

Macron’s vision for the new “European Renaissance” and the challenges for the WB

Prof. dr.sc Goran Ilik

1. Introduction

Hello, my name is Goran Ilik, and I'm an associate professor and Dean of the Faculty of Law at “St. Kliment Ohridski” University in Bitola (North Macedonia). And I’m going to talk to you today about Macron’s vision for the new ‘European Renaissance’ and the challenges for the WB.

The enlargement policy has been regarded as one of the most successful EU foreign policy instruments, since the establishment of the European Coal and Steel Community (ECSC) by the Treaty of Paris in 1951. Six waves of enlargement rounds have increased the number of Member States from the initial six founders to its current number of 27 countries.

Besides geopolitical terms and popular narratives used to define the Western Balkans, that range from “dysfunctional institutional structures”, “captured states”, “hybrid regimes - falling in the wide spectrum between consolidated democracies and autocracies”, to “competitive authoritarian systems”, the past two decades have been marked by strong and almost unequivocal advancement of these countries towards the EU. Meanwhile, the sole EU has been perceived as a panacea for the aforementioned disorders and problems respective countries were facing.

The process of European integration has already shown that it can be a fast track towards the implementation of core principles upon which Democracy is built.

Becoming a fully-fledged Member State, means that a state should be capable of coping up with the competitive pressure at the EU market, act in a spirit of solidarity, develop functioning rule of law - being among the core principles and values upon which the Union is based.

Progressing on the path towards joining the EU, shouldn’t be regarded only as an important step for a certain aspiring state in its relations with the EU, but also as a clear testimony of the EU’s strength reflected in a continued commitment to the so-called European perspective of the Western Balkans.



The main motive fuelling this sort of discussions or “the straw that broke the camel’s back” was famous French “non” to opening negotiation talks with North Macedonia and Albania, which paradoxically came after many assurances made by the EU leaders towards these countries - that precisely in light of these promises did some historical shifts, as it was signing of the Prespa agreement in case of North Macedonia.

Given the European destiny of the Western Balkans, the accession procedure gains much importance. While the candidate countries have to transform themselves, the accession process says a lot about the EU’s consistency and the role some member states play. Geopolitics is a major factor that has influenced and still influences this process.

As a first step, I will briefly introduce the significance of Macron’s input to the European project. Next, I will speak about the negotiation framework and core negotiation principles; the French proposal’s (geo) political implications; the European Commission’s new methodology. Also, I will try to emphasize the EU “sticks and carrots” policy and pro et contra approach to the Commission’s new methodology.

2. Macron’s input to the European project

The French president seeks the twin objectives of modernizing France’s economy and enhancing the European project. “He ran for the presidency convinced that he could restore his nation’s grandeur only as part of a larger crusade to fortify Europe as a global power that could compete on the same level as the United States, China, and Russia,” William Drozdiak acknowledged.

The Europe that Macron promotes is one based on realism and sovereignty: asserting power on the world stage, defending its interests, investing in strong borders and defense. Instead of merely opposing populists by emphasizing openness and tolerance, Macron seeks to capture the demand for protection and reshape it. “Sovereignty and protection from the shocks of the modern world could be achieved only by European countries working together, not as divided and isolated nation-states.”

Macron has outlined this vision in speeches and letters, most notably his 2017 Sorbonne speech on European sovereignty. In the address, Macron proposed a more integrated and robust euro zone, which would have better prepared Europe to withstand the pandemic shock. Since then, the French president has advocated for a global response to the coronavirus, having convened the Group of Seven early on, and stepped up calls for European solidarity in the face of the health and economic

crisis. Aligned with southern Europe, Paris has pushed for the adoption of “coronabonds,” euro-backed assets that would allow for common borrowing. In speech after speech, Macron has said that the pandemic reveals a new world and should open debates about European sovereignty in the medical supply chain, food security, digital privacy and military strategy.

Moreover, in the piece, titled “For European renewal”, the French president lists a series of initiatives the EU could take both to defend itself and to adhere more closely to its core values. The proposed pillars of the European renewal are: freedom, protection and progress.

President Macron's Proposals

<p style="text-align: center;">Freedom</p> <p>A European Agency for the Protection of Democracies which would provide each Member State with European experts to protect their election process against cyber attacks and manipulation.</p> <p>A ban on funding for European political parties by foreign powers.</p> <p>European rules to eliminate incitements to hate and violence online.</p>	<p style="text-align: center;">Protection</p> <p>A rethink of the Schengen area with stringent border controls and solidarity (one asylum policy with the same acceptance and refusal rules).</p> <p>A common border force, a European asylum office, and a European Council for Internal Security.</p> <p>A treaty on defence and security.</p> <p>A European Security Council with the UK on board.</p> <p>Fair competition with a "European preference" in strategic industries and public procurement similar to the US and China.</p>	<p style="text-align: center;">Progress</p> <p>A social shield for all workers, accompanied by equal pay and an appropriate minimum European wage.</p> <p>A European Climate Bank to finance transition to ecological transition to renewable energy.</p> <p>A European Food Safety Force to improve the EU's food controls.</p> <p>Finance for a European Innovation Council.</p> <p>A Covenant with Africa for the future.</p>
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Table 1.

