

JEAN MONNET SUPPLEMENT

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EDITORIAL

This month's Jean Monnet Supplement is a bumper issue, reflecting the work ongoing here in São Paulo within the Brazil-C-EU project. **João de Souza Trigo** comments on Brazil's "Key Partnership" with the OECD and the importance of its eventual accession to the OECD as much for its internal progress as for its international relations in the region as well as globally. Next **Ana Balbachevsky**, **Fernanda Rossin**, **Juliana Almeida** compare and contrast the Presidencies of Trump and Macron in the context of today's international order, while **Livia Radaeski** analyses the stability role played by EU integration in the current political crisis in Macedonia. **Julia Moreschi Silva** comments on Brexit's legal foundation and the resulting euro-skeptic and populist forces in the EU, and **Caio Duarte** reports on his recent research visit to Russia, funded by the Institute of Global Leadership, to investigate the Hermeneutics behind Russian nationalism and the annexation of Crimea. **João de Souza Trigo** begins with a comment on Brazil's progress towards OECD accession.



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Looking forward to the 9th "Jornadas Europeias" here at the USP from 25-27 June 2017, under the title of ***Regionalism under Stress: towards Fragmentation and Disintegration? Europe, Latin America and Beyond***, the Brazil-C-EU project is organising two workshops: one on the theme of resilience in the EU's Global Strategy, and the second on the implications of Brexit for the EU's solidarity, peace and stability mechanisms. The deadline for the **CALL FOR PAPERS** is 31 August 2017: expressions of interest are already welcome: kirstyn.inglis@gmail.com

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Contents

Call for Papers for the 9th Jornadas Europeias at USP, 2017	2
Brazil's OECD accession and ongoing EU-MERCOSUR negotiations	3
The presidencies of Trump and Macron in today's international order	4
Macedonia and good neighbourly relations	7
Exploring Article 50 TEU today	12
Three European Visions of Russia	14

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CALL FOR PAPERS

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See pages 18 to 21 below for the preliminary Programme.



Workshop 1: “Resilience” in Brazil-EU relations to address common global challenges: The first workshop will explore the implications for Brazil and Latin America of the EU’s External Action Service (EEAS) policy document of 7 June 2017, *Shared Vision, Common Action: A Stronger Europe. A Global Strategy for the European Union’s Foreign and Security Policy*¹. It addresses “resilience” in the EU’s global “transformational agenda” against the backdrop of “a more connected, contested and complex global environment” and reaches further than the EU’s resilience approaches to date, to address state, societal and community resilience, including in development policy design and application. New approaches are sought to dealing with the risks of violent conflict and other structural pressures including environmental degradation, climate change, migration and forced displacement.

Workshop 2: Peace and stability approaches in the EU post-Brexit: The Second Workshop on the implications of Brexit for the EU's is seeking input on topics including: the EU funding and support for the continued peace and stability of the island of Ireland following Northern Ireland's secession from the EU; comparative examples such as the situation of Cyprus, currently also a divided island; the process and substance of the UK's withdrawal from the European Union, whether negotiated ("soft-Brexit") or in the event of the failure of negotiations (hard-Brexit); the potential precedent set for other EU countries facing Euro-skepticism; the various scenarios for continued European integration post-Brexit.

¹Joint Communication to the European Parliament and the Council, *A Strategic Approach to Resilience in the EU's external action*, JOIN(2017) 21 final of 7 June 2017.

Brazil and OECD accession as a driver for future international negotiations

João de Souza Trigo*

There is a great opportunity for Brazil to reduce, relatively, the damage that the political and economic crisis brought to the country's credibility and reputation not only in the national scenario, but also in relation to all other countries that watch together new episodes of the corruption scandals that plague Brazilian news. Nobody has escaped. From leading executives to important political leaders of the legislature and the executive being revealed for their white-collar crimes.

A visible partial solution to an improvement of the Brazilian reputation in the international field is Brazil's accession to the OECD (Organization for Economic Co-operation and Development). The Brazilian government has formally determined its intent to become part of the organization's future. Currently it is not a member country of the OECD although it has been part of among key partners of the OECD since 2007, attesting to international recognition of Brazil's potential, especially as leader in the broader region and on key issues.

The co-operation between Brazil and OECD, therefore, has been intensifying since the country acquired this new status within the organization and increasingly, its participation in the commissions and groups that make up the OCDE has diversified. Today, Brazil is already part of 23 thematic committees and has already adopted 35 legal instruments that were discussed in the organization, and is in the process of adopting two more.

The first instrument adopted by Brazil discussed in the OECD was Combating Bribery of Foreign Public Officials in International Transactions in 2000. Adhering to these conventions and participate in the study groups convened by the OECD, brings a positive ballast for the image of the country before the international community, stimulating good public governance practices and ensuring a good investment note precisely because it favours the proper functioning of political institutions. Perhaps if full Brazilian membership had happened some years earlier, today's major corruption scandals might have been avoided, especially as concerns foreign public employees addressed in the 2000 instrument, since the Brazilian corporate corruption has gone beyond national boundaries, as the Odebrecht scandal has laid bare for example.

