

Re-examining Two Key Accession Processes: The Cases of North Macedonia and Serbia

Beáta Huszka

Hellenic Foundation for European and Foreign Policy (ELIAMEP), Athens

The Crisis of EU Enlargement Policy

The EU's enlargement policy has been in permanent crisis since the autumn of 2019. The EU has not opened a single chapter with Serbia since October 2019 and could not start accession negotiations with North Macedonia and Albania, despite the Commission's positive recommendation made even before the June summit in 2019. Most recently – in late 2020 – Bulgaria vetoed opening accession talks with North Macedonia due to disagreements over Macedonian language and history. Beyond blocking North Macedonia's accession process, this is likely to undermine Albania's prospects for starting negotiations soon, as most EU Member States are against decoupling the negotiation process of the two candidate states. However, this most recent deadlock provoked by Bulgaria was just yet another episode in a long saga that started in late 2019. At the European Council summit held on 15 October that year, Member States could not agree on starting accession negotiations with Albania and North Macedonia due to the opposition of three countries: France, Denmark and the Netherlands. France demanded a fundamental overhaul of accession conditionality methodology to put an end to candidate states backsliding on democratic criteria in their progression along the EU integration path. While the French veto directly harmed North Macedonia's and Albania's prospects, it reflected deeper tensions

within enlargement policy that have been building up for more than a decade. Despite accusations of undermining the credibility of the EU enlargement process, the French had a point in arguing that the policy needed fundamental review, even if they might have been wrong to apply such a brutal instrument against two candidates not deserving of it. Albania and North Macedonia were thus the collateral damage associated with this policy crisis, which has now come to a turning point.¹

The EU has put human rights and democracy at the core of its enlargement policy since the introduction of the Copenhagen criteria in the enlargement process in 1993, while since the start of membership negotiations with Croatia, the role of political criteria in the accession process has been significantly upgraded. The sufficient fulfilment of the Copenhagen criteria is necessary, in principle, for the opening of accession negotiations. Thus, as a country advances on the EU integration path, one should expect to see an improvement in human rights and democracy in candidate states. However, the opposite has been happening. A case in point is Serbia, where the overall democracy score has been deteriorating since 2011, and media freedom since 2007. In the meantime, Serbia has made great progress along the accession path: in 2012 it became an EU candidate; in January 2014 membership talks started; and negotiations of the rule-of-law chapters began in July 2016. While the EU opened further negotiation chapters with Serbia, the last two (Chapter 9 on financial services and Chapter 4 on the free movement of capital) in 2019, Serbia's status was downgraded from a semi-consolidated democracy to a transitional or hybrid regime by Freedom House

¹ HUSZKA, Beáta. "Hopes for the future dashed: Balkans security after the French veto." *ECFR Commentary*, 14 November 2019. https://ecfr.eu/article/commentary_hopes_for_the_future_dashed_balkans_security_after_the_french_veto/

The EU's enlargement policy has been in permanent crisis since the autumn of 2019. Albania and North Macedonia were thus the collateral damage associated with this policy crisis

in the same year. France – through its veto in October 2019 – wanted to put an end to this practice of the EU letting candidate countries get away with undermining democracy, rule of law, and human rights. In order to address French and Dutch concerns, the European Commission, in April 2020, adopted a new enlargement methodology that groups negotiation chapters belonging to the same thematic policy blocks into different clusters, while prioritizing rule-of-law chapters, which are now to be opened first. Importantly, candidates would be able to access EU structural funds while opening chapters of certain clusters, thus making the benefits of enlargement more tangible for citizens before accession. The disbursement of these funds would be conditioned on progress in implementation, which would mean that a lack of results or backsliding would involve a financial cost. This could create a more direct incentive for complying with conditionality criteria than the relatively distant prospect of obtaining membership.² While this new methodology would automatically apply to Albania and North Macedonia, which are yet to start their accession negotiations, in May 2021 Montenegro and Serbia also opted in. While the Commission promised a “stronger focus on rule of law, fundamental rights, the functioning of democratic institutions and public administration reform,” it is not clear whether the new methodology will fulfill these expectations. Even within the “old” negotiation framework, the Commission and Member States had ample room to apply sanctions on candidate countries in the form of withholding the granting of candidate status, delaying the opening or closing of negotiation chapters, or cutting IPA funds. However, sanctions have rare-

