

NORTH MACEDONIA TOWARD THE EUROPEAN UNION THROUGH GOOD NEIGHBORLINESS

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Abstract

After declaring independence in January 1991, North Macedonia decided that its future would be in the family of democratic peoples of Europe. North Macedonia has clearly expressed its priority for membership in the European Union as one of its strategic and vital interests. With the realization of this determination, the Republic of North Macedonia was legitimized as a reliable partner and ally of the European Union, but it still went through a series of different stages in the development of relations, rapprochement, and integration in the EU. We all know that reforms are required within the states that seek and want to be members of the European Union. There are several important steps through which the state of North Macedonia, a candidate country, has shown its goodwill in the long path of integration and contribution. The key points and changes necessary to achieve the goal of being part of the European Union that have been realized so far are the following: the Prespa Agreement between North Macedonia and Greece, the Treaty of Friendship, Good Neighborliness, and the Union of Cooperation, between Macedonia North and Bulgaria. This paper analyzes North Macedonia's approach to the European Union, the transition, its difficulties and challenges on this path, and the Constitution's changes. In the end, conclusions and suggestions are given to make North Macedonia's path towards the European Union a little easier.

Keywords: North Macedonia, European Union, Enlargement and policy with neighbors, Bulgaria, Constitution.

1. Introduction

The EU is open to any European country that respects the principles of freedom, democracy, fundamental human rights and freedoms, and the rule of law. The European Union has always been defined as a promoter of changes, and essential reforms for states that want to be part of this political and economic unity. North Macedonia, as a candidate state for this unity, has always expressed its willingness to have an interest and objective to join the European Union, proving itself through the changes, transitions, and reforms that have been requested by the European Union in the name of European integration. The question arises as to how satisfied and how much the population of our country supports the changes that seem not to have stopped the conditioning from our neighboring countries!

North Macedonia has made radical changes, starting from changing the name of the state by adding the surname: "Republic of North Macedonia," which has reflected as a success story after the dispute of several decades with Greece through the Prespa Agreement which entered into force on February 12, 2019. In addition to the resolution of the dispute with Greece, North Macedonia has moved to another stage (crossroads) by facing a new dispute with the neighboring country of Bulgaria, which prevented the opening of North Macedonia's negotiations with the Union European. The integration of the Western Balkans has constantly faced various challenges, but of course, important positive steps have been taken to overcome disagreements with neighbors.

Another good example is the Agreement of Friendship, Good Neighborliness, and Cooperation with the Republic of Bulgaria, with the sole purpose of achieving the advancement of good neighborly relations and regional cooperation from which the constitutional changes originate as the only integration solution European of our country.

This paper aims to describe the position of the Republic of North Macedonia about the constitutional changes that have been implemented and should be implemented, which are quite debatable to achieve, reach the appropriate positive result through the neighborhood of good.

2. The Prespa Agreement

On June 17, 2018, the Prespa Agreement was signed in Prespa, which ended the 27-year dispute between the Republic of North Macedonia and Greece over the issue of the constitutional name, ending the three-decade dispute over the use of the country's name. The prefix "North" is still unacceptable to a part of the Macedonian population. But for the majority of the international community, this Agreement is a success story, which proves the will and political commitment from both states to reach a peaceful solution to a dispute through diplomatic means such as compromise and talks. For this agreement, the opposition party has constantly expressed dissatisfaction, but the Albanian parties have always supported and expressed their readiness to reach an agreement that would end this dispute between the two states.

The international community after the signing gave its support describing it as a strength of diplomacy and bilateral dialogue. This agreement was evaluated as a model for solving many other issues. The nature of each problem changes, but what is known is that dialogue and diplomacy remain the best strategy and way to solve them. A new page of friendship was opened with Greece and now the two countries have opened the way of cooperation as partners, a way which will be promoted towards the neighboring countries.