It is indisputable fact that while Brazil was once an emerging diplomatic power, leading developing countries on strategic issues, that leadership has now collapsed with the exposure of the archaic and patrimonial system that has been ruling Brazil. Demoralized, Brazil is now looking for new ways to consolidate itself both internally and internationally, and OECD membership will be an important step not only in establishing the viability of investments in Brazil, but also in establishing Brazil's international prestige in public policy discussions with the governments of other member countries. Adhering fully to the OECD does not mean turning its back on the other organizations to which Brazil is a party and holds influence, as is the case with the BRICS. There is a general assertion that by acting in two distinct organizations or groupings with separate or independent proposals would result in an inconsistency in the elaboration of foreign policy. But this would be a narrow vision of what Brazil may be able to achieve in terms of global influence, not least in terms of its ability to consolidate its positions as a diplomatic negotiator. Brazil will not achieve the desired autonomy if it opposes the developed countries within the OECD. Autonomy will be achieved by working in various fields, investing in diplomacy and maintaining an open agenda where it prospects for and closes negotiations in favour of Brazilian interests and in accordance with national values.

As Brazil intensified its partnership with the OECD, it has achieved 70% compatibility with OECD standards, which is a favorable factor for its accession, since the political and economic

investment as well as the time to implement the rest of the standards, will be much lower. Other countries have achieved a lower percentage of normative compatibility and have been preparatory discussions for accession for many years. The process would also facilitate the US's alleged desire to decrease its contribution to the organization (as an expressed desire of President Trump's administration). The entry of a new member to the OECD would not increase the institution's expenditure so much as alleviate the amount paid by other countries. It is estimated that Brazil's annual contribution would be around €15 million.

Brazil's entry into the OECD may also influence the progress and success of the MERCOSUR negotiations with the EU. As a stronger member of the regional integration, Brazil could serve as an example and inspiration to further consolidate Argentina's entry into the OECD and thereby bring the South American countries closer to the Europeans in other forums. It would also represent a positive aspect in the negotiations between MERCOSUR and the EU. No doubt the EU will welcome the fact that Brazil is committed to working with all issues concerning the OECD, from an anti-corruption regime to environmental, health, international crime and many other standards. The negative effects that the operation of the Weak Flesh in the negotiations between the blocs can be reviewed and the put aside, once Brazil is willing and able to reverse this scandal, as well as to organize its economy and its politics, raising its credibility with its EU partners.

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Macron and Trump: challenge or stability for the western international order?

Ana Balbachevsky, Fernanda Rossin, Juliana Almeida*

Today, France and the United States stand out for having leaders who have stood on opposite sides on many global issues. Currently, the French presidency is under the spotlight, because Emmanuel Macron has brought a new perspective both inside Europe and out.

Macron's ascension has been portrayed by some as the comeback of a western European view of the international order and could even be interpreted as a form of resistance to the unpredictability of the United States. Seen from different angles, Emmanuel Macron's electoral win is variously perceived as:

- i) a victory against the far-right represented by Marine Le Pen and an openly xenophobic France;
- ii) a defeat of the traditional political game of socialists versus republicans in France's age-old two party system, and;
- iii) a victory against the dismantling of the European Union.

His new Presidency represents political hope today that goes for beyond French borders within the European Union and its near neighbourhood. France is a nuclear power with a permanent seat in the Security Council at the United Nations, placing Macron firmly among his global peers, notably Vladimir Putin and Donald Trump. Consequently, this present an opportunity to France to balance opposing (or extremist) views. The newly elected French President obviously recognizes his potential to act as a bridge between Russia and the US, while at the same time understanding the risks of exacerbating France's situation as a target for (global) terrorism.

Furthermore, anxieties over a possible worsening of the political crisis in the European Union have gained a moment's relief following Macron's victory: his election mandate rested squarely on a pro-EU conviction. Stronger relations between France and Germany are to be expected, especially in the face of the hard process of the United Kingdom leaving the block at a time when Europe is still grappling with recovery from the Eurozone and economic crises.

Unlike François Hollande, his predecessor, Macron is a defender of liberalism, as is Merkel. This leads to hopes for the liberal agenda within the EU, but at the same time raises the ogre of harsh opposition from a traditionally socialist-inclined electorate motivated by the possible imminent threat of the replication of a Greek-style crisis in other countries. Since his campaign, Macron has been talking about designing multilateral strategies to tackle issues related to security and international politics in the EU.

If the past years were filled with doubt, or at least an identity crisis within the European Union, it is feasible to assume that now there is an opportunity to bring European values back into the spotlight and rebuild the ties amongst its countries and peoples. It represents a new era of hope for the old continent.

While Macron is received as the appropriate figure to trigger this call for unity, the shift in the European perspective could well result in clashes with the United States under Trump. Within a few weeks of Macron's taking office, already signs were showing of what could be bumpy years in US-EU relations. When the American President announced his intention to pull the US out of the Paris Agreement – a historic landmark in climate governance signed by 195 countries at the end of 2015 – Macron did not hold back from public criticism of these actions.

Being elected for public office for the very first time, how Macron behave as a politician must be a matter of conjecture. But if his recent reactions to Trump's decisions are of any indication, he will indeed continue to be outspoken about his world views and priorities. In a recent interview, when asked about Trump, Macron declared that he "wouldn't let anything go", but believed that he could have a cordial relation with the American President.

This outspoken behavior is in stark contrast with François Hollande, his predecessor. In his last months in office, Hollande seemed to be cornered and failed to react as the French people had expected in the face of the hard problems facing the country, such as the threats of terrorism and unemployment. Even though Hollande decided not to run for a second term, the Socialist candidate, Benoît Hamon, failed to secure much traction at all in the elections, quickly endorsing Macron as he gave his concession speech.

