

The Promotion of Respect for Human Rights as an Objective of the EU Foreign Policy toward Macedonia in the period 1995-1999

Melina Grizo¹

Abstract: Since several decades, the EU declared that the promotion of respect for human rights is among the objectives of its foreign policy, although the formulation of the policy dedicated to the realization of this objective rose a considerable controversy. In the present paper, we concentrate on the analysis of the promotion of respect for human rights in the EU relations with Macedonia during the second half of the 1990s', in the framework of its first coherent policy toward the region of Western Balkans, named the "Regional approach". The paper analyses the key political documents and legal instruments adopted by the EU Institutions which define the political dialogue, the conditionality framework and the evaluation of its fulfilment. The findings contribute to the better understanding of the general profile of the EU foreign policy in the field, in particular considering the importance given to the promotion of respect for human rights in the context of the current EU policy ("Stabilization and Association Process") toward the states from the region, including Macedonia.

Key words: Macedonia, EU foreign policy, human rights conditionality, Regional Approach, cooperation agreement

1.Introduction

Since several decades, the EU declared that the promotion of respect for human rights is among the objectives of its foreign policy, although the formulation of the policy dedicated to the realization of this objective rose a considerable controversy.² The problem has attracted a wide academic interest – the EU pursues more or less intense external relations with many states and regions in the world whose level of respect for human rights is varying. In the present paper, we concentrate on the analysis of the promotion of respect for human rights in the EU relations with Macedonia during the second half of the 1990s', in the framework of its first coherent policy

¹ Melina Grizo, PhD, Associate Professor, Ss. Cyril and Methodius University, Faculty of Law "Iustinianus Primus", Skopje, R. Macedonia.

² Despite of the clear difference between the "European Union" ("EU") and the "European Community", ("EC") throughout the paper, we will use the designation the "European Union" and refer to the "European Community" only in cases which refer to the former "first pillar".

toward the region of Western Balkans, named the ‘‘Regional approach’’. The paper analyses the key political documents and legal instruments adopted by the EU Institutions which define the political dialogue, the conditionality framework and the evaluation of its fulfilment. As it is well known, during the historical period which is a subject of our research, the EU was equally pursuing its enlargement policy toward the Central and Eastern European countries (CEEC) which reveals surprising similarities with the policy of ‘‘Regional Approach’’ (albeit differences existed as well). Therefore, the research relies on comparisons with the key documents concerning the EU enlargement policy toward the CEEC. The policy of ‘‘Regional Approach’’ encompassed several states from the region; although the focal point of our research is the case of Macedonia, the only state of the region which managed to conclude a cooperation agreement with the EU during this period, the analysis relies on comparisons with certain aspects of the relationship between the EU and those states. The findings contribute to the better understanding of the general profile of the EU foreign policy in the field, in particular considering the importance given to the promotion of respect for human rights in the context of the current EU policy (‘‘Stabilization and Association Process’’) toward the states from the region, including Macedonia.

The paper begins with an insight into the general profile of the EU policy of promotion of respect for human rights in the framework of its relations with third states (section 2). Further on, a brief analysis of the general profile of the policy of ‘‘Regional Approach’’ is provided (section 3). The next section is dedicated to an analysis of the instruments employed to promote the respect for human rights in the framework of the policy of ‘‘Regional Approach’’ - the political dialogue, as well as the principle of conditionality and its evaluation in the case of Macedonia (section 4). The final part provides certain conclusions on the promotion of respect for human rights in the EU foreign policy toward Macedonia in the framework of the ‘Regional Approach’’ (section 5).

2.The promotion of respect of human rights as an objective of the EU policy toward third states

For several decades before the launching of its policy toward the states from the Western Balkans, the human rights had an acknowledged place in the EU external policy (European

Political Cooperation),³ albeit many controversies remained as to its practical implementation.⁴ One, very well-known difficulty concerns the fact that the internal law of the EU provides a scarce regulation of human rights, this field being considered a prerogative of the constitutional regulation of the Member States. It was only in 1997, with the adoption of the Treaty of Amsterdam (which came into force in 1999) that some improvement has been noted. Namely, the Treaty of Amsterdam incorporated a Social Chapter, permitting the decision making in the areas related to work and, perhaps more importantly, its Article 6 prescribed that the EU is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, principles common to the Member States.⁵ The Treaty of Amsterdam was followed by the adoption of important secondary legislation in equality law.⁶ Meanwhile, the European Court of Justice (ECJ) has already confirmed the obligation of the EU to respect the human rights.⁷ Nevertheless, the field largely remained in the ambit of the Member States' competences. However, even the insight at the Member States' regulation of the field reveals some delicate discrepancies. Notably, some of the Member States do not recognize the minority rights, nor have signed or ratified the Council of Europe's Framework Convention for the Protection of National Minorities (FCPNM). On the contrary, as we will explain, in the EU foreign policy, the field is given great emphasis.

In the EU relations with the outside world, already in 1975, the Helsinki Final Act, adopted in the framework of the CSCE (later OSCE) envisaged that the states respect human rights and fundamental freedoms in their mutual relations. Apart from it, being fore mostly an economic

³ On the general development of the European Political Cooperation, see, for example: Panayiotis Ifestos, "European political cooperation (EPC): Its evolution from 1970 to 1986, and the single European act" in: *Journal of European Integration*, Volume 11, Issue 1, 1987, pp. 47-62.

⁴ The literature dealing with this topic is abundant. See, for example: Bartels Lorand, *Human Rights Conditionality in the EU's International Agreements*, Oxford University Press, 2005; Ruby Gropas, *Human Rights and Foreign Policy. The Case of the European Union*, Ant. N. Sakkoulas, Athens, Bruylant Bruxelles, 2006, in particular pp. 95-133; Karen E. Smith, *European Union Foreign Policy in a Changing World*, Polity, 2008, pp 97-121 and the works cited in fn. 1-6 on pages pp. 97-98.

⁵ Later developments in the area are beyond our analysis, most notable being the adoption of the Charter of Human Rights and Fundamental Freedoms in 2000 and the problem surrounding the accession to the Council of Europe. See: Elizabeth F. Defeis, "Human Rights, the European Union, and the Treaty Route: from Maastricht to Lisbon" in: *Fordham Int'l L.J.* 1207, Volume 35, Issue 5, 2017, Article 3, pp. 1207-1230.

⁶ For a detailed account, see, for example: Dagmar Schiek, Victoria Chege (ed.), *European Union Non-Discrimination Law: Comparative Perspectives on Multidimensional Equality Law*, Routledge-Cavendish, Taylor&Francis group.