The act of signing the Agreement was attended by high international representatives such as the UN mediator, Metju Nimic, the Head of European Diplomacy, Federica Mogherini, Commissioner for Enlargement and Good Neighbourhood, Johannes Hahn, Rozmari Di Karko, responsible for political affairs and UN Secretary-General Antonio Guterres, as well as diplomats from several Western countries. What is important is that this Agreement ensures a strategic partnership between the two states for a safer future for all to develop mutual relations and good neighborly cooperation.

As a result of this Agreement, we have the membership of the Republic of North Macedonia on March 27, 2020, as the thirtieth member state of the Alliance, membership with which a strategic goal was achieved to improve security and stability in the region. The agreement with Greece was the main condition for the country to become part of this military alliance, it has also opened the way for progress towards EU membership. The last constitutional changes were made on January 11, 2019, when the Assembly approved amendments XXXIII, XXXIV, XXXV, and XXXVI as an integral part of the Constitution, which entered into force with the Final Agreement on the Settlement of Differences described in Resolutions 817 (1993) and 845 (1993) of the Security Council of the United Nations, for the termination of the validity of the Interim Agreement of 1995 and the establishment of a strategic partnership between the parties and the ratification of the Protocol of Accession to NATO from the First Page of the Final Agreement.¹

With these amendments, the name of the state is changed from "Republic of Macedonia" to "Republic of North Macedonia", changes are made in the Preamble, the sovereignty, territorial

¹ Kuvendi i Republikës së Maqedonisë së Veriut, <https://www.sobranie.mk/vendime-per-shpalljen-e-kushtetutes-se-rmv.nspx>, visited 10.11.2023

integrity, and political independence of the neighboring states are guaranteed, that it will protect the historical and cultural heritage of the Macedonian people, and care for the diaspora of the Macedonian and Albanian, Turkish, Wallachian, Serbian, Roma and Bosnian people.²

The results and benefits from the Agreement reached immediately began to appear on the horizon for North Macedonia. Thus, on July 11, 2018, NATO invited North Macedonia to start negotiations for membership to become the 30th member of the Alliance. On February 6, 2019, North Macedonia signed the Protocol for NATO membership, while Greece was the first NATO member to ratify the protocol.

3. Conditionality of Bulgaria towards the Republic of North Macedonia

Croatia's membership in the EU and the non-acceptance of new member states after it proves how complex the accession process is. On December 17, 2005, the European Council granted the Republic of Macedonia the status of a candidate for EU membership. The heads of state and government of the EU member countries, in this way, gave a reward for the progress that Macedonia made in meeting the Copenhagen criteria.³

Just when it was thought that North Macedonia was on track to win the date for the start of negotiations with the EU, a new obstacle appeared. Bulgaria conditioned the first intergovernmental conference with three demands. The framework position of the Assembly of Bulgaria was the inclusion of Bulgarians in the Constitution of North Macedonia and the implementation of the Agreement on Friendship and Good Neighborhood.

Awaiting North Macedonia's decision to start negotiations with the EU in September 2020, Bulgaria sent a six-page explanatory memorandum to EU member states with lengthy historical explanations for "the ideology of the anti-Bulgarian state, in North Macedonia. The memorandum states that the candidate countries should not bring open disputes to the EU and considers that the disputes with Skopje are an unresolved conflict that "could negatively affect decision-making in the EU after the accession of North Macedonia". Bulgarians asked North Macedonia to find a long-term solution with sincere political will and courage and, as stated in the memorandum, to break away from the ideological legacy of communist Yugoslavia.