As the new President of France, Macron represents much of the establishment, coming from the French elite. His political views fall in the centrist sphere and he has used it as a political tool, reinforcing the image of being able to please most of the public.

Macron has earned a vote of confidence from the People and his newly built *En Marche!* Movement has since been transformed into a political party. His victory means an obvious upturn for the entire European Union and shows that even though the extremist discourse has been gaining space in France, it will not rise unopposed.

As Trump continues to make decisions that could, at best, be labelled questionable and faces an investigation into his campaign's links with Russia's involvement in his election, the US drifts apart from the most important global players. This new reality risks creating a void in leadership that a strengthened European Union should most certainly rise to fulfill.

Trump's recent decision regarding the Paris Agreement has provoked interesting reactions. The Canadian Prime Minister, Justin Trudeau, publicly lamented the decision of the United States' Federal Government not to ratify the Agreement. Michael Bloomberg, former mayor of New York, discussed side by side with the new French President in defense of the climate accord, reassuring him of the United States' commitment to tackling climate change. He also urged Macron to lead the World in the direction of more sustainable consumption and ways of living. Macron declared: "the battle continues" in face of Trump's actions.

Hence, it is possible to see a fissure between the American government and other relevant international actors that are not shy to criticise the President's behaviour. Macron is young and still a fresh face on the political scene: in his next years as President, he may well embody an important political counterbalance to Trump.

Furthermore, it can be expected that Macron will continue in his opposition to Trump on other issues. They apparently disagree in key areas such as immigration and security: while Trump reinforces a protectionist discourse, Macron has positioned himself against immigration quotas and has defended a speeded-up process for the grant of immigrants' visas. This would allow immigrants to formally work on French soil. While Macron calls for unity, Trump thumps out the "America first" rhetoric that prevails in other areas of his political agenda.

Regarding security, more than once Trump has expressed his discontent with the NATO funding contributions by the other members. While the US invests the most in the alliance, few of the European members meet the goal of spending 2% of their GDP on security. Macron has laid down no specific policies as such, but he did commit to spend more on security during his electoral campaign – although it is unclear and where these expenses will be directed in practice.

Among all candidates for the French Presidency, Macron's campaign was the most aligned with European values. His election brings a new chance for the European Union to better articulate and formulate integrated policies. Consequently, Macron and Merkel have aligned their positions

towards the US and both represent a power-duo for a European Union leadership at home and abroad.

Nonetheless, Macron faces various domestic issues. The recent accusations of nepotism against Richard Ferrand – a key supporter and cabinet minister – is certainly a scandal for the newly elected French government. These accusations could prove to be extremely harmful, especially because the people in France have made it clear that they would not support corrupt or unethical political practices. With the legislative elections now behind him, Macron now faces the challenge of looking inward and succeeding domestically as well as internationally.

Should President Macron manage to retain the confidence of the electorate while also acting in concert with his counterpart EU Member States, then he is most certainly set on a course to be a tough opponent for President Trump, notably because they seem to be heading in opposite directions regarding the most prominent topics in today's international agenda.

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The Crisis in Macedonia:

“good neighbourly relations” as a peace and stability tool in EU integration

***Livia Radaeski**

The former Yugoslav Republic of Macedonia (FYROM) declared its independence from Yugoslavia in 1991, becoming one of its many successor states. In 2003, during the Thessaloniki European Council summit, the country was identified as a potential candidate for EU membership, together with other countries from the Western Balkans. Since 2005 Macedonia enjoys the membership status of candidate country as well as the continuous support and financial aid provided by Brussels in order to assist the country with the required and necessary reforms. Throughout the years the country has been shaken by political instability and scandal, resulting in protesters taking the streets of the capital Skopje against the government in 2015 and 2016. The political tension escalated at the end of April of this year, 2017, when protesters and supporters of the ruling party broke into the national assembly and attacked opposition members of Parliament.

The attack was triggered by the election of Talat Xhaferi, an ethnic Albanian, as the speaker of the national assembly. However, the situation has been tense since mid-December of 2016, after a near-tie result between the two main political parties in Macedonia, the ruling Internal Macedonian Revolutionary Organization (VMRO) and the opposition Social Democratic Union of Macedonia (SDSM). VMRO won 51 of the 120 seats in parliament and depended on forming a majority together with the 20 seats held by ethnic Albanian parties. Meanwhile the opposition SDSM accused the VMRO of stealing the election. By January of this year, president Gjorge Ivanov, elected head of state as VMRO's nominee, awarded a mandate for formation of government to Nikola Gruevski, leader of VMRO and in power as Prime Minister since 2006. Yet, Gruevski failed to muster a majority, accused external forces of interfering in Macedonia's affairs and condemned the "Albanian Platform".

Next in line to negotiate a new government was Zoran Zaev, leader of SDSM. The possibility of a new government composed by the opposition party and its Albanian allies, who together currently hold the majority of seats in Parliament, was received with denial by the ruling party. President Ivanov considered the election illegal and refused to award a mandate to Zaev, claiming that such a coalition would threaten the unity of the country and endanger its sovereignty as the Albanian parties would demand greater rights to their community. However, what could be interpreted as an escalating tension along ethnic lines in a region disrupted by intense nationalist movements, may in the very first instance be a struggle for political power.