⁷ It was already the Maastricht Treaty of 1992 that codified the case law of the ECJ and formally recognized that the human rights form part of the EU law.

entity, the EU maintained the economic cooperation with great many states and regions. In addition, its relations with third states frequently involved an EU aid for development. However, many states with whom the EU had relations and to whom development aid is granted have a very delicate record of respecting human rights. Therefore, despite its declaration about a firm commitment to the promotion of respect for human rights, the EU was frequently criticized for its rare reactions, limited only to cases of massive atrocities.⁸ Some improvement in the policy are, nevertheless, noticeable since the 1980s', when the European Parliament began adopting annual reports on the respect of human rights in the EC external relations.⁹ In 1992, the Maastricht Treaty declared that the development and consolidation of human rights and fundamental freedoms are objectives of the newly launched Common Foreign and Security Policy (CFSP) and of the development cooperation in the framework of the EC.¹⁰

As it is well known, the launching of a more elaborated EU human rights policy in the relations with third states was a reaction on the fall of the Berlin Wall and the rapprochement with the CEEC. In this context, both the diplomatic instruments and the principle of conditionality were employed – the elements of the conditionality being the economic and political - the last including the human rights. This conditionality was inserted in the first and second-generation agreements with the CEEC and, finally, became a key part of the pre-accession strategy, subsumed to strict monitoring.¹¹

The instruments which the EU employs to pursue this policy form an important question. Before we enumerate them, it is important to mention briefly that the realization of the objective stands

⁸ Karen E. Smith, *European Union Foreign Policy in a Changing World*, op. cit., pp. 103-105; Grainne de Burca, 'The Road Not Taken: The European Union as a Global Human Rights Actor', 105 AM.J. INT'L I 649, pp. 652-55 (2011).

⁹ See, for example: European Parliament, 'Resolution for the year 1983/84 on human rights in the world and Community policy on human rights'. OJ C 172, 2 July 1984.

¹⁰ See: Article 130u and Article J.1.2 of the Treaty of Maastricht.

¹¹ Apart from the political criteria, the conditionality envisaged economic criteria, the ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union and the absorption capacity of the EU, while maintaining the momentum of European integration. For the key political document of the period, see : European Council in Copenhagen, 21-22 June 1993, Conclusions of the Presidency, see: point 7.3.: 'Relations with the Countries of Central and Eastern Europe', at p.13. See also: Christophe Hillion, 'The Copenhagen Criteria and Their Progeny' in: Christophe Hillion (ed.), *EU Enlargement: A Legal Approach*, Oxford/Portland, OR: Hart, 2004, pp. 1-22. For a general overview of the 'Europe' Agreements, see: Ott A. and Inglis K., *Handbook on European Enlargement*, T.M.C. Asser Press, The Hague, 2002, pp. 349-368.

delicately vis a vis the concept of state sovereignty.¹² As to the instruments employed, the EU relies on the positive and (much less frequently) negative political conditionality, its form frequently being clauses included in the cooperation agreements concluded with the third states. Another possibility is the EU aid for third states, which is conditioned on respect of human rights. For both these cases, the so called ‘human rights clauses’, conformed to the Vienna Convention rules 1969¹³ create a mechanism which permits the EU to suspend the agreement and the aid. Finally, the soft power and the diplomatic instruments, such as the political dialogues also provide a channel of influence.

A closer look to the field reveals that, during its application, the EU relies on the international legal instruments. As it is well known, the human rights have been a subject of international law, notably in the framework of UN system, but equally in the European legal space – apart from the EU legal order, the OSCE has produced several soft law legal instruments and the field was in particular legislated by the Council of Europe. Considering that many of these legal instruments have a soft law nature and the considerable difficulties of their enforcement even when they are binding, the EU leverage massively contributes to their enforcement.¹⁴ Notably, with regard to the scope, the EU has declared that it supports the universality, indivisibility and interdependence of all human rights.¹⁵

The EU rationale for the emphasis given to the human rights in its external policy are manifold. From the point of view of security considerations, there is a belief that the states which respect the human rights are less conflictual in the international relations.¹⁶ Moral considerations equally play a role – having in mind that the domestic public opinion in the Member States supports this objective, the governments mainstream it in order to justify their actions and, indeed, their

¹² The analysis of the issue through in relation to the principle of state sovereignty is particularly complex. See, for example: Terrence E. Paupp, *Redefining Human Rights in the Struggle for Peace and Development*, Cambridge University Press, 2014; Jennifer Welsh (ed.), *Humanitarian Interventions and International Relations*, Oxford University Press, 2004; J. Rosenau and O. Czempiel (ed.), *Governance without Government: Order and Change in World Politics*, Cambridge University Press, 2000.

¹³ Vienna Convention on the law of treaties (with annex). Concluded at Vienna on 23 May 1969, United Nations — Treaty Series Vol. 1155,1-18232.

¹⁴ Karen E. Smith, *European Union Foreign Policy in a Changing World*, op. cit., p. 107.

¹⁵ Council of the EU, ‘EU annual report on human rights 1999/2000’, 9 October 2000, p. 8. Cited in: Karen E. Smith, *European Union Foreign Policy in a Changing World*, op. cit., p. 108.

¹⁶ *Ibidem*, p.107.

overall purpose.¹⁷ Additionally, the policy of promotion of human rights is interlinked with the identity the EU constructed for itself.¹⁸

Before we close the section, we may add that the promotion of respect for human rights has been followed by the introduction into the EU foreign policy of two more objectives - the democracy and the good governance. Introduced only at the beginning of the 1990's, those two concepts are clearly wider and more difficult to achieve than the respect for human rights. Unlike the human rights, well regulated by the international law, these concepts are far less clear and they lack a definition in the international law. Therefore, equally complicated is the problem that, in the course of the implementation, the three concepts frequently overlap. For example, in the domain of democracy, some essentials, such as freedom of expression and the right to free and open elections are regulated by the human rights law.¹⁹ In its own documents, the Commission refers to democratic principles, rather than democracy.²⁰ When it comes to good governance, the EU defined it as: 'sensible economic and social policies, democratic decision-making, adequate governmental transparency and financial accountability, creation of a market-friendly environment to development, measures to combat corruption, as well as respect for the rule of law, human rights, and freedom of the press and expression.'²¹ Evidently, the definition involves many elements – including those which clearly belong to the sphere of human rights. In the framework of the 'Regional Approach' (as well as in the case of the CEEC), both the Council and the Commission concentrate rather on the rule of law – although, as we will see, its meaning is equally unprecise.²² As in the case of the human rights, these additional foreign policy objectives are achieved through positive and (less commonly) negative conditionality, another notable instrument for their achievement being the diplomatic one, notably political dialogue.

