Seventeenth Session, Sixth Parliament*.

Latvian Parliament. 1997a. *Second Session, Sixth Parliament*.

Latvian Parliament. 1997b. *Tenth Session, Sixth Parliament*.

Latvian Parliament. 1997c. *Nineteenth Session, Sixth Parliament*.

Latvian Parliament.1997d. *Twenty-second Session, Sixth Parliament*.

Latvian Parliament. 1998a. *Ninth Session, Sixth Parliament*.

Latvian Parliament. 1998b. *Fifth Session, Sixth Parliament*.

Latvian Parliament. 1998c. *First Session, Sixth Parliament*.

Latvian Parliament. 1998d. *Second Session, Sixth Parliament*.

Latvian Parliament. 1999. *Ninth Session, Seventh Parliament.*

Latvian Parliament. 2000a. *Seventh Session, Seventh Parliament*.

Latvian Parliament. 2000b. *Seventeenth Session, Seventh Parliament*.

Latvian Parliament. 2001. *Seventh Session, Seventh Parliament*.

Latvian Parliament. 2003a. *Eleventh Session, Eighth Parliament*.

Latvian Parliament. 2003b. *Tenth Session, Eighth Parliament*.

Latvian Parliament. 2004a. *First Session, Eighth Parliament*.

Latvian Parliament. 2004b. *Fifth Session, Eighth Parliament*.

Lavenex, Sandra and Frank Schimmelfennig. 2009. EU rules beyond EU borders: theorizing external governance in European politics. *Journal of European Public Policy* 16 (6): 791-812.

Law Amending the Law on Administrative Service. 2014. Official Gazette of the Republic of Macedonia n. 199, December 30. Available at: http://www.pravdiko.mk/wp-content/uploads/2013/11/Zakon-za-izmenuvane-i-dopolnuvane-na-Zakonot-za-administrativni-sluzhbenitsi-30-12-2014.pdf (7 Februar 2016).

Law Amending the Law on Organization and Operation of the State Administration. 2010. Official Gazette of the Republic of Macedonia n.167, December 4. Available at: http://www.slvesnik.com.mk/Issues/56201B24B635B14DB820F0209A10882E.pdf (2 February 2014).

Law for the Promotion and Protection of the Rights of Persons Belonging to Communities who are less than 20% of the Total Population in the Republic of Macedonia. 2008. Official Gazette of the Republic of Macedonia n. 92, July 28. Available at: http://development.bitsia.com/aopz/wp-content/uploads/2014/11/%D0%97%D0%B0%D0%BA%D0%BE%D0%BD.pdf (5 March 2012).

Law on Administrative Service. 2014. Official Gazette of the Republic of Macedonia n. 27, February 5. Available at: http://www.pravdiko.mk/wp-content/uploads/2013/11/Zakon-za-administrativni-sluzhbenitsi-05-02-2014.pdf (7 Februar 2016).

Law on Citizenship. 1994. Available at: http://www.proyectos.cchs.csic.es/transitionaljustice/sites/default/files/maps/info/other-legislation/latvia/latvia_citizenship_law_1995.pdf (24 July 2017).

Law on Civil Servants. 2005. Official Gazette of the Republic of Macedonia n.108, December 12. Available at:

http://www.slvesnik.com.mk/Issues/BE6EDC372E246B4291C79DA3B6EBD2A1.pdf (10 August 2017).

Law on Privatisation Certificates. 1995. Available at: https://www.global-regulation.com/translation/latvia/7838581/on-privatisation-certificates.html (9 May 2017).

Law on Stateless Persons. 2004. Available at: https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/69146/89809/F1576587293/LVA69146.pdf (15 August 2017).

Law on the Use of Languages. 2018. Available at: https://www.sobranie.mk/materialdetails.nspx?materialId=1c6e42dc-d648-48b2-95d6-9d3f7a94ed51 (3 March 2018).

Law on the Status of Former USSR Citizens who are not Citizens of Latvia or any other State. 1995. Available at: http://www.humanrights.lv/doc/latlik/noncit.htm (24 July 2017).

Lendvai, Noémi. 2004. The Weakest Link? EU Accession and Enlargement: Dialoguing EU and Post-Communist Social Policy. *Journal of European Social Policy* 14 (3): 319–333.

Libertas. 2015. Ministry of Information Society and Administration: The number of civil servants employed is not 185,000, but 128,253. September 29. Available at: http://www.libertas.mk/%D0%BC%D0%B8%D0%BE%D0%B0-%D0%BD%D0%B5-%D1%81%D0%B5-%D0%B2%D1%80%D0%B0%D0%B1%D0%BE%D1%82%D0%B5%D0%BD%D0%B8-185-000-%D1%82%D1%83%D0%BA%D1%83-128-253-%D0%B0%D0%B4%D0%BC%D0%B8%D0%BD%D0%B8%D1%81%D1%82/ (26 January 2016).

Libertas. 2016. Ivanov: Macedonia successfully tackled the migrant crisis and the security risks. August 19. Available at: http://www.libertas.mk/ivanov-makedonija-uspeshno-se-spravi-so-migrantskata-kriza-i-bezbednosnite-rizitsi/ (11 August 2017).

Lovec, Marko. 2016. *The European Union's Common Agricultural Policy Reforms towards a Critical Realist Approach*. London: Palgrave Macmillan.

Law on the Statehood of Latvia. Supreme Council 1991. Available at: http://webcache.googleusercontent.com/search?q=cache:t1lhMnX4ElMJ:www.vvc.gov.lv/

export/sites/default/docs/LRTA/Citi/On_the_Statehood_of_the_Republic_of_Latvia.doc+&cd=1&hl=en&ct=clnk&gl=si (15 May 2014).

M., Lj. 2008. The Roma community requires equitable representation. *Dnevnik*, April 8. Available at: http://www.dnevnik.com.mk/?itemID=504DEE058D73824099194A94A6EF3539&arc=1 (9 December 2011).

Macedonian Young Lawyers Association. 2014. *The first judgment in Republic of Macedonia that has established discrimination*. May 29. Available at: http://www.myla.org.mk/index.php/novosti/134-soopstenie-29-05-2014 (10 September 2014).

Makfaks. 2017. The Albanian political parties adopted comon declaration. Januar 1. Available at:https://makfax.com.mk/makedonija/politika/%D0%B0%D0%BB%D0%B1%D0%B0%D0%BD%D1%81%D0%BA%D0%B8%D1%82%D0%B5-%D0%BF%D0%B0%D1%80%D1%82%D0%B8%D0%B8-%D0%B2%D0%BE-%D0%BC%D0%B0%D0%BA%D0%B5%D0%B4%D0%BE%D0%BD%D0%B8%D1%98%D0%B0-%D1%83%D1%81%D0%B2%D0%BE/ (3 April 2018).

MAKStat database. 2017a. *Population of the Republic of Macedonia according to ethnicity at the census of population 1948, 1953, 1961, 1971, 1981, 1991, 1994 and 2002 (on the basis of the territorial organization of 1996)*. Available at: http://makstat.stat.gov.mk/PXWeb/pxweb/mk/MakStat/MakStat__Popisi__PopisNaNaselenie__PopisiNaseleniMesta/Popis_nm_1948_2002_NasPoEtnPrip_mk.px/?rxid=2525efcf-bb57-4c9f-97d6-e33fbe85b5ab (19 May 2017).

MAKStat database. 2017b. *Unemployment rate of population aged 15 and over according to sex and age, years*. State Statistical Office. Available at: http://makstat.stat.gov.mk/PXWeb/pxweb/mk/MakStat/MakStat__PazarNaTrud__AktivnosNaNaselenie/350_PazTrud_Mk_05StapNev_mk.px/table/tableViewLayout2/?rxid=46ee0f64-2992-4b45-a2d9-cb4e5f7ec5ef (21 May 2017).

MAKStat database. 2017c. *Average net-wage*. Available at: http://makstat.stat.gov.mk/PXWeb/pxweb/mk/MakStat/MakStat__PazarNaTrud__Plati__

MesecnaBrutoNeto/175_PazTrud_Mk_neto_ml.px/table/tableViewLayout2/?rxid=46ee0f64-2992-4b45-a2d9-cb4e5f7ec5ef (22 May 2017).

Maleska, Mirjana. 2013. Multiethnic democracy in Macedonia: political analysis and emerging scenarios. *New Balkan Politics* 13: 1–27.

Markovich, Nenad and Misha Popovich. 2015. *Political dialogue*. Skopje: Konrad-Adenauer-Stiftung.

Marusic, Sinisa Jakov. 2016. Macedonian Leaders' Wild Language Worries EU. *BalkanInsight*, December 16. Available at: http://www.balkaninsight.com/en/article/brussels-concerned-by-negative-rhetoric-in-macedonia-12-19-2016 (11 August 2017).

McCarthy, Tom. 2011. Why did the EU enlarge to the East? A Neo-Gramscian critique of Schimmelfennig's Constructivist Approach. *E-International Relations*, August 24. Available at: http://www.e-ir.info/2011/08/24/why-did-the-eu-enlarge-to-the-east-a-neo-gramscian-critique-of-schimmelfennig%E2%80%99s-constructivist-approach/ (1 October 2011).

McCrudden, Christopher. 2003. The New Concept of Equality. Paper presented at the conference Fight against Discrimination: The Race and Framework Employment Directives, June 2 – 3, in Trier, Germany. Available at: http://www.era-comm.eu/oldoku/Adiskri/02_Key_concepts/2003_McCrudden_EN.pdf (21 July 2017).

McDevitt, Andy. 2016. *Fighting Corruption in the Western Balkans and Turkey: Priorities for Reform*. Transparency International. Available at: https://www.transparency.org/whatwedo/publication/fighting_corruption_in_the_western_balkans_and_turkey_priorities_for_reform (20 May 2017).

Memeti, Naim. 2012. Interview with a SIOFA Official. Skopje, March 3.

Metre, Chirag. 2009. Deriving Value from Change Management. Master of sciences of organisational dynamics theses, University of Pennsylvania. Available at: http://repository.upenn.edu/cgi/viewcontent.cgi?article=1027&context=od_theses_msod (10 April 2014).

MIA. 2017. Law on languages – reasonable demand but not one of Brussels's priorities, Hahn says. Available at: https://www.mia.mk/en/Inside/RenderSingleNews/200/133976252 (3 April 2018).

Mihaila, Roxana. 2012. *Europeanisation Faces Balkanisation*: Political Conditionality and Democratisation - Croatia and Macedonia in Comparative Perspective. *European Perspectives – Journal on European Perspectives of the Western Balkans* 4 (1–6): 13–34.

Milanese, Jimmy Oliver. 2001. Europeanization in Central Eastern European Democratic Transition: a Multi-level Explanation Approach. Paper prepared for presentation at the YEN Research Meeting, November 2–3, in Siena, Italia.

Milekic, Sven. 2014. Macedonia at Bottom at Regional Wage Table. *BalkanInsight*, September 24. Available at: http://www.balkaninsight.com/en/article/average-salaries-in-ex-yugoslavia-region (21 May 2017).

Mincheva, Ljubov. 2005. Dissolving Boundaries between Domestic and Regional/International Conflict: The Albanian Ethnoterritorial Separatist Movement and the Macedonian 2001 Crisis. *NewBalkan Politics* 9: 24–44.

Minelres. 2017. *Differences between Rights of Latvian Citizens and Non-citizens – Latvian Residents, Differences abolished or recognized as null*. Available at: http://www.minelres.lv/count/non_cit-rights_5.htm (25 June 2017).

Ministry of Foreign Affairs. 1998. *Weekly summary of news in Latvia, No.268, October 5–12*. Available at: http://www.mfa.gov.lv/en/news/latest-news/newsletters/4231-cl-nr-268-5-12-october-1998 (15 May 2017).

Ministry of Information Society and Administration. 2012a. *Annual Report on the Data of the Register of Civil Servants for 2011*. Available at: http://www.mio.gov.mk/files/pdf/dokumenti/GodisenIzvestajRegistar2011_DS.pdf (22 March 2017).

Ministry of Information Society and Administration. 2012b. *Annual Report on the Data of the Register of Public Servants for 2011*. Available at: http://www.mio.gov.mk/files/pdf/dokumenti/GodisenIzvestajRegistar2011_JS.pdf (22 March 2017).

Ministry of Information Society and Administration. 2013a. *Annual Report on the Data of the Register of Civil Servants for 2012*. Available at: http://www.mio.gov.mk/files/pdf/dokumenti/GodisenIzvestaj_RDS_2012_.pdf (22 March 2017).

Ministry of Information Society and Administration. 2013b. *Annual Report on the Data of the Register of Public Servants for 2012*. Available at: http://www.mio.gov.mk/files/pdf/dokumenti/GodisenIzvestaj_RJS_2012_v1.pdf (22 March 2017).

Ministry of Information Society and Administration. 2014a. *Annual Report on the Data of the Register of Civil Servants for 2013*. Available at: http://www.mio.gov.mk/files/pdf/dokumenti/GodisenIzvestaj_RDS_2013.pdf (22 March 2017).

Ministry of Information Society and Administration. 2014b. *Annual Report on the Data of the Register of Public Servants for 2013*. Available at: http://www.mio.gov.mk/files/pdf/dokumenti/GodisenIzvestaj_RJS_2013.pdf (22 March 2017).

Ministry of Information Society and Administration. 2015a. *Annual Report on the Data of the Register of Civil Servants for 2014*. Available at: http://www.mio.gov.mk/files/pdf/dokumenti/GodisenIzvestaj_RDS_2014.pdf (22 March 2017).

Ministry of Information Society and Administration. 2015b. *Annual Report on the Data of the Register of Public Servants for 2014*. Available at: http://www.mio.gov.mk/files/pdf/dokumenti/GodisenIzvestaj_RJS_2014.pdf (22 March 2017).

Ministry of Information Society and Administration. 2016. *Annual Report of the Register of employees in the public sector for 2015*. Available at: http://www.mio.gov.mk/files/pdf/dokumenti/Registar_mart2016.pdf (22 March 2017).