VMRO has held control over the country since 2006, when it regained power in parliamentary elections and became the largest party in the national assembly. Greeted at first as a pro-EU technocrat who helped to close down the Western Balkan refugee and migrant route, Prime Minister Gruevski's government took a turn towards authoritarian rule by filling state jobs with party members and condemning critical media and non-governmental organizations. Two years ago he was the main figure in a wiretapping scandal that shook the country. Information that over 26,000 people had their phones tapped – including politicians, journalists and civil society activists – was released by opposition leader Zaev. This led to the 2015 Macedonian protests demanding the resignation of Gruevski, who refused to do so. The political impasse resulted in an agreement after twelve hours of negotiation talks between government and opposition, mediated by EU Commissioner for

Enlargement, Johannes Hahn. The deal established new elections by April 2016, the replacement of Gruevski's government 100 days ahead of the elections and most importantly a special prosecutor to investigate the crime allegations featured in the wire-tapping scandal².

Political instability and uncertainty hit the country again on April 2016 as elections approached. Protesters once again took the streets of Skopje and other major cities in what was later to be known as the Colourful Revolution. The demonstrations were fuelled by the controversial decision of President Ivanov and the interim Prime Minister to halt investigations against Gruevski and other politicians allegedly involved in the wire-tapping scandal. The crisis resulted in the postponement of the early parliamentary elections, scheduled for that coming June, as the opposition refused to participate. Later, President Ivanov would be forced to go back on his decision to pardon those VMRO politicians involved in the scandal, following months of protests and international pressure. And in July and August 2016, again the leaders of the four main political parties reached a deal on the implementation of the Przino Agreement, setting elections for the December and confirming their support to the special prosecutor³.

While ethnic discourse still plays a leading role in Western Balkans politics – either through concessions or demands by minorities and translated into policies aimed at protecting communities feeling marginalised – in Macedonia the motivation of the party in power seems to be more a concern to keep hold of the reigns of government. The VMRO and its leader Gruevski appear to be doing everything possible to maintain the status quo and avoid punishment, including by actively feeding inter-ethnic tensions with threats of an Albanian take over that would involve changing national symbols, flags and languages. Nationalist sentiments were also present on the ethnic Albanian side, but opposition has been avoiding protests in recent weeks following the violence in the parliament so as not to take the bait and incite street and ethnic clashes.

Once the crisis takes inclination to the ethnic side not only does domestic affairs get shaken but also relations with neighbouring countries in the region. Recent visits of Albanian political parties to Tirana did not help on the Macedonian domestic arena, nor did visits of Albanian Prime Minister Edi Rama to Kosovo help attenuate worries of a "Greater Albania" project. Assuring good neighbourliness among the Western Balkans has been one of the main concerns of European Union not only because it constitutes one of the main conditionality for accession to the bloc applicable to these countries (set out categorically in the bi-lateral Stabilisation and Association Agreements⁴ between the EU and each country in turn), but also because according to Article 8 TEU, the Union carries the responsibility to develop a special relationship with neighbouring countries and establish an area of prosperity and good neighbourliness⁵.

European efforts to find a solution to ongoing political turmoil in Macedonia must be seen in this context. During the demonstrations of 2015 the European Union ambassador to Skopje, along with US ambassador, warned Prime Minister Gruevski that lack of progress in addressing the

² Protocol to the Agreement of 2 June 2015, available at http://europa.eu/rapid/press-release_STATEMENT-15-5372_en.htm, last visited on 18 May 2017. See also *The Przino agreement or agreement from 2 June 2015*, available at: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/news_corner/news/news-files/20150619_agreement.pdf, last visited on 18 May 2017

³ For more information regarding political situation in FYR Macedonia please refer to *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, last visited on 8 May 2017

⁴ "Stabilisation and Association Process" in *European Commission, Enlargement - Stabilisation and Association Process*, available at https://ec.europa.eu/neighbourhood-enlargement/policy/glossary/terms/sap_en, last visited on 26 June 2017

⁵ Available at: http://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF, last visited on 26 June 2017

allegations of wrongdoings by the government could undermine the country's aspirations to become a member of EU and NATO⁶. In addition, the European Parliament offered its assistance to mediate a meeting with all the parties involved in the crisis. A similar attitude came from the bloc regarding the Colourful Revolution in 2016, when the Commission expressed its concerns about the situation and called for a meeting with a view bringing the two sides to an agreement. Through Donald Tusk, the European Council also stated its worries about the future of Macedonia in NATO and the EU due to the events occurring at the time and called for remedial action to be taken.

The bloc has always seemed to put forward its intentions to assist Macedonia in overcoming political instability, nonetheless its response to the attack on the national assembly has drawn some criticism. Federica Mogherini, together with Johannes Hahn, condemned the attack in an official statement and urged all the political actors to honour the constitution of the country⁷. She also met with Xhaferi, newly-elected President of the Assembly of the former Yugoslav Republic of Macedonia as part of his first official visit abroad. Regarding the intensity of the attack and the possible escalation turning it into an ethnic clash, some believe Brussels should have acted more forcefully. This may well be a reaction to the internal crises that the EU has been facing in recent years. Adding to this situation there is also the enlargement fatigue recognised within the bloc itself, after its last round of expansion, which compromises its attractiveness and credibility in the Western Balkans.