3.The policy of 'Regional Approach'

¹⁷ Ibidem, p. 106-107.

¹⁸ Ibidem, p. 107.

¹⁹ Ibidem, p. 122.

²⁰ European Commission, 'Democratisation, the rule of law, respect for human rights and good governance: the challenges of the partnership between the European Union and the ACP states', COM (1998) 146 final, 12 March 1998, p. 122. Cited in: Karen E. Smith, *European Union Foreign Policy in a Changing World*, op. cit., pp. 132-133.

²¹ Development Council and the member states, 'Resolution on human rights, democracy and development', p. 122, EC Bulletin 11/1991. Cited in: Karen E. Smith, *European Union Foreign Policy in a Changing World*, op. cit., p. 133.

²² A notable work in this field: Dimitry Kochenov, *EU Enlargement and the Failure of Conditionality. Pre-accession Conditionality in the Fields of Democracy and the Rule of Law*, Kluwer Law International.

Before we pass to an analysis of the promotion of respect of human rights, a brief introduction into the policy of ‘Regional Approach’ is necessary. Namely, in the beginning of the 1990s, the dissolution of Yugoslavia was followed by a series of long-lasting conflicts among the former republics which have declared independence. Throughout this period, the EU, whose common foreign policy was at the initial stages of development, failed to respond successfully to these security challenges taking place on its borders. Only in 1995, the conflicts are terminated and the peace treaties signed.²³ These developments are followed by an EU decision to launch a coherent policy toward the states from the region (all ex-Yugoslav republics, without Slovenia, including Albania), named the ‘Regional Approach’, centered around the key objective of stabilization of the region through the encouragement of regional cooperation and relying on an elaborated political and economic conditionality.²⁴ The concept included a set of legal instruments on financial assistance, unilateral trade preferences and cooperation agreements.²⁵ Therefore, the ‘Regional Approach’ was only one of the numerous regional policies designed by the EU, its specificity being the emphasis on the post conflict stabilization in its immediate neighborhood. In the next section, we will examine the promotion of respect for human rights in this specific context.

4. The promotion of the respect for human rights in the framework of the ‘Regional Approach’ – the case of Macedonia

In accordance with the established practice, in the framework of the ‘Regional Approach’, the EU promoted the respect for human rights through conditionality in what concerned the aid and the conclusion of cooperation agreements, as well as through the diplomatic instruments, notably the political dialogue. All of these aspects of its relationship with the targeted states formed subject of regular monitoring. We will begin by an analysis of the promotion of respect for

²³ Bull. EU 1/2 -1996, point 1.4.108. For an analysis, see: Kramer H., ‘The European Union in the Balkans: Another Step Towards European Integration’, *Perceptions*, September-November 2000; Unal Cevikoz, ‘European Integration and Regional Co-operation in Southeast Europe’ in: *Perceptions. Journal of International Affairs*, Volume II - Number 4, 1998.

²⁴ Jean-Antoine Giansily, *L’Union Européenne et la crise yougoslave: illusions et réalités*, Editions Denôel, Paris, 1999; Steven Blockmans, *Tough Love. The European Union’s relations with the Western Balkans*, T.M.C. Asser Press, The Hague, 2007, pp. 111-175. Kostas Ifantis, ‘Security and Stability: EU and NATO Strategies’ in: Meurs van Wim (ed.), *Beyond EU Enlargement*, Volume 2, Bertelsmann Foundation Publishers, Guetersloh, 2001, pp. 95-117.

²⁵ Bull EU 9-1995 point 1.4.40 ; Bull EU 10-1995 point 2.2.1 ; Bull. EU 1/2 – 1996 point 1.4.108.

human rights in the conditionality and in the political dialogue and finish with the analysis of their evaluation.

4.1.The conditionality principle. As we mentioned above, the EU frequently relies on this principle in order to achieve certain objectives in its relations with the third states, the most notable example from that period being its policy toward the CEEC. The conditionality envisaged for the “Regional Approach” had a positive aspect – progress in the relations with the EU, but also negative – the non-compliance was to be sanctioned by ‘specific measures’.²⁶

a)Political documents

The political documents envisaged a clear political and economic conditionality.²⁷ The political conditionality involved the regional cooperation, as well as the respect for human rights, minority rights, the right to return of displaced persons and refugees, democratic institutions, political and economic reform, full compliance with the terms of the peace agreement and, with regard to the FRY (Serbia and Montenegro), the granting of a large degree of autonomy within it to Kosovo.²⁸ We already explained that the emphasis on the human rights is in conformity with the general trends of the EU foreign policy, even in such cases where it was centered on economic issues; therefore, its inclusion into the policy of “Regional Approach”, anchored around the objective of post conflictual stabilization is unsurprising.

We will dedicate our attention on the key document from this period - “Conclusions on the principle of conditionality governing the development of the European Union’s relations with certain countries of south-east Europe”, adopted by the Council on April 29, 1997.²⁹ For many years after its issuing, the EU frequently referred to its content. The document is important as its

²⁶ There are other interesting features of the conditionality envisaged that we will not analyze here. Notably, apart from the general conditions applying to all countries, the conditionality also contains country-specific conditions for the states signatories of the peace agreements. Also, the conditionality relied on a gradual approach: each level (trade preferences, financial assistance and the establishment of the contractual relations) was conditioned by the fulfilment of certain conditions. The main criticism concerned the fact that the coherent regional approach and principle of conditionality rival each other which is counter-effective for the stabilization of the region. See: Wichmann N., ‘European Union and Southeastern Europe – a Clash of the Principle of Conditionality and the Regional Approach’ in: *Medjunarodni problemi*, Volume XVI/1, January 2004, pp. 1-12; Renauld P., ‘La stratégie de conditionnalité et l’approche régionale de l’Union européenne dans ses relations avec la Bosnie Herzégovine’ RAE/LEA, 1997, pp. 445-9; Bull. EU 1/2 – 1996, point 1.4.108 ; Bull. EU 4-1997, point 2.2.1.

²⁷ Bull EU 10-1995, point 2.2.1 ; Bull. EU 1/2 – 1996, point 1.4.108.

²⁸ Bull EU 10-1995, point 2.2.1.

²⁹ Bull. EU 4-1997, point 2.2.1.

detailed content stands in stark contrast with the Council's habitual approach toward conditionality which consists of very vague directions.