Minorities at Risk. 2010. *Chronology for Albanians in Macedonia*. Available at: http://www.mar.umd.edu/chronology.asp?groupId=34301 (27 April 2017).

Minorities at Risk. 2017. *Chronology for Russians in Latvia*. Available at: http://www.mar.umd.edu/chronology.asp?groupId=36701 (2 June 2017).

Mirchev, Dimitar. 2012. Interview with a Professor of Political Sciences at the FON University. Skopje, March 2.

Mitevska, Aleksandra. 2010. There are no quotas, but there are employments. *Utrinski vesnik*, September 23. Available at: http://www.utrinski.com.mk/?ItemID=A785CCC353DD794C95C4E8ED9411D7EA (10 December 2011).

Mitevska, Marija. 2009. DPA collects points by boycotting the Parliament. *Radio Free Europe*, August 11. Available at: https://www.slobodnaevropa.mk/a/1797125.html (10 December 2011).

Moravcsik, Andew and Milada A. Vachudova. 2003. National Interests, State Power, and EU Enlargement. *East European Politics and Societies* 17 (1): 42–57.

Morris, Hellen. 2003. EU Enlargement and Latvian Citizenship Policy. *Journal on Ethnopolitics and Minority Issues in Europe* 1: 1–37.

Muižnieks, Nils. 2006. Government Policy Towards the Russians. In *Latvian-Russian Relations: Domestic and International Dimensions*, ed. Nils Muižnieks, 11− 21. Riga: University of Latvia Press.

Muižnieks, Nils. 2011. Max van der Stoel and Latvia. *Security and Human Rights* 22 (3): 257–260.

Muntigl Peter, Gilbert Weiss and Ruth Wodak. 2000. European Union Discourses on Un/employment: an Interdisciplinary Approach to Employment, Policy-making and Organizational Change. Amsterdam: John Benjamins Publishing Company.

Muratov, Dehran. 2014. Roma Actress Kurtishova Returned from the Border. *Novatv*, June 26. Available at: http://novatv.mk/index.php?navig=8&cat=2&vest=14866 (15 September 2014).

Musliu, Albert and Visar Ademi. 2002. Macedonia: Micro-credit, Poverty and Returning Ethnic Minorities. London: Minority Rights Group, Association for Democratic Initiatives Micro Study. Available at: http://minorityrights.org/wp-content/uploads/old-site-

downloads/download-669-Macedonia-Micro-credit-Poverty-and-Returning-Ethnic-Minorities-English-edition.pdf (12 February 2015).

N., S. 2004. 500 new OFA employments in the Ministries of Health and Justice. *Vest*, May 4. Available at: http://star.vest.com.mk/default.asp?id=77379&idg=4&idb=1150&rubrika=Makedonija (6 December 2011).

N., S. 2015. Interview with Canoski: Janakieski was my friend, but he and Gruevski did me a great deal of harm. *Faktor*, February 28. Available at: http://vesti.mk/read/news/4757362/1784028/intervju-fijat-canoski-janakieski-mi-beshe-kukjen-prijatel-a-so-gruevski-mi-nanesoa-ogromno-zlo (3 May 2017).

Najchevska, Mirjana. 2012. Interview with a Professor of Law at the Institute for Sociological, Political and Juridical Research, at the University ss.Cyril and Methodius in Skopje. Skopje, March 9.

Neshkova, Katerina. 2011. Instead of justice, frustrations are created. *Nova Makedonija*, October 18. Available at: http://www.novamakedonija.com.mk/NewsDetal.asp?vest=101711811301&id=9&prilog=0&setIzdanie=22407#.Tp04NLxU_4w.facebook (10 December 2011).

Nikolovski, Zoran, Vanco Uzunov, Maja Micevska Scharf, and Suncica Sazdovska. 2009. *Development on the Move: Measuring and Optimising the Economic and Social Impacts of Migration in the Republic of Macedonia*. Skopje: Global Development Network.

Noutcheva, Gergana. 2006. EU Conditionality, State Sovereignty and the Compliance Patterns of Balkan States. Paper prepared for the 3rd Pan-European Conference on EU Politics European Consortium for Political Research Bilgi University, 21–23 September, in Istanbul.

Noutcheva, Gergana. 2007. Fake, Partial and Imposed Compliance: the Limits of the EU's Normative Power in the Western Balkans. Brussels: Centre for European policy studies, CEPS Working Document, No. 274.

Noutcheva, Gergana and Dimitar Bechev. 2008. The Successful Laggards: Bulgaria and Romania's Accession to the EU. *East European Politics and Societies* 22 (1): 114–144.

Noutcheva, Gergana, Nathalie Tocci, Bruno Coppieters, Tamara Kovziridze, Michael Emerson and Michel Huysseune. 2004. Europeanisation and Secessionist Conflicts: Concepts and Theories. In *Europeanisation and Conflict Resolution Case Studies from the Periphery*, eds. Bruno Coppieters, Michael Emerson, Tamara Kovziridze, Gergana Noutcheva, Nathalie Tocci and Marius Vahl, 13–63. Gent: Academia Press.

Nova Makedonija. 2016. Decreased number of employees in the public administration. *Nova Makedonija*, February 12. Available at: http://vesti.mk/read/news/7998148/2931583/namalen-brojot-na-vraboteni-vo-javnata-administracija (3 March 2016).

NovaTV. 2017. What is behind the May Agreement? January 24. Available at: http://novatv.mk/shto-se-krie-zad-majskiot-dogovor/ (25 May 2017).

O'Brennan, John. 2008. The EU in the Western Balkans: Enlargement as Empire? A Response to David Chandler. *Global Society* 22 (4): 507–518.

Office for Democratic Institutions and Human Rights ODIHR. 1998. *Republic of Latvia Parliamentary Election and National Referendum 3 October 1998 Assessment Mission*. OSCE. Available at: http://www.osce.org/odihr/elections/latvia/16242?download=true (17 May 2017).

Office of the Commissioner for Human Rights. 2004. *Report by Mr. Alvaro Gil-Robles, Commissioner for Human Rights, on his visit to Latvia 5 – 8 October 2003*. Available at: https://rm.coe.int/16806db6c1 (10 June 2017).

Official Gazette of the Republic of Macedonia. 1998. N. 58, December 1. Available at: http://www.slvesnik.com.mk/Issues/ACAF5267E92547CAA4647ACC10A583E3.pdf (30 April 2017).

Official Gazette of the Republic of Macedonia. 1999a. N. 4, January 28. Available at: http://www.slvesnik.com.mk/Issues/1FF293CA2CE54FD0AF0C4AFB746D1B8C.pdf (30 April 2017).

Official Gazette of the Republic of Macedonia. 1999b. N. 30, May 20. Available at: http://www.slvesnik.com.mk/Issues/980244F81D444DB7B6FE00740124BEBD.pdf (30 April 2017).

Official Gazette of the Republic of Macedonia. 1999c. N. 84, December 28. Available at: http://www.slvesnik.com.mk/Issues/691BA2E5719740BD9F4EABAB01EF61ED.pdf (30 April 2017).

Official Gazette of the Republic of Macedonia. 2000a. N. 62, July 29. Available at: http://www.slvesnik.com.mk/Issues/8A81FFC6246F4893B748CB23B0D2A427.pdf (30 April 2017).

Official Gazette of the Republic of Macedonia. 2000b. N. 101, December 4. Available at: http://www.slvesnik.com.mk/Issues/8D32C22797BD4FDF8E09ADE1A78D0F0A.pdf (30 April 2017).

Official Gazette of the Republic of Macedonia. 2001a. N. 37, May 14. Available at: http://www.slvesnik.com.mk/Issues/C6F09534ED4846A3BD10E14BEB8B1AF5.pdf (30 April 2017).

Official Gazette of the Republic of Macedonia. 2001b. N. 94, November 30. Available at: http://www.slvesnik.com.mk/Issues/BF727E554B1C48B6982578650F32966E.pdf (30 April 2017).

Official Gazette of the Republic of Macedonia. 2001c. N. 95, December 4. Available at: http://www.slvesnik.com.mk/Issues/B9462C9686ED48EAB13087AD28197FF1.pdf (30 April 2017).

Official Gazette of the Republic of Macedonia. 2002. N. 83, November 1. Available at: http://www.slvesnik.com.mk/Issues/B84406FD306EA446971BD37F3F7D1BA4.pdf (30 April 2017).

Official Gazette of the Republic of Macedonia. 2004a. N. 35, June 7. Available at: http://www.slvesnik.com.mk/Issues/E48BB04C5E64FD47B3FB8C35C53D0101.pdf (30 April 2017).

Official Gazette of the Republic of Macedonia. 2004b. N. 90, December 17. Available at: http://www.slvesnik.com.mk/Issues/226B2D17B24B584BB3B4B80252D2B3DD.pdf (30 April 2017).

Official Gazette of the Republic of Macedonia. 2007. N. 78, June 21. Available at: http://www.slvesnik.com.mk/Issues/11F2C0539AB0C547A490AC390F5E4BBC.pdf (30 April 2017).

Ohrid Framework Agreement. 2001. Available at: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/the_former_yugoslav_republic_of_macedonia/framework_agreement_ohrid_130801_en.pdf (12 April 2012).

Olsen, Johan P. 2002. The Many Faces of Europeanisation. *Journal of Common Market Studies* 40 (5): 921–952.

Olsen, Johan P. 2003. Towards a European Administrative Space? *Journal of European Public Policy* 10 (4): 506–531.

Ombudsman Law. 2003. Official Gazette of the Republic of Macedonia n. 60/2003. Available at: http://ombudsman.mk/upload/documents/Zakon%20na%20NP.PDF (12 March 2012).

Ombudsman of the Republic of Macedonia. 2007. *Report of the implementation of the principle of equitable representation in 2006*. Available at: http://ombudsman.mk/upload/documents/SPZ/SPZ-2006%20godina.pdf (12 March 2012).

Ombudsman of the Republic of Macedonia. 2008. *Report of the implementation of the principle of equitable representation in 2007*. Available at: http://ombudsman.mk/upload/documents/SPZ/SPZ%20za%202007%20godina.pdf (12 March 2012).

Ombudsman of the Republic of Macedonia. 2009. *Information about the implementation of the principle of equitable representation in 2008*. Ombudsman of the Republic of Macedonia: Skopje. Available at: http://ombudsman.mk/upload/documents/SPZ/SPZ%20za%202008%20godina.pdf (12 March 2012).

Ombudsman of the Republic of Macedonia. 2010. *Information about the monitoring of the implementation of the principle of equitable representation in 2009*. Available at: http://ombudsman.mk/upload/documents/SPZ/SPZ%20za%202009%20godina.pdf (12 March 2012).

Ombudsman of the Republic of Macedonia. 2011. *Special Report of the implementation of the principle of equitable representation in 2010*. Available at: http://ombudsman.mk/upload/documents/SPZ/SPZ%20za%202010%20godina.pdf (12 March 2012).

Ortakovski, Vladimir. 2001. Interethnic Relations and Minorities in the Republic of Macedonia. *Southeast European Politics* 2 (1): 24–45.

OSCE. 1994. *Russian troops complete withdrawal from Estonia and Latvia*. Available at: http://www.osce.org/node/58452 (12 July 2017).

OSCE. 2016. *Survey of OSCE Field Operations*. Vienna: The Secretariat Conflict Prevention Centre. Available at: http://www.osce.org/cpc/74783?download=true (13 July 2017).

OSCE. 2017. *Mandate*. Available at: http://www.osce.org/hcnm/107878 (5 June 2017).

OSCE High Commissioner on National Minorities. 2012. *The Ljubljana Guidelines on Integration of Diverse Societies*. Available at: http://www.osce.org/hcnm/integration-guidelines?download=true (5 September 2017).

Özçelik, Sezai. 2005. Neorealist and Neo-Gramscian Hegemony in International Relations and Conflict Resolution during the 1990's. *Journal of Economic and Social Research* (1): 88–114.

Pabriks, Artis. 2003. *In Defiance of Fate: Ethnic Structure, Inequality and Governance of the Public Sector in Latvia*. United Nations Research institute for Social Development.

Pabriks Bollow, Undine. 2013. Interview with the former Deputy Head of the OSCE Mission in Latvia. E-mail interview, May 30.

Papadimitriou, Dimitris and Eli Gateva. 2009. Between Enlargement-Led Europeanisation and Balkan Exceptionalism: An Appraisal of Bulgaria's and Romania's Entry into the European Union. *Perspectives on European Politics and Society* 10 (2): 152–166.

Parliament of the Republic of Macedonia. 2001a. *Continuation of the Eighty-sixth Parliamentary Session*. November 6. Available at: http://www.sobranie.mk/WBStorage/Files/086%20sednica%2005%20prodolzenie%2006.11.2001.pdf (12 December 2011).

Parliament of the Republic of Macedonia. 2001b. *Continuation of the Eighty-fifth Parliamentary Session*. September 21. Available at: http://www.sobranie.mk/WBStorage/Files/085%20sednica%2001%20prodolzenie%2021.09.2001.pdf (12 December 2011).

Parliament of the Republic of Macedonia. 2003. *Twenty-fourth session of the Macedonian Parliament*. June 11. Available at: http://www.sobranie.mk/WBStorage/Files/024%20sednica%2011-06-2003.pdf (12 December 2011).

Parliament of the Republic of Macedonia. 2005. *Fourth Continuation of the Ninety-seventh Parliamentary Session*. May 31. Available at: http://www.sobranie.mk/WBStorage/Files/097%20sednica%2004%20prodolzenie%2031.05.2005.pdf (12 December 2011).

Parliament of the Republic of Macedonia. 2007. *Thirty-fourth Parliamentary Session*. March 19. Available at: http://www.sobranie.mk/WBStorage/Files/034%20sednica%2019-03-2007.pdf (12 December 2011).

Parliament of the Republic of Macedonia. 2010a. *Ninety-eight Parliamentary Session*. March 23. Available at: http://sobranie.mk/sessiondetails.nspx?sessionDetailsId=f96fad72-b675-4318-8134-4caf0517b4f8 (12 December 2011).