A stronger stance by the EU towards Macedonia ought to be expected once the country has been given the prospect of becoming a Member State and has enjoyed continuous support and financial assistance through European funds, distributed mainly through the PHARE and CARDS programme and recently through IPA (Instrument for Pre-Accession). The main areas covered by these funds were institution building, cross-border co-operation and regional development, among others. For the funding allocation 2014-2020 (IPA II) the focus is on democracy and government, rule of law and fundamental rights, regional co-operation and others⁸. Special attention is given to the importance of maintaining good neighbourly relations among the countries in the region and the improvement of ethnic relations.

In the case of Western Balkans countries, developing good neighbourly relations among themselves and with countries of the region who are already Member States has become not only an act of showing readiness to heal the wounds of the past, but also an institutionalised pre-accession condition. Both the Stabilisation and Association Process (SAP)⁹ and the European Partnership mention the need of commitment into cooperation and good neighbourliness with other countries in the region, including an appropriate level of mutual concessions, contributing to regional stability. The principle of good neighbourliness is often called upon as a means to settle bilateral disputes, usually involving border issues, and candidate states are expected to have them resolved by the time accession negotiations begin. Specifically in the case of Macedonia, accession negotiations have been blocked by Greece ever since the country was granted candidate status, and the dispute concerning

⁶Joint Statement by the Ambassadors of the United States, France, Italy, the United Kingdom, Germany, and the European Union, available at: <https://mk.usembassy.gov/joint-statement-ambassadors-united-states-france-italy-united-kingdom-germany-european-union/>, accessed: 17 May 2017

⁷ Statement by High Representative/Vice-President Federica Mogherini and Commissioner Johannes Hahn on today's developments in Skopje, available at: https://eeas.europa.eu/headquarters/headquarters-homepage/25221/statement-federica-mogherini-and-johannes-hahn-todays-developments-skopje_en, accessed: 8 May 2017

⁸ For more information about IPA II in FYR Macedonia visit https://ec.europa.eu/neighbourhood-enlargement/instruments/funding-by-country/former-yugoslav-republic-of-macedonia_en, accessed: 21 May 2017

⁹According to Eu-Western Balkans Summit in Thessaloniki, 21 June 2003, SAP will remain the framework for the European course of the Western Balkan countries, all the way to their future accession. Available at: http://europa.eu/rapid/press-release PRES-03-163_en.htm, last visited on 26 June 2017

the very name of Macedonia is also replicated in its pursue of NATO membership¹⁰. Disputes involving candidate countries and Member States demonstrate the politicization of the principle of good neighbourliness. Despite being a key priority under the European Partnership¹¹, Greece's tough behaviour towards Macedonian accession is met with silence by the Commission and other Member States: unanimity among the receiving Member States on the ultimate Accession Treaty giving effect to the full rights and obligations of membership, as is made unequivocal by the wording of Article 49 TEU, the primary EU law provision for the procedural and substantive provisions applicable to EU accession.

What seemed to be a political struggle for power, with possible escalation to ethnic tensions, and left the country without a new government since December of last year, might have come to an end. On 17 May 2017, President Ivanov finally awarded the mandate for forming a new government to Zoran Zaev, who reiterated that he would ensure the preservation of the unitary character and territorial integrity of Macedonia. The country still suffers from a divisive political culture and presents a lack of capacity to compromise, according to the 2016 Country Report on Macedonia, drafted up by the European Commission. Even though the EU does show some intention to engage and get involved in the settlement of domestic crises due to its interest in establishing an area of stability and prosperity in its neighbourhood, the weak response to the Macedonian crisis could send a conflicting message to the Western Balkans.

Considering the country's volatile history, it is still too early to predict what will happen in the domestic arena. Zaev has twenty days to form a government platform. Meanwhile Gruevski was named in two new corruption probes by Macedonia's Special Prosecution. There is no doubt that the country crisis is for the Macedonians to resolve, but since the country is in the path towards membership Brussels should act more decisively and make clearer that inciting ethnic tension is not acceptable in the region today as it contradicts previously signed agreements concerning ethnic issues. By setting the example that disrespect for democratic values and the use of violence goes against European values, formally addressed in all the documents signed by FYROM, the EU could re-light the motivation to discouraged countries to comply with its norms by showing full commitment to their reforms, progress and accession to the bloc.

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¹⁰See "Macedonia and Greece appear close to settling 27 year dispute over name", in *The Guardian* of 13 June 2017, available at <https://www.theguardian.com/world/2017/jun/13/macedonias-nato-hopes-rise-as-deal-with-greece-looks-feasible>, last visited on 25 June 2017.

¹¹ Ensure regional cooperation and good neighbourly relations, in particular through intensified efforts to find a negotiated and mutually acceptable solution on the name issue with Greece, in the framework of UN Security Council Resolutions 817/93 and 845/93.

http://eeas.europa.eu/archives/delegations/the_former_yugoslav_republic_of_macedonia/eu_the_former_yugoslav_republic_of_macedonia/eu_assistance/index_en.htm, last visited on 26 June 2017

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**Exploring Article 50 TEU today:
*some comments on Brexit's legal foundation, euro-skepticism and populist forces in Europe***

Juliana Moreschi Silva*

Among the examples we have of regional integrations in international relations today, it is safe to say that the European Union has been the most successful, due in particular to the history shared by its Member States, which has even made it possible for the EU to approach political union, commonly accepted as the final step for securing the successes of such integration.