The document contains an introduction and several subtitles.³⁰ It explains that the EU establishes several political and economic conditions for the development of bilateral relations with the states from the region - in the fields of economic cooperation and financial assistance as well as the contractual relations, but nevertheless admits that a necessary degree of flexibility is envisaged.³¹ It is in particular the annex of the document which enumerates a list of conditions to comply with that is of interest. The key condition - regional cooperation being tackled earlier in the text, the annex provides four groups of conditions to comply with - democratic principles; human rights and rule of law; respect for and protection of minorities and market economy reform.³² While the market economy reform is of little importance for our study,³³ we will concentrate on the other three elements.

The first group of conditions concerns the "democratic principles". The group includes the following aspects: representative government, accountable executive; Government and public authorities to act in a manner consistent with the constitution and the law; separation of powers (government, administration, judiciary); free and fair elections at reasonable intervals by secret ballot.³⁴ The second group of conditions concerns the "human rights, rule of law". This category enumerates the following aspects: freedom of expression, including independent media; right of assembly and demonstration; right of association; right to privacy, family, home and correspondence; right to property; effective means of redress against administrative decisions; access to courts and right to fair trial; equality before the law and equal protection by the law;

³⁰ "EU strategy on conditionality", "Graduated Approach", "Schedule for the application of conditions to different levels of relations and cooperation" (including "Autonomous Trade Preferences, PHARE: implementation of the programme, Contractual Relations) and an Annex listing the elements for the examination of compliance with. Bull. EU 4-1997, point 2.2.1.

³¹ "The EU strategy should serve as an incentive, and not an obstacle, to the countries concerned to fulfil these conditions." Bull. EU 4-1997, point 2.2.1.

³² On the general issue of regional cooperation in the European Union's foreign policy, see: Karen Smith, *European Union Foreign Policy in a Changing World*, op. cit., pp. 69-96.

³³ Market economy reform - macroeconomic institutions and policies necessary to ensure a stable economic environment; comprehensive liberalisation of prices, trade and current payments; setting up of a transparent and stable legal and regulatory framework; demonopolisation and privatisation of State owned or socially owned enterprises; establishment of a competitive and prudently managed banking sector. Bull. EU 4-1997, point 2.2.1.

³⁴ Bull. EU 4-1997, point 2.2.1.

freedom from inhuman or degrading treatment and arbitrary arrest.³⁵ Finally, the third category is dedicated to the ‘‘respect for and protection of minorities’’. This category involves: right to establish and maintain their own educational, cultural and religious institutions, organizations or associations; adequate opportunities for these minorities to use their own language before courts and public authorities; adequate protection of refugees and displaced persons returning to areas where they represent an ethnic minority.³⁶

The document is praised for the reason that it envisaged an elaborated and concrete conditionality framework³⁷ and clarifying its normative content.³⁸ On one side, its content strongly resembles the 1993 Copenhagen political criteria designed for the CEEC, according to which the political criteria involved stability of institutions guaranteeing democracy, the rule of law, respect for human rights and protection of minorities.³⁹ On the other side, its content is actually broader, which is rather curious considering that the enlargement conditionality had an aim to prepare the states for the status of EU Member States.

Equally as in the case of the Copenhagen criteria, the sources of the rights are not mentioned. A look at its content reveals that while it is difficult to establish the international law sources of such democratic principles as ‘‘Government and public authorities to act in a manner consistent with the constitution and the law’’ or the respect of the principle of separation of powers, the content of human rights resembles the well-known international instruments, such as the 1950 European Convention on Human Rights (ECHR) from the framework of the Council of Europe; in the category of minority rights, the imprint of 1995 Framework Convention on the Protection of National Minorities is evident. It is also notable that the overlap is strong – the inclusion of the right to free elections in the first instead of the second category is a case in point. Also, merging of human rights with the rule of law is conceptually unclear; as a matter of fact, the rights enumerated in the second category are regulated by international law instruments. It is evident

³⁵ Ibidem.

³⁶ Ibidem.

³⁷ Beshirevic N., Cujzek I., ‘‘Regionalna politika Europske unije prema Zapadnom Balkanu – dosezi i ograničenja’’, *Politichka misao*, god. 50, br. 1, 2013, pp. 155-179, at p. 161.

³⁸ It has been pointed out that the ‘‘...far-reaching political and economic concepts, such as democracy and market economy...’’ lack universally acknowledged definitions in the international law. Pippin C., ‘‘The Rocky Road to Europe: The EU’s Stabilisation and Association Process for the Western Balkans and the Principle of Conditionality’’ in: *European Foreign Affairs Review* 9, 2004, pp. 219-245 at p. 226.

³⁹ European Council in Copenhagen, 21-22 June 1993, Conclusions of the Presidency, see: point 7.3.: ‘‘Relations with the Countries of Central and Eastern Europe’’, at p.13.

that the respect of minority rights is emphasized and forms a separate category of conditions - it is a response to the political situation in a region recently thorn by ethnic conflicts. The limited list of minority rights involved in the framework of conditionality is equally telling – only the right to establish their own educational, cultural and religious institutions and associations and the use of their own language before courts and public authorities are envisaged, the third aspect being concerned with the protection of refugees and displaced persons.

b) Legal instruments. Apart from the political documents, the study of the conditionality provisions inserted in the legal instruments is equally fruitful. As we already mentioned, the ‘Regional Approach’ envisaged financial assistance, unilateral trade preferences and cooperation agreements.⁴⁰ A case in point is the Council Regulation (EC) No. 1628/96 (named ‘OBNOVA’) on financial assistance for few former - Yugoslav states - Croatia, FRY, Bosnia-Herzegovina and Macedonia, adopted on 25 July, 1996.⁴¹ According to its Article 2 : ‘This Regulation is based on respect for democratic principles and the rule of law and for human rights and fundamental freedoms, which are an essential aspect. The specific conditions laid down by the Council for the implementation of cooperation with former Yugoslavia are also an essential part of this Regulation’.⁴² The emphasis on the human rights in the ‘an essential element clause’ is rather evident.

The analysis of the cooperation agreement brings the same verdict. These instruments were supposed to contribute to the ‘reconciliation’, development of ‘cooperative relations’ and ‘the overall contribution of the EU to peace and stability in the region’.⁴³ As it is well known, the only agreement of the kind is the one concluded with Macedonia in 1997, in force since January 1, 1998.⁴⁴ The only other state from the region having concluded this kind of an agreement is Albania in 1992 - much before the launching of the ‘Regional Approach’.⁴⁵ Our analysis relies on comparison with this agreement, as well as with that concluded with Slovenia

⁴⁰ Council Conclusions and Declaration on former Yugoslavia, Bull. EU 1/2 – 1996, point 1.4.108.

⁴¹ OJ 1996 L 204.

⁴² Ibidem.

⁴³ Bull EU-1995, point 2.2.1.