Parliament of the Republic of Macedonia. 2010b. *Second Continuation of the One Hundred Twenty-seventh Parliamentary Session*. December 3. Available at: http://sobranie.mk/sessiondetails.nspx?sessionDetailsId=92ea9fe7-7929-4051-a3d7-b0fb85af3cb3 (12 December 2011).

Parliament of the Republic of Macedonia. 2017. *Members of the Parliament*. Available at: http://www.sobranie.mk (11 May 2017).

Parliamentary Assembly. 1994a. *Opinion on the application by Latvia for membership of the Council of Europe (Rapporteur: Mr Vogel, Germany, Group of the European People's Party).* Available at: http://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewHTML.asp?FileID=8196&lang=EN (20 July 2017).

Parliamentary Assembly. 1994b. *Opinion on the application by Latvia for membership of the Council of Europe (Rapporteur: Mr Toshev, Bulgaria, European Democratic Group).*

Available at: http://www.assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewHTML.asp?FileID=8193&lang=EN (20 July 2017).

Parliamentary Assembly. 1994c. *Report on the application by Latvia for membership of the Council of Europe (Rapporteur: Mr Espersen, Denmark, Socialist Group)*. Available at: http://www.assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewHTML.asp?FileID=8059&lang=en (20 July 2017).

Parliamentary Assembly. 1995. *Application by Latvia for membership of the Council of Europe, Opinion 183*. Available at: http://www.assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=13922&lang=en (20 July 2017).

Parliamentary Assembly. 1999. *Information Report Honouring of Obligations and Commitments by Latvia, Doc. 8426*. Available at: http://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewHTML.asp?FileID=7998&lang=en (10 May 2017).

Parliamentary Assembly. 2001. *Honouring of Obligations and Commitments by Latvia, Resolution 1236*. Available at: http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=16859&lang=en (22 July 2017).

Parliamentary Assembly. 2002. *Documents Working Papers. Ordinary Session 2002, April 22–26*. Strasbourg: Council of Europe Publishing.

Pascall, Gillian and Anna Kwak. 2010. Gender regimes in transition: gender equality in CEE countries? In *Welfare states and gender in Central and Eastern Europe Continuity and post-socialist transformation in the EU Member States*, eds. Christina Klenner Simone Leiber, 117–149. Brussels: European Trade Union Institute (ETUI).

Pavlik, Petr. 2000. The Czech Republic. In *Winners and Losers in EU Integration: Policy Issues for Central and Eastern Europe*, ed. Helena Tang, 121–144. Washington, D.C.: World Bank.

Pavlovska Daneva, Ana. 2012. Interview with a Professor of Administrative Law at the Law Faculty, at the University ss.Cyril and Methodius in Skopje. Skopje, March 7.

Peers, Steve. 2014. *The CJEU and the EU's accession to the ECHR: a clear and present danger to human rights protection*. 18 December. Available at:

http://eulawanalysis.blogspot.si/2014/12/the-cjeu-and-eus-accession-to-echr.html (14 July 2017).

Petersen, Anne Hald. 2010. *EU conditionality - and public administration reform in the Western Balkans*. Available at: https://core.ac.uk/download/pdf/12518652.pdf (20 September 2014).

Petropavlovsky, Yury. 2013. Interview with an activist for the rights of non-citizens. E-mail interview, July 11.

Phinnemore, David and Dimitris Papadimitriou. 2003. Exporting Europeanisation to the wider Europe: the twinning exercise and administrative reform in the candidate countries and beyond. *Journal of Southeast European and Black Sea Studies* 3 (2): 1–22.

Pilgram, Lisa. 2011. *International Law and European Nationality Laws*. Badia Fiesolana: EUDO Citizenship Observatory, Robert Schuman Centre for Advanced Studies. Available at:http://cadmus.eui.eu/bitstream/handle/1814/19455/EUDO_CIT_2011_01_Pilgram.pdf;sequence=1 (15 March 2018)

Pistotnik, Sara. 2010. Izbris kot poligon Evropskih migracijskih politik ali »oprostite mi, prosim, ampak vaši predpisi so izbrisali moj status«. In *Brazgotine izbrisa: Prispevek h Kritičnemu Razumevanju Izbrisa iz Stalnega Prebivalstva Republike Slovenije*, eds. Neža Kogovšek and Brankica Petković, 53–77. Ljubljana: Mirovni inštitut.

Poleshchuk, Vadim and Boris Tsilevich. 2002/3. The Baltic States before EU Accession: Recent Developments in Minority Protection. *European Yearbook of Minority Issues* 2: 283−305.

Polychroniou, C. J. 2014. Dead Economic Dogmas Trump Recovery: The Continuing Crisis in the Eurozone periphery, Public Policy Brief No. 133. New York: Jerome Levy Economics Institute of Bard College. Available at: https://www.econstor.eu/bitstream/10419/121987/1/786528036.pdf (28 March 2018).

Popovska, Tatjana. 2009a. The Macedonian language is unfairly neglected. *Dnevnik*, August 13. Available at: http://www.time.mk/arhiva/?d1=01&m1=01&y1=1991&d2=31&m2=12&y2=2012&all=0&dnevnik=1&fulltext=2&timeup=2&show=1&q=%D0%BC%D0%B0%D0%BA%D0%B5%D0%B4%D0%BE%D0%BD%D1%81%D0%BA%D0%B8%D0%BE%D1%82%20%

D0%BD%D0%B5%D0%BF%D1%80%D0%B0%D0%B2%D0%B8%D1%87%D0%BD%D0%BE%20%D0%B7%D0%B0%D0%BF%D0%BE%D1%81%D1%82%D0%B0%D0%B2%D0%B5%D0%BD&read=a51dce16442e358 (23 December 2015).

Popovska, Tatjana. 2009b. Salary for doing nothing. *Dnevnik*, January 22. Available at: http://www.dnevnik.com.mk/?itemID=64D3C76C06192C45809F461F2C2CF4FD&arc=1 (9 December 2011).

Popovski, Nikola. 2001. Dance. *Dnevnik*, August 17.

Popovski, Vlado. 2012. Interview with a co-author of the OFA and a Professor at the Law Faculty, at the University ss.Cyril and Methodius in Skopje. Skopje, March 8.

Pospíšil, Ivo. 2006. The Protection of National Minorities and the Concept of Minority in the EU Law. A Paper to be presented at the ECPR 3rd Pan-European Conference, Bilgi University, 21 – 23 September, in Istanbul, Turkey.

Pridham, Geoffrey. 2002. The European Union's Democratic Conditionality and Domestic Politics in Slovakia: the Mečiar and Dzurinda Governments Compared. *Europe-Asia Studies* 54 (2): 203–227.

Pridham, Geoffrey. 2007. Change and Continuity in the European Union's Political Conditionality: Aims, Approach, and Priorities. *Democratization* 14 (3): 446–471.

Prime Minister's Office of the Republic of Latvia. 1998. *On the Proposals of the Working Group Concerning the Amendments to the Citizenship Law*. Available at: http://www.osce.org/hcnm/30644?download=true (30 May 2017).

Prizma. 2017a. *Complete Material of All Bombs of the Opposition*. Available at: http://prizma.birn.eu.com/%D0%BC%D0%BA/%D1%81%D1%82%D0%BE%D1%80%D0%B8%D0%B8/%D0%BA%D0%BE%D0%BC%D0%BF%D0%BB%D0%B5%D1%82%D0%B5%D0%BD-%D0%BC%D0%B0%D1%82%D0%B5%D1%80%D0%B8%D1%98%D0%B0%D0%BB-%D0%BE%D0%B4-%D1%81%D0%B8%D1%82%D0%B5-33-%D0%B1%D0%BE%D0%BC%D0%B1%D0%B8-%D0%BD%D0%B0-%D0%BE%D0%BF%D0%BE%D0%B7%D0%B8%D1%86%D0%B8%D1%98%D0%B0%D1%82%D0%B0 (23 May 2017).

Prizma. 2017b. *Bomb 20: Occupied State System and Politically Influenced Employments*. Available at: http://prizma.birn.eu.com/%D0%BC%D0%BA/%D1%80%D0%B5%D1%81%D1%83%D1%80%D1%81%D0%B8/%D0%B1%D0%BE%D0%BC%D0%B1%D0%B0-20-%D0%BE%D0%BA%D1%83%D0%BF%D0%B8%D1%80%D0%B0%D0%BD-%D0%B4%D1%80%D0%B6%D0%B0%D0%B2%D0%B5%D0%BD-%D1%81%D0%B8%D1%81%D1%82%D0%B5%D0%BC-%D0%B8-%D0%BF%D0%B0%D1%80%D1%82%D0%B8%D1%81%D0%BA%D0%B8-%D0%B2%D1%80%D0%B0%D0%B1%D0%BE%D1%82%D1%83%D0%B2%D0%B0%D1%9A%D0%B0 (23 May 2017).

Prizma. 2017c. *Bomb 26: The law on the rights of the people fighting in the 2001 conflict*. Available at: http://prizma.birn.eu.com/%D0%BC%D0%BA/%D1%80%D0%B5%D1%81%D1%83%D1%80%D1%81%D0%B8/%D0%B1%D0%BE%D0%BC%D0%B1%D0%B0-26-%D0%B7%D0%B0%D0%BA%D0%BE%D0%BD-%D0%B7%D0%B0-%D0%B1%D1%80%D0%B0%D0%BD%D0%B8%D1%82%D0%B5%D0%BB%D0%B8 (23 May 2017).

Proudlock, Karen, Ben Ramalingam and Peta Sandison. 2008. Improving humanitarian impact assessment: bridging theory and practice. In *8th Review of Humanitarian Action, Performance, Impact and Innovation*, 1–84. London: Active Learning Network for Accountability and Performance in Humanitarian Action.

Przino Agreement. 2015. Available at: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/news_corner/news/news-files/20150619_agreement.pdf (9 January 2017).

Radaelli, Claudio M. 2000. Whither Europeanisation? Concept Stretching and Substantive change. *European Integration online Papers* 4 (8): 1–25. Available at: http://eiop.or.at/eiop/pdf/2000-008.pdf (15 March 2011).

Radaelli, Claudio M. 2003. The Europeanisation of Public Policy. In *The politics of Europeanisation*, eds. Kevin Featherstone and Claudio M. Radaelli, 27–56. Oxford: Oxford University Press.

Radio Free Europe. 2003a. Deadlock because of the proportional representation. January 30. Available at: http://www.makdenes.org/content/article/1469606.html (6 December 2011).

Radio Free Europe. 2003b. The Macedonian government endeavours to adopt the Action plan. February 3. Available at: http://www.makdenes.org/content/article/1469658.html (6 December 2011).

Radio Free Europe. 2003c. Main topic – the equitable representation of national communities in the administration. January 20. Available at: http://www.makdenes.org/content/article/1469504.html (6 December 2011).

Radio Free Europe. 2003d. Musa Xhaferi, Deputy Prime Minister: Equitable representation of Albanians will not be conducted at the detriment of Macedonians. March 31. Available at: http://www.makdenes.org/content/article/1470295.html (6 December 2011).

Radio Free Europe. 2003e. No Macedonians at the highest levels in the public institutions in Tetovo. February 23. Available at: http://www.makdenes.org/content/article/1469893.html (6 December 2011).

Radio Free Europe. 2003f. Stalemate due to proportional representation. Skopje, January 30. Available at: http://www.makdenes.org/content/article/1469606.html (6 December 2011).

Radio Free Europe. 2004a. Musa Xhaferi, Deputy Prime Minister of the Republic of Macedonia: the laws on decentralization will be adopted no later than early July. May 30. Available at: http://www.makdenes.org/content/article/1474008.html (7 December 2011).

Radio Free Europe. 2004b. Good interethnic relations − the pillar of Macedonia. December 22. Available at: http://www.makdenes.org/content/article/1475726.html (7 December 2011).

Radio Free Europe. 2014. Employment in the public administration for a stress-free life. November 4. Available at: http://www.radiomof.mk/rse-vrabotuvanje-vo-administracija-za-mirna-glava/ (26 January 2016).

Radio Free Europe. 2015. Zaev's bomb – Kosmos must fall. February 27. Available at: https://www.slobodnaevropa.mk/a/26873016.html (3 May 2017).

Rajevska, Feliciana. 2010. Social Policy and Integration. In *How Integrated is Latvian Society? An Audit of Achievements, Failures and Challenges,* ed. Nils Muižnieks, 159–188. Riga: University of Latvia Press.

Refugees International. 2011. *Latvia: The Perilous State Of Nationality Rights*. Washington DC: Refugees International. Available at: http://www.refworld.org/pdfid/4d5a5e542.pdf (12 May 2017).

Renner, Stephan and Florian Trauner. 2009. Creeping EU Membership in Southeast Europe: The Dynamics of EU Rule Transfer to the Western Balkans. *Journal of European Integration* 31 (4): 449–465.

Reporters Without Borders. 2011. *Disastrous summer for Macedonian media, with TV station and three dailies closed*. Available at: https://rsf.org/en/news/disastrous-summer-macedonian-media-tv-station-and-three-dailies-closed (3 May 2017).

Representative of the EU Delegation in Skopje. 2012. Interview. Skopje, 28 February.

Resolution on the renewal of Republic of Latvia citizens' rights and fundamental principles of naturalisation. Adopted on 15 October 1991, Supreme Council. Available at: http://www.venice.coe.int/webforms/documents/?pdf=CDL(1991)034-e (15 May 2014).

Risse, Thomas and Marianne Van de Steeg. 2003. An Emerging European Public Sphere? Empirical Evidence and Theoretical Clarifications. Paper presented at the conference Europeanisation of Public Spheres, Political Mobilisation, Public Communication and the European Union, June 20–22, in Berlin, Germany.

Risteska, Marija. 2011. Policy brief no.19: Ten Years after the OFA. Paper presented at the conference One decade after the Ohrid Framework agreement: Lessons (to be) learned from the Macedonian experience, 24–26 June, in Skopje, Macedonia.

Risteska, Marija. 2012. Interview with a senior researcher at the Centre for Research and Policy Making and an EU and public administration expert. Skopje, February 29.