When, in the early 21st Century, the Member States drafted the Constitution for Europe, it was the first time that withdrawal by a Member State from the EU became possible. In the original Treaties, integration was only ever intended to be irrevocable and to become stronger over time. Withdrawal was clearly a regressive integration innovation for the EU then, as none of the prior constituting instruments allowed a way out (secession) for the Member States. In its Article I-60, the draft Constitution for Europe permitted that “any Member State may decide to withdraw from the Union in accordance with its own constitutional requirements”¹².

Even though the European Constitution was not approved, the withdrawal clause lingered and was inserted into the Article 50 of the subsequent Treaty of Lisbon (TEU), adopting the same drafting as its predecessor. Article 50 TEU establishes the procedure that a country should follow when it decides to leave the EU. That procedure forbids any unilateral exit, because the Member State must communicate its decision to the European Council in order to begin negotiating the withdrawal within the Union, as can be seen by its wording:

“A Member State which decides to withdraw shall notify the European Council of its intention. In the light of the guidelines provided by the European Council, the Union shall negotiate and conclude an agreement with that State, setting out the arrangements for its withdrawal, taking account of the framework for its future relationship with the Union. That agreement shall be negotiated in accordance with Article 218(3) of the Treaty on the Functioning of the European Union [TFEU]. It shall be concluded on behalf of the Union by the Council, acting by a qualified majority, after obtaining the consent of the European Parliament.”

Article 50 TEU was invoked by the United Kingdom to trigger its “Brexit” or secession from the EU¹³. It is commonly forgotten that the Treaty on European Union is a Treaty like all others and, therefore, falls under the customary international law practice of set down in the Vienna Convention on the Law of Treaties (VCLT). However, it is arguable whether it fulfills this obligation.

VCLT and the continuity of Treaties in international law applied to Article 50 TEU

Article 42 VCLT, sets out one of the most important objectives of the VCLT: the continuity in force of treaties, meaning that their termination only takes place in exceptional circumstances. Brilmayer and Tesfalidet observe that there are three occasions in which an “exit” may take place:

¹² See the *Treaty Establishing a Constitution for Europe* of 29 October 2004, to be found at <https://goo.gl/EtDZsw>, last visited on 24 June 2017.

¹³ See *Notification of Article 50 TEU by the United Kingdom* of 29 March 2017, to be found at <https://goo.gl/fPXWcq>, last visited on 9 May 2017.

“The first is where the treaty itself provides the right to withdraw; in other words, the withdrawal provision was intended or agreed to by all of the signatories. The intention may be either explicit or implicit in the agreement. The second occurs where the parties, at some point subsequent to a treaty’s entry into force, agree to terminate or suspend the operation of the treaty. The third is where the Vienna Convention itself recognizes a right of withdrawal by operation of law—in effect, as a result of a legal rule and independently of the parties’ intentions¹⁴.” [Brilmayer and Tesfalidet, 2011]

Populism and euroskepticism gave Article 50 teeth that it had never had before

By invoking Article 50 TEU, the United Kingdom used a provision contained in the Treaty on European Union to get out of its original commitment under its 1972 Accession Treaty. However, as admitted recently by one of the authors of Article 50 TEU, Giuliano Amato, it was never meant to be used, drafted only to placate the British pressures¹⁵. Amato stated:

“My intention was that it should be a classic safety valve that was there, but never used. It is like having a fire extinguisher that should never have to be used. Instead, the fire happened”.¹⁶

It is easy to see that Article 50 TEU is inconsistent with the TEU as a whole. As already mentioned, the EU is apparently heading towards political union, only getting stronger through deepening integration and enlarging by embracing new members, all rooted in the irrevocable transfer of sovereignty. Hence, as the invoking of Article 50 TEU weakens the Union by breaching its objectives – once adhered to and advanced by the UK – and brings into question the true validity of Brexit, especially regarding to its threat of legal non-observance of adhering to a negotiated settlement (“hard Brexit”) and the governments’ lack of any real plan.

Such neglect of legal elements only proves how Brexit is primarily, politically motivated. The recent threat of euroskepticism to the European project raises questions as to the benefits of membership and whether the EU has gone too far. The British have long had the reputation for being very skeptical of the European Union, and while the Brexit vote shocked many within the UK and outside of it, Brexit was obviously a result of that skepticism. The following picture of the *British Election Study* conducted in 2015 [Vasilopoulou, 2016], showed that the considerable majority of British people either did not know whether unification had gone too far or were certain whether it had, thus indicating the outcome of the Brexit Referendum already back in 2015.

¹⁴See L. Brilmayer and I. Tesfalidet, “Treaty Denunciation and “Withdrawal” from Customary International Law: An Erroneous Analogy with Dangerous Consequences”, in *The Yale Law Journal*, 2011, to be found at <https://goo.gl/50XgXtn>, last accessed on 9 May 2017.

¹⁵See J. V. Louis, “Le droit de retrait de l’Union européenne”, *Cahiers de droit européen* 2006, pp. 3-4.

¹⁶ See C. Hooton and J. Stone, “Brexit: Article 50 was never actually meant to be used”, in *The Independent* of 26 June 2016, to be found at <https://goo.gl/X1MD3C>, and last accessed on May, 9, 2017.