Regarding the Macedonian language, Bulgaria has emphasized in the memorandum that "the Macedonian language or identity did not exist until August 2, 1944" and that they were created to sever relations between the peoples of the Socialist Republic of Macedonia and Bulgaria. Sofia considers the Macedonian language a regional dialect of the Bulgarian language.⁴

Every advance affects progress and all this brought a positive result of signing the Agreement of Friendship, Good Neighborliness, and Cooperation with the Republic of Bulgaria. In March 2020, the General Affairs Council decided to open accession negotiations with North Macedonia and adopted the Commission Communication on a revised methodology "Improving the accession process - A credible EU perspective on the Western Balkans" of February 2020. In July 2022, the Intergovernmental Conference on membership negotiations with North Macedonia was held. The commission started the review process for membership negotiations with North Macedonia.⁵

Compliance with EU requirements is a necessary but not sufficient condition for securing membership. The key factor is the internal political and institutional situation of the EU, so the EU will have to have the will and capacity to accept new members and the second

² Zgjidhja jashtëgjyqësore e kontesteve, 2019, Drita M. Fazlia, Faton Shabani, faqe 396

³ Unioni Evropian, Mësojmë drejtësi, <https://www.fosm.mk/CMS/Files/Documents/ucime-pravo-alb-17-11.pdf>, fq 19

⁴ Isuf Kadriu, 01.12.2021, Shkupi dhe Sofja në kërkim të një shansi të ri për marrëveshje, <https://www.evropaelire.org/a/vetoja-bullgare-maqedonia-e-veriut-/31589000.html>, visited 04.11.2023

⁵ European Commission, https://neighbourhood-enlargement.ec.europa.eu/enlargement-policy/north-macedonia_en, visited 06.11.2023

enlargement will not be at the "harm" of further European integration. In the negotiation period, the most important conditions that will have to be met are adaptation to EU legislation and policies. Any progress towards improving their status towards membership will largely depend on the progress achieved by the aspirant countries in complying with EU requirements. However, significant achievements in the political and administrative transformations of applicant countries are only a necessary, but not sufficient, condition to become a member state. For membership to happen, in addition to the necessary transformations on the part of the candidate states, transformations of the European Union itself are also needed.⁶

In the Progress Report of the European Commission for North Macedonia published on October 19, 2022, it is stated that: In regional cooperation, the country has maintained good relations with other enlargement countries and has maintained its commitment to regional initiatives. Existing bilateral agreements, including the Prespa Agreement between North Macedonia and Greece, as well as the Treaty of Friendship, Good Neighborliness, and Cooperation with Bulgaria, must be implemented in good faith by all parties. North Macedonia has made some progress in addressing last year's recommendations and is moderately prepared to face competitive pressure and market forces within the European Union. North Macedonia is moderately prepared in the field of regional policy and coordination of structural instruments.⁷

The 2023 EC Progress Report has, however, raised concerns over the progress of North Macedonia. Arguably, this is the most negative report in recent years. EU Commission representative in North Macedonia David Geer affirmed that the report is "frank" and "fair", and seeks to encourage the institutions to engage more actively in advancing reforms necessary for EU accession. The report essentially asks the institutions to move beyond words and onto actions, beyond declarative support for EU accession and onto substantive improvement of domestic institutions, the rule of law, and the fight against corruption.

The complications in the progress of North Macedonia are numerous. The domestic public debate has been polarised, weakening democratic institutions overall. Corruption, a main concern for North Macedonia's progress, has been facilitated by a recent reduction of the maximum legal penalties for corruption-related crimes. North Macedonia has positioned itself well in terms of its foreign policy, aligning with EU positions on Russia's war of aggression against Ukraine and taking an active role as a chair of the OSCE in the current complex geopolitical environment. On foreign policy, the assessments of the progress report are positive. The concerns raised relate mainly to the country's internal reform. The 2023 Progress Report notes limited or no progress in public administration reform, judiciary integrity, and independence, the fight against corruption, and freedom of expression. In 2021 and 2022, in these same areas, the reported progress was evaluated more positively than in the 2023 report. The most worrying aspects of the report relate to the judiciary, with a negative assessment of the country's independence and integrity of the judges and institutions, and concerns over political influence. The fight against corruption has also been stalling, with high-level corruption cases being delayed or reversed. Furthermore, the reduction of penalties for corruption-related criminal offenses is seen as particularly concerning, as it hampers future accountability for corruption. The stalled progress is largely due to a polarised political landscape. The deep disagreements between the ruling and opposition parties have blocked the work of the parliament, and have delayed the appointments of members to important