Risteska, Marija. 2013. The Role of the EU in Promoting Good Governance in Macedonia: towards Efficiency and Effectiveness or Deliberative Democracy? *Nationalities Papers: The Journal of Nationalism and Ethnicity* 41 (3): 431–446.

Rizankoska, Josipa, and Jasmina Trajkoska. 2016. The Ohrid Framework Agreement: a Strategic Tool for Electoral Party Competition in Macedonia. *Journal of Liberty and International Affairs* 2 (1): 9−26.

Roche, Chris.1999. *Impact Assessment for Development Agencies: Learning to Value Change.* Oxford: Oxfam.

Rogozin, Dimitry and others. 2002. *Reopening of monitoring procedure in respect to Latvia, Motion for a resolution, Doc. 9501, Parliamentary Assembly, Council of Europe*. Available at: http://www.assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewHTML.asp?FileID=9790&lang=EN (5 July 2017).

Roter, Petra. 2003. Managing the 'Minority Problem' in the Post-Cold War Europe within the Framework of a Multilayers Regime for the Protection of National Minorities. *European* Yearbook of *Minority Issues* 1 (2001/2): 85–129.

Roter, Petra. 2014. Minority Rights in the Context of the EU Enlargement: a Decade Later. *Treatises and Documents Journal of Ethnic Studies* 73: 5–27.

Roter, Petra and Ana Bojinović. 2005. Croatia and the European Union: A Troubled Relationship. *Mediterranean Politics* 10 (3): 447–454.

Rozenvalds, Juris. 2010. The Soviet heritage and Integration policy Development Since the Restoration of Independence. In *How Integrated Is Latvian Society? An Audit of Achievements, Failures and Challenges*, ed. Nils Muižnieks, 33−61. Riga: University of Latvia Advanced Social and Political Research Institute.

S., A. 2009. Thaci: New agreement for a partnership for governance. *Nova Makedonija*, May 27. Available at: http://www.novamakedonija.mk/NewsDetal.asp?vest=52796633183&id=9&setIzdanie=21697 (9 December 2011).

S., N. 2003. 600 Albanians are going to be trained for civil servants. *Vest*, July 30. Available at: http://star.vest.com.mk/default.asp?id=64574&idg=4&idb=919&rubrika=Makedonija (6 December 2011).

S., T. 2016. Politicisation of the public administration: lousy workers, good voters! *Faktor*, February 20. Available at: http://faktor.mk/2016/02/20/partizirana-administratsija-slabi-rabotnitsi-dobri-glasachi/ (3 March 2016).

Saeima. 2014. *About the Saeima*. Available at: http://www.saeima.lv/en/about-saeima/archives-all-sections (2 February 2014).

Samardziev, Aleksandar. 2009. Equitable representation for Macedonians in Tetovo. *Nova Makedonija*, May 18. Available at: http://www.novamakedonija.mk/NewsDetal.asp?vest=51897031601&id=9&setIzdanie=21690 (9 December 2011).

Sandevski, Tome. 2009. *External Democracy Promotion in Post-Conflict Zones: Evidence from Case Studies Macedonia*. Berlin: Freie Universität Berlin.

Sasse, Gwendolyn. 2004. Minority Rights and EU Enlargement: Normative Overstretch or Effective Conditionality? In *Minority Protection and the Enlarged European Union: The Way Forwards*, ed. Gabriel N. Toggenburg, 59–84. Budapest: LGI Books.

Sasse, Gwendolyn. 2005. EU Conditionality and Minority Rights: Translating the Copenhagen Criterion into Policy. Florence: European University Institute, EUI Working Paper RSCAS, No. 2005/16.

Savevski, Zdravko, Artan Sadiku, and Kire Vasilev. 2013. *Wealth and Poverty in Macedonia 2008–2012*. Skopje: Leftist Movement Solidarity.

Savevski, Zdravko, Dimitar Apasiev, Aleksandar Kovachevski and Kire Vasilev. 2010. *Depreciation of Labour: Analysis of the Labour Legislation in the Period of Transition.* Skopje: Social Justice Movement Lenka.

Schimmelfennig, Frank. 2001. The Community Trap: Liberal Norms, Rhetorical Action, and the Eastern Enlargement of the European Union. *International Organization* 55 (1): 47–80.

Schimmelfennig, Frank. 2005. Strategic Calculation and International Socialization: Membership Incentives, Party Constellations, and Sustained Compliance in Central and Eastern Europe. *International Organization* 59 (4): 827–860.

Schimmelfennig, Frank. 2008. EU Political Accession Conditionality after the 2004 Enlargement: Consistency and Effectiveness. *Journal of European Public Policy* 15 (6): 918–937.

Schimmelfennig, Frank. 2010. Europeanization beyond the member states. *Zeitschrift für Staats- und Europawissenschaften* 8 (3): 319-339.

Schimmelfennig, Frank, Stefan Engert and Heiko Knobel, eds. 2006. *International Socialisation in Europe, European Organisations, Political Conditionality and Democratic Change*. New York: Palgrave Macmillan.

Schimmelfennig, Frank and Ulrich Sedelmeier. 2004. Governance by conditionality: EU rule Transfer to the Candidate Countries of Central and Eastern Europe. *Journal of European Public Policy* 11 (4): 669–687.

Schimmelfennig, Frank and Ulrich Sedelmeier, eds. 2005. *The Europeanisation of Central and Eastern Europe*. Ithaca and London: Cornell University Press.

Schimmelfennig, Frank and Ulrich Sedelmeier. 2005a. Introduction: Conceptualizing the Europeanisation of Central and Eastern Europe. In *The Europeanisation of Central and Eastern Europe*, eds. Frank Schimmelfennig and Ulrich Sedelmeier, 1–29. Ithaca and London: Cornell University Press.

Schimmelfennig, Frank and Ulrich Sedelmeier. 2005b. Conclusions: The Impact of the EU on the Accession Countries. In *The Europeanisation of Central and Eastern Europe*, eds. Frank Schimmelfennig and Ulrich Sedelmeier, 210–229. Ithaca and London: Cornell University Press.

Schwellnus, Guido, Lilla Balázs and Liudmila Mikalayeva. 2009. It Ain't Over When It's Over: The Adoption and Sustainability of Minority Protection Rules in the New EU Member States. *European Integration Online Papers* 13 (2): 1–28. Available at: http://eiop.or.at/eiop/index.php/eiop/article/view/2009_024a/138 (2 March 2011).

Secretariat for European Affairs. 2017. *Stabilisation and Association Agreement*. Available at: http://www.sep.gov.mk/en/content/?id=17#.WZb4BT5JbIU (18 August 2017).

Sedelmeier, Ulrich. 2006. Europeanisation in New Member and Candidate States. *Living Reviews in European Governance* 1 (3): 1–34. Available at: http://www.livingreviews.org/lreg-2006-3 (9 November 2010).

Sellar, Christian and Laurel McEwen. 2011. A cosmopolitan analysis of the contradictions in EU regional and enlargement policies as drivers of Europeanization. *European Urban and Regional Studies* 18 (3): 289–305.

Shared Vision, Common Action: A Stronger Europe A Global Strategy for the European Union's Foreign And Security Policy. 2016. Available at: https://eeas.europa.eu/archives/docs/top_stories/pdf/eugs_review_web.pdf (14 March 2018).

Shekerinska, Radmila. 2005. Equitable representation. *Dnevnik*, April 21.

Shekerinska, Radmila. 2012. Interview with a former Member of the Parliament from the SDUM and a Deputy Prime Ministry for European Affairs in the period of 2002−2006. Skopje, March 7.

Sicurelli, D. 2015. The EU as a Promoter of Human Rights in Bilateral Trade Agreements: The Case of the Negotiations with Vietnam. *Journal of Contemporary European Research* 11 (2): 230–245.

SIGMA. 2008. *The Former Yugoslav Republic of Macedonia: The Public Service and the Administrative Framework Assessment*. Available at: http://www.oecd.org/dataoecd/48/48/41637503.pdf (27 October 2011).

Sjursen, Helene. 2002. The Question of Legitimacy and Justification in the EU's Enlargement Policy. *JCMS* 40 (3): 491–513.

Smooha, Sammy. 2004. The Non-Emergence of a Viable Ethnic Democracy in PostCommunist Europe. In *The Fate of Ethnic Democracy in Post-Communist Europe*, eds. Sammy Smooha and Priit Jarve, 241−257. Budapest: Local Government and Public Service Reform Initiative and Open Society Institute.

Spendzharova, Aneta B. 2003. Bringing Europe In? The Impact of EU Conditionality on Bulgarian and Romanian Politics. *Southeast European Politics* 4 (2–3): 141–156.

Stanoevich, Hristijan. 2018. Ivanov is not entitled to a second veto, but what if he does not sign the law? *Faktor*, March 15. Available at: https://faktor.mk/ivanov-nema-pravo-na-vtoro-veto-no-shto-dokolku-ne-go-potpishe-zakonot (3 April 2018).

Stanovnik, Peter, Boris Majcen and Vladimir Lavrač. 2000. Slovenia. In *Winners and Losers in EU Integration: Policy Issues for Central and Eastern Europe,* ed. Helena Tang, 219–263. Washington, D.C.: World Bank.

State Commission for Prevention of Corruption. 2009. *Annual Report for the Work of the State Commission for Prevention of Corruption*. Available at: http://www.dksk.org.mk/images/stories/pdf/dksk_godisen_izvestaj%20_2008.pdf (15 May 2017).

State Statistical Office of the Republic of Macedonia. 2005. *Census of Population, Households and Dwellings in the Republic of Macedonia*. Skopje: State Statistical Office Available at: http://www.stat.gov.mk/Publikacii/knigaXIII.pdf (2 March 2017).

State Statistical Office of the Republic of Macedonia. 2016. *Labour Market*. Available at: http://www.stat.gov.mk/OblastOpsto_en.aspx?id=14 (18 February 2016).

Stawarska, Renata. 1999. EU enlargement from the Polish perspective. *Journal of European Public Policy* 6 (5): 822–838.

Steunenberg, Bernard and Antoaneta Dimitrova. 2007. Compliance in the EU Enlargement Process: The Limits of Conditionality. *European Integration Online Papers* 11 (5): 1–18. Available at: http://eiop.or.at/eiop/index.php/eiop/article/view/2007_005a/53 (12 April 2011).

Stojanov, Nikola. 2001. Europe promised a 'carrot', but is giving us a 'stick'. *Dnevnik*, August 23.

Stojanovska, Sunchica. 2009. Framework employments farce. *Nova Makedonja*, September 19. Available at: http://www.novamakedonija.mk/NewsDetal.asp?vest=918992181&id=9&setIzdanie=21791 (9 December 2011).

Streips, Karlis. 2013. Interview with a Journalist at the Radio Latvia One. E-mail interview, May 27.

Sulejmani, Rizvan. 2012. Interview with a Member of the Parliament from the PDP in the period of 1998–2002. Skopje, March 6.

T., D. and Zh. Gj. 2004. Ahmeti's party is surprised by the move of Kostov. *Utrinski vesnik*, November 16. Available at: http://star.utrinski.com.mk/?pBroj=1628&stID=25594&pR=2 (6 December 2011).

T., G. 2001. Will Trajkovski manage to 'save' the constitutional amendments with a constitutional declaration? *Vest*, October 2. http://star.vest.com.mk/default.asp?id=15497&idg=2&idb=372&rubrika=Makedonija (26 February 2012).

T., G. 2003. After the DPA, now the PDP advocates a division of Macedonia. *Vest*, July 15. Available at: http://star.vest.com.mk/default.asp?id=63868&idg=4&idb=906&rubrika=Makedonija (6 December 2011).

T., M. 2006. The equitable representation is below 20 percent. *Dnevnik*, November 10. Available at: http://www.dnevnik.com.mk/?itemID=2C0D884B5F622B44B9F676F518056622&arc=1 (7 December 2011).

T., M. 2009. Additional 240 civil servants that receive salary. *Dnevnik*, October 19. Available at: http://www.dnevnik.com.mk/?itemID=644F62467162A945B529CA7CC7DDEBB9&arc=1 (9 December 2011).

T., Zh. 2003. There is no co-existence therefore we should be divided. *Utrinski vesnik*, September 15. Available at: http://star.utrinski.com.mk/?pBroj=1270&stID=5097&pR=2 (6 December 2011).

Tang, Helena. 2000. Overview in Winners and Losers of EU Integration. In *Winners and Losers in EU Integration: Policy Issues for Central and Eastern Europe*, ed. Helena Tang, 1–15. Washington, D.C.: World Bank.

The Economist. 2015. Getting it on tape. March 5. Available at: http://www.economist.com/news/europe/21645848-if-you-speak-big-shot-macedonia-you-may-be-recorded-getting-it-tape (1 March 2017).

The World Bank. 2017. *GINI Index (World Bank estimate)*. Available at: http://data.worldbank.org/indicator/SI.POV.GINI?locations=LV-SI-SK-CZ-EE-PL-LT-HU (23 June 2017).

Toevski, Sveto. 2013. Political parties as employment agencies for young people. *Deutsche Welle*, December 28. Available at: http://www.dw.com/mk/%D0%BF%D0%B0%D1%80%D1%82%D0%B8%D0%B8%D1%82%D0%B5-%D0%BA%D0%B0%D0%BA%D0%BE-%D0%B1%D0%B8%D1%80%D0%BE%D0%B0-%D0%B7%D0%B0-%D0%B2%D1%80%D0%B0%D0%B1%D0%BE%D1%82%D1%83%D0%B2%D0%B0%D1%9A%D0%B5-%D0%BD%D0%B0-%D0%BC%D0%BB%D0%B0%D0%B4%D0%B8%D1%82%D0%B5/a-17328360 (26 January 2016).

Toggenburg, Gabriel N. 2008. *The EU's evolving policies vis-a-vis minorities: a play in four parts and an open end*. Bolzano: EURAC Research Paper.

Tomich, Maja. 2011. An artificial decline of the unemployment rate. *Utrinski Vesnik*, October, 20. Available at: http://www.utrinski.mk/default.asp?ItemID=26A2E05FC64809469ABC1DE8FFE79B16 (3 October 2014).