⁴⁴ Cooperation Agreement between the European Community and the former Yugoslav Republic of Macedonia, OJ 1997 L348/2.

⁴⁵ OJ 1992 L 343/1.

in 1993 (a state which was not encompassed by the policy of ‘‘Regional Approach’’, but was included in the regatta of CEEC).⁴⁶

According to the first paragraph of Article 1, the stated objectives of the agreement with Macedonia are economic. Nevertheless, the second paragraph points that: ‘‘the good neighbourly relations with the other countries of the region including the promotion of economic cooperation and trade’’, constitute an important factor in the development of the bilateral relations and cooperation between the two parties. The third, fourth and fifth paragraph outline a broad content of the essential element clause:

‘‘ Respect for the democratic principles and human Rights established by the Universal Declaration of Human rights, the Helsinki Final Act and the Charter of Paris for a New Europe underpins the internal and international policies of the Community and of the former Yugoslav Republic of Macedonia, and constitutes an essential element of this Agreement.

The same applies to the principles of a market economy as reflected in the document of the Bonn Conference on Economic Cooperation.

The Contracting Parties acknowledge the importance of social development which should go hand in hand with any economic development. In this context the Contracting Parties give particular priority to the respect for basic social rights.’’⁴⁷

This broad list of international instruments deserves attention. Firstly, it relies on the 1948 UN Universal Declaration of Human rights which contains a broad list of principles and rights. Despite of its political importance and the fact that its provisions are enshrined in other legally binding international instruments, notably the International Covenant on Civil and Political Rights, the Declaration actually does not have a legally binding character.⁴⁸ Three important, but also legally non-binding documents from the framework of OSCE follow. The 1975 Helsinki Final Act regulates cooperation among states in many areas, including, notably, a Declaration on

⁴⁶ OJ 1993 L 189/2.

⁴⁷ Cooperation Agreement between the European Community and the former Yugoslav Republic of Macedonia, Article 1.

⁴⁸ The document has a preamble and 30 Articles, regulating the freedom and equality of rights, the right to life, the prohibition of slavery, torture and discrimination, the unfair detainment, the presumption of innocence, the equality before the law, the right to trial, the right to privacy, the right to work and the freedom of movement. General Assembly Resolution A/RES/3/217A. See: Johannes Morsink, *The Universal Declaration of Human Rights: Origins, Drafting, and Intent*, University of Pennsylvania Press, 1999.

Principles Guiding Relations between Participating States which, inter alia, regulates the respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief.⁴⁹ The 1990 Charter of Paris for a New Europe is also concerned with the security and cooperation among the states, but it includes the respect of democracy and human rights, notably in the area of free elections and minorities.⁵⁰ The last source, the 1990 document of the Bonn Conference on Economic Cooperation refers to respect of rights in the area of work.⁵¹ Considering that all of the above documents have a non-binding legal character, it is important to note that their inclusion in Article 1 of the Agreement hardens their status.

It may be interesting to make a brief comparison of this disposition with the above-mentioned agreements with Albania and Slovenia, in which, despite of minor textual differences, the essential element clause is the same.⁵² Notably, the corresponding Article in the agreement with Macedonia adds an emphasis to the good-neighbourly relations. As to the essential element clause, despite of the similarity in all three agreements, in case of Macedonia, it is broadened through the addition of the Universal Declaration of Human Rights and the document of the Bonn Conference on Economic Cooperation. The first novelty, which refers to the long list of rights and principles in the Universal Declaration of Human rights certainly resonates with the EU declaration that it argues in favor of the universality, indivisibility and interdependence of all human rights. The second novelty is the emphasis on the third generation (social) rights provided in the document of the Bonn Conference on Economic Cooperation. Observed against the background of the larger developments in the concept of conditionality employed in the EU foreign relations, the broadened content of the essential element clause in the agreement with

⁴⁹ It regulates the sovereign equality, refraining from the threat or use of force, the inviolability of frontiers, the territorial integrity of states, the peaceful settlement of disputes, the non-intervention in internal affairs, the respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, the equal rights and self-determination of peoples, the co-operation among states and the fulfilment in good faith of obligations under international law. See: AC Kiss, MF Dominick, "The International Legal Significance of the Human Rights Provisions of the Helsinki Final Act", 13 Vand. J. Transnat'l L., 293 (1980); Ulrich Fastenrath, "The Legal Significance of CSCE/OSCE Documents", International Legal Materials, 1986.

⁵⁰ See, for example: T Buergethal, "The CSCE rights system", 25 Geo. Wash. J. Int'l L. & Econ. 333 (1991-1992).

⁵¹ Ibidem.

⁵² The second paragraph of Article 1 of the Agreement with Slovenia reads only: "Respect for the democratic principles and human rights established by the Helsinki Final Act and the Charter of Paris for a New Europe shall inspire the domestic and international policies of the Community and Slovenia, and shall constitute an essential element of this Agreement." Agreement with Slovenia, Article 1. In the case of Albania, Article 1 has only one paragraph which runs as follows: "Respect for the democratic principles and human rights established by the Helsinki Final Act and the Charter of Paris for a new Europe inspires the domestic and external policies of the Community and Albania and constitutes an essential element of the present agreement." Agreement with Albania, Article 1.

Macedonia is in full accordance to the ongoing trends to increasingly emphasize the respect of the international law.⁵³

4.2. Political dialogue. As we have already pointed out, apart from the use of the conditionality principle, the respect of human rights is ensured by diplomatic means, notably through political dialogue. According to the declaration of the Commission, in the framework of the “Regional Approach”, the political dialogue is “an appropriate instrument” for promoting “internationally recognised standards of human and minority rights and democratic principles”.⁵⁴ Such is the case of the Joint Declaration on the political dialogue, attached to the Cooperation agreement with Macedonia. The aim of the political dialogue was to strengthen the democratic principles and institutions in Macedonia, human rights (especially minority rights), market economy, the integration of this state in the community of democratic nations and convergence of the contracting parties on international issues of interest, security and stability of whole Europe, especially in South-Eastern Europe.⁵⁵ It should be noted that a similar Joint Declaration on political dialogue was included in the agreement with Albania.⁵⁶ The approach is very similar to the pre-accession strategy with the CEEC for which a so called “Structured Dialogue” has been envisaged.