⁶ Dorian Jano, 2017, Politika e Zgjerimit dhe Ndikimi i saj në Ballkanin Perëndimor, faqe 41,

⁷ Commission staff working document , North Macedonia 2022 Report, 2022 Communication on EU Enlargement policy

⁸ Marrëveshja e Miqësisë, Fqinjësisë së Mirë dhe Bashkëpunimit me Republikën e Bullgarisë, 2017

https://vlada.mk/sites/default/files/dogovori/Dogovor_Za_Prijatelstvo_Dobrososedstvo_Sorabotka_Megju_Republika_Makedonija_I_Republika_Bugarija.pdf,

institutional bodies such as the Constitutional Court or the Commission for Protection and Prevention against Discrimination. Therefore, the polarised environment has led to delays in the approval of necessary legislative reforms and weakened other institutions essential to the democratic functioning of the country. Furthermore, the EU has called for a comprehensive review of the electoral legislation, but no progress has been made on this point.⁸

Articles 3, 4, and 8 of the Agreement of Friendship, Good Neighborliness, and Cooperation signed in 2017 with the Republic of Bulgaria clearly states that both signatories will help develop cooperation between the countries of Southeast Europe, to strengthen understanding, peace, and stability in the region and in the implementation of regional projects, as part of the process of creating a single Europe. The contracting parties will hold meetings between representatives of state authorities at different levels for the development of friendly relations and cooperation. That the two signatory parties will promote active and unhindered cooperation in the sphere of culture, health, social policy, and sports. It remains to be seen how far the state of Bulgaria will hold back in the future processes of accession to the EU by our country and whether other obstacles will be realized on their part.

Changing the Constitution in any country is a very complex and contradictory process. It is complex because it covers several stages and contradictory aspects. After all, any "opening" of the constitution is a potential risk for conflicts between political subjects, especially in divided and non-democratic societies. Changes in the constitution require a broad process and public democratic debate of all interested parties: position, opposition, scientific community, civil sector, etc. The nature of the Constitution is incompatible with urgent procedures and superficiality in the preparation of constitutional amendments and systematic professional training. It is unacceptable to frequently interfere with the constitution without a broad and democratic debate. The change of the constitution is conditional for two reasons: firstly, every constitution has weaknesses, which come to the fore during its implementation in practice, and secondly, every constitution after a moment collides with social reality.⁹

4. North Macedonian`s future challenges for EU membership

The Government of the Republic of North Macedonia in the session held on 18.7.2023 approved the Proposal for accession to the amendment of the Constitution of the Republic of North Macedonia with instructions for the amendment and completion of the Constitution of the Republic of North Macedonia, after which the document enters parliamentary procedure. The proposal for accession to the amendment of the Constitution was prepared by the working group of the Ministry of Justice consisting of experts, eminent professors from several universities of the country as well as representatives of political parties.

The proposal has been prepared based on the conclusions of the Assembly approved in the session held on 16.7.2022, and is related to the conclusions of the Council of the European Union and the joint position and the opening statement of the EU at the political meeting of the Intergovernmental Conference on the accession of the Republic of North Macedonia in the EU. This proposal brings changes to the Constitution of the Republic of North Macedonia that refer to the inclusion of parts of the Bulgarian people, the Croatian people, the Montenegrin people, the Slovenian people, the Jewish people, and the Egyptian people in the Preamble of the Constitution, Amendment XXXVI replacing Article 49 and Amendment II, as well as Amendment XII that replaces Article 78.