Tomovska Arsovska, Marta, Jugoslav Gjorgjievski, and Boban Korunovski. 2016. *Annual Report of the Register of employees in the public sector*. Skopje: Ministry of Information Society and Administration. Available at: http://www.mio.gov.mk/files/pdf/dokumenti/Godisen_izvestaj_2016_Registar_na_vraboteni_vo_JS.pdf (22 March 2017).

Topidi, Kyriaki. 2003. The Limits of EU Conditionality: Minority Rights in Slovakia. *Journal on Ethnopolitics and Minority Issues in Europe* (1): 1–35. Available at: http://www.ecmi.de/fileadmin/downloads/publications/JEMIE/2003/nr1/Focus1-2003_Topidi.pdf (15 April 2011).

Trajkovska, Mariela and Natali Sotirovska. 2008. The employment of 5,000 Albanians has started. *Dnevnik*, April 29. Available at:

http://www.dnevnik.com.mk/?itemID=F33252C267EC5942BED9FCAD285FBD31&arc=1 (9 December 2011).

Trajkovski, Ilo, Natalija Nikolovska,Ljubomir Kekenovski, Cvetan Cvetkovski, Gjorge Ivanov, Maria Donevska, Vasil Pluskovski, Ilija Acevski, Hristo Kartalov. 1999. *National Human Development Report Macedonia 1999*. Skopje: UNDP.

Transparency International. 2017. *Corruption Perceptions Index*. Available at: https://www.transparency.org/research/cpi/ (21 May 2017).

Trauner, Florian. 2007. Form Membership Conditionality to Policy Conditionality: EU External Governance in South-Eastern Europe. Paper presented at the 'EU Consent' conference 'Deepening in an Enlarged Europe: Integrative Balancing in the New Member States', 16–17 November, in Budapest, Hungary.

Treaty of Amsterdam amending the Treaty on European Union. 1997. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.1997.340.01.0001.01.ENG&toc=OJ:C:1997:340:TOC (2 April 2018).

Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community. 2007. OJ C 306, December 13. Available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12007L%2FTXT (14 July 2017).

Treaty of Maastricht on European Union. 1992. Available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3Axy0026 (14 July 2017).

Trpchevska, Daniela. 2003. The Framework Agreement needs a financial injection from the international community. *Utrinski vesnik*, February 15. Available at: http://star.utrinski.com.mk/?pBroj=1095&stID=4231&pR=2 (6 December 2011).

Tsilevich, Boris. 2001. EU Enlargement and the Protection of National Minorities: Opportunities, Myths, and Prospects. Available at: https://www.opensocietyfoundations.org/sites/default/files/eu-minority-protection-20011001.pdf (27 September 2017).

Tupy, Marian L. 2003. EU Enlargement Costs, Benefits, and Strategies for Central and Eastern European Countries. *Policy Analysis n. 489*. Washington: Cato Institute. Available at: http://www.cato.org/pubs/pas/pa489.pdf (12 April 2011).

Unkovska, Svetlana. 2010. The OFA, nine years after. *Utrinski vesnik*, August 12. Available at: http://www.utrinski.com.mk/?ItemID=D211E5B805B6F24397E0337B876CD125 (10 December 2011).

Utrinski Vesnik. 2009. New Democracy with a parliamentary group. June, 1. Available at: http://www.utrinski.mk/?ItemID=707546CDAF9D8149AB2C6AB62203082C (17 May 2017).

Utrinski vesnik. 2010. The EU is going to reform the equitable representation policy. April 27. Available at: http://www.utrinski.com.mk/?ItemID=F052453589FFAA439A802FB00371AB63 (9 December 2011).

V., O. 2004a. MPs against ethnic employments without an open call. *Utrinski vesnik*, September 14. Available at: http://star.utrinski.com.mk/?pBroj=1575&stID=22354&pR=3 (6 December 2011).

V., O. 2004b. 600 representatives of the smaller ethnic communities will be employed without a public call. *Utrinski vesnik*, September 30. Available at: http://star.utrinski.com.mk/?pBroj=1589&stID=23273&pR=2 (6 December 2011).

Vachudova, Milada Ana. 2005. *Europe Undivided Democracy, Leverage and Integration After Communism*. New York: Oxford University Press.

Vanhuysse, Pieter. 2009. Power, Order, and the Politics of Social Policy in Central and Eastern Europe. In *Post-Communist Welfare Pathways: Theorizing Social Policy Transformations in Central and Eastern Europe*, eds. A. Cerami and P. Vanhuysse, 53−70. Basingstoke: Palgrave Macmillan.

Vankovska, Biljana. 2007. The role of the Ohrid Framework agreement and the peace process in Macedonia. In *Regional Cooperation, Peace Enforcement, and the Role of the Treaties in the Balkans*, eds. Stefano Bianchini, Joseph Marko, Robert Craig Nation and Milica Uvalic, 41−63. Ravenna: Longo.

Vankovska, Biljana. 2014. The Visa Liberalisation and the Republic of Macedonia: Two Sides of the Coin. *European Perspectives – Journal on European Perspectives of the Western Balkans* 6 (1–10): 115–138.

Vaseˇcka, Imrich and Michal Vaseˇcka. 2003. Recent Romani Migration from Slovakia to EU Member States: Romani Reaction to Discrimination or Romani Ethno-tourism? *Nationalities Papers* 31 (1): 29–47.

Venice Commission. 2007. *Report on Non-citizens and Minority Rights*. Available at: http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2007)001-e (12 May 2017).

Venice Commission. 2010. *Opinion on the Act on the State Language of the Slovak Republic.* Available at: http://www.venice.coe.int/docs/2010/CDL-AD(2010)035-e.pdf (11 April 2012).

Vetterlein, Merle. 2006. The Influence of the Ohrid Framework Agreement on the Educational Policy of the Republic of Macedonia. Paper presented at the 8th Annual Kokkalis Graduate Student Workshop-Kokkalis Program on Southeastern and East-Central Europe, Harvard Kennedy School, Harvard University, 2–3 February, in Cambridge, Massachusetts.

Vlipisauskas, Ramunas and Guoda Steponaviciene. 2000. The Baltic States: The Economic Dimension. In *Winners and Losers in EU Integration: Policy Issues for Central and Eastern Europe,* ed. Helena Tang, 52–82. Washington, D.C.: World Bank.

Vollebaek, Knut. 2010. Preventing Conflict through Quiet Diplomacy: HCNM Experience. Speech of the OSCE High Commissioner on National Minorities at the Workshop on Preventive and Quiet Diplomacy, Dialogue Facilitation and Mediation – Best Practices from Regional Organizations, December 6, in Vienna, Austria.

Vrbek, Sanja. 2012. The Macedonian Equitable Representation vs. Public Administration Reform: The Lack of Interaction between EU Accession Requirements. *Journal of Comparative Politics* 5 (2): 28–41.

Vrbek, Sanja. 2015. Reasons for EU double standards: comparative overview of the cases of the Erased and the Non-citizens. *Nationalities Papers: The Journal of Nationalism and Ethnicity* 43 (2): 302−318.

Watson, Peggy. 2000. Politics, policy and identity: EU eastern enlargement and East-West differences. *Journal of European Public Policy* 7 (3): 369–384.

Whitfield, Lindsay. 2010. Negotiating Aid: The Structural Conditions Shaping the Negotiating Strategies of African Governments. *International Negotiation* 15 (3): 341–366.

Wiener, Antje and Guido Schwellnus. 2004. Contested Norms in the Process of EU Enlargement: Non-Discrimination and Minority Rights. In *Law and Governance in an Enlarged European Union*, eds. George A. Bremann and Katharina Pistor, 451–483. Oxford: Hart.

Woolfson, Charles. 2009. Labour Migration, Neo-liberalism and Ethno-politics in the New Europe: The Case of Latvia. *Antipode*, 41: 5, 952−982.

World Bank. 2017. *Gini index (World Bank estimate)*. Available at: http://data.worldbank.org/indicator/SI.POV.GINI?locations=MK (21 May 2017).

World Bank Group. 2012. *South East Europe: Regular Economic Report*. Washington, DC: World Bank. Available at: http://documents.worldbank.org/curated/en/518451468299122329/pdf/695730WP0SEERE00Box369256B00PUBLIC0.pdf (20 May 2017).

Yin, Robert K. 2003. *Case Study Research and Methods*. Thousand Oaks: Sage Publications.

Zaagman, Rob. 1999. *Conflict Prevention in the Baltic States: The OSCE High Commissioner on National Minorities in Estonia, Latvia and Lithuania*. Flensburg: European Centre for Minority Issues (ECMI).

Zafirova, Biljana. 2008. The framework agreement is politicised. *Vecher,* August, 12. Available at: http://vecer.mk/makedonija/ramkovniot-dogovor-se-politizira (9 December 2011).

Zafirovski, Emil. 2009. Equitable representation reduced to partisan employments. *Nova Makedonija*, September 19. Available at: http://www.novamakedonija.mk/NewsDetal.asp?vest=9189924439&id=9&setIzdanie=21791 (9 December 2011).

Zālītis, Kaspars. 2013. Interview with a Human Rights expert and activist. Skype interview, June 28.

Zeqiri, Izet and Brikend Aziri. 2011. Unemployment in the Republic of Macedonia. In *Ten years from the Ohrid Framework Agreement Is Macedonia Functioning as a multi-ethnic state?* Ed. Blerim Reka, 191−199. Tetovo: South-east European University.

Zorn, Jelka. 2008. 'Mi, Etno-državljani Etno-demokracije' Nastajanje Slovenskega Državljanstva. *Časopis za Kritiko Znanosti, Domišljijo in Novo Antropologijo* 35 (228): 17–34.

Zubek, Radoslaw. 2001. A core in check: the transformation of the Polish core executive. *Journal of European Public Policy* 8 (6): 911–932.

Zuokui, Liu. 2010. EU's Conditionality and the Western Balkans' Accession Roads. *European Perspectives – Journal on European Perspectives of the Western Balkans* 2 (1): 79–98.

24News. 2015. Institute for Sociological, Political and Juridical Research: Half of the young people want to move out from Macedonia. November 30. Available at: http://24vesti.mk/isppi-polovina-od-mladite-bi-ja-napushtile-makedonija (25 January 2016).

24.mk. 2018. The VMRO-DPMNE blocks the Law on Languages. January 27. Available at: https://www.24.mk/rekordni-35000-amandmani-za-zakonot-za-jazici (3 April 2018).

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Annex A: Political parties in Latvia

Table 3.1 Political parties in the government and in the opposition in the period of 1993–2004[248]

Date	Government Coalition	Parliamentary opposition
3 August 1993–19 September 1994	Latvian Way (*Latvijas Ceļš*) Latvian Farmers' Union (*Latvijas Zemnieku Savienība*) Latvian Green Party (*Latvijas Zaļā partija*)	National Harmony Party (*Tautas Saskaņas Partija*) For Fatherland and Freedom (*Tēvzemei un Brīvībai*) The Latvian National Independence Movement (*Latvijas Nacionālā Neatkarības Kustība*) Christian Democratic Union (*Kristiešu demokrātiskā savienība*) Equality (*Līdztiesība*) Democratic Party (*Demokrātiskā Partija*)
19 September 1994– 21 December 1995	Latvian Way (*Latvijas Ceļš*) Political Union of Economists (*Tautsaimnieku politiskā apvienība*) Latvian Farmers' Union (*Latvijas Zemnieku Savienība*) For Fatherland and Freedom (*Tēvzemei un Brīvībai*) Latvian Green Party (*Latvijas Zaļā partija*)	National Harmony Party (*Tautas Saskaņas Partija*) The Latvian National Independence Movement (*Latvijas Nacionālā Neatkarības Kustība*) Christian Democratic Union (*Kristiešu demokrātiskā savienība*) Equality (*Līdztiesība*) Democratic Party (*Demokrātiskā Partija*)

[248] Source: web sites of the Government of the Republic of Latvia (2014a) and the Saeima (2014).