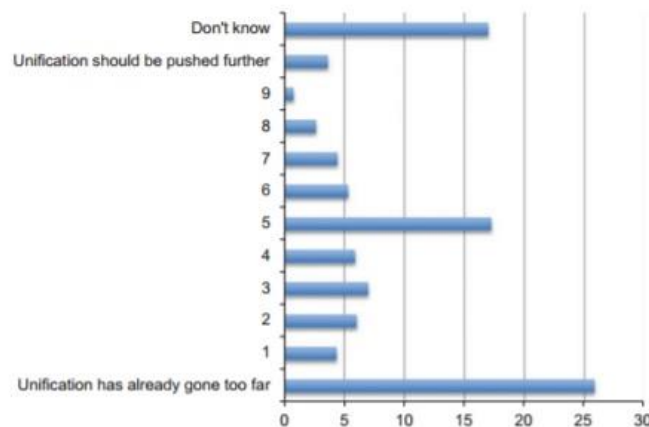


Figure 1: Some say European unification should be pushed further. Others say it has already gone too far. What is your opinion?

Source: Post-Election Wave 6 of the 2014–17 British Election Study Internet Panel.

On the other hand, we see, as a global phenomenon, the spread of “Populist” movements, with protectionist and anti-migration policies, indicating an important shift to the right among political representatives in leading democracies globally speaking, not least the win by Donald Trump in the USA elections. In the Netherlands and in France the rise of such movements was evident, with the candidates Geert Wilders and Marine Le Pen. However, these extreme right parties failed to actually secure true majorities so that power had eluded them. In the end, the peoples of France and the Netherlands have proved reluctant to embrace them to real effect.

Any discussion about Brexit commonly ends with the statement that it was a “sovereign decision taken by sovereign people”. While that may be true, we cannot forget those who wished to remain, as was the case for Scotland, which may tell a very different story in a possible future referendum, although since the recent general election in the UK, such a referendum seems to off the cards for the foreseeable future. It is premature to draw any conclusions on this subject but fundamental questions remain: Brexit not only has political and economic consequences, but encroaches directly on people’s rights and obligations, and the rule of law generally in international relations.

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Three European visions of Russia:

German, Estonian and EU assessments on relations with Moscow

Caio H. D. Duarte*

While on a research expedition to Russia, funded by the Institute of Global Leadership to investigate the Hermeneutics behind Russian nationalism and the annexation of Crimea, I convened with representatives from the EU delegation in Moscow, the political officer of the German Embassy and with the Estonian Ambassador in Russia. Each of them provided me with a glance into the “riddle, wrapped in a mystery, inside an enigma” that is Russia, as Sir Winston phrased it once.

Starting from afar, the vision that emanates from Brussels is one of intricate stalemate in the relations between the EU and Moscow. While there is immense scientific and academic interchange between both the EU Member States and Russia, something that is quite overlooked, the sanctions and the increased rhetoric of Cold War in the global scenario have made Russia more isolated and Europhobic than it was before the annexation of Crimea.

Even though the EU does not encompass a military perspective when dealing with Russia, the issue of cyber-attacks and meddling in elections such as that of France, have strengthened the co-operation and the promotion of democratic values inside the bloc when it comes to a joint position in the negotiation table with the Kremlin.

By promoting values such as human rights, maintaining the role of the European court of Human Rights, and speaking up against the recent LGBTQ persecution in Chechnya, not to speak of the anti-gay propaganda laws, the EU helps Russian media and ideologues to craft herself as the problematic model of globalist liberal integration, while championing Russia’s own projected image as the keeper of a higher moral ground, both internally and externally keeper of its own values, the grand-gendarme of Europe, as it was during the 19th Century, and which resulted in the Crimean war.

Still, the issue of terrorism sees no borders, and taking on the recent terrorist attack in the “europeanised” St. Petersburg, it is understandable that the EU considers the transnational fight against terrorism and maintenance of security to be an issue that bind its Member States with Moscow on common ground for discussion and productive interaction, if not integration. As for Crimea, the annexation, considered illegal, represents a challenge where the official position of the EU is to help mediate a solution that helps stability to grow back in Ukraine, not necessarily with the return of the peninsula to Kiev.

The same considerations can be seen in the German vision, although Germany herself has a more complex relationship with Russia. Because of the division after WW2 and the soviet influence, the fact that Chancellor Merkel speaks Russian to the German-speaking former operative in Dresden – Vladimir Putin – creates a forced intimacy in a show of force between the two Nations. The voice of Bismarck echoes like an enduring warning in German politics, forcing a search for good and stable relations with Russia. Still, Germany feels that sometimes, it is the will of the Kremlin to bypass the multilateral discussion with the EU and establish bilateral agreements only with the Germans. This posture, seen with great concern by EU Member States such as Poland, is something that Berlin tries to avoid at any cost, even though it is positioned as the main intermediary link between Brussels and Moscow.

In this, rhetoric and formal classifications are widely disregarded as relevant, with the Chancellor's unusual speech about a criminal annexation of Crimea causing little distress to Moscow, even though it brought concern inside the Auswärtiges Amt, or the usage of a miniature Reichstag for training Russian soldiers, to be dismissed as just another extravagance. The driving force of this relationship is pragmatism, and pragmatism alone, or, to evoke Bismarck again, realpolitik, but always with the promotion of human rights and regional stability in sight.

From Estonia, that carries the concern of sharing a border and a Russophile population that is hardly integrated in its society, there is the more immediate concern for stability: cyberattacks and information war, even if less grand than portrayed in US media, still take place. Russian channels insist that rather than try to subvert the Russian population inside EU borders, they aim to disseminate their own version of issues such as the Crimea.