With amendment XXXVI which replaces article 49 and amendment II, the constitutional obligation of the Republic to take care of the diaspora of the Macedonian people and the parts

⁹ North Macedonia - EU: from words to deeds, Andrzej Rostek/Shutterstock, 13/12/2023, <https://www.balcanicaucaso.org/eng/Areas/North-Macedonia/North-Macedonia-EU-from-words-to-deeds-228943>

¹⁰ Постапка за измени на Уставот на Република Македонија, Штип, 2013, pg.7,

of the Albanian people, the Turkish people, the Vlach people, the Serbian people, the Roma people, the Bosnian people and others, is proposed to be complemented by a constitutional obligation to take care of the diaspora of parts of the Bulgarian people, the Croatian people, the Montenegrin people, the Slovenian people, the Jewish people and the Egyptian people. In Amendment XII, which replaced Article 78, it is proposed to increase the number of the members of the Inter-Community Relations Committee from the existing 19 members to 43 members, including members representing parts of the Bulgarian people, the Croatian people, the Montenegrin people, the Slovenian people, the Jewish people, and the Egyptian people. At the same time, the number of members, representatives of the Macedonian people and part of the Albanian people increases from 7 existing members, representatives of the Macedonian people and 7 members, representatives of the part of the Albanian people, to 16 members as representatives of the Macedonian people and 16 members as representatives of the part of to the Albanian people to ensure guaranteed representation and to maintain the established equality established by the amendments to the Constitution of the Republic of North Macedonia, approved in 2001, which derive from the Ohrid Agreement.¹⁰

The government has so far failed to secure the required majority of 2/3, 80 out of a total of 120 votes, as the parliamentary opposition opposes the constitutional changes. Of course, a solution will be found to end the clashes within the political parties with good political will, to bring a positive decision that will affect the integration perspectives and the accession of our state to the big European family. The changes are necessary as they guarantee a European future not only for North Macedonia but also strengthen peace and stability in the region.¹¹

North Macedonia is now expected to offer further guarantees to Bulgaria that it will deliver on a 2017 friendship treaty with Sofia that deals with the thorny historical issues.

As history has proven, letting small crises fester in the Balkans has never made for good foreign policy in the EU's neighborhood. Bulgaria and North Macedonia bear some responsibility for their spat – they never implemented the friendship agreement they signed in 2017 beyond establishing a historical commission, which has become a scapegoat in the breakdown of their relationship. All the other steps in the agreement exist only on paper: the road between Sofia and Skopje still looks like a relic of the nineteenth century, and these are the only two capitals in Europe without a railway connection between them. Even if North Macedonia and Bulgaria break the deadlock, they will still have much hard work to do in constructing a resilient bilateral relationship against unpredictable shifts in domestic politics.¹²

The attitudes of the citizens of North Macedonia differ according to ethnicity, where the Albanian side supports the constitutional changes in order not to block the path of the integration process. On the other hand, the Macedonian side, separated by their positions, supported the constitutional changes, at the same time, the opposition expressed their position that they would not accept an agreement that violates the Macedonian identity and would find a favorable solution without new conditions from Bulgaria, on the path of the integration process. Unable to convince Macedonians in Bulgaria to stop fighting for their rights, Bulgaria rejects the dialogue with them and prefers to negotiate for its citizens with a foreign country. The Bulgarian authorities understand the European integration of Macedonia and the possibility of it being blocked by Sofia as the only and last chance to force Skopje to accept Bulgarian claims, something that has not succeeded so far, and there are no prospects for it to be achieved. The right to veto is turned into a simple blackmail. Created by a totalitarian regime, the Bulgarian policies endanger not only the minority rights but equally the rights to

¹¹ Интегрален текст - какви измени се предвидени во Уставот?DTZ, 18.07.2023, <https://www.dw.com/mk/vladata-go-usvoi-tekstot-za-ustavni-izmeni-i-ja-prefrli-topkata-vo-sobranieto/a-66277818>, vizituar me datë 10.11.2023

¹² Goran Buldioski and Vessela Tcherneva, 'How to advance a European solution to Bulgaria's and North Macedonia's dispute', European Council on Foreign Relations, (2020), <https://ecfr.eu/article/how-to-advance-a-european-solution-to-bulgarias-and-north-macedonias-dispute/>

free expression freedom of science, and European integration processes. Therefore, the future of the Republic of Macedonia becomes a hostage to an internal problem for Bulgaria, which Sofia is unable and unwilling to solve. The vicious circle between the struggles of the Macedonian minority in Bulgaria and the irrational nationalist ideology of Sofia, incapable of accepting reality, tends to be a never-ending story. In other words, Sofia continues to fight for its totalitarian dreams. In contrast, ethnic Macedonians (in Bulgaria and Macedonia alike) are put in the position of being ‘collective hostages’ to Bulgaria’s ‘nightmares’.¹³