ly been used by the EU, revealing inconsistency in the EU's conditionality policy that stems from the EU's reluctance to hold back rewards when candidates fail to comply with political criteria.

Serbia

The adoption of the new methodology reflected a change of heart in the EU. The EU recently toned down its rhetoric, praising Serbia as a frontrunner of EU enlargement. The EU's relations with Serbia cooled during the Covid crisis, as reflected not only in the absence of new chapter openings for almost two years, but also in the virulent anti-EU rhetoric in Serbia, alongside official Serbian discourse hyping Chinese and Russian medical help, and the government's cultivation of stronger ties with these countries.³ While Serbia's failure to comply with political criteria largely halted the country's progress with membership negotiations, resolving the status of Kosovo is another condition which must be sorted out before Serbia can obtain membership. After a long stalemate, the Belgrade-Pristina negotiations resumed last summer under American and EU sponsorship, yet the Kosovar and Serbian positions are as far apart as ever. While Kosovo wants recognition from Serbia, for the moment it seems reluctant to make any concessions, while president Vucic made it clear on several occasions that Serbia seeks to gain something in exchange for any deal that extends beyond EU membership (without clarifying what that should be). For Serbia, the starting point for reaching an agreement would be the creation of the Association of Serbian Municipalities in Kosovo, which was agreed in 2013 within the framework of the Brussels Agreement. However, some of the agreement's provisions were found unconstitutional by Kosovo's Constitutional Court, preventing its implementation. Such an association would amount to granting some form of territorial autonomy to Serbian majority municipalities in Kosovo, which is anathema to Kosovo politicians and public opinion, as Kosovars see it as endangering

² DELEVIC, Milica and PRELEC, Tena. “Flatter and faster: New Western Balkans pathways to the EU.” *BiEPAG Blog*, 24 October, 2019. <https://biepag.eu/flatter-and-faster-new-western-balkans-pathways-to-the-eu-by-milica-delevic-tena-prelec/>

³ FRUSCIONE, Giorgio (ed.). *The pandemic in the Balkans*. ISPI, LedizioniLediPublishing, April 2021.

the territorial integrity of their incipient state.⁴ Recent statements by Albin Kurti, Kosovo's newly elected Prime Minister, indicate little hope of reaching a compromise soon, while the Serbian government is unlikely to concede to recognizing Kosovo unconditionally.⁵

In North Macedonia, there appears to be a close connection between EU integration and domestic stability, with EU integration being the most important guarantee of the maintenance of ethnic peace with the Albanian minority

North Macedonia

While Serbia seems to have deserved the cold shoulder it has been shown by the EU lately, North Macedonia, in contrast, has unjustly been languishing in the EU's waiting room for a very long time. North Macedonia became an EU candidate in 2005, while the European Commission recommended opening accession negotiations with this country as early as in 2009, which however was prevented by Greece's veto threat because of the bilateral dispute over the country's name. Because of the action of Greece, Macedonia was denied a much-anticipated membership offer at the 2008 Bucharest NATO summit, setting off a wave of nationalist protests, while the government (led by the nationalist Prime Minister Nikola Gruevski) began to pursue more open and provocative nationalist policies. This derailed the country's EU integration process, undermined democratic institutions, and threatened inter-ethnic peace. Ethnic relations between Albanians and ethnic Macedonians also slowly deteriorated, as marked by sporadic ethnic incidents. In 2015,

