NORTH MACEDONIA'S ACCESSION TO THE EUROPEAN UNION: MOVING FORWARD WITH LESSONS LEARNED FROM THE FRENCH VETO

Vesna Stefanovska

International Balkan University-Skopje v.stefanovska@ibu.edu.mk

Abstract

Accession to the European Union is a long-lasting procedure that straightforward consolidation, conditionality, communication and many other important segments which constitute enlargement a difficult, but well-worth procedure. North Macedonia formally started its journey with the European Union back in 2005 when it gained the candidate status and since than, that path was full with never ending challenges. This paper will try to argue the efforts that has been made by North Macedonia in order to start the accession negotiations and how the French veto reflected on that efforts. Moreover, it will discuss the next steps which should be undertaken by both sides – North Macedonia and the European Union and how the French nonpaper could change the accession conditions or it were just words that cannot be implemented in practice.

Keywords: *North Macedonia, EU accession, french veto, non paper, negotiations*

1. Introduction

EU enlargement used to be the European Union (EU) trademark policy. That is barely the case any longer having in mind the French veto for North Macedonia given on the Brussels Summit in October 2019 and making the Western Balkan more fragile for possible influence by Russia and China having in mind the geopolitical interests and economic ties as many experts have reiterated. Indeed, if we observe the past enlargement waves, it is obvious that the attitudes of EU Member States vary greatly when it comes to enlargement, ranging from full or partial support, to indifference as a result of being preoccupied with other issues or pure skepticism. In Macedonian case, none of these attitudes were a justified reason for not giving a green light for opening the accession negotiations. In fact, the question that could be raised is, whether North Macedonia's accession was really an issue put on the

table, or it was just an old fashioned battle to prevail power between the most powerful EU states at the moment: France and Germany and considering the fact that Great Britain is excluded from the picture due to Brexit issue? This paper first of all will give short introduction to the EU enlargement and accession procedure explaining the Copenhagen criteria and EU basic principles for accession. Then, it will try to give commentaries on recent developments having in mind Macedonian accession to the EU and the French veto. Moreover, it will try to emphasize the proposed French methodology, the momentum why it was given after the October Summit and not before and does it contains constructive arguments or it is just proposed amendments to the actual EU enlargement procedure that will never see the light of the day.

2. EU enlargement and accession procedure

Enlargement is one of the EU's most important policies and considered as the greatest achievement of the Union. Accession as part of the enlargement process formally rests on straightforward conditionality. Therefore, the Copenhagen criteria define the political, economic, judicial and administrative standards a candidate country needs to meet before it can enter the Union (Zweers, 2019). However, it is important to mention that these conditions and criteria have been subject of changes and adaptions in the process of evolution of what we today consider European Union. At the beginning of the foundation of the European Economic Communities, the focus was put to the economic prosperity with a desire to create a Common Market with limited ambitious regarding some of the today's key aspects such as rule of law and fundamental rights.

After adoption of the Maastricht Treaty and the formal creation of the European Union, Article 2 of the Treaty on European Union listed the values that any European State which respects them may apply to become a member of the Union. These values refer to respect for human dignity; freedom; democracy; equality; the rule of law; respect for human rights including the right of persons belonging to minorities (Article 2 TEU). Moreover, the accession process is determined with Article 49 TEU which established the conditions of eligibility for EU membership and the procedure for becoming a member. Through these years of different enlargement waves, some experts consider these principles as 'vague' and

'imperfect' whilst others see Article 49 as simply an outline and thus deliberately short on detail (Copeland, 2013).

In fact, most of the experts in this area can agree that these principles are just guidelines for accession, while in more detail, they are written in what we know as the Copenhagen criteria. Hence, in June 2013, the European Council on the meeting held in Copenhagen established the political and economic criteria as well as requiring the administrative and institutional capacity to implement the *acquis* and fulfill the obligations of membership. The political criteria indicate to stability of institutions, guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities. Economic criteria point out to a functioning market economy and the capacity to cope with competition and market forces while administrative and institutional capacity refer to effectively implement the acquis and ability to take on the obligations of membership (Copenhagen criteria 1993). Moreover, the adoption of the Copenhagen criteria for accession to the EU specified the benchmarks to be met by the accession countries and launched a development putting crucial topics like the respect for fundamental rights and the rule of law high on the enlargement agenda (Nozar, 2012). Furthermore, the accession procedure was readapt with rigorous conditionality with adoption of the Commission's 2005 enlargement strategy paper which defines three principles which will guide the enlargement: consolidation, conditionality and communication. In 2010, the Commission added a fourth principle of credibility (EC 2005 enlargement strategy).