4.3. The evaluations. It was a task of the Commission to evaluate the progress of the concerned states on the basis of the conditionality posed and the results of political dialogue. In its first report on compliance, the Commission clarifies that the general obligations which apply to these states cover areas such as democratic reforms, respect for human and minority rights, return of refugees and displaced persons to their place of origin, economic reforms and regional cooperation,⁵⁷ therefore committing itself to the monitoring of compliance following the pattern

⁵³ Lannon E, Inglis K, Haenebalcke T, ‘The Many Faces of EU Conditionality in Pan-Euro-Mediterranean Relations’ in: Maresceau M, Lannon E, The EU’s Enlargement and Mediterranean Strategies – A Comparative Analysis, Palgrave Macmillan, 2001, pp. 97-138 and p. 108.

⁵⁴ Commission of the European Communities. Report from the Commission to the Council and the European Parliament. Common principles for future contractual relations with certain countries in South-Eastern Europe Brussels, 02.10.1996 COM(96) 476 final, p. 7.

⁵⁵ Bull. EU 4(1997), pp. 83-84; Press Release, Brussels 7742/97 (133).

⁵⁶ COM(96) 476 final, p.7.

⁵⁷ Commission services report. Regional Approach to the countries of South-Eastern Europe: Compliance with the conditions set out in the Council Conclusions of 29 April 1997. The former Yugoslav Republic of Macedonia, and Albania. Brussels, 3 October 1997, p. 2.

of conditionality provided by the 1997 Conclusions of the Council. Below, we will concentrate on the Commission's evaluations of the progress made by Macedonia.

In these reports, the heading on the democratic principles largely discusses the political system and the functioning of the institutions of the state, including the elections.⁵⁸ As to the evaluation of the "human rights, rule of law", the first monitoring report of October 1997 begins with the statement that Macedonia "became a member of the Council of Europe in late 1995 and has ratified several relevant international conventions, inter alia, the European Convention for Human Rights".⁵⁹ Further on, the Commission interprets the 1997 Council criteria in the following manner; firstly, it seems to evaluate these rights which are respected in more or less satisfying manner. The section evaluates that the Constitution provides for freedom of expression, but adds a commentary on some shortcomings in the implementation. Other rights considered involve the right of assembly, the right of association, the right to privacy and the right to property and inheritance - all generally respected. Certain shortcomings are nevertheless noted – in relation to the enjoyment of these rights by the Albanian minority.⁶⁰ The rest of the section concerns evaluation of certain pieces of legislation where the Commission seems to be less satisfied – it informs on the state of preparation of the law on administrative proceedings which, inter alia, regulates the procedure of seeking redress; as well as on the adopted laws concerning the judiciary and freedom from arbitrary arrest and detention - the Law on Courts, the Penal Code and the Law on criminal procedures. The Commission notes several challenges on the level of implementation of these rights, again noting certain shortcomings in their enjoyment by the Albanian minority.⁶¹ It is evident, then, that the Commission evaluates not only the constitutional and legal framework, but equally its implementation in practice - in the same manner in which she approached the monitoring in the case of the CEEC.⁶² Several times it emphasizes the obstacles in the implementation of the rights from the prospective of the Albanian minority. Although many of the areas evaluated are highly relevant from the prospective of "rule of law", the general impression is that the rights evaluated echo the provisions of the ECHR.

⁵⁸ Ibidem, p. 3.

⁵⁹ Ibidem.

⁶⁰ Ibidem.

⁶¹ Ibidem.

⁶² Agenda 2000. For a Stronger and Wider Union. Document drawn up on the basis of COM (97) 2000 final, 15 July 1997, pp. 39-42. Bull. EU Supplement 5/97.

As we have seen, one aspect of the human rights is given a particular attention and forms a separate criterion - the respect for and protection of minorities. The section begins with the information that the Constitution guarantees to the national minorities (which are enumerated) the protection of ethnic, cultural, linguistic, and religious identity and have the right to be educated at primary and secondary level in their mother tongue, as well as, in certain fields, at University level. It also adds a note on the institutional framework relevant for the field.⁶³

Then the section continues by the statement that the key minority issue in Macedonia is the access to Albanian language education, outlining the legislation and the obstacles to its implementation, including a brief mention on the education in Turkish language.⁶⁴ Other issues tackled involve the access of different minorities to the media; their representation in public institutions and the religious rights.⁶⁵ The 1995 Law on local self-government which has provided adequate opportunities for the use of minority languages at municipal level is equally evaluated.⁶⁶ The Commission adds that the national minority members who do not speak the official language have the right to an interpreter during a court trial.⁶⁷ Finally, it points out that the 1997 Law on the use of flags and symbols permits the limited use of the Albanian flag in municipalities where the Albanian minority represents the majority.⁶⁸ Therefore, in its evaluation of the respect for the minority rights, the Commission largely surpasses the (indeed) limited scope of rights defined by the 1997 Council conclusions and enumerates the obstacles the minorities (largely the Albanian) face in the access to rights. The rights considered largely follow the provisions of FCNM and even include issues such as the University education in a minority language.

In the next reports, this approach is not substantially modified. In the section on democratic principles, as well as in the section on the human rights and rule of law, the same elements are

⁶³ Ibidem, p. 4.

⁶⁴ Ibidem.

⁶⁵ Ibidem.

⁶⁶ Ibidem.

⁶⁷ Ibidem.

⁶⁸ Ibidem.

evaluated. The section on the respect for and protection of minorities continues to consider the broad array of rights mentioned before.⁶⁹

In its general assessments, the Commission finds substantial progress in all evaluated areas. Nevertheless: ‘‘In the fields of human rights and rule of law, respect for and protection of minorities (...), the need for further progress is evident, particularly in the following areas: independent media, public administration reform including the judiciary and law enforcement, higher education including for the Albanian minority; minority representation in security forces (...)’’.⁷⁰ Therefore, according to the ‘‘Operational conclusions’’ of the Commission, the country will continue to benefit from Community assistance, notably in the framework of PHARE ‘‘with a view to achieving further progress in the fields of democratization, human rights and the rule of law, respect for and protection of minorities (...).’’⁷¹ While emphasizing the importance that the agreed programs must be fully implemented, the Commission announces new steps on improvement of inter-ethnic relations through PHARE, such as the implementation of the Law on the Pedagogical Faculty at Skopje University (related to the education in the Albanian language).⁷² Importantly, the Commission also evaluates that the political dialogue, envisaged by the Agreement, develops well. Therefore, a ‘‘possible upgrading of relations between the Community and the former Yugoslav Republic of Macedonia will be considered at a later stage,

⁶⁹ See: European Commission. Directorate General IA External relations: Europe and the New Independent States, Common Foreign and Security Policy, External Service. Commission Staff Working Paper. Regional Approach to the countries of South-Eastern Europe: Compliance with the conditions in the Council Conclusions of 29 April 1997. Bosnia and Herzegovina, Croatia, Federal Republic of Yugoslavia, former Yugoslav Republic of Macedonia and Albania Brussels, 30.03.98 SEC (1998) 586 at pp. 20-21; European Commission. Directorate General IA External relations: Europe and the New Independent States, Common Foreign and Security Policy, External Service. Commission Staff Working Paper. Regional Approach to the countries of South-Eastern Europe: Compliance with the conditions in the Council Conclusions of 29 April 1997. Bosnia and Herzegovina, Croatia, Federal Republic of Yugoslavia, former Yugoslav Republic of Macedonia and Albania, Brussels, 19.10.98 SEC (98) 1727 at pp. 20-21.

