

The Illusion of Diplomatic Victory: ICJ Rules against Greece in Macedonia's Bid to Join NATO

The International Court of Justice (ICJ), on 5th of December, 2011, finds that the Hellenic Republic breached its obligation under Article 11, paragraph 1, of the Interim Accord of 13 September 1995 under which Greece had agreed not to block Macedonia's membership in international organizations if it used the name “The Former Yugoslav Republic of Macedonia.” The Court has ruled that Greece was wrong to block Macedonia's bid to join NATO at the Bucharest summit in 2008. It follows that the ruling refutes the Greek stance that the NATO member states unanimously objected to Macedonia's membership in the alliance and proves that Greece indeed blocked Macedonia's membership. However, now strikes the question on what will be impact of the ICJ's ruling, especially in terms of the negotiation process between Macedonia and Greece for reaching a mutually acceptable solution to the name dispute.

The only Macedonian incentive for filing a case at the ICJ that was publicly made from the outset was the hope that the court will rule in Macedonian advantage and Macedonia will be proclaimed as a “winner” over Greece. At the same time was the idea that the international court will pressure Greece to refrain from any future actions that violate its obligations under Article 11, paragraph 1, of the Interim Accord, which will open the way of Macedonia to NATO and EU. It is obvious that Macedonia achieved solely a victory ‘on paper’ because ICJ did rule that Greece is wrong to block Macedonia's bid to join NATO in 2008 but did not ensure that Greece will refrain from any similar actions in future.

In this context comes the question on what is going to be the impact of such a victory, especially in a long term perspective. It is obvious that it will not get Macedonia into EU and NATO no matter how much it boosted such hopes. While the media in Macedonia and especially the members of the social

networks made the ‘victory’ salient enough, the world leaders and international organizations remain silent. The USA ambassador in Macedonia, Paul Wohlers affirmed that the position of USA about the entry of Macedonia in NATO is not changed and suggested that now is the right moment for Macedonia and Greece to put extra efforts to resolve the name issue. Furthermore, the European Commission was reserved after the ruling has been announced. The Commission stated that it will have in mind the decision reached in The Hague; however, it pointed out that it has no discretion over this issue and will not engage in commenting it. NATO Secretary General Anders Fogh Rasmussen has stated that NATO's position will not be affected by the ruling and that Macedonia will be accepted in NATO only after a mutually acceptable solution to the name issue is reached. The Ministry of Foreign Affairs in Greece skeptic about the decision reached at ICJ made it clear that they will review it. Therefore the conclusion would be that the ICJ's ruling will not alleviate the way of Macedonia to NATO and EU or solve the name issue – it remains a matter of further negotiations between Macedonia and Greece.

Although Macedonia achieved this victory over Greece, it should not be regarded only as such and be forgotten. It is the right time for the Macedonian government and relevant institutions to undertake this ruling as a stimulus for intensifying further negotiations with its neighbor and use it as an argument within a strategic framework of negotiations. It is time when Greece and the European Union face difficult economic and political challenges and when the Greek government has other priorities rather than the name issue. It is the right momentum to achieve a different kind of victory which is going to incorporate Macedonia in the family of NATO and EU.

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