For the Western Balkans, it is not necessary just to fulfill the Copenhagen criteria and the principles established with Article 2 and 49 TEU, in this regard, the Stabilization and Association Process defines the additional criteria of regional cooperation and good neighborhood relations. In fact, the Stability and Association Agreements have been used to manage and support this process, which has come to be seen as a key part of the pre-accession phase. North Macedonia was the first from the Western Balkan countries that signed this agreement in 2001 and fulfilled the pre-accession condition (SAA, 2001) and afterwards in 2005 officially gained candidate status. In 2009, the European Commission gave the first recommendation for opening the formal negotiations, but a dispute with Greece over the country's official name delayed the negotiations for almost a decade.

Theoretically, after a country receives candidate status and implements all required reforms and if the EU has capacity to integrate the country, it is accepted as a member. The latter 'if' according to Zweers is increasingly getting bigger, as since the financial and migration crisis, the EU has proved more divided and inward-looking (Zweers, 2019). This division among the greatest state powers in the Union has been noticed in practice in Macedonian case in the Brussels Summit in October 2019 when France opposed to formally giving a date for opening the negotiations. The results from this Summit have been considered as a failure by the Union to admit the achievements of the North Macedonia first of all by settling the long-standing name dispute with Greece which finished with conclusion of the Prespa Agreement on 17 June 2018 and by initiating the required reforms in order to start the accession negotiations. In this stage, it is obvious that North Macedonia has completed its part of the formal duties and overcoming obstacles in order to be awarded with the date for starting the accession negotiations. On the other side, it is quite confusing and unclear why France waited till the October Summit in order to give its negative response for North Macedonia's accession and subsequently submitted the well-known 'French non-paper'? If France was in favour of drafting a new methodology for enlargement, why it waited so long and why this issue was not elaborated before? This paper below will try to give some answers to these questions or at least give some commentaries and reasonable arguments especially regarding the new proposed methodology and how it will reflect on the EU enlargement.

Moreover, in respect of EU enlargement through the past years, it is obvious that Bulgaria and Romania joined the EU in 2007 even if they had problems with the judicial system, corruption and the fight against organized crime. In fact many experts argue that they were let in 'under the wire' for political reasons before adequate measures were taken to reform their judicial systems, eradicate corruption and organized crime. Once they had joined the EU, the countries' enthusiasm for reform disappeared. To this day, neither Romania nor Bulgaria are part of the EU's borderless and passport-free Schengen zone. Due to this reason, and the lesson learned in order to prevent the same thing from happening again EU kept a close eye on Croatia making sure measures were not only announced but adopted as well

due to the fact that Croatia was faced with serious challenges in combating corruption (Hasselbach, 2013). In fact, Croatia is still facing with high level of corruption, unemployment and other issues thus its accession in 2013 happened in difficult time for the Union when it was dealing its own problems. Having in mind the above mentioned and the EU's previous experiences with Romania, Bulgaria and Croatia which entered into EU without successfully satisfying the accession criteria, it is unknown why North Macedonia which resolved the only formal obstacles (name dispute with Greece) and its showing willingness to conduct reforms, is still waiting before EU gates.

3. North Macedonia's accession progress towards EU within the last two years until clashing with the French veto

In the past two years, North Macedonia was facing with a quite turbulent period since the conclusion of the Prespa Agreement which put an end to the 27 year old name dispute with Greece and renamed our country into North Macedonia. At the same time this agreement meant that finally we managed to overcome the formal obstacle in order to start the accession negotiations with the Union after 6 recommendations given by the European Commission. Meantime, after resolution of the name dispute, the country started the screening process which meant that it is even closer in getting the official green light for starting the accession negotiations and formally opening the acquis chapters.