⁷⁰ Commission services report, 3 October 1997, p 5. For a similar assessment, see: Commission of the European Communities. Communication from the Commission to the Council and the European Parliament. Operational Conclusions. Regional Approach to the countries of South-Eastern Europe: Compliance with the conditions in the Council Conclusions of 29 April 1997. Bosnia and Herzegovina, Croatia, Federal Republic of Yugoslavia, former Yugoslav Republic of Macedonia and Albania, Brussels, 15.04.1998 COM(1998) 237 final, p 5; Commission of the European Communities. Regional Approach to the countries of South-Eastern Europe: Compliance with the conditions in the Council Conclusions of 29 April 1997. Commission Communication on operational conclusions. Bosnia and Herzegovina, Croatia, Federal Republic of Yugoslavia, former Yugoslav Republic of Macedonia and Albania, Brussels, 28.10.1998 COM(1998) 618 final, p 5.

⁷¹ COM(1998) 237 final, p 5.

⁷² COM(1998) 237 final, p 5.

taking account of the implementation of the Cooperation Agreement and of assistance under PHARE, as well as developments in the country inter alia in the above-mentioned areas.”⁷³

On its part, the European Council also declared that both the Cooperation Agreement and Political Dialogue form a significant step for the relations of Macedonia with the EU and recognition of its place in the European family.⁷⁴ These weak visions did not, as we know, remedy for the fact that the cooperation agreement, as well as the entire concept of the ‘‘Regional Approach’’ failed to provide assurances for the evolution of the relationship between Macedonia and the EU. Therefore, the apparent success of the policy of promotion of respect for human rights in this country was largely due to the employment of the standard instruments of the EU foreign policy - the economic and aid conditionality and the political dialogue.

5. Conclusions

The analysis of the promotion of the respect for human rights in the framework of the EU policy of ‘‘Regional Approach’’ toward Macedonia permits interesting conclusions.

Firstly, it is evident that the promotion of respect for human rights follows the logic the EU employs elsewhere in its relations with third states - the economic cooperation and aid are subject to (positive and negative) conditionality, in the form of an ‘‘essential element clause’’ - as the cases of ‘‘OBNOVA’’ and the cooperation agreement with Macedonia show. Apart from the conditionality axis, the avenue of political dialogue is envisaged.

The key specificity vis a vis the general line of the EU conditionality (including that envisaged in the case of the pre-accession strategy of the CEEC) is the broader and (it least in case of the 1997 Conclusions) more precise content of the conditionality. The Council groups the political criteria into categories. While its reasoning for this approach is in general unclear, the concept of political conditionality does not stem from the international law, neither it cites the international law sources of the rights and concepts employed. The result is an overlap of certain elements of conditionality. The 1997 Council Conclusions follow the pattern of the Copenhagen criteria which emphasizes the minority rights, grouping them in a separate category – a choice which is less connected to conceptual issues and much more with the actual security considerations and

⁷³ COM(1998) 237 final, p 5. For a similar verdict, see: COM(1998) 618 final, p 5.

⁷⁴ Bull. EU ½ 1998, point 1.4.10.

the overall European political experience. Notably, the 1997 Council Conclusions demand only the respect of very few minority rights.

In its evaluations, the Commission interpreted the framework of conditionality in a very broad manner, taking into account the overall stabilizing objective of the policy of “Regional Approach”. Where political considerations on stability were at stake, such as in the case of the minority rights, it abandoned the lines provided and, not only in the section on minority rights, but also in the sections on democracy or the human rights emphasized the political necessities to fulfil certain demands of the Albanian minority, as, for example, the demands related to the high education on their language. Therefore, an uneven approach to different human rights and to different discriminated groups is evident. It is also notable that, as in the case of the pre-accession strategy toward the CEEC, the rights stemming from the ECHR and, in particular, from the FCNM are evaluated, although the sources of evaluated rights are not emphasized. As Macedonia had good relations to the EU throughout this period, the invoking of an “essential element clause” envisaged by the legal instruments on economic cooperation and aid was not at all considered. Therefore, we had no opportunity to observe the aspects of “negative conditionality” and the possible interpretation of the broadened content of the “essential element clause”.

Equally, the political dialogue is invariably evaluated positively. As to the EU assistance, it is dedicated to facilitate the progress in several aspects of the political criteria, but here, again, the security considerations – the interethnic issue is rather prioritized. Therefore, the analysis on the promotion of the respect for human rights in the framework of the EU policy of “Regional Approach” toward Macedonia provides an interesting example, as it relies on rights and principles deriving from several sources of internal law, whose prioritizing is strongly subsumed to the political considerations to the overall objective to ensure stability.

Bibliography

Books and articles:

1. Bartels Lorand, *Human Rights Conditionality in the EU's International Agreements*, Oxford University Press, 2005.

2. Beshirevic N., Cujzek I., "Regionalna politika Europske unije prema Zapadnom Balkanu – dosezi i ograničenja", *Politichka misao*, god. 50, br. 1, 2013, pp. 155-179.
3. Blockmans Steven, *Tough Love. The European Union's relations with the Western Balkans*, T.M.C. Asser Press, The Hague, 2007.
4. Buergenthal T., "The CSCE rights system", 25 *Geo. Wash. J. Int'l L. & Econ.* 333 (1991-1992).
5. Cevikoz Unal, "European Integration and Regional Co-operation in Southeast Europe" in: *Perceptions. Journal of International Affairs*, Volume II - Number 4, 1998.
6. De Burca Grainne, "The Road Not Taken: The European Union as a Global Human Rights Actor", 105 *AM.J. INT'L I* 649, pp. 652-55 (2011).
7. Defeis F. Elizabeth, "Human Rights, the European Union, and the Treaty Route: from Maastricht to Lisbon" in: *Fordham Int'l L.J.* 1207, Volume 35, Issue 5, 2017, Article 3, pp. 1207-1230.
8. Fastenrath Ulrich, "The Legal Significance of CSCE/OSCE Documents", *International Legal Materials*, 1986.
9. Giansily Jean-Antoine, *L'Union Européenne et la crise yougoslave: illusions et réalités*, Editions Denôel, Paris, 1999.
10. Gropas Ruby, *Human Rights and Foreign Policy. The Case of the European Union*, Ant. N. Sakkoulas, Athens, Bruylant Bruxelles, 2006.
11. Hillion Christophe (ed.), *EU Enlargement: A Legal Approach*, Oxford/Portland, OR: Hart, 2004.
12. Ifestos Panayiotis, "European political cooperation (EPC): Its evolution from 1970 to 1986, and the single European act" in: *Journal of European Integration*, Volume 11, Issue 1, 1987, pp. 47-62.
13. Kiss A.C., Dominick M.F., "The International Legal Significance of the Human Rights Provisions of the Helsinki Final Act", 13 *Vand. J. Transnat'l L.*, 293 (1980).