a so-called wire-tapping scandal emerged, causing a deep political crisis. Recordings leaked by Macedonian political opposition parties revealed that Gruevski's government had wiretapped 20,000 people, exercised control over judges and journalists, manipulated elections, and tried to cover up a murder case. Although culminating tensions divided the population along pro- and anti-government lines, rather than along the ethnic divide, the governing party tried to turn public sentiment against the Albanians. Finally, after the December 2016 elections, the main opposition party, the Social Democratic Party of Macedonia (SDSM), managed to create a government together with the Albanian Democratic Union for Integration (DUI) party and two other smaller parties, opening the way for a revitalization of Macedonia's EU integration process. The change of government allowed for the resumption of negotiations with Greece, which resulted in the signing of the historical Prespa agreement with Greece in June 2018. The new government made painful concessions to Greece by agreeing to change the country's name for the sake of furthering the EU accession process. In North Macedonia, there appears to be a close connection between EU integration and domestic stability, with EU integration being the most important guarantee of the maintenance of ethnic peace with the Albanian minority. Since the regime change in 2016, North Macedonia has managed to improve its democratic record, which was upgraded by Freedom House from 3.75 to 3.82 – the latter commending its general democratic progress. The Bulgarian veto is threatening to undermine these hard-won results.

The EU's Waning Credibility

Analysts have been warning that the credibility of the EU accession process is in peril, and not only because of the block on North Macedonia's accession negotiations by a neighbouring country due to bilat-

⁴ HUSZKA, Beáta and LESSENSKA, Tania. "Viral vulnerability: How the pandemic is making democracy sick in the Western Balkans." *ECFR policy brief*, 8 December 2020. <https://ecfr.eu/publication/viral-vulnerability-how-the-pandemic-is-making-democracy-sick-in-the-western-balkans/>

⁵ Online discussion with Albin Kurti. "Kosovo's Political Coherence during Pandemics and Negotiations with Serbia." Virtual event via Zoom, ECFR, 7 September 2020.

eral issues.⁶ Kosovo has been waiting for visa liberalization from the EU since 2016 – when the European Commission found that it fulfilled the related requirements. However, a decision has been blocked in the Council for no obvious good reason. Ruffling feathers in EU circles, a unanimous non-paper (allegedly authored by the Slovenian government, albeit not officially acknowledged by anyone) was recently circulated in the media. It proposed radical territorial changes in the region through the creation of a greater Serbia, Croatia and Albania, at the expense of Montenegro, North Macedonia and Bosnia-Herzegovina. As Carl Bildt argued, such ideas represent “plan B” solutions if “plan A” – the orderly EU integration of the Western Balkan states – goes off track. One of the greatest threats now is the enlargement fatigue endemic in Western European capitals, where the prevailing negative mood suggests doubt about whether enlargement will ever happen, despite the process technically moving forward. There is understandably little appetite for admitting authoritarian states like Serbia into the EU. However, countries that have demonstrated their democratic credentials, such as North Macedonia and Montenegro (where

These countries deserve a credible EU perspective that can serve as an example for citizens in other countries that change is possible, and worth being pursued

elections brought political change last summer after three decades of rule by the Democratic Party of Socialists [DPS]), and Kosovo, (where during the February 2021 elections voters rejected the corrupt, old guard politicians) should be rewarded and encouraged more by the EU. These countries deserve a credible EU perspective that can serve as an example for citizens in other countries that change is possible, and worth being pursued. Alternative scenarios in the form of territorial rearrangements threaten renewed instability and conflict, turning the Western Balkans – practically an enclave within the EU, surrounded by EU states – into the geopolitical playground of great powers, setting the Balkan states on a quite different kind of trajectory, marked by authoritarianism and in the EU's direct neighbourhood.

⁶ BILD, Carl. “The Balkans non-paper and the dangers of Plan B.” ECFR Council, 10 May 2021. <https://ecfr.eu/article/the-balkans-non-paper-and-the-dangers-of-plan-b/>