

Skopje, 3 June 2011

Policy Paper

PROPOSAL: TEN EU PRIORITIES OF THE NEW GOVERNMENT

The European Policy Institute, based on its analysis and findings on the most critical issues of the integration process and membership perspectives, prepared the document “Ten EU Priorities of the New Government.

EPI is publishing the document before the parliamentary elections. Regardless of which party wins the elections on 5 June and which coalition government is formed, the EU agenda will be especially important in the period immediately after the elections, at the time of forming the new Government and for its functioning.

The priorities included in the document are subject to discussion. However, they are not a “menu” one can choose from, but are inter-linked and rather represent a “package arrangement”.

- 1. Consensus of political agents on EU integration priorities**
- 2. The integrative potential of the Ohrid Framework Agreement to the forefront**
- 3. Rule of law – equality of every person before the law**
- 4. Strong Parliament, accountable Government**
- 5. Professional administration for EU membership**
- 6. Inclusion and transparency in the process of alignment with EU policies and norms**
- 7. National development policy and social policy compatible with EU policies**
- 8. Efficient use of pre-accession funds for the objectives of the national development and social policy**
- 9. Culture of dialogue with the EU**
- 10. Regional cooperation**

Explanation on the contents and the different aspects of each priority, as well as the arguments for their relevance in terms of the EU agenda are given below:

1. Consensus of political agents on the EU integration priorities

The next Government should ensure consensus on the EU integration priorities. The declarative consensus that EU is our strategic goal does not suffice. The widest possible **agreement – within the governing coalition and with the opposition** – on all issues of strategy and policy of EU accession is indispensable.

Only such an agreement will enable the Republic of Macedonia to **speak “in one voice”** before the EU institutions and EU Member States, which is essential if our country is to strengthen its position in the European integration process and, in general, in the international community.

Only such a consensus would guarantee the Republic of Macedonia a strong position in addressing the main obstacle in the EU accession process – **the name dispute** imposed by Greece, and guarantee success of the eventual referendum. Consensus would also be crucial for efficient and effective accession negotiations.

Although the European Union confirms its Enlargement Strategy, the enlargement perspective for most countries of the region is uncertain in terms of time. This cannot be an alibi to abandon the EU accession as a priority. On the contrary, the accession process should be placed in a realistic perspective, which should not be subject to partisan disputes.

In this context, the priority of unblocking the second phase of the Stabilisation and Association Agreement should not be put aside.

2. The integrative potential of the Ohrid Framework Agreement to the forefront

The EU integration perspective is closely connected to the success (or failure) of the internal integration, guaranteed by the principles and the spirit of the Ohrid Agreement. The implementation of the Agreement is an essential part of the political criteria for EU membership (human rights/rights of communities, functioning of the legal state, political dialogue, co-habitation, administration and judiciary reforms, equitable representation, etc.).

The implementation of OFA is not a one-off measure, neither pure making deals at the top of the Government, but a basis for cohabitation and trust in the institutions.

While the implementation of the Agreement legitimised the Republic of Macedonia as an EU candidate country, its sustainability should provide its long-term stability as an EU Member State with a specific and respectable multi-ethnic model.

3. Rule of law – equality before the law

Each EU Member State is responsible for implementing the EU law on its territory; therefore rule of law is the basic pre-condition for membership.

It means that each person – natural and legal is in an equal position before the law, regardless of its party, ethnic, or any other affiliation.

At the same time it means **that constitutional institutions should function only on the basis of the Constitution and the laws**, without domination of any of the institutions, but with mutual cooperation and respect.

Only **depoliticised public administration and depoliticised judiciary with professional capacity and integrity** can guarantee that the Republic of Macedonia becomes part of the EU as a Community of law.

The Charter of Fundamental Rights of the EU and the European Convention for Human Rights, including jurisprudence of the European Court of Human Rights and the EU Court of Justice should be the benchmarks for implementation of human rights in the Republic of Macedonia.

Implementation of European **standards on freedom of expression and freedom of media** is a matter of urgency.

Effective rule of law means **implementation and enforcement** of each adopted law and other regulation, equally for all, predictability of the consequences of the adopted laws for each person and legal certainty.