As the EU's *acquis communautaire* evolves over time, countries seeking to accede the EU have to adjust to a moving target. As such, in an integration process covering multiple decades, it is impossible for the EU to lay down fixed accession requirements at the start and to not adjust those requirements during the process. Such an adjustment does in principle not affect the credibility of the process (Vachudova, 2019). In this connotation, it is important to emphasize that the dynamics of opening and closing the 35 chapters and benchmarks for Chapters 23 (Judiciary and Fundamental Rights) and 24 (Justice, Freedoms and Security) depends of the state's dynamic in achieving the necessary progress, adopting laws and readapting its legislature to be in accordance with the EU law and implementing the reforms in key areas. North Macedonia faced with several obstacles in these areas, due to the political

crisis when valuable time was lost and afterwards in adopting news laws without the support of the opposition in the Assembly. However, it is inevitable to stress that despite Berlin's leading role in promoting integration of the Western Balkan countries into the EU, Germany has not remained immune to skepticism about enlargement since the euro crisis (Armakolas et. al, 2019), but supported North Macedonia in the pursuits for implementing the laws in order to show progress from the reforms.

Since the last year, it became obviously that there will be objection towards starting the North Macedonia's accession negotiations. France was the leading country which was supported silently by the Danish and Dutch resistance to the opening of accession negotiations with North Macedonia and Albania mainly due to their domestic political shift toward the right and political pressure from the populist political forces. In fact, the latest developments have shown that the Netherlands gave a green light for North Macedonia and opposed for starting the accession negotiations with Albania. Thus, France was left alone in raising objections against Macedonian accession towards EU. As declared by French president Macron, the official reason for such reluctance is that before taking in new members, a real reform to allow a deepening and better functioning of the European Union would be needed. Moreover, Macron insisted on reform of the Eurozone, where he experienced resistance from Germany. It therefore seems his government's position is at least partially motivated by the concerns of populist and antiimmigration sentiments in France itself.

Nevertheless, this statement was given last year, thus it is unknown why Macron waited for another year to object towards Macedonian's accession and to propose new methodology on future enlargement and new principles over accession negotiations?

The latest developments are concerning about the Western Balkan. With the red light from France not allowing the start of accession negotiations with North Macedonia, is putting the country in quite fragile position: to think hypothetically in getting closer in links with Russia and China's extensive infrastructure investment in the region. It is not enough just the statement that North Macedonia belongs to the Union, this statement must be supported with real acts in means of starting the accession negotiations. Subsequently, the dynamics of opening the chapters will depend from the country's readiness in order to conduct reforms

in judiciary, public administration, greater respect for fundamental rights and once for all closing the corruption cases especially the late one with the misuse of power case involving the former special public prosecutor. At the moment, this *status quo* is not just harming North Macedonia, but it is showing in the same time that EU has failed to acknowledge the incredible efforts by the country in securing the Prespa Agreement.

If the EU spends the next few years concentrating only on its future relationship with Great Britain concerning Brexit and only belatedly comes up with a working model for the Balkans, it will already be too late (Tcherneva and Varma, 2019). As already mentioned in this paper, this situation poses risks to the stability of the region and if EU does not actually hold up its ends of the bargain to allow candidates to progress in the accession process when progress is due, reforms in the Western Balkans are likely to stall. By delaying the Western Balkans enlargement, the EU undermines its own enlargement conditionality – the leverage it has to insist on reforms (Cvetanoska, 2019). Additionally, valuable time will be lost in revising the new methodology proposed by France, re-adapting it and exploring the possibilities in order to implement it in practice. Although a reform of the negotiating process is needed, it should not be at the expense of North Macedonia. There is no reason why reforms cannot be introduced as negotiations continue (Fouéré, 2019). With the new European Commission which started the five-year mandate, it is time to introduce the reforms, many of which are set out in the Commission's Strategy Paper of February 2018. However, the new proposed methodology will need to be subject of further scrutiny in order to analyze if it is appropriate for implementation.

4. French 'non' paper and its content

On 15 November 2019, France circulated the new proposed methodology to the EU diplomats. According to France there are several reasons why this methodology was prepared and one of them was the profound political, economic and social transformations required for a future accession to the European Union which continue to be slow and the concrete benefits for citizens in candidate countries remain insufficient. Therefore, a renewed approach to the accession process is necessary to support the Western Balkan

countries in concrete terms with regard to the reforms necessary to fully comply with the rule of law and generally apply the European acquis. This approach should be accompanied by a strong commitments by the European Union in order to help them to confront numerous and complex challenges related to their economic and social development (French Non Paper, 2019). Thus, if we analyze this 'non' paper, it is evident that France is looking for not just renewed approach, but in completely changing the structure of accession negotiations which till now were based on opening 35 chapters concerning EU law.

In the new French model, a renewed approach should be based on 4 principles: gradual association; stringent conditions; tangible benefits and reversibility. Subsequently, instead of simultaneous opening of a large number of thematic chapters, the reforms would be made in seven-step process, gaining access to selected EU programmes and funds along the way, before arriving at full membership. This could form a coherent policy blocks and a scheme predetermined by the EU taking into account the features of each candidate country. The closing of negotiations corresponding to each stage completed by the country would open up the possibility to participate in EU programmes; to be involved in certain sectoral policies and where appropriate to benefit from certain targeted finance (ibid). This means that the country that will apply for EU membership and will start the accession negotiations will be able gradually to become part of the Union, getting access to certain funds and rights till it becomes a full Member State. However, it is unclear how the candidate country will use some of the EU trusts when first of all, the EU institutions should change its methods of work and restructure in order to be able to conduct this new methodology. Additionally criteria for transition from one stage to another are not set yet, and once they are defined will enable verification of adoption as well as effective and sustainable implementation of the Acquis in relation to a particular policy, and would be based largely on the sustainable and irreversible progress made in the area of rule of law.

The seven recommended steps refer to (1) rule of law and fundamental rights which practically means all segments from the current Chapters 23 and 24; (2) education and research that also will include issues about youth, culture, sports, environment, transport, telecommunication and energy which are covered by current Chapters 14, 15, 21, 22, 25, 26 and 27; (3) employment, social affairs, consumer protection and competition currently

covered in Chapters 5,7,8,19,20 and 28; (4) financial affairs at this moment included in Chapters 4,9,17,18 and 32; (5) the single market, agriculture and fish part of current Chapters 1,2,3,10,11,12,13 and 29; (6) foreign affairs elaborated in current Chapters 30 and 31 and (7) other issues are currently covered by Chapter 35, but the novelty is that this stage in the new proposal also includes Chapters 33 and 34 of the existing negotiation framework. For example, successfully completing step 1 would mean that the country has access to the European Union Agency for Fundamental Rights and its tools; the EU Fundamental Rights Information System; cooperation agreements with Eurojust and several other benefits (ibid, see stage 1). With completing stage 2, the country gets access to Erasmus +; European research space and Horizon Europe; LIFE+Programme and other benefits (ibid, see stage 2). Similar it is with the rest of the stages while the last, stage 7 implies to financial and budgetary arrangements, institutions and its completion means gaining full accession.

The criteria for moving from one stage to the next are not determined yet, making it possible to verify the adoption as well as the effective and sustainable implementation of acquis as regards a particular policy and would be principally based on sustained, irreversible progress in the field of rule of law. Candidate countries would be required to adapt their institutional and administrative capabilities to the need for effective participation in the various policies. Final accession would be decided based on meeting tangible economic and social objectives. This means that not only the seven stages must be completed, but in the same time, the four principles must be satisfied. Hence, the deadline which was set on January 2020 for the European Commission to come up with a proposal on defining the new methodology is passing without a solution and its jeopardizing the publication of the official enlargement package scheduled for April 2020. According to the latest developments, the new methodology will be presented by the European Commission in February 2020 because the draft proposal is not finalized yet. This proposed methodology by France should be accepted by all EU Member States at least until the summit in Zagreb in May next year, when there will be also the Western Balkan leaders. However, a matter of concern is the fact that not only North Macedonia and other candidate countries need to adapt its negotiation positions regarding the new methodology, if accepted, it will be more difficult for the EU institutions to re-adapt according to the new methodology. Thus, it will be quite complex to

implement this methodology in practice, no matter how consistent could be or how it could benefit both for the EU and the candidate country. In respect of North Macedonia, the country has shown that is capable to carry out the accession negotiations and there is political will to conduct the necessary reforms. Beside the fact that the EU will need to adapt to the new methodology (if accepted) it will need to guide North Macedonia through the new methodology. Hence, it is obvious that this will be greater challenge for EU than for North Macedonia as a candidate country. Moreover, it remains unclear whether this methodology will apply to Serbia and Montenegro which already are opening *acquis* chapters or it will be official and valid for North Macedonia and Albania which are waiting for the official start of the accession negotiations? These questions should also be addressed by the EU when deciding about the new accession methodology.

5. Concluding remarks

It won't be pathetic or even theatrical if we say that French veto given on the meeting of presidents in the margins of European Council, shock the ground not only in Skopje, but with same intensity in Brussels. For the first time, North Macedonia without any formal obstacles waited the green light for opening of accession negotiations and even got the support from the Netherlands, but failed to convince France in the will to further conduct reforms. Literally, North Macedonia was left with empty hands and without 'award' first of all for solving the decade long-standing name dispute with Greece and initiating reforms with changes in its own legislature. The French veto is not only putting in jeopardy the future of North Macedonia, but also to the whole Western Balkan region. In fact, if we analyze the proposed new methodology by France submitted to the EU institutions in November 2019, it is obvious that, maybe, this non-paper contains constructive solutions for further EU enlargement, but the question that should be raised is – is this methodology applicable in practice? The final answer to this issue is hard to be given in these moments, but one is for sure – not only candidate countries will need to adapt to the new seven proposed accession stages (if formally accepted and adopted by EU), but the EU institutions will also need to restructure its functioning in order to be able to involve the candidate country in the next stage after successfully finishing the previous stage. The latter one is making this process extremely difficult to be realized in practice. However, the next summit in Zagreb in May

2020 will disclose maybe the completely new enlargement procedure or it will keep the old one with some changed technicalities. Now, the EU Member States should reach a consensus over the new methodology, which could be a challenging process.

References

1. Armakolas, I. Bandovic, I. Bechev, D. and Weber, B. North Macedonia: What is Next? (2019). *Open Society Foundation.*
2. Copeland, N. 'EU enlargement factsheet' (2013). *European Commission, Library of the European Parliament.*
3. Copenhagen Criteria – Accession Criteria (1993). *European Council* https://eurlex.europa.eu/summary/glossary/accession_criteria_copenhague.html
4. Cvetanoska, L. 'North Macedonia won't be joining the E.U. anytime soon. Did the E.U. lose its peak leverage? (2019). *The Washington Post* https://www.washingtonpost.com/politics/2019/11/14/north-macedonia-wont-be-joining-anytimesoon-did-eu-lose-its-peak-leverage/
5. European Commission (2005). EU enlargement strategy. *Commission of the EC* *https://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2005:0561:FIN:EN:PDF*
6. Fouéré, E. 'Macron's "non" to EU enlargement' (2019). *CEPS (leading think tank and forum for debate on EU affairs)* https://www.ceps.eu/macrons-non-to-eu-enlargement/
7. French non- paper (2019). *Politico Europe* https://www.politico.eu/wpcontent/uploads/2019/11/Enlargement-nonpaper.pdf
8. Hasselbach, C. (2013). 'Croatia: EU accession in tough times'. *Deutsche Welle* https://www.dw.com/en/croatia-eu-accession-in-tough-times/a-16912249
9. Nozar, W. (2012).'The 100% Union: The rise of Chapters 23 and 24'. *Clingendael Institute* https://www.clingendael.org/sites/default/files/pdfs/The%20100%25%20Union.%20The%20rise %20of%20Chapters%2023%20and%2024.pdf
10. Stabilization and Association Agreement signed between European Communities and their member states and the Former Yugoslav Republic of Macedonia. 2001/0049 (ACV). *Council of the European Union* https://eeas.europa.eu/sites/eeas/files/saa03_01_en.pdf

11. Tcherneva, V. and Varma.T (2019). After the French veto: The new scramble for the Western Balkans. European Council on Foreign Relations https://www.ecfr.eu/article/commentary_after_the_french_veto_the_new_scramble_for_the_west ern_balkans
12. Vachudova, M.A. "EU Enlargement and State Capture in the Western Balkans" in Dzankic, J. Keli, S. and Kmezic, M. (2019). *The Europeanisation of the Western Balkans – A Failure of EU Conditionality,* Palgrave Macmillan,
13. Zweers, W. 'Between effective engagement and damaging politicization: prospects for a credible EU enlargements policy to the Western Balkans' (2019). *Clingendael Policy Brief – Netherlands Institute of International Relations*