21 December 1995–13 February 1997	Democratic Party *Saimnieks* (*Demokrātiskā Partija Saimnieks*) For Fatherland and Freedom (*Tēvzemei un Brīvībai*) The Latvian National Independence Movement (*Tēvzemei un Brīvībai/ Latvijas Nacionālā Neatkarības Kustība*) Latvian Way (*Latvijas Ceļš*) Latvian Farmers Union/ Christian Democratic Union (*Latvijas Zemnieku Savienība/ Kristiešu demokrātiskā savienība*) Latvian Green Party (*Latvijas Zaļā partija*) Latvian Unity Party (*Latvijas Vienības Partija*)	National Harmony Party (*Tautas Saskaņas Partija*) Latvian National Reform Party/ Latvian Green Party (*Latvijas Nacionālā Reformas partija/ Latvijas Zaļā partija*) People's Movement *Latvijai* (*Tautas Kustība Latvijai*) Socialist Party of Latvia (*Latvojas sociālistiskā partija*)
13 February 1997–7 August 1997	Democratic Party *Saimnieks* (*Demokrātiskā Partija Saimnieks*) For Fatherland and Freedom / The Latvian National Independence Movement (*Tēvzemei un Brīvībai/ Latvijas Nacionālā Neatkarības Kustība*) Latvian Way (*Latvijas Ceļš*) Latvian Farmers Union (*Latvijas Zemnieku Savienība*) Latvian Green Party (*Latvijas Zaļā partija*)	Latvian National Reform Party (*Latvijas Nacionālā Reformas partija*) People's Movement Latvijai (*Tautas Kustība Latvijai*) Latvian Unity Party (*Latvijas Vienības Partija*) Socialist Party of Latvia (*Latvojas sociālistiskā partija*) Christian Democratic Union (*Kristiešu demokrātiskā savienība*) National Harmony Party (*Tautas Saskaņas Partija*)
7 August 1997–26 November 1998	For Fatherland and Freedom / The Latvian National Independence Movement (*Tēvzemei un Brīvībai/ Latvijas Nacionālā Neatkarības Kustība*) Latvian Way (*Latvijas Ceļš*) Democratic Party *Saimnieks* (*Demokrātiskā Partija Saimnieks*) Latvian Farmers Union/ Christian Democratic Union (*Latvijas Zemnieku Savienība/ Kristiešu demokrātiskā savienība*)	Latvian National Reform Party/ Latvian Green Party (*Latvijas Nacionālā Reformas partija/ Latvijas Zaļā partija*) People's Movement Latvijai (*Tautas Kustība Latvijai*) Latvian Unity Party (*Latvijas Vienības Partija*) Socialist Party of Latvia (*Latvojas sociālistiskā partija*) National Harmony Party (*Tautas Saskaņas Partija*)

26 November 1998–16 July 1999	Latvian Way (*Latvijas Ceļš*) For Fatherland and Freedom / The Latvian National Independence Movement (*Tēvzemei un Brīvībai/ Latvijas Nacionālā Neatkarības Kustība*) New Party (*Jaunā Partija*) Latvian Socialdemocratic Workers Party (*Latvijas Sociāldemokrātiskā Strādnieku Partija*)	For Human Rights in United Latvia (*Par cilvēka tiesībām vienotā Latvijā*) Latvian Unity Party (*Latvijas Vienotības Partija*) People's Party (*Tautas Partija*) National Harmony Party (*Tautas Saskaņas Partija*)
16 July 1999– 5 May 2000	People's Party (*Tautas Partija*) Latvian Way (*Latvijas Ceļš*) For Fatherland and Freedom / The Latvian National Independence Movement (*Tēvzemei un Brīvībai/ Latvijas Nacionālā Neatkarības Kustība*)	National Harmony Party (*Tautas Saskaņas Partija*) New Party(*Jaunā Partija*) Latvian Unity Party (*Latvijas Vienotības Partija*) Latvian Social democratic Workers Party (*Latvijas Sociāldemokrātiskā Strādnieku Partija*) For Human Rights in United Latvia (*Par cilvēka tiesībām vienotā Latvijā*)
5 May 2000–7 November 2002	Latvian Way (*Latvijas Ceļš*) People's Party (*Tautas Partija*) For Fatherland and Freedom / The Latvian National Independence Movement (*Tēvzemei un Brīvībai/ Latvijas Nacionālā Neatkarības Kustība*) New Party (*Jaunā Partija*)	For Human Rights in United Latvia (*Par cilvēka tiesībām vienotā Latvijā*) Latvian Social democratic Workers Party (*Latvijas Sociāldemokrātiskā Strādnieku Partija*) Latvian Unity Party (*Latvijas Vienotības Partija*) National Harmony Party (*Tautas Saskaņas Partija*)
7 November 2002–9 March 2004	New Era Party (*Jaunais Laiks*) Union of Greens and Farmers (*Zaļo un Zemnieku Savienība*) Latvia's First Party (*Latvijas Pirmā partija*) For Fatherland and Freedom / The Latvian National Independence Movement (*Tēvzemei un Brīvībai/ Latvijas Nacionālā Neatkarības Kustība*)	For Human Rights in United Latvia (*Par cilvēka tiesībām vienotā Latvijā*) National Harmony Party (*Tautas Saskaņas Partija*)

Annex B: Political parties in Macedonia

Table 4.1 Government coalitions and political parties in the Parliament in the period of 1998–2011[249]

Mandate	Government coalitions		Political parties in the Parliament
1998–2002	Government reconstructions which changed the composition of the government coalitions	Political parties in the government	Parliamentary majority: VMRO-DPMNE; Democratic Party of the Albanians (DPA); Liberal Party of Macedonia (LPM) and New Democracy (ND) Opposition:[250] Social Democratic Union of Macedonia (SDUM); Party for Democratic Prosperity (PDP); Socialist Party of Macedonia (SPM); Liberal
	1998–2000	Ethnic Macedonian political parties: VMRO-DPMNE (*Внатрешна Македонска Револуционерна Организација Демократска Партија за Национално Единство*) and Democratic Alternative (DA) Ethnic Albanian political parties: Democratic Party of the Albanians (DPA)	
	2000–2001 (13		

[249] The information about the political parties in the parliament was taken from the web-site of the Parliament of the Republic of Macedonia (2017), whereas the information about government coalitions and reconstructions relies on the information provided in the Official Gazette of the Republic of Macedonia (1998; 1999a; 1999b; 1999c; 2000a; 2000b; 2001a; 2001b; 2001c; 2002; 2004a; 2004b; 2007) and the web-site of the Government of the Republic of Macedonia (2009; 2011).

[250] SDUM and LDP were part of the government in the period of 13 May to 23 November 2001, whereas PDP from 13 May till the end of the mandate.

	May)	Ethnic Macedonian political parties: VMRO-DPMNE; Liberal Party of Macedonia (LPM) Ethnic Albanian political parties: Democratic Party of the Albanians (DPA)	Democratic Party (LDP), Union of the Roma in Macedonia (URM); VMRO-Makedonska; Democratic Centre (DC); and six independent MPs
	13 May–23 November 2001 Government of National Unity	Ethnic Macedonian political parties: VMRO-DPMNE; Social Democratic Union of Macedonia (SDUM); Liberal Party of Macedonia (LPM); Liberal Democratic Party (LDP) Ethnic Albanian political parties: Democratic Party of the Albanians (DPA) and Party for Democratic Prosperity (PDP)	
	23 November 2001–2002	Ethnic Macedonian political parties: VMRO-DPMNE; Liberal Party of Macedonia (LPM); New Democracy (ND) Ethnic Albanian political parties: Democratic Party of the Albanians (DPA) and Party for Democratic Prosperity (PDP)	

2002–2006		Ethnic Macedonian political parties: Social Democratic Union of Macedonia (SDUM) and Liberal Democratic Party (LDP) Ethnic Albanian political parties: Democratic Union for Integration (DUI)	Parliamentary majority: Social Democratic Union of Macedonia (SDUM); Liberal Democratic Party (LDP); Democratic Union for Integration (DUI); Democratic League of the Bosniaks in the Republic of Macedonia (DLBRM); Democratic Party of the Serbs in Macedonia (DPSM); United Party of the Roma in Macedonia (UPRM); Democratic Party of the Turks in Macedonia; Opposition: VMRO-Populist Party; New Democratic Forces (NDF); Farmers' National Party of Macedonia (FNPM); VMRO-DPMNE; Liberal Party of Macedonia (LPM); Democratic Party of the Albanians (DPA); Democratic Reconstruction of Macedonia (DRM); New Social Democratic Party (NSDP); Socialist Party of

			Macedonia (SPM); Turkish Movement Party; National Democratic Party (NDP) and Party for Democratic Prosperity (PDP)
2006–2008	2006–2007	Ethnic Macedonian political parties: VMRO-DPMNE; New Social Democratic Party (NSDP); Liberal Party of Macedonia (LPM); Socialist Party of Macedonia (SPM) Ethnic Albanian political parties: Democratic Party of the Albanians (DPA) Ethnic Turkish political parties: Turkish Movement Party (TMP)	Parliamentary majority: VMRO-DPMNE; Democratic Party of the Albanians (DPA); New Social Democratic Party (NSDP); Liberal Party of Macedonia (LPM); Socialist Party of Macedonia (SPM); Party for Democratic Prosperity (PDP); Party for a European Future (PEF); Democratic Union (DU); Union of Roma in Macedonia (URM) and Democratic Roma Forces (DRF). Opposition: Social Democratic Union of Macedonia (SDUM), Democratic Union for Integration (DUI); VMRO-Populist Party;
	2007–2008	Ethnic Macedonian political parties: VMRO-DPMNE; New Social Democratic Party (NSDP); Liberal Party of Macedonia (LPM) and Socialist Party of Macedonia (SPM) Ethnic Albanian political parties:	

		Democratic Party of the Albanians (DPA) and Party for Democratic Prosperity (PDP) Ethnic Turkish political parties: Turkish Movement Party (TMP)	Democratic Reconstruction of Macedonia (DRM); New Alternative (NA); United Party for Emancipation (UPE); Party of Free Democrats (PFD); Democratic Party of the Turks (DPT); Democratic Party of the Serbs and four independent MPs.
2008–2011		Ethnic Macedonian political parties: VMRO-DPMNE; Socialist Party of Macedonia (SPM) Ethnic Albanian political parties: Democratic Union for Integration (DUI) Ethnic Turkish political parties: Democratic Party of the Turks (DPT) Ethnic Roma political parties: United Party for Emancipation (UPE)	Parliamentary majority: VMRO-DPMNE; Socialist Party of Macedonia (SPM); Democratic Reconstruction of Macedonia (DRM); Democratic Union (DU); VMRO-Makedonska; Democratic Party of the Serbs in Macedonia (DPSM); Democratic Party of the Turks (DPT); Union of Roma in Macedonia (URM); Party for Democratic Action in Macedonia (PDAM) and Democratic Union for Integration (DUI) Opposition: Social Democratic Union

			of Macedonia (SDUM); Party for a European Future (PEF); New Social Democratic Party (NSDP); Liberal Democratic Party (LDP); Liberal Party of Macedonia (LPM); New Alternative (NA); Democratic Party of the Albanians (DPA); New Democracy (ND) and two independent MPs.

Povzetek v slovenščini: Poglobljena evropeizacija skozi zunanje upravljanje Evropske unije: politična pogojenost na področju varstva manjšin

Namen doktorske disertacije je boljše razumevanje procesa evropeizacije v državah kandidatkah Evropske unije (EU) s pomočjo analize varstva manjšin. Doktorska teza izhaja iz ugotovitve, da na področju evropeizacije primanjkuje literature, ki bi kritično pristopala k dejanskim učinkom evropeizacije v predpristopnem obdobju, kot glavni razlog za to pa prepoznava teoretični okvir o evropeizaciji in omejen raziskovalni fokus v literaturi o evropeizaciji.

Teoretični okvir, ki se dominantno uporablja pri raziskavi evropeizacije, temelji na načelih racionalnega institucionalizma. Na ta način, tj. na podlagi racionalne logike 'koristi in stroškov' ter centralne vloge, dane političnim akterjem, je literatura o evropeizaciji uspela pojasniti, zakaj se politični akterji v državah kandidatkah vključijo v proces prenosa politik in kateri dejavniki ovirajo ali olajšujejo ta proces. Hkrati pa ji ni uspelo pojasniti preostalih težav na terenu, ki ostanejo tudi po uspešnem prenosu pravil. Poleg tega se je ta teoretični okvir izkazal kot neustrezen za analizo področij politik tam, kjer EU nima jasnih pravil in norm, ki jih je treba prenesti, in kjer je izboljšanje statusa končnih uporabnikov politik postavljeno v središče predpristopne pogojenosti, kot je to v primeru varstva manjšin.

Dodatna, vendar povezana težava, ki nam onemogoča boljše razumevanje dejanskih učinkov evropeizacije, je omejen raziskovalni fokus. Raziskovalni fokus je ponavadi osredotočen na makroraven, pri čemer s pomočjo demokratičnih ali gospodarskih makroindikatorjev poskuša razložiti politične in gospodarske spremembe v državah kandidatkah. Tudi ko se raziskava nanaša na mikroraven, torej na jasno določeno področje, je raziskovalni fokus osredotočen predvsem na formalno-pravno sprejemanje pravil, njihovo izvajanje in pozitivno oceno EU, ki služi kot glavni pokazatelj uspešne evropeizacije. Tak raziskovalni fokus prispeva k neresnični oz. preveč pozitivni oceni o napredku držav kandidatk in vplivu EU v predpristopnem procesu ter spregledu problemov, ki v državah kandidatkah obstajajo tudi po brezhibnem uradnem prenosu in izvajanju pravil (kar EU ocenjuje pozitivno).

Pomanjkljivosti, ki izhajajo iz procesa evropeizacije, se ponavadi tolmačijo kot rezultat slabih proceduralnih praks EU, kot so pomanjkanje pravne podlage, pomanjkanje sinhronizacije med različnimi institucijami na evropski ravni, tehnokratski pristop, prednost funkcionalnih in

realpolitičnih vidikov pred normativnimi, pristop ‘od zgoraj navzdol’ in prisila, ali kot rezultat neugodnih domačih razmer, ki se nanašajo na šibke institucije ali neugodno razmerje med liberalnimi in iliberalnimi političnimi akterji v državah kandidatkah. Obenem pa literatura o evropeizaciji molči glede same vsebine norm in politik EU, brez da bi postavila pod vprašaj globoko zakoreninjene ideološke paradigme, ki so normalizirane kot pravične, univerzalne in nevtralne tako na ravni Unije kot na nacionalnih ravneh. Zaradi tega spregleduje vpliv strukturnih problemov in ideološke pristranskosti EU na rezultate politik v državah kandidatkah.

Poleg tega literatura o evropeizaciji temelji na domnevni optimalnosti pravnega reda EU in njenih institucionalnih modelov, ne da bi kritično razmišljala o njihovi združljivosti z interesi držav kandidatk, tj. z interesi ljudi, ki jih sprememba v predpristopnem obdobju najbolj prizadene. Ta nekritični optimizem in ‘univerzalno priznanje’ transformativne vloge Unije sta osnova, iz katere izhaja doktorska teza, in hkrati upravičuje premislek o vplivu predpristopnega procesa na kakovost življenja teh ljudi (v tezi so poimenovani kot končni uporabniki politik). Raziskava postavlja pod vprašaj omenjeni optimizem, ker opaža, da tudi brezhibna prenos in izvajanje pravil, kar dominantno velja za glavni kazalnik uspešne evropeizacije, ne zagotavljata izboljšanja razmer za posameznike in družbo nasploh. Brez takšnega kritičnega pristopa lahko znanost spregleduje sistemske neuspehe procesa evropeizacije ter posredno daje legitimnost zelo problematičnim politikam in institucijam, ustanovljenim v državah kandidatkah.