Regarding the EU Enlargement, France launched its Non-paper with the intention to initiate substantial reforms for the EU accession process, followed by “Tallinn Group” proposals, as well as suggestions by several other member states. In this way the process that had been at an impasse could be unblocked.

On February 5th 2020, the European Commission launched a Communication to the EP, the Council, ECSC, and Committee of Regions with a proposal for “Enhancing the accession process - A credible EU perspective for the Western Balkans” to drive forward the EU accession process, by making it more credible through a stronger political steer and more dynamic and predictable. When officially presenting the Communication, Olivér Várhelyi, Commissioner for Neighborhood and Enlargement, emphasized the European Union enlargement to the Western Balkans as a top priority for the Commission, announcing a three tracks approach: (1) an enhanced accession process, (2) the opening of negotiations with North Macedonia and Albania and (3) the launch of

an Economic and Development Plan for the Western Balkans in Zagreb during the EU-WB Summit on May 6th and 7th 2020.

This new and changed approach intends to make the process of enlargement possible and realistic at the same time while understanding it as the “political unification and territorial consolidation” of the Western Balkans into the EU. As stated in the Communication enlargement “remains more than ever a geopolitical investment into stable, strong and united Europe”.

Four key points characterize the proposed new Methodology: **Political commitment, Dynamism, Capacities, and Reversibility.**

This new Methodology has the potential to bring back the process to its fundamentals of an “accession driven” process that should not just enlarge the European Union, but should assist in its political unification and territorial consolidation with the Western Balkans as part of it.

3. Negotiation framework and core negotiation principles

The accession process is much more than a bureaucratic procedure. It represents a stage where third states integrate with the group of EU member countries and become a part of a united community. Candidate countries are assessed in terms of their capacity to handle the membership, economically and politically. Therefore, the accession methodology should respect certain ground rules: namely, it should assess each country individually, in order to be really merit-based; it should respect each country’s path and make it independent to foreign incognitas, such as political turmoils and changing of positions by individual member states, which could break the process or slow it down; it should gradually include them into the EU’s framework, enabling them to develop their economy and political systems, to reach the level needed for the membership; it should, ultimately, treat the candidate countries as members of the same civilizational circle, same polity, even before their formal membership, which means first of all that the accession methodology has to defend EU’s geopolitical influence over the candidate countries. This thesis can be synthesized in four principles: **continuity, graduality, individuality and political unity.**

Ernst Haas, one of the leading theorists in this field, defined European integration as “a process whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations and political activities toward a new centre, whose institutions possess or demand jurisdiction over pre-existing national states”.

The key principles that provide for a legal basis of the EU accession negotiation process are stipulated by Article 49 of the Treaty on European Union (hereinafter TEU), as well as by other relevant conclusions brought by the European Council, such as the conclusions of the 1993 European Council in Copenhagen.

The essential prerequisites that an aspiring member state needs to satisfy in order to pass the first stage and acquire a candidate status are twofold. Firstly, it needs to respect and to be committed to promoting values, upon which the sole EU has been founded. These essential values are stipulated by the Article 2 of the TEU, namely respect for human rights, pluralism, tolerance, human dignity, freedom, democracy, equality, as well as the pervasive principle of the rule of law. Secondly, certain degree of compliance with the membership criteria needs to be achieved, among which are the political criteria, laid out the Copenhagen and Madrid European Councils formulated in 1993 and 1995, respectively, as well as with the criteria introduced by the Council in 1997 within the Stabilization and Association process.

The Copenhagen criteria laid down more precise political, economic, judicial and administrative conditions an applicant states needs to fulfill before it can enter the Union, such as: the stability of institutions guaranteeing democracy, human rights, functioning market economy, etc.

The common framework for relations with all Western Balkans countries until the date of their accession, called Stabilization and Association process primarily focuses on development of closer regional ties established through good neighborly cooperation. Although “good neighborliness” has been part of the enlargement conditionality since the beginning, in the case of the Western Balkan it became even more explicit and much more emphasized as a precondition of future enlargements. In the Communication on EU Enlargement Policy released in the first half of 2019, the European Commission made unequivocally clear its view that: “the EU cannot and will not import bilateral disputes and the instability they can entail”.

Overall, in addition to legislative alignment, the candidate states need to be capable of timely and effective implementation of the *Acquis communautaire*, which is constantly evolving. The Union *Acquis* encompasses various principles, values, political objectives stipulated by the Founding Treaties, case law of the Court of Justice of the EU, inter-institutional agreements, resolutions, guidelines, international agreements concluded by the EU, etc. Although “theoretical part” of the legislative alignment did not turn out to be problematic for the Western Balkan countries, they were struggling with implementation related issues - which roots are inevitably leading to the

structural problems in functioning of Balkan “democracies” which are lacking a well-functioning and stable public administration, independent and efficient judicial system.

Moreover, the conditionality of the negotiating process puts the candidate countries in a position where they have to implement new legal norms created by the EU and are “binded” by them but have no access to instruments and foras reserved for member states. Therefore, the proposal of gradually involving candidate countries in the EU’s framework is much needed and would transform the negotiating process into a durable process of integration.

4. The French proposal’s (geo)political implications

The EU faces rift over enlargement policy after French “non” during the October 2019 summit. Due to that reason the EU polity is currently going through an intense period of contestation and challenge, and in order to distance itself from the French “non”, the EU Parliament adopted a resolution on 24th October 2019, by which it expressed regret and deep disappointment over the EU’s failure to agree on opening negotiation talks with North Macedonia and Albania.

This case demonstrates that the enlargement has shifted, in its political dimension, from the geopolitical arena to the domestic one, as indicated above. The Prespa agreement and reforms that Albania has done should candidate them at least for the opening.

The impasse triggered by the so-called French veto, besides having a negative impact on the credibility of the EU accession policy, it could also reflect negatively on the overall EU Common Foreign and Security Policy, as well as on the EU ability to speak with one voice and act efficiently in its nearer neighborhood, as well as to become “an active player, and architect of tomorrow’s world”.

Different aspects of the Non paper have been discussed recently, reflecting deeply divided opinions on Macron’s proposal within EU circles and wider.

On the one hand, the Non paper is described as an attempt by Paris to justify its prior position that according to some authors has delivered “a heavy if not mortal blow to the EU’s credibility in its nearest neighborhood”. This view suggests that the mentioned French position has increased doubt among Western Balkan countries on their future EU prospects, and, in a way, pulled the drag on EU enlargement policy. In addition, it is stated that it seriously undermined some of the core principles and values, upon which the EU has been created, such as the principle of legal certainty - that in a way predetermines a moment when a country “deserves a certain dose of appreciation”

of its efforts invested in the process of the EU accession negotiations. All of this as proof that the current accession methodology is not an autonomous process, but rather a technocratic procedure that is in hands of single member states, given the right to veto.

Some more optimistic views suggest that outlined changes in the negotiation procedure with the Western Balkan countries could actually allow aspiring countries to efficiently adapt to the EU rules before they enter the bloc's institutions. In the same tone, these interpretations support the thesis that Macron's Non paper reflects "unequivocal support" for the EU membership drives of the countries from the Western Balkans under the condition they are able to overcome some major challenges facing nowadays that require "the profound political, economic and social transformations [...] that continue to be too slow and the concrete benefits for citizens in candidate countries remain insufficient".

5. The European Commission's new methodology

In February 2020, the European Commission published a new enlargement strategy for the Western Balkans. The main purpose of the "new enlargement methodology" is to help the EU to overcome the impasse triggered by the so-called French veto. This document promises "a new reinforced negotiation process," and its delivery to be supported by the EU in different aspects, while also putting a stronger emphasis on the involvement of the sole Candidate states structures in the overall process (making them acquire feeling that they have ownership over the process).

Enlargement Commissioner Olivér Várhelyi, declared that the revised negotiation rules "are supposed to inject credibility, predictability, dynamism and a political steer into the increasingly moribund process. This is called a geostrategic investment". Many Western Balkan officials welcomed the plan by expressing the hope that this revitalized approach will result in a win-win situation for all actors involved.

The pledge of greater importance being afforded to greater scrutiny over the reform processes is regarded to be good news for all actors wishing progress in the region that witnessed many challenges, corruption scandals, etc. in the past decade. In light of recent events "augmenting the trust" in the sole EU integration process, which is capable of inducing genuine reforms within the countries involved, has become extremely important. Nevertheless, it remains to be seen what would be the practical results of such a strategy, and whether the European Union will devote greater attention to the area of the so-called "fundamentals", and whether all this together will provide an adequate impetus for the Western Balkans in the period ahead. Solutions that could

lead to this desirable outcome are a more transparent, more credible approach accompanied by the merit-based awards, founded on the individual countries' accession efforts, which all together could make a difference.

6. The EU methodology: “stick and carrot” policy

The new EU Commission negotiations methodology provoked many different sentiments since its public revelation. These sentiments range from excitement about the fact that the EU finally put the topics related to Western Balkans accession on the list of its priorities, to some sceptic notions that the new methodology maybe overhauls the French veto, but that it does not convincingly address the real “elephant in the room”. In other words, the new methodology highlights the geopolitical importance of the Western Balkans for the EU declaring that “[...] merit-based prospect of full EU membership for the Western Balkans is in the Union’s very own political, security and economic interest. In times of increasing global challenges and divisions, it remains more than ever a geostrategic investment in a stable, strong and united Europe”.

On the other hand, it remains unclear to what extent this new methodology would be efficient, in terms of not only dealing with resentment caused by French “non”, but also in light of the basic purpose of the strategy that should be embodied more “merit-based”, “transparent, credible”, and in general better approach towards the Western Balkans.

This new strategy, that the EU Commission advocates for, is following very the same logic of the previous enlargements containing the elements of stick and carrot policy. The major difference in the overall logic applied, seems to be the degree of severity of the stick, and the rewarding level of the carrot.

Reflecting on the “stick side” of the strategy, the so-called reversibility of the negotiation process is not an innovative concept mentioned in the new Strategy. Calling upon the previous terminology used by the European Commission, it is a new term for the “clause of balance”, which main goal was ensuring balance in the progress of negotiations across Chapters. According to this rule, if progress under the Chapters “judiciary and fundamental rights” and “justice, freedom and security”, was significantly lagging behind, the Commission was allowed to recommend various measures until the imbalance is adequately addressed. These measures include withholding opening or closing negotiation chapters, reopening provisionally closed chapters, cutting down the EU funding, suspension or withdrawing benefits of closer integration, etc. The Council is a body entitled to decide upon introducing or lifting such measures proposed by the Commission, acting

by a qualified majority voting rule. The logic present in the new methodology is pretty much the same.

Therefore, the practice of introducing reforms of declaratory nature, without proper implementation of rules, that has recently allowed countries to compete for the status of the “regional leader” in EU integrations, should be dismissed once for all. The narratives such as the “leader in the region” does not mean much in the current state of play, without emphasis put on substantial reforms conducted for the benefit of all countries involved and wellbeing of their citizens.

This endeavour will require stronger mechanisms for the enforcement of the rules and standards belonging to the EU acquis. Dabrowski, and other authors suggest that among these mechanisms should be “a regular Commission’s assessment of member states’ records in the area of fundamental rights and the rule of law, more active use of infringement procedure in case of failure to implement EU law, strengthening competences of the Court of Justice of the EU”. Moreover, a stronger political steer is envisaged to allow high representatives of the (potential) candidate states to be involved more systematically in monitoring and reviewing the process. This step could be also interpreted as beneficial in a way it would allow incumbent elites as well as the rest of society in the region to acquire a feeling they have greater ownership over the process.

The “carrot” aspect of the strategy implies prospects of the clearer and tangible incentives of the imminent interest to citizens such as increased funding and investments “through a performance-based and reform-oriented Instrument for Pre-accession support and closer cooperation with International Financial Institutions to leverage support”, as well as “accelerated integration and “phasing-in” to individual EU policies, the EU market and EU programmes”, as well as some other things such as greater clarity on what the EU expects from the (potential) candidate countries. The so-called “phasing in” was accompanied with a pretty vague explanation, while it also did not provide an answer over the concerns of whether it will be more comprehensive than integration provisions of Stabilization and Association Agreements. Furthermore, many concerns were raised over the new Multinational Financial Framework and its ability to allocate more funds for the pre-accession aid to the EU candidates.

While negative incentives in the process of the EU integrations were seem to be winning the battle recently, the EU should bear in mind that the critical issue in the overall process is keeping the Enlargement process affordable to the (potential) candidate states, which means that in the

upcoming period the EU needs to demonstrate that it is able to deliver on its historical promise given to the Western Balkans at the Thessaloniki summit.

7. The European Commission's methodology: *Pro et Contra*

The opinions on the New EU Commission Strategy are pretty diverse. In light of positive aspects of the new methodology, it is particularly important to mention those related to the stronger political steer over the process by both the EU as well as by the incumbent elites from the aspiring countries. First, by engaging all actors from the EU circles to speak with one voice, the Commission seeks to push the EU as a whole to reaffirm loyalty and its genuine commitment to enlargement. Furthermore, enhancing loyalty between the EU Member States is of the crucial value as it is “at a comparatively high level of abstraction aimed to protect the Union’s ability to act effectively on the international plane”. Second, the Commission undoubtedly wants to give greater public legitimacy to the cause, as the new proposal envisages innovative means to instigate and check the devotion of the region’s authorities to the EU membership goal, among which are informed national-wide debates.

The new Commission proