



Weekly Briefing

N. Macedonia's EU Trajectory amidst Geopolitical Dynamics

Gjorgjioska Marija Adela


China-CEE Institute

Kiadó: Kína-KKE Intézet Nonprofit Kft.

Szerkesztésért felelős személy: Ju Weiwei

Kiadásért felelős személy: Feng Zhongping

 1052 Budapest Petőfi Sándor utca 11.

 +36 1 5858 690

 office@china-cee.eu

 china-cee.eu

N. Macedonia's EU Trajectory amidst Geopolitical Dynamics

Summar

The 2023 European Commission Progress Report marked Macedonia's 18th assessment since it gained EU candidate status in 2005. Regarded as one of the country's poorest assessments, it has unveiled significant disparities between the government's pro-EU rhetoric and its actions. The report has highlighted shortcomings in political criteria, electoral legislation, and excessive use of expedited parliamentary procedures. It has also critiqued the lack of progress in tackling corruption and improving the judiciary. The government has downplayed the negative findings, avoiding recognition of crucial weaknesses. Meanwhile, opposition voices have emphasized the government's failure to address identified issues, underscoring the nation's stagnant journey toward EU membership. Diplomats, former ministers, and EU experts have noted the significant gaps between the government's promises and its actions. Despite this, the EU Council has cited the constitutional changes, linked to Bulgaria's conditions, as the primary reasons for not including N. Macedonia in its December agenda and for the stalling of the country's accession path. In any case, the EU's intentions regarding the country's accession seem unclear, indicating a desire to maintain geopolitical influence without genuine intentions for full membership. An Austrian-led initiative aimed at countering Chinese and Russian influence in the Western Balkans further underscores this perspective.

The European Commission progress reports serve as comprehensive evaluations of candidate countries' advancement toward EU membership. They assess their adherence to EU standards, their implementation of reforms, and their alignment with EU policies across various sectors, including democracy, rule of law, human rights, economy, and more. The reports are issued annually, outlining the progress made, areas needing improvement, and recommendations for further reforms. While these reports carry substantial weight and influence, they don't singularly determine whether a country progresses in its path toward EU membership. They are not inherently decisive in the enlargement decisions, which are made by the European Council. Nonetheless, they represent an important framework for evaluating a candidate's readiness for membership and highlight areas of progress or deficiencies.

On November 8th, the European Commission issued the 2023 progress report on N. Macedonia, which marks the country's 18th assessment since its candidacy for EU membership commenced in 2005. The report has been described as “one of the worst in the country’s recent history”.¹ As such, it underscores a significant disparity between the government's vocal pro-EU stance and its actual actions when it comes to implementing the reform agenda. The negative assessment is evident across various areas under review in the 2023 Report. On the political criteria, the EC has found that “no progress was made to address and implement the outstanding recommendations by the OSCE's Office for Democratic Institutions and Human Rights and the Venice Commission”. It has further noted inconsistencies in the electoral legislation, which had also been pointed out in past reports.² Most importantly, the Commission has noted the “excessive” and “inappropriate” use of fast-track procedure better known as the “EU flag” procedure in Parliament. The report urges that the ‘EU flag’ should be used when directly linked to the adoption of laws whose main goal is aligning with the EU acquis, and not to short-cut public debate on important issues.³ Opposition parties have repeatedly warned against the use of the "EU flag procedure" to expedite the legislative processes aimed at accelerating the adoption of a particular law, policy, or decision without undergoing the usual extensive debate, committee reviews, or public consultations. Throughout the years, the use of this procedure has become an instrument to fast-track detrimental laws, which have nothing to do with the EU accession process, but allow for bypassing the usual extensive debate, committee reviews, or public consultations, limit transparency, disregard proper protocol and ignore the legal and constitutional requirements. The number of laws passed through this expedited procedure increased from 38% in 2022 to 58% in 2023. One of the more recent examples of this are the amendments of the Criminal Code, which were passed through an expedited parliamentary procedure. As a result of this decision, maximum legal penalties for abuse of office and corruption have been reduced, affecting a large number of high-level corruption cases, and entrenching impunity for high level corruption in the country’s legal and

¹ 2023 European Commission Report on North Macedonia: Put your reforms where your mouth is!, published on 10.11.2023, available at

<https://europeanwesternbalkans.com/2023/11/10/2023-european-commission-report-on-north-macedonia-put-your-reforms-where-your-mouth-is/> accessed on 28.11.2023

² North Macedonia Report 2023, published on 08.11.2023, available at

https://neighbourhood-enlargement.ec.europa.eu/north-macedonia-report-2023_en accessed on 28.11.2023

³ Key findings of the 2023 Report on North Macedonia, published on 08.11.2023, available at

https://ec.europa.eu/commission/presscorner/detail/en/qanda_23_5627, accessed on 28.11.2023

political system.⁴ The “EU flag” has also been abused to pass disputed laws enabling the construction of highway sections by US company Bechtel-Enka.⁵ In this case, the use of the “EU flag” was justified as 'completing the trans-European corridor network'."

Undoubtedly, these instances of the inappropriate and excessive use of the “EU flag” have led to the deepening and widening of corruption in the country. Paradoxically, rather than serving to mitigate corruption, the EU accession process domestically has been used to facilitate and advance corrupt practices. This has also been noted in the Progress report, which states that “no progress was made” in the prevention and fight against corruption. Moreover, it found that “corruption remains prevalent in many areas and is an issue of concern”, making a special mention of the delays and reversals in the trials of high level corruption cases.⁶ The assessment of the EC was similarly critical of the country’s judicial system. It found that “no progress was made” in this area. It also commented on the external interference in the Judicial Council which is responsible for protecting the integrity of judges.⁷ For illustration of the situation over time, it is worth noting that the European Commission's reports noted substantial progress in 2019 and 2020 in the area of the judiciary. In 2021 and 2022, some progress was indicated. However, in the latest report for 2023, the EC evaluated that there was no progress whatsoever. This is unsurprising in view of the continuously low trust, which the public prosecution and the courts have among the citizens. The June 2023 survey by the International Republican Institute (IRI) showed that over 50 percent expressed strong distrust in these institutions, while only one percent said they have a high level of trust in them.⁸

⁴ North Macedonia’s President Urged to Block Sudden Criminal Law Changes, published on September 7, 2023, available at <https://balkaninsight.com/2023/09/07/north-macedonias-president-urged-to-block-sudden-criminal-law-changes/> accessed on 28.11.2023

⁵ North Macedonia political briefing: Parliament passes a disputed law enabling the construction of highway sections by US company Bechtel, published in July 2021, available at <https://china-cee.eu/2021/07/26/north-macedonia-political-briefing-parliament-passes-a-disputed-law-enabling-the-construction-of-highway-sections-by-us-company-bechtel/> accessed on 28.11.2023

⁶ North Macedonia Report 2023, published on 08.11.2023, available at https://neighbourhood-enlargement.ec.europa.eu/north-macedonia-report-2023_en accessed on 28.11.2023

⁷ Ibid

⁸ The trust in institutions is declining; the government exploits their weaknesses, published on 11.07.2023, available at <https://www.slobodnaevropa.mk/a/pagija-doverbata-vo-instituciite-vlasta-gi-koristi-nivnite-slabosti-/32498675.html>, accessed on 28.11.2023

The report also notes lack of any progress in the adoption of the long-awaited legislation aimed at ensuring merit-based recruitment and fair promotions in the public sector (on administrative servants, on public sector employees, on top levels of management). With regards to the political criteria, the Report for the second year in a row mentioned a requirement which stems from Bulgaria's conditions on the country's EU membership. "Parliament and government committed to launch and achieve as a matter of priority the relevant constitutional changes, with a view to including in the Constitution citizens who live within the borders of the state and who are part of other peoples, such as Bulgarians," it found.⁹

In relation to the protection of fundamental rights, the Report was also highly critical of the treatment of the victims of gender based violence and persons with disabilities. "Persons with disabilities continue to face direct and indirect discrimination, social exclusion, and barriers", it concluded. It also described the situation in prisons across the country as "dire". On the economic criteria, the Report commented that slow progress had been made on implementing measures for improving the management of public investment, which is considered to be vital for underpinning the government's plans for a sizable increase in capital expenditure. It also found that structural problems persist on the labour market, including high youth and long-term unemployment and a large gender gap.

The one area on which the Commission applauded the country was the area of external relations on which it stated that "the country has made good progress by maintaining full alignment with EU common foreign and security policy. By doing so, North Macedonia has shown itself to be a reliable partner, including at international level." Regrettably, the EU's own stance on a range of external relations issues has been highly problematic, mainly due to its alignment with NATO and the USA. This in turn gives a completely different meaning to the positive remarks given about the country's alignment, which in this case is an indicator of subservience and eroded sovereignty.

⁹ Ibid

Reactions to the Progress Report

The diplomatic tone inherent in progress reports, coupled with the general lack of public interest in their details, has provided governments in the past with an opportunity to present these reports in a manner that is favourable to their agendas. This tendency persisted this year as well, as the government utilized the reports' nuanced language to downplay or omit the unfavorable findings. Following the publication of the Report there hasn't been a single critical word heard from government or pro-government circles regarding the identified weaknesses, which can be interpreted as a signal that the Government either has no intention to acknowledge the qualifications presented by the European Commission, or even worse, does not perceive them as significant enough problems to acknowledge and work on their elimination.¹⁰

Instead of focusing on their own mistakes, the government chose to direct its energy on attacks of the Opposition. According to them, the EC report confirms that VMRO-DPMNE and Hristijan Mickoski are the main obstacles on the European path, citing the remarks that the Assembly is being blocked by the opposition. "If I have to determine who the main culprit is, I am certain that the main culprit can be located within that political structure that has been blocking its own country for years. I have no dilemma about that; many more laws and actions would have been taken if it weren't for that blockade in the parliament. That blockade is present at every step - whether for the Prespa Agreement or for constitutional changes, we have always faced serious blockades..." assessed Bojan Marichikj, Deputy Prime Minister for European Affairs.¹¹

The President of the country, Stevo Pendarovski, did not offer a substantive commentary on the report. "The report, which notes the work done from the first phase towards starting negotiations along with the screening, presents a detailed picture of the state of Macedonian

¹⁰ The Government and the EC Report: Evading Mistakes, published on 17.11.2023, available at <https://www.dw.com/mk/vladata-i-izvestajot-na-ek-begane-od-greskite/a-67435999>, accessed on 28.11.2023

¹¹ "From 'the opposition is the main culprit' to 'historically the worst' – divided reactions to the EC report on North Macedonia.", published on 09.11.2023, available at <https://mk.voanews.com/a/7348138.html> accessed on 29.11.2023

society and provides guidance for the further work of institutions, as well as the areas that require our attention," Pendarovski briefly wrote.¹²

Outside of the government and pro-government circles the reactions were very critical. Former Foreign Affairs Minister Nikola Dimitrov described the Report as “one of the worst in the country’s recent history”.¹³ The self-proclaimed 'European front' is European in words, but anti-European in action, Dimitrov commented referring to the government. He also described it as indicative of the significant disparity between the government's rhetoric and its actual implementation of EU-related reforms. This was also observed in the communique issued by the EC which accompanied the progress report: “The authorities have consistently stated that EU accession remains their strategic goal. As a negotiating country, North Macedonia needs to deliver on the implementation of EU related reforms, including in the areas of the fundamentals cluster notably the judiciary, the fight against corruption and organized crime, public administration reform, including management of public finances, and public procurement.”¹⁴

Other experts on EU affairs were similarly critical: “This is the second-worst report after the one following the wiretapping scandal, when North Macedonia was labeled a captured state, and probably the first in terms of the number of 'zeros' indicating no progress in crucial areas,” assessed Malinka Ristevska Jordanova, an expert on EU affairs.

Former Minister of Justice, Renata Deskoska, posted a status on social media, evaluating that for the first time in several years, the European Commission's report on the judiciary

¹² Nikola Dimitrov: The emperor has no clothes!, published on 09.11.2023, available at https://www.dw.com/mk/nikola-dimitrov-carot-e-gol/a-67350792?maca=maz-rss-maz-pol_makedonija_timemk-4727-xml-mrss accessed on 29.11.2023

¹³ 2023 European Commission Report on North Macedonia: Put your reforms where your mouth is!, published on 10.11.2023, available at <https://europeanwesternbalkans.com/2023/11/10/2023-european-commission-report-on-north-macedonia-put-your-reforms-where-your-mouth-is/><https://europeanwesternbalkans.com/2023/11/10/2023-european-commission-report-on-north-macedonia-put-your-reforms-where-your-mouth-is/> accessed on 28.11.2023

¹⁴ BiEPAG Reacts: EC Country Report 2023 on North Macedonia - Put your reforms where your mouth is!, published on 09.11.2023, available at <https://biepag.eu/article/biepag-reacts-ec-country-report-2023-on-north-macedonia-put-your-reforms-where-your-mouth-is/>, accessed on 28.11.2023

indicates 'no progress'. "I sincerely wish that each subsequent report is better than the previous one, or at least shows some progress, that there is no stagnation in reforms, that we are moving forward. Unfortunately, that is not the case in the judiciary," Deskoska commented.¹⁵

Vasko Naumovski, former Deputy Prime Minister for Euro-Integration suggested that the negative Report gives arguments in the hands of those who oppose enlargement: "In this case, we are far from having an impeccable record, and it is much easier for member states, in this case Bulgaria, in the past it was France or Greece, to justify their veto".¹⁶

The EU Ambassador David Geer, described the report as a way to encourage all factors in the country, both from the government and the opposition, to do much more for progress in reforms. "The only path to the EU is through reforms, comprehensive reforms, as outlined in the report. If you want to enjoy the benefits of EU membership, you must be resilient and prepared to embrace it, and we, as the EU, must ensure that you come as a strong and resilient partner. That's why we invest so much in reforms. Reforms are of paramount importance", he said. Moreover, he commented on the constitutional changes: "Regarding constitutional changes, it is clear - the agreement is that we have opened accession negotiations, the screening is progressing well, the request for benchmarks has been delivered... The next step is clear – progress towards negotiations on the first negotiation cluster depends on constitutional changes," stated David Geer, EU Ambassador to Skopje.¹⁷

Enlargement at the December EU Summit

In November, the European Commission recommended opening accession negotiations with Ukraine, Moldova, and Bosnia once they fulfill key conditions and granting candidate

¹⁵ Renata Deskoska: For the first time, there is no progress, leave the vanities aside, published on 09.11.2023, available at <https://faktor.mk/renata-deskoska-za-prv-pat-nema-napredok-ostavete-gi-suetite-na-strana>, accessed on 29.11.2023

¹⁶ https://samoprasaj.mk/istrazuваме-1/zapadniot-balkan-ke-treba-da-go-priceka-vozot-za-eu/?fbclid=IwAR1bzNY40g6i_O7U4i559Ut2N9XQILVppLGIPJIPe_KTGvwF2RF5Ug96La4

¹⁷ "From 'the opposition is the main culprit' to 'historically the worst' – divided reactions to the EC report on North Macedonia.", published on 09.11.2023, available at <https://mk.voanews.com/a/7348138.html> accessed on 29.11.2023

status to Georgia. Excluding last-minute obstruction by Hungary, the 27 EU leaders will support these next steps towards the potential enlargement at the EU summit in December. Earlier in mid-November in Kyiv, the President of the European Council, Charles Michel, reiterated his stance that both the EU and candidate countries should be prepared for enlargement in 2030 - a goal considered highly ambitious, raising concerns among many diplomats that it might have heightened unrealistic expectations. It also highlighted the discrepancy between the signals of the Council and the Commission. The Summit of the European Political Community in Granada concluded with a declaration in which the year 2030 was not mentioned at all as the year for enlargement.