Omenjene težave so zlasti očitne na področjih politik, na katere se nanaša politična predpristopna pogojenost, v tem kontekstu pa kot najbolj prizadeti področji še posebej izstopajo človekove pravice in pravice manjšin. Interes EU o varstvu manjšin se je pojavil predvsem zaradi varnostnih skrbi Unije, ki so sledile globalnim političnim spremembam v začetku devetdesetih let po padcu berlinskega zidu in propadu komunizma v Vzhodni Evropi. Kljub kakršni koli pravni podlagi je na začetku 90. let dvajsetega stoletja Unija določila varstvo manjšin kot enega izmed glavnih pogojev za priznanje držav iz nekdanje Jugoslavije in Sovjetske zveze. Poleg tega je po sprejetju kopenhagenskih meril leta 1993 prav tako utrdila pravice manjšin kot ključni kriterij politične pogojenosti za članstvo v Uniji.

Čeprav vprašanje varstva manjšin do sprejetja lizbonske pogodbe ni imelo pravne podlage, je Unija na tem področju, natančneje v okviru širitve na Srednjo in Vzhodno Evropo ter Zahodni Balkan, prevzela precej aktivno vlogo. EU se je namreč uveljavila kot pomemben mednarodni

akter, ki v državah kandidatkah aktivno oblikuje politike na področju pravic manjšin. Pomanjkanje jasne pravne podlage in navodil v zakonodaji Unije po eni strani vzbuja upravičene pomisleke glede legitimnosti predpristopnih zahtev in dvojnih standardov, hkrati pa ne zmanjšuje odgovornosti EU za morebitne težave, ki v državah kandidatkah niso bile odpravljene oz. so bile dodatno povzročene. Problem pomanjkanja pravne podlage, jasnih institucionalnih modelov in norm je bil v določeni meri rešen s sodelovanjem in močno sinergijo z drugimi mednarodnimi akterji, ki aktivno delujejo na tem področju, kot sta Organizacija za varnost in sodelovanje v Evropi (OVSE) in, še zlasti, Svet Evrope (SE). Zanašanje EU na 'zunanje' strokovno znanje je zapolnilo praznino v njenem pravnem redu in bilo uporabljeno kot podlaga za 'neformalno' predpristopno pogojenost Unije na področju pravic manjšin.

Tako se je v procesu širitve, kljub pomislekom glede legitimnosti, varstvo manjšin izoblikovalo kot temeljno načelo EU. Kritika, usmerjena na ugotovljene pomanjkljivosti – pomanjkanje pravne podlage in dvojni standardi – ni spodkopala (splošne) pozitivne ocene učinka predpristopnega procesa k EU, da se stanje v državah kandidatkah glede manjšinskih pravic bistveno izboljšuje kot rezultat evropske predpristopne strategije. Tako se je akademska kritika osredotočila predvsem na pomanjkanje politične volje EU, da bi še bolj stremela k celo bolj ambicioznim dosežkom v državah kandidatkah, kot tudi na pomanjkanje vsebinskih smernic in meril, problem nedoslednosti in *ad hocizma* ter problem omejenega obsega spremljanja reform v rednih poročilih.

Kljub velikemu zanimanju za pristop, ki ga ima EU do pravic manjšin v predpristopnem obdobju, se kot glavni problem tudi tukaj izpostavlja raziskovalni fokus. 'Kvaliteta' evropeiziranih politik oz. predpristopnih zahtev Unije na tem področju se namreč ne analizira na bolj vsebinskem nivoju, saj se analizirata le njihov prenos in izvajanje v državah kandidatkah. To je problematično, prvič, ker uspeha zaradi pomanjkanja pravil in modelov Unije ni mogoče izmeriti le s tehničnega vidika (preprosto kot prenos); in drugič, ker bi bila takšna presoja neutemeljena, če se ne ozira na dejanske posledice evropeizacije na terenu, tj. za uporabnike politike – ljudi, ki jih sprememba najbolj prizadene. Pomanjkanje jasnih pravil in norm izpostavlja potrebo po jasni identifikaciji namena predpristopnih pogojev na področju varstva manjšin in njihovega pričakovanega vpliva na družbo. To pomeni, da je najprej bistveno opredeliti sam cilj predpristopne pogojenosti, tj. vrednoto(e), ki si jo (jih) sprememba prizadeva doseči. Hkrati je pomembno tudi upoštevanje vidika ljudi, tj. končnih uporabnikov

(pripadnikov manjšin), saj evropeizacija na tem področju ne vpliva le neposredno na posameznike, ampak je zasnovana predvsem z namenom izboljšanja kakovosti njihovega življenja in prilagajanja sistema njihovim potrebam.

Opaženi problemi ne predstavljajo le pomanjkljivosti raziskav, ki so osredotočene na pravice manjšin, temveč pomanjkljivosti večine literature o evropeizaciji. Z izjemo raziskav, ki temeljijo na kritični teoriji, pojasnjevanju negativnih vplivov evropeizacije v državah kandidatkah, predvsem na gospodarskem področju, in omejenem številu analiz, ki so ponovno ocenile 'uspešno' evropeizacijo na drugih negospodarskih področjih (kot so azil, socialna politika in politika enakosti spolov), relevantna literatura nekritično in aksiomatsko temelji na ideji o optimalnosti predpristopnih zahtev EU. Takšna situacija pa povzroča veliko razhajanje med teorijo in dejanskimi razmerami na terenu.

Izhajajoč iz teh ugotovitev, si doktorska teza prizadeva koncipirati evropeizacijo tako, da premosti trenutno ločenost teorije od prakse. Cilj doktorske disertacije je zagotoviti celovitejše razumevanje procesa evropeizacije ter s tem zmožnost boljšega razumevanja in poznavanja situacije na terenu, tj. sprememb, ki so se bodisi neposredno bodisi kot posledica procesa evropeizacije zgodile v kontekstu. Da bi se izognili pomanjkljivostim obstoječe literature o evropeizaciji in njenemu izključnemu poudarku na sprejemanju in izvajanju pravil, doktorska teza sprejema uspešno evropeizacijo kot politično rešitev, ki je nastala v kontekstu predpristopnega obdobja in znatno izboljšuje stanje končnih uporabnikov politik, tj. posameznikov v državah kandidatkah in širši družbi.

Pri tem doktorska teza varstva manjšin ne izbira kot najbolj primerno področje le zaradi pomanjkanja bolj kritične analize političnih rešitev (poleg prenosa in izvajanja pravila), temveč tudi zato, ker evropeizacija v tem kontekstu predpostavlja, da so interesi in potrebe končnih uporabnikov, tj. pripadnikov narodnih manjšin, v jedru predpristopne pogojenosti. Tako zagotavlja kontekst, ki je (bi moral biti) osvobojen kakršnih koli drugih pomislekov Unije, ki negativno vplivajo na položaj, tj. status in pravice končnih uporabnikov politik. Nenazadnje tak kontekst omogoča lažje opazovanje drugih, na primer gospodarskih, pa tudi kratkoročnih varnostnih interesov EU, ki ogrožajo cilj predpristopne pogojenosti in oceno Unije o končnem izidu politike. To je prednost, ki jo ima varstvo manjšin v primerjavi z drugimi področji, kjer položaj končnih upravičencev ni jasno povezan s pristopno pogojenostjo oz. ni utemeljen kot glavni cilj pristopne pogojenosti EU. Na teh področjih bi

bilo težje dokazati oz. upravičeno zavrniti vpliv drugih interesov in pomislekov Unije kot problematičnih oz. nelegitimnih.

Doktorat torej poskuša identificirati dejavnike, ki vodijo k reformam, ki bistveno rešujejo probleme na terenu in izboljšujejo kakovost življenja končnih uporabnikov, tj. pripadnikov narodnih manjšin. V ta namen doktorska teza uvaja koncept 'poglobljene evropeizacije', ki definira uspešno evropeizacijo kot politično rešitev, ki izpolnjuje tako 'višji' cilj predpristopnih zahtev EU kot tudi potrebe končnih uporabnikov politik. 'Višji' cilj se nanaša na sam namen določenih predpristopnih pogojev in njihov pričakovani vpliv na družbo, tj. vrednote in načela, za katere EU pričakuje, da jih bo sprememba dosegla. 'Višji' cilj ni nujno izrecno naveden v pravnih dokumentih Unije, zato ga je treba jasno opredeliti. Na področju varstva manjšin ga je doktorska teza opredelila kot doseganje nediskriminacije in bistvene enakosti. Uspešna reforma mora poleg izpolnjevanja 'višjega' cilja tudi kakovostno izboljšati stanje končnih uporabnikov glede na situacijo pred predpristopnim obdobjem. Takšna reforma ne bi smela povzročati novih težav, ki v prejšnjem obdobju niso bile prisotne.

Teoretični okvir, na katerem doktorat gradi koncept poglobljene evropeizacije, zaobjema socialno konstruktivistični model evropeizacije, ki sta ga razvila Börzel in Risse, Habermasovo teorijo komunikacijskega delovanja in literaturo o vplivu humanitarne pomoči. Tako v skladu z modelom Börzel in Risseja doktorska teza razume evropeizacijo kot proizvod uspešne socializacije. Pri tem je trajnostna sprememba na bolje prepoznana kot rezultat široke javne debate in politične kulture, nagnjene h kompromisom. Ključno vlogo v tem procesu imajo normativni akterji, ki uporabljajo moralne argumente in strateške konstrukcije, s katerimi poskušajo spremeniti in oblikovati interese in identitete političnih in družbenih akterjev.

Konstruktivistična perspektiva je nadgrajena s Habermasovo teorijo komunikativnega delovanja in sklepi literature o vplivu humanitarne pomoči. Tako teoretični okvir uvaja perspektivo končnih uporabnikov kot glavni kazalnik uspešnosti evropeizacije, kar pomeni, da redefinicija političnih in družbenih interesov ter identitet ne bo prinesla pozitivnih sprememb, če perspektiva končnih uporabnikov ni vključena v razpravo in preslikana v končno obliko politične rešitve. S tem doktorska teza posredno tudi razširi pomen in razumevanje koncepta socializacije, kot ga definirata Börzel in Risse. Namesto pristopa 'od zgoraj navzdol', tj. enosmernega vpliva na države kandidatke, socializacijo razume kot proces, ki spodbuja interakcijo in vzajemni vpliv med predpristopno strategijo EU in

lokalnimi potrebami. To ne pomeni le, da norme in standardi Unije prek normativnih akterjev oblikujejo identitete in interese v državah kandidatkah, ampak da je njena predpristopna strategija hkrati obveščena o lokalnih potrebah in skladno z njimi tudi oblikovana, še zlasti z interesi in potrebami tistih, ki jih sprememba najbolj prizadene.

Na podlagi tega teoretskega okvirja doktorska teza poskuša odgovoriti na raziskovalno vprašanje, ali je zunanje upravljanje EU v predpristopnem procesu sposobno začeti in podpreti takšne reforme, ki bi lahko rešile probleme diskriminacije in neenakosti pripadnikov manjšin v državah kandidatkah, tj. reforme, ki bi vodile v poglobljeno evropeizacijo.

Pri iskanju odgovora na raziskovalno vprašanje si doktorska teza pomaga z hipotezo, ki natančneje določa dejavnike poglobljene evropeizacije – poglobljena evropeizacija na področju varstva manjšin je rezultat uspešne socializacije političnih in družbenih akterjev v državi kandidatki. Uspešna socializacija predstavlja proces, ki vodi k skupni ideji o politični rešitvi na določenem področju (varstvo manjšin), ki ustreza tako potrebam končnih uporabnikov (pripadnikov manjšin) kot tudi 'višjemu' cilju EU (nediskriminacija in bistvena enakost). Ključna dejavnika na nacionalni ravni, ki omogočata uspešno socializacijo in s tem vodita k poglobljeni evropeizaciji sta politična kultura, nagnjena k sprejemanju kompromisov, in normativni akterji, ki z namenom preoblikovanja interesov in identitete političnih in družbenih akterjev uporabljajo moralne argumente in strateške konstrukcije, ki integrirajo perspektivo končnih uporabnikov. Ključni dejavnik na ravni EU, ki vodi v poglobljeno evropeizacijo, pa je pristop EU, ki temelji na jasno opredeljenem cilju, ki ni podrejen drugim vidikom EU (npr. gospodarskemu ali varnostnemu) in ki v znatni meri vključuje perspektivo končnih uporabnikov (pripadnikov manjšin) pri oblikovanju predpristopne pogojenosti na področju varstva manjšin in ocenjevanju izida evropeizacije.

Doktorska teza poskuša odgovoriti na raziskovalno vprašanje in dokazati hipotezo na podlagi dveh študijskih primerov. Študijski primer je izbran kot najprimernejši raziskovalni okvir, ki raziskovalcu omogoča, da zajame kontekstualne pogoje, za katere se domneva, da so ključni pri dojemanju in razlagi raziskovanega družbenega fenomena. Tak raziskovalni okvir ustreza preiskavi sodobnih pojavov v njihovem realnem kontekstu, kadar meje med pojavom in kontekstom niso jasno vidne. Poleg tega je primeren, kadar ima raziskovalec malo ali nič nadzora nad sodobnimi dogodki, ki jih raziskuje, in kadar hoče dobiti odgovor, 'kako' in 'zakaj' se nekateri dogodki dogajajo. V kontekstu teze raziskovalni okvir študijskih primerov pomaga odgovoriti na vprašanje, 'kako' in 'zakaj' poteka poglobljena evropeizacija.

Na tej podlagi doktorat raziskuje dve ‘uspešni’ zgodbi evropeizacije iz širitve v Srednji in Vzhodni Evropi ter na Zahodnem Balkanu. S tem si raziskava ne prizadeva le identificirati dejavnike, ki se ponavljajo v obeh primerih, temveč dodatno preučiti, ali na proces in njegov končni izid vplivajo različne kontekstualne značilnosti različnih širitvenih krogov. V tezi analizirana študijska primera sta latvijska državljanska politika in politika enakopravne zastopanosti etničnih skupnosti v javnem sektorju v Makedoniji. Izbrana sta bila na podlagi naslednjih meril: i.) oba predstavljata vprašanja varstva manjšin; ii.) oba sta bila del ključnih političnih predpristopnih pogojev EU; iii.) v obeh primerih je bila ugotovljena velika razlika, tj. diskrepanca med zahtevami Unije in prejšnjim stanjem; iv.) brez zunanjega oz. evropskega pritiska ne bi v nobenem primeru prišlo do sprememb; in v.) v obeh primerih je EU pozitivno ocenila spremembo. Na podlagi teh kriterijev doktorska teza upravičí potrebo po ponovni oceni študijskih primerov s perspektive koncepta poglobljene evropeizacije, in sicer dejanskega vpliva evropeizacije tako na uporabnike politik kot tudi na kompatibilnost politik z ‘višjim’ ciljem predpristopne pogojenosti Unije na področju varstva manjšin.