Fight against corruption should not be selective, but efficient.

Cooperation in the area of justice and home affairs – with the European institutions, the member states and in regional terms, based on implementing commitments and loyal cooperation would grant the Republic of Macedonia inclusion in the European area of justice, freedom and security.

4. Strong parliament, responsible Government

The priority includes constructive dialogue of all political actors in the Parliament and actual control of the Parliament over Government. Boycott of Parliament should be abandoned as practice and replaced with a culture of dialogue, argumentation and compromise.

This does not mean a weak Government, but a transparent, responsible and efficient one, which governs with strategic guidance and coordination, creating opportunities and just distribution of resources.

The practice of swift adoption of laws by the Assembly dictated by the government should be abandoned and a deep and comprehensive deliberation in the Parliament ensured.

The role of the Parliament in the European agenda is not “passage of European laws”, but inclusion of the European agenda in all the functions of the Assembly. European experience shows that Member States with stronger role of the Parliament in the EU agenda are more successful in implementation of EU policies and laws. Such a role of the Parliament would be essential for accession negotiations.

Only a transparent government can be an accountable government. In the EU accession process this implies openness of documents and activities on integration, as well as clear indication of the successes and failures of each politician and appointed official for the implementation of the EU agenda.

5. Professional administration for membership of the EU

Research shows that administrative capacity is the main factor for the success of an EU Member State and Candidate Country in the creation and implementation of EU policies and law.

We can speak of capacity only of an administration which is depoliticised and for which knowledge and capabilities shall be the basic criteria, while the rule of law and the orientation towards the citizen and business – shall be the basic principles of performance.

The administration should be dimensioned realistically, in accordance with the functions of the institutions. An objective functional analysis would lead toward rationalisation of the institutions and the administration, as well as reallocation of resources. The needs of citizens and businesses, and the needs of alignment with the policies of the EU should be the benchmarks for such an operation.

The EU does not dictate the modes of organisation of institutions and administration in the member states. However EU policies and law include requirements in terms of the results they should achieve. Hence, the Common Assessment Framework on European level should be the benchmark for public administration reform in the Republic of Macedonia if the Macedonian administration is to become part of the European Administrative Space.

The current setup of the coordinative function of European integration processes on central government level should be reviewed – the role of the Secretariat for European Affairs, the Ministry of Foreign Affairs, the Legislative Secretariat, the Ministry of Finance and the competent line ministries, as well as the special administrative bodies. The oversized administration in a number of EU-related bodies and departments for European integration does not guarantee a successful adjustment process.

Only a strong political leadership could guarantee a successful process of alignment and of accession negotiations, along with improved capacity of institutions, which according to their regular responsibilities are in charge of specific EU policies and their effective coordination. In this sense, the fragmentation of departments responsible for policy-making and those responsible for the use of pre-accession funds should be eliminated.

The Ministry of Foreign Affairs should be granted with a strong position in the representation of the Macedonian EU agenda before the institutions of the EU and in the international activities in general. A precondition for this is coordination of the national actors in foreign policy (which is directly related to the implementation of the first priority – consensus of political actors), as well as professionalism in the performance of the diplomatic service.

6. Inclusion and transparency in the alignment with EU policies and norms

Macedonian citizens and the business sector should be aware of what alignment with the EU entail. Each EU policy and measure brings certain benefits, but also implies costs for the society and for specific stakeholders, as well as institutional adjustments. At present, formal alignment is dominant at the expense of substantive alignment of policies and norms. This situation should be addressed as soon as possible, if the alignment is to bring about considerable for the Macedonian society at the lowest possible costs.

Consequently, the approximation of legislation is not a formal process, but a part of the process of implementation of EU policies. The use of presently available tools for checking the alignment of legislation (tables of concordance, statements of compliance) should be improved in terms of quality and accuracy, while rationalised in form.

Priority should be given to essential comprehension and estimation of the impact of introduction of EU policies and norms, whereas costs would be minimised – through the use of pre-accession funds. The formally introduced regulatory impact assessment (RIA) should be implemented in practice as soon as possible.