14. Kramer H., "The European Union in the Balkans: Another Step Towards European Integration", *Perceptions*, September-November 2000.
15. Kochenov Dimitry, *EU Enlargement and the Failure of Conditionality. Pre-accession Conditionality in the Fields of Democracy and the Rule of Law*, Kluwer Law International.
16. Maresceau M, Lannon E, *The EU's Enlargement and Mediterranean Strategies – A Comparative Analyses*, Palgrave Macmillan, 2001.
17. Meurs van Wim (ed.), *Beyond EU Enlargement, Volume 2*, Bertelsmann Foundation Publishers, Guetersloh, 2001.
18. Morsink Johannes, *The Universal Declaration of Human Rights: Origins, Drafting, and Intent*, University of Pennsylvania Press, 1999.
19. Ott A. and Inglis K., *Handbook on European Enlargement*, T.M.C. Asser Press, The Hague, 2002.
20. Paupp E. Terrence, *Redefining Human Rights in the Struggle for Peace and Development*, Cambridge University Press, 2014.
21. Pippan C., "The Rocky Road to Europe: The EU's Stabilisation and Association Process for the Western Balkans and the Principle of Conditionality" in: *European Foreign Affairs Review* 9, 2004, pp. 219-245.
22. Renauld P., "La stratégie de conditionnalité et l'approche régionale de l'Union européenne dans ses relations avec la Bosnie Herzégovine" *RAE/LEA*, 1997, pp. 445-9.
23. Rosenau J. and Czempiel O.(ed.), *Governance without Government: Order and Change in World Politics*, Cambridge University Press, 2000.
24. Schiek Dagmar, Chege Victoria (ed.), *European Union Non-Discrimination Law: Comparative Perspectives on Multidimensional Equality Law*, Routledge-Cavendish, Taylor&Francis group.
25. Smith E. Karen, *European Union Foreign Policy in a Changing World*, Polity, 2008.

26. Welsh Jennifer (ed.), *Humanitarian Interventions and International Relations*, Oxford University Press, 2004.

27. Wichmann N., ‘‘European Union and Southeastern Europe – a Clash of the Principle of Conditionality and the Regional Approach’’ in: *Medjunarodni problemi*, Volume XVI/1, January 2004, pp. 1-12.

Documents:

1. Commission of the European Communities. Report from the Commission to the Council and the European Parliament. Common principles for future contractual relations with certain countries in South-Eastern Europe Brussels, 02.10.1996 COM(96) 476 final.

2. Commission services report. Regional Approach to the countries of South-Eastern Europe: Compliance with the conditions set out in the Council Conclusions of 29 April 1997. The former Yugoslav Republic of Macedonia, and Albania. Brussels, 3 October 1997.

3. Commission of the European Communities. Communication from the Commission to the Council and the European Parliament. Operational Conclusions. Regional Approach to the countries of South-Eastern Europe: Compliance with the conditions in the Council Conclusions of 29 April 1997. Bosnia and Herzegovina, Croatia, Federal Republic of Yugoslavia, former Yugoslav Republic of Macedonia and Albania, Brussels, 15.04.1998 COM(1998) 237 final.

4. Commission of the European Communities. Regional Approach to the countries of South-Eastern Europe: Compliance with the conditions in the Council Conclusions of 29 April 1997. Commission Communication on operational conclusions. Bosnia and Herzegovina, Croatia, Federal Republic of Yugoslavia, former Yugoslav Republic of Macedonia and Albania, Brussels, 28.10.1998 COM(1998) 618 final.

5. Cooperation Agreement between the European Community and the former Yugoslav Republic of Macedonia, OJ 1997 L348/2.

6. Council Conclusions and Declaration on former Yugoslavia, Bull. EU 1/2 – 1996, point 1.4.108.

7. Council Conclusions on the principle of conditionality governing the development of the European Union's relations with certain countries of south-east Europe, Bull. EU 4-1997, point 2.2.1.

8. Council of the EU, 'EU annual report on human rights 1999/2000', 9 October 2000.

9. Development Council and the member states, 'Resolution on human rights, democracy and development', EC Bulletin 11/1991.

10. European Commission, 'Democratisation, the rule of law, respect for human rights and good governance: the challenges of the partnership between the European Union and the ACP states', COM (1998) 146 final, 12 March 1998.

11. European Commission. Directorate General IA External relations: Europe and the New Independent States, Common Foreign and Security Policy, External Service. Commission Staff Working Paper. Regional Approach to the countries of South-Eastern Europe: Compliance with the conditions in the Council Conclusions of 29 April 1997. Bosnia and Herzegovina, Croatia, Federal Republic of Yugoslavia, former Yugoslav Republic of Macedonia and Albania Brussels, 30.03.98 SEC (1998) 586.

12. European Commission. Directorate General IA External relations: Europe and the New Independent States, Common Foreign and Security Policy, External Service. Commission Staff Working Paper. Regional Approach to the countries of South-Eastern Europe: Compliance with the conditions in the Council Conclusions of 29 April 1997. Bosnia and Herzegovina, Croatia, Federal Republic of Yugoslavia, former Yugoslav Republic of Macedonia and Albania, Brussels, 19.10.98 SEC (98) 1727.

13. European Council in Copenhagen, 21-22 June 1993, Conclusions of the Presidency, see: point 7.3.: 'Relations with the Countries of Central and Eastern Europe'.

14. European Parliament, 'Resolution for the year 1983/84 on human rights in the world and Community policy on human rights'. OJ C 172, 2 July 1984.

15. Universal Declaration of Human Rights, General Assembly Resolution A/RES/3/217A.

16. Vienna Convention on the law of treaties (with annex). Concluded at Vienna on 23 May 1969, United Nations — Treaty Series Vol. 1155,1-18232.