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**To: Chairperson of the committee on Defence and Security in the Assembly of the Republic of Macedonia**

**From: Political staff advisor of the committee on Defence and Security in the Assembly of the Republic of Macedonia**

**Date: 02.03.2011**

**Subject: Action Memo: Challenges Macedonia faces in the decision-making process on CSDP participation as a candidate member country**

With the Lisbon Treaty, new challenges have been raised for the national parliaments when it comes to the oversight of the CSDP. Macedonia as a candidate member state must follow the activities in Brussels closely regarding these issues, as alignment to the regulations from the Lisbon treaty should be of a highest priority. This review has brought to light several issues that the committee and Parliament face in the decision-making process regarding sending troops in missions under the CSDP. This memo provides brief description of the cooperation between Macedonia and EU regarding CSDP, identifies the main shortcomings and puts forward several propositions for ensuring close and successful relations between Republic of Macedonia and the EU regarding CSDP. Those propositions are: forming a joint body with the Government and the Ministry of Defence specifically for peace missions and sending troops abroad; propose amendments to the current Law on Defence and institutionalise the process of cooperation with other defence parliamentary committees from the region.

## **Challenges Macedonia faces in the decision-making process on CSDP participation as a candidate member country**

As Macedonian troops are already part of the Althea mission in Bosnia and Herzegovina (BIH) under the Common Security and Defence Policy (CSDP), this type of cooperation with the EU will certainly increase in the future. With the rise of this phenomenon, the complexity regarding the country's participation in peace missions under CSDP will increase too. The changes that the Lisbon Treaty is bringing regarding parliamentary oversight on CSDP will most certainly have an effect on Macedonia as a candidate member state; and the authorities of the parliament and government seem to be colliding under the current Law on Defence when it comes to sending troops abroad. Thus, the aim of this memo is to propose several solutions to these challenges that lay ahead of Macedonia's and EU's cooperation under CSDP.

### **Cooperation under CSDP**

Macedonia has a positive track in participating in different military and peace keeping missions around the world. The first contribution outside its borders began in 2002 in the framework of the NATO led mission ISAF in Afghanistan. This contribution was then expanded by participating in the mission Iraqi Freedom (June 2003 – December 2008), the mentioned EU Mission in BIH Althea (as of July 2006) and in the mission of the United Nations UNIFIL in Lebanon (as of May 2007).

The participation of the country in the EU crisis management military operation Althea in BIH is the first in a series of concrete and substantial contributions that Macedonia aims to provide in the framework of the civilian and military CSDP operations aimed at enhancing the EU capacities.

With this mission, the country became an active contributor to EU peace missions. For the time being, this is the only one under CSDP that Macedonia is taking part in. With the tendency to increase the participation, the following challenges lying ahead should be kept in mind.

### **Challenges in head of further cooperation**

1. Increased authority of the government – sidestepping the parliament.

With the subsequent changes in the Law on Defence adopted in 2006 and 2008, the role of the government in the decision-making process regarding deploying troops abroad increased. As the reforms for joining NATO continued, so did the reforms in the defence sector, which changed the structure of the decision-making process. Although the parliament stays the main institution where the decision for deploying troops must be passed, the increased authority of the executive body cannot be side-stepped. For now this issue does not cause any problems but with the increased participation in foreign missions and especially after entering NATO and the EU, strains between the government and parliament may occur as they fight for bigger influence over the defence sector. The problems come from the poorly structured amendments of the last changes adopted in 2008, as they do not specify in which cases explicitly the government decides about deploying troops. They do not make any specifications whatsoever. They only refer to participation in NATO missions but there is nothing on participation under CSDP of the European Union. Thus they leave space for a free-will interpretation of the article by the different state bodies which can cause confusion and raise issues not only about who is responsible for

what but also for troops' safety and the country's defence and foreign policy priorities.

2. The role of the parliament in the new, complex and not yet defined structure of CSDP after Lisbon.

Up until the changes introduced by the Lisbon Treaty and Protocol 1, it was the Western European Union's Assembly that served as an inter-parliamentary platform for the European Security and Defence Policy (ESDP). Now the closure of this assembly has been announced. As the parliamentary control of the ESDP, and now the CSDP<sup>1</sup>, has become increasingly important in recent years, the EU and its member states are trying to find a suitable substitution for actively engaging the national parliaments, their committees and the European Parliament itself into the creation and control over CSDP. There are still ongoing debates as to what this body should look like and how should it be structured. Macedonia, although actively engaged in EU led peace missions, is not an EU country yet and therefore is left out of this debate. As a small country it risks being side-stepped as these new policies and institutions are shaped<sup>2</sup>. Thus the danger of not having its interests represented must be taken into account and the consequences from not getting involved must be seriously analysed by the parliament and this committee.

### **Options for solving these issues**

The Committee of Defence and Security has two options when it comes to the challenges it faces on participation under CSDP. It can either continue with its work as until now, solving issues as they come along the way; or it can take some concrete steps and prevent the escalation of the problems as early as possible. Thus this action memo proposes several concrete measures that should start shaping the Macedonian policy for bigger involvement in peace-keeping missions abroad.

### **Suggestions for further actions**

1. Form a joint body with members from this committee and members of the governmental department for cooperation with the Parliament and the Ministry of Defence in which the details regarding the country's foreign missions will be discussed on regular meetings (the schedule to be confirmed after the body is established).
2. The committee to propose amendments in the current Law on Defence referring to:
  - the exact cases where the executive branch can decide about sending troops abroad;
  - under what circumstances and for what types of missions that can be done;

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<sup>1</sup> ESDP was the successor of the European Security and Defence Identity under NATO, but differs in that it falls under the jurisdiction of the European Union itself. The Common Security and Defence Policy (CSDP), is ESDP successor i.e. it was renamed into CSDP with the Lisbon Treaty. It is a major element of the Common Foreign and Security Policy covering the defence and military aspects of the EU.

<sup>2</sup> There are "joint parliamentary committees" in the European Parliament (EP) which maintain the relations with parliaments of the candidates and associates' states of the EU. However there is no structured procedure for inviting to attend the Defence or Foreign Affairs Committee Chairs meetings organised by the EP which can hinder the role of the candidates and associate's states.

- the Law should also clearly identify the cases in which the Parliament's authority and the Government's authority overlap and who has precedence, in case conflicts arise.
3. The joint body to agree on these amendments in detail before they are sent to the Parliament for voting;
  4. Propose the Parliament to hold public debates where external experts, civil society organisations, and others can give valuable inputs regarding these changes;
  5. Work towards creating strong public support for the new changes of the Law;
  6. Institutionalise the process of cooperation with other defence parliamentary committees from the region, e.g. the committees in the Bulgarian parliament as a neighbouring EU member state.

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**The views presented in this paper are those of the author and do not represent those of DCAF.**

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