Although regulatory impact assessment is significant for all areas of adjustment with the EU, priority areas for analysis should be determined, in which costs of alignment are the highest, such as e.g. environment, agriculture and food safety.

These processes can be implemented with higher quality only by involvement of all stakeholders on a single platform and a functioning consultation mechanism in practice, including involvement of experts in different areas. The formation of a “database of EU knowledge and experience” – not as a technical, but as a strategic approach - could facilitate creating sustainable policies for EU membership and effective negotiations.

At the same time, the implementation of the Stabilisation and Association Agreement should not be treated as a separate part of the European agenda, or only as a legal issue. One of its basic goals is the gradual alignment with EU policies of and law.

7. National economic and social policy compatible with the policies of the EU

With the current growth rate, the Republic of Macedonia would reach the average EU GDP per capita level in about 70 years. Achieving a higher growth rate has been difficult, although numerous strategic documents have been adopted for development policies in the Republic of Macedonia in the course of various governments in power, along with numerous implemented aid projects.

Despite the declarative consensus on economic policies in the country, substantial differences of development concepts are evident among the key political actors. The starting point for a relevant Pre-accession Economic Program of the Government could be the new Lisbon agenda, but only taking into regard the actual circumstances in the Republic of Macedonia.

The European Commission has still has not established that the Republic of Macedonia meets the criterion of a functioning market economy, which undoubtedly sets the priorities toward this aim. The rule of law and legal certainty (priority 3) are essential also in terms of fulfilling the economic criterion for EU membership. Furthermore, independence of regulatory bodies is highly important for free market economy. Regulatory bodies should be positioned independently of government and of the industries they regulate.

One of the most complex, but at the same time most urgent tasks of the new government is raising competitiveness of Macedonian economy and increasing employment, based on fulfilment of EU standards, innovation, as well as raising the educational level and workforce qualifications. This difficult problem, too, can be tackled only by consultation and involvement of all available potentials in the country. Again, strengthening national institutions and professional administration are crucial in this endeavour.

An important aspect that should be taken into consideration in formulating development priorities are regional forms of economic integration, entailing strict legal obligations, especially in the areas of trade and infrastructure – CEFTA, the Energy Community, etc.

Incorporation of the principles of social inclusion, non-discrimination and economic and social dialogue impose a new concept of the social policy in Macedonia.

8. Use of Pre-accession Funds in support of the national development and social policy

Notwithstanding that the Republic of Macedonia has benefitted from EU funds and funds from other donors during the past twenty transitional years, the degree of project ownership remains low.

Strategic leadership on the highest level is imperative in order to direct the pre-accession funds towards clearly defined national development and social priorities – competitiveness of the Macedonian economy, increase of employment, social inclusion (priority 7).

Support to EU-accession oriented reforms – political, institutional and economic – is the clear aim of pre-accession funds. Therefore, the planning of the use of funds must be coherent with alignment to EU policies (priority 6).

Capacity building of the institutions, but also in a broader sense - of the business, as well as of the non-governmental sector is a precondition for effective use of the funds.

9. Culture of dialogue with the EU

Following 15 years of the establishment of diplomatic relations with the EU and 10 years of the signing of the Stabilization and Association Agreement, it would be realistic to expect that Macedonian participants in the dialogue with the EU have learned the lessons of pursuing dialogue and the culture of compromise in the EU. Unfortunately, this is not the case. Therefore, the new government should have in mind that it is the Republic of Macedonia that is seeking membership in the EU – a Community which in the course of its fifty years of existence has established its own ways of pursuing dialogue and reaching compromises, which should be comprehended and respected. National interests and positions will be more successfully realised if presented with arguments, comprehensible and acceptable to the interlocutors.

10. Regional cooperation

Beside the fact that the Republic of Macedonia is proud on its own accomplishments in the area of regional cooperation, a higher degree of activism in regional terms is necessary for the realization of Macedonian foreign policy goals.

The Government of the Republic of Macedonia must be more proactive in the joint realisation of the strategic interests of the region for integration in the EU, particularly in a period when more significant shifts in the region are expected vis-à-vis EU integration.