The two main enemies of state capture are accountability and transparency. Therefore, the EU needs to increase its support for and investments in domestic accountability structures that hold politicians to account whenever they enrich themselves (or their cronies) over others and engage in state capture. The EU already has initiatives that support the Western Balkans’ civil society, but it needs to expand these massively if it wants to be serious in its fight against state capture. Instead of relying on political elites who have a vested interest in the implementation of EU reform, the EU should rely more on empowering pro-democratic forces throughout the WB6. Besides this, transparency on the size, scope, and functioning of state capture throughout the WB6 (and the EU) is necessary. All in all, the entire EU enlargement process would benefit from not seeing EU accession as a sprint towards the finishing line of EU membership, but as an opportunity to transform countries and prepare them for continued fruitful cooperation within the EU. Without first tackling state capture, the EU enlargement process will neither yield the results nor provide the transformation of Western Balkans societies that so many people hope for throughout the region and within the EU.¹⁴

5. Conclusion

Each candidate country must achieve the norms and values of liberal democracy and adopt and implement EU legislation. For that country to become a member with full rights, in addition to its transformations, the political will and technical readiness of the EU itself are necessary. Therefore, membership does not depend only on the preparation of the candidate country, but more will depend on the situation of how the EU itself will develop. The key points in which our state should be strengthened are Reforms in the judiciary, and public administration, greater independence of the media, reduction of nationalism, ensuring the protection of minorities, reduction of unemployment, reduction of corruption, organized crime, awareness of preservation of the environment, rule of law, to strengthen the relationship between ethnicities, to enable the successful functioning of state institutions to increase the trust of the population in them. Our country should choose integration not isolation, not to remain hostage to history by problems or disputes dictated by history but to overcome these barriers.

The EU must take active actions to guarantee its mission which is:

- ensure peace, prosperity, and stability for its people;
- to overcome divisions in the continent, new opportunities, and facilities for new expansions, especially for the Western Balkans,
- to take action to reduce the skepticism that is spreading in our country and other countries in general,
- ensure that its citizens live safely;
- to face the challenges of globalization and preserve the diversity of the peoples of Europe;

¹³ Stojko Stojkov, The continuation of communist-era totalitarian policies in the European union: the case of Bulgaria, the Macedonian minority and Macedonia’s EU integration,2021

¹⁴ Maarten Lemstra, ‘The Destructive Effects of State Capture in the Western Balkans: EU Enlargement Undermined’, Clingendael Institute, (2020), https://www.clingendael.org/sites/default/files/2020-10/Policy_Brief_Undermining_EU_enlargement_2020.pdf

- to protect the values of Europeans, such as sustainable development and a healthy environment, respect for human rights, and the social economy of the market and the safety of its members.

Constructively, it should cooperate and help with the regions bordering it: the Western Balkans and the Middle East. The fight against terrorism, new security threats, and organized crime requires the police forces of all EU countries to work together. Our country needs to strengthen the connection between the EU and, in our case, the candidate state, to help, to encourage the institutions to achieve fundamental values such as pluralism, democracy, and the rule of law with results achieved not only with words. To achieve the values of the EU which are: "United in diversity", where everyone has equal access to justice and equal protection under the law, which represents a new challenge that requires close cooperation between governments and where everyone is proud of their country. The implementation of all EU requirements requires deep internal reforms in many different issues and sectors, the selection of disputes between states to prohibit the transfer of information, and attitudes and to prevent possible obstacles from states. The more a candidate country tries to align its legislation and policies with EU standards, the greater is the possibility that this country will be accepted into the European Union.

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