Metode, uporabljene pri analizi študijskih primerov, so kvalitativna analiza primarnih in sekundarnih virov, politična diskurzivna analiza in kvalitativni intervjuji. Kvalitativna analiza se nanaša na nacionalne uradne akte ter uradne dokumente in poročila EU in drugih relevantnih mednarodnih organizacij. S to metodo si raziskava pomaga pri opredelitvi cilja predpristopne pogojenosti in obsega, v katerem je ‘višji’ cilj EU na področju pravic manjšin integriran. Poleg tega skuša tudi odgovoriti, ali in v kolikšni meri je bila perspektiva končnih uporabnikov vključena v oblikovanje predpristopnih pogojev in priznana v oceni Unije.

Analiza političnega diskurza se uporablja za ocenjevanje učinkov socializacije ter stopnje spremembe identitet in interesov političnih in družbenih akterjev. V latvijskem študijskem primeru se nanaša se na parlamentarne politične razprave (v obdobju od leta 1993 do leta 2004), v študijskem primeru o Makedoniji pa na parlamentarne transkripte ter poročila medijev (od leta 2001 do leta 2011). Podatki in ugotovitve, pridobljeni na podlagi politične diskurzivne analize, so dopolnjeni s kvalitativnimi intervjuji s političnimi in družbenimi akterji iz obeh držav, ki so neposredno sodelovali pri sprejemanju in izvajanju politik ali pa spremljali oz. preučevali te procese. V okviru študijskega primera o latvijski državljanski politiki je bilo izvedenih deset intervjujev na podlagi odprtega vprašalnika, v kontekstu študijskega primera o politiki enakopravne zastopanosti manjšin v javnem sektorju v Makedoniji pa 15 polstrukturiranih intervjujev.

Na tej podlagi raziskava sklepa, da rezultat evropeizacije v nobenem izmed obeh primerov ne izpolnjuje kriterija poglobljene evropeizacije. Pravzaprav rezultat evropeizacije v obeh primerih kaže na nazadovanje razmer v primerjavi s predpredpristopnim obdobjem. V primeru Latvije se niso ohranili le obstoječi problemi, ampak so se tudi pomnožili. Diskriminacija na podlagi državljanskega statusa se je razširila na nacionalni ravni (na primer, povečano število zaposlitvenih omejitev), poleg tega pa se je odrazila tudi na ravni EU. Če so bili v predpristopnem obdobju (rusko govoreči) nedržavljani diskriminirani v primerjavi z državljani, so bili od vstopa v Unijo diskriminirani v primerjavi tako z latvijskimi kot tudi z drugimi državljani EU. Poleg tega je predpristopni proces z uvedbo dodatne ravni diskriminacije na ravni EU po vstopu Latvije normaliziral in legitimiral njihov diskriminatoren status, saj so latvijski rusko govoreči nedržavjani obravnavani kot državljani tretjih držav, pri čemer nimajo enakih pravic in zaščite kot latvijski državljani.

V primeru politike enakopravne zastopanosti v Makedoniji se problem strukturne diskriminacije na etnični podlagi ni le ohranil, temveč se je povečal z diskriminacijo na podlagi politične pripadnosti. Namesto boja proti diskriminaciji se je politika enakopravne zastopanosti spremenila v skorumpirano orodje političnih strank za družbeni nadzor volivcev.

Tako rezultat evropeizacije v nobenem izmed obeh primerov, kljub pozitivni oceni EU, ne ustreza potrebam končnih uporabnikov politik (nedržavljanov v Latviji in pripadnikov etničnih skupnosti v Makedoniji), prav tako pa ni dosegel ‘višjega’ cilja Unije na področju varstva manjšin – nediskriminacije in dejanske enakosti pripadnikov narodnih manjšin.

Uspešna socializacija kot eden od dejavnikov poglobljene evropeizacije ni dosežena v nobenem študijskem primeru. V latvijskem primeru ni mogoče opaziti nikakršnih učinkov socializacije. V makedonskem primeru, čeprav so bili opaženi omejeni učinki socializacije, ti ne odražajo uspešne socializacije na način, kot jo definira doktorska teza, in sicer kot proces k skupni ideji o politični rešitvi, ki ustreza tako potrebam končnih uporabnikov kot tudi ‘višjemu’ cilju EU na področju prvic manjšin. Doktorska teza neuspeh procesa socializacije razlaga s pomočjo faktorjev na nacionalni ravni, ki so ključni za ‘galvanizacijo’ tega procesa – politične kulture, nagnjene h kompromisom, in normativnih akterjev, ki skušajo oblikovati politične in družbene interese in identitete.

V primeru Latvije ta dva ključna dejavnika nista bila prisotna. Politična kultura je v predpristopnem obdobju glede zahtev nedržavljanov ostala ekskluzivna. Nacionalistična

retorika je še naprej prevladovala v politični razpravi, kar je prispevalo k zavrnitvi kakršne koli pobude v korist nedržavljanov. To je bila posledica dejstva, da so glavne predpostavke, na podlagi katerih so se mednarodni akterji lotili reševanja problema nedržavljanov, v veliki meri temeljile in odražale uradna stališča Latvije (na primer, da imajo državljani in nedržavljani iste socialno-ekonomske pravice). Tako mednarodna skupnost ni prispevala le k prezrtju strukturne sistemske diskriminacije nedržavljanov po neodvisnosti, ampak je posredno tudi legitimirala uradno stališče Latvije, da je edina pot do nediskriminacije in bistvene enakosti naturalizacija. Primanjkljaj politične volje mednarodne skupnosti, da bi pritegnila Latvijo k celotni odpravi diskriminacije na podlagi državljanskega statusa, je bil izkoriščen kot argument v prid nacionalističnim argumentom proti kakršni koli pobudi, ki bi izboljšala status nedržavljanov. Intelektualna elita, ki naj bi prevzela vlogo normativnega akterja, je promovirala uradna latvijska stališča, da imajo nedržavljani enake socialno-ekonomske pravice in da je naturalizacija edina pot do integracije. Tisti, ki so se zoperstavili tem diskurzom, so bili marginalizirani in se zato niso mogli izpostaviti kot normativni akterji, ki bi izzvali globoko zakoreninjena prepričanja in preoblikovali javni diskurz.

Tudi v makedonskem primeru je omejena socializacija pojasnjena z dejavniki na nacionalni ravni, ki naj bi vodili k uspešni socializaciji. Prvič, politična kultura, ki jo je v veliki meri spodbujala EU, je bila grajena na medparlamentarni ravni in ‘za zaprtimi vrati’. Drugič, prizadevanja strokovnjakov, da bi delovali kot aktivni deležniki, so bila spodkopana prav zaradi take kvalitete politične kulture oz. omejene javne razprave in poznega odziva Unije na pomanjkljivosti izvajanja politike pravične zastopanosti, ko teh pomanjkljivosti več ni bilo mogoče prezreti. Vendar pa je makedonski primer pokazal tudi, da so na socializacijske učinke dodatno vplivali lokalni strukturni problemi. Kot ena od glavnih omejitev izstopa slaba ekonomska situacija (visoka strukturna brezposelnost in pomanjkanje zaposlitvenih možnosti ter pogoji dela, ki ne ponujajo človeku dostojnega življenja), za katero v globalnem neoliberalnem okolju ni možnosti za izboljšanje. Makedonski primer je tako pokazal, da v brezupnem ekonomskem stanju (kjer so legitimne možnosti za politične akterje, da dosežejo svoj glavni cilj – osvojiti oblast –, omejene, ker ne morejo ponuditi trajnih rešitev za eksistenčne probleme večine prebivalcev) možnost socializacije skorajda ne obstaja.

Drugi pogoj za poglobljeno evropeizacijo, torej predpristopni pogoji, ki temeljijo na jasno opredeljenenih ciljih in pričakovanjih EU, ki niso pod negativnim vplivom drugih interesov Unije, in integrirajo vidike končnih uporabnikov, prav tako ni bil izpolnjen. V Latviji je bil

cilj predpristopnih pogojev ogrožen zaradi ekonomskih interesov Unije, perspektiva končnih uporabnikov pa marginalizirana zaradi državocentričnega pristopa Unije. V primeru Makedonije je cilj predpristopnih zahtev EU glede politike pravične zastopanosti v javnem sektorju padel v senco varnostnih vprašanj, perspektiva končnih uporabnikov pa je bila marginalizirana zaradi elitističnega pristopa Unije.

Čeprav doktorat zaključuje, da v nobenem primeru ni prišlo do poglobljene evropeizacije, še vedno prihaja do nekaj pomembnih zaključkov o dejavnikih, ki negativno vplivajo na kakovost izidov tega procesa na področju varstva manjšin. Tako doktorska disertacija ugotavlja, da zunanje upravljanje EU v predpristopnem procesu ne more podpreti reform, ki bi lahko rešile probleme diskriminacije in neenakosti pripadnikov manjšin v državah kandidatkah, tj. reform, ki bi vodile v poglobljeno evropeizacijo. To je posledica strukturne naklonjenosti zunanjega upravljanja marginalizaciji vidika končnih uporabnikov in ločenosti od 'višjega' cilja, tj. nediskriminacije in učinkovite (dejanske) enakosti. Razlog, ki preprečuje poglobljeno evropeizacijo, je državocentrični oz. elitistični in ideološko pristranski pristop EU, ki ga vodijo predvsem neoliberalni in varnostni vidiki. Lokalni kontekst je prepoznan kot glavni dejavnik, ki določa, kateri vidik EU – gospodarski ali varnostni – bo prevladal kot ovira za socializacijo oz. poglobljeno evropeizacijo. V nestabilnem političnem kontekstu, ki se sooča z varnostno grožnjo, še zlasti na področju politik, kjer gospodarski in varnostni cilji trčijo eden ob drugega, izvajanje neoliberalne gospodarske agende namreč pade v senco varnostnih vidikov EU. Vendar to ne pomeni, da v takšnem kontekstu EU popolnoma zavrača neoliberalne cilje, torej da ti ne predstavljajo več zaviralnih dejavnikov poglobljene evropeizacije, temveč pomeni, da na točno določenem političnem področju, kjer trčijo varnostni in neoliberalni cilji EU, Unija k slednjim pristopa bolj fleksibilno.

Z vidika teorije evropeizacije velja poudariti, da je raziskava potrdila glavne predpostavke iz literature, da sta verodostojna obljuba članstva in jasna pogojenost ključna pogoja za prenos oz. izvajanje zahtevanih pravil, hkrati pa je tudi pokazala, da formalno izpolnjevanje predpristopnih pogojev ne zadošča za reševanje dejanskih težav na terenu.

Poleg tega in nasprotno od splošnega prepričanja raziskava sklepa, da kontekstualne razlike med obema študijskima primeroma, ki izhajajo iz različnih krogov širitve (nejasne obljube o članstvu v EU, specifični pokonfliktni izzivi v primeru Zahodnega Balkana), niso dejavnik, ki bi pomembno vplival na kakovost rezultatov evropeizacije. Rezultati evropeizacije v obeh primerih, ne glede na bolj oz. manj ugoden kontekst, predstavljajo nazadovanje in neuspeh z

vidika končnih uporabnikov, tj. nedržavljanov v Latviji in pripadnikov manjših etničnih skupnosti v Makedoniji.

Izvirni prispevek doktorske disertacije k teoriji evropeizacije je torej v tem, da premika raziskovalni fokus od tehničnih vprašanj k dejanskemu vplivu predpristopnih zahtev Unije v državah kandidatkah. Teza namesto sprejemanja in izvajanja pravil kot glavnih kazalnikov uspešnosti ponuja teoretični okvir, ki kot najpomembnejši kazalnik uspešne evropeizacije uvaja perspektivo končnih uporabnikov. Na ta način ne zagotavlja le bolj realistične slike o kakovosti spremembe v času predpristopnega procesa, temveč tudi spodbuja kritično razmišljanje o samih pravilih, normah in institucionalnih modelih, ki so jih sprejele države kandidatke.

Doktorska teza izpostavlja tudi potrebo po redefiniciji koncepta socializacije. Namesto prevladujočega pristopa ‘od zgoraj navzdol’, pri čemer se socializacija razume kot enosmeren vpliv na identitete in interese političnih in družbenih akterjev v državi kandidatki, predlaga drugačen pristop, po katerem koncept poglobljene evropeizacije temelji na ideji socializacije kot procesu, v katerem EU, namesto da bi izvajala ‘nesporno paternalistično’ avtoriteto nad državami kandidatkami, spodbuja interaktiven odnos in vpliv med predpristopnimi zahtevami EU in lokalnim kontekstom v državah kandidatkah.

Nenazadnje je treba poudariti, da doktorska teza promovira bolj teleološko kot pa pozitivistično razumevanje reformnega procesa v državah kandidatkah. Teleološki pristop, na katerega se doktorska teza zanaša, spodbuja raziskavo, ki je manj tolerantna do političnih rešitev, ki, čeprav formalno izpolnjujejo mednarodne standarde, dejansko ohranjajo *status-quo*. S tem, da je glavni raziskovalni interes namenila dejanskim učinkom sprememb v predpristopnem obdobju in njihovi kompatibilnosti s pričakovanji in cilji EU na področju varstva manjšin, je doktorska teza predstavila način, kako se lahko izognemo pastem prevladujočega pozitivističnega pristopa, ki s formalno-pravno spremembo pogosto zamenjuje dejansko pozitivno spremembo na terenu.