This highlights the difference between the Crimea and the Estonian border city of Narva, sometimes wrongfully taken for a possible second Crimea. While the peninsula occupies a vital strategic but peripheric point of Eastern Europe, Narva is close to St. Petersburg, meaning that instability in the region is not sought by the Kremlin. However, Narva also carries the burden of being an accidental showroom of EU democratic progress, popular participation and social prosperity when compared to the cities that surround it from the other side of the border. Nonetheless, Estonia keeps on championing integration with the other Baltic states and the EU as a form of consolidating her stability.

In spite of these three not very promising perspectives, not just the EU but Berlin and Estonia too believe that every opportunity – no matter how few – to establish dialogue with Russia is key to finding solutions. This is not only because of economic importance of the Russian market but also because of stability in the region, taking on the fact that Russian defense values have not changed much since the 19th Century.

The importance of subservient states on the borders, as seen in the destabilized Donbass, a strong military capacity of response, such as in the recent Georgian crisis, and economic limitations, are some of the main factors of this. But still, most people tend to forget the rest of Churchill's line on Russia: "[But] perhaps there is a key. That key is Russian national interest."

***Caio H. D. Duarte** is a researcher and undergraduate in law at the Law School of the University of São Paulo

A world map showing the distribution of 12 major world religions. The map is color-coded by region, with each region labeled with the name of the dominant religion. The regions and their corresponding religions are:

- North America: Christianity
- South America: Christianity
- Europe: Christianity
- Africa: Christianity
- Asia: Hinduism
- Australia: Christianity
- Oceania: Christianity
- India: Hinduism
- China: Confucianism
- Japan: Shinto
- South Korea: Buddhism
- Indonesia: Islam

Regionalism under stress – toward fragmentation and disintegration?

25-27 September 2017

G I G A
German  Institute of Global and Area Studies
Leibniz-Institut für Globale und Regionale Studien



DAAD



Monday, 25 September 2017

Plenary lectures
Auditório do 1º andar

- 9:00-10:30 h **Panel 1: Regionalism after Brexit**
Opening and welcome, introduction into the topic
Alberto Amaral Jr./Paulo Borba Casella (Faculty of Law, USP)
Anna Barkhausen (DAAD)
Brigitte Weiffen (Cátedra Martius, USP)
Detlef Nolte (GIGA Hamburg)
Keynote speech: Comparative regionalism
Thomas Risse (Freie Universität Berlin)
- 10:30-11:00 h Coffee break
- 11:00-12:30 h **Panel 2: The EU and Latin America after Brexit**
Inter-regionalism
Susanne Gratius (Universidad Autónoma de Madrid)
Bringing EU studies back to Latin American regionalism
Detlef Nolte (German Institute of Global and Area Studies)
Chair: Kirstyn Inglis (IRI-USP)
- 12:30-14:00 h Lunch break

Workshops

- 14:00-18:00 h *To be determined*
Sala: to be determined
Coordination: to be determined
Participants: to be determined
- To be determined*
Sala: to be determined
Coordination: to be determined
Participants: to be determined

Tuesday, 26 September 2017

Plenary lectures
Auditório do 1º andar

- 9:00-10:30 h **Panel 3: Political challenges to European regionalism**
The enemy inside: European extremists in perspective
Ana Paula Tostes (State University of Rio de Janeiro - UERJ)
EU limitations in enforcing the rule of law in member states
Carlos Closa Montero (Institute for Public Goods and Policies,
Spanish National Research Council)
Chair: to be determined
- 10:30-11:00 h Coffee break
- 11:00-12:30 h **Panel 4: Latin American regionalism in standby mode?**
Is Latin American regionalism a living dead?
Andrés Malamud (Universidade de Lisboa)
Is the Pacific Alliance still the great hope?
Lorena Oyarzún (Universidad de Chile)
Chair: Janina Onuki (IRI-USP)
- 12:30-14:00 h Lunch break

Workshops

- 14:00-18:00 h *To be determined*
Sala: to be determined
Coordination: to be determined
Participants: to be determined
- To be determined*
Sala: to be determined
Coordination: to be determined
Participants: to be determined

Wednesday, 27 September 2017

Plenary lectures
Auditório do 1º andar

- 9:00-10:30 h **Panel 5: Mercosur – still emulating the EU?**
The future of Mercosur: a Brazilian perspective
Paula Wojcikiewicz Almeida (FGV Law School, Rio de Janeiro)
The future of Mercosur: an Argentinean perspective
Nicolás Comini (Universidad del Salvador, Buenos Aires)
Chair: Maria Antonieta Del Tedesco Lins (IRI-USP)
- 10:30-11:00 h Coffee break
- 11:00-12:30 h **Panel 6: Beyond Europe and Latin America: experiences from other regions**
Overlapping Regionalism and Region-Building in Africa
Christof Hartmann (University of Duisburg-Essen)
Disintegration versus Integration? The different tales of Latin American and Asian regionalism
Jörn Dosch (University of Rostock)
Chair: to be determined
- 12:30-14:00 Lunch break

Workshops

- 14:00-18:00 h *To be determined*
Sala: to be determined
Coordination: to be determined
Participants: to be determined
- To be determined*
Sala: to be determined
Coordination: to be determined
Participants: to be determined