In any case, N. Macedonia will not be on the agenda of the EU leaders' summit in December. "Until the constitutional changes in the Assembly of the Republic of N. Macedonia are finalized or until political parties reach consensus on this matter, the continuation of the country's accession talks in the EU remains stalled", say diplomatic sources in Vienna. Diplomats from Vienna brief that there won't be a reconsideration of the negotiation framework with the EU for Macedonia and it's an illusion that any other political party could change such a stance at the EU level. The message has been that the constitutional changes must pass in the Assembly of the Republic of N. Macedonia, and precisely from them will depend on the further dynamics of the negotiation process with the EU.

Austrian initiative aimed at "reducing the influence of China and Russia" in the Western Balkans

During the Wachau European Forum on June 23, Austrian Foreign Minister Schallenberg introduced the "Friends of the Western Balkans" coalition. Comprising several EU members, including Austria, Greece, Italy, Croatia, Slovakia, Slovenia, and the Czech Republic, the coalition's stated aim is to expedite the integration of Western Balkan countries into the EU, advocating for closer ties with the region even before formal membership. On November 13th it became clearer what the additional aims of this group are. Vienna's objective, as communicated by the Austrian Foreign Minister together with the "Friends of the Western Balkans" is to use the initiative as the platform for "reducing the influence of China and Russia in Southeast Europe and connecting the Balkan countries more closely with the European

Union”.¹⁸ The broader idea was presented in the form of a non "non-paper", which was presented at the meeting of the Council of Ministers of the EU.

It is requested, among other things, that the countries of the Western Balkans participate at least once every six months in those meetings of the heads of EU diplomacy. “Since the region is exposed to destabilizing factors, such as the malignant influence of third countries, hybrid threats, disinformation and illegal migration, this agenda should also give new impulses to cooperation in the common foreign and security policy”, the Austrian non-paper states.

Conclusion

The 2023 European Commission Progress Report on North Macedonia serves as another obstacle in the country's arduous journey towards EU membership. It has highlighted significant shortcomings, including political criteria discrepancies, issues in electoral legislations, parliamentary procedures, alongside substantial concerns about corruption and the judicial system. These issues remain persistently unaddressed, and the government's response tends to downplay or sidestep identified weaknesses. However, the major hurdle continues to be the conditions set by Bulgaria, particularly the demand to include the Bulgarian minority in Macedonia's constitution. This persistent roadblock significantly hampers the nation's prospects for full EU membership. This was confirmed when the European Council cited constitutional changes linked to Bulgaria's conditions as the primary reason for not including N. Macedonia in the December agenda and the stalling of its accession process. As the hope for complete integration dims, and the allure of EU membership diminishes amongst the people, the EU's intentions regarding Macedonia's accession remain murky, appearing to aim at maintaining the country within its geopolitical orbit without a genuine commitment to full membership. This notion is further emphasized by initiatives such as the Austrian-led effort to counter Chinese and Russian influence in the Western Balkans. The complexities surrounding Macedonia's EU accession process reflect a broader dilemma within the European Union regarding the Western Balkans. While the EU's interest in absorbing these nations into its fold appears ambiguous, it

¹⁸ Austria pushes for greater foreign policy integration of Western Balkan states, published on 13.11.2023, available at

<https://www.aa.com.tr/en/europe/austria-pushes-for-greater-foreign-policy-integration-of-western-balkan-states/3052625> accessed o 29.11.2023

also exhibits a profound unease about other global players expanding their influence in the region. This ambivalence is evident in the EU's actions—hesitant to commit to full membership while simultaneously obstructing alternative pathways or alliances for the Western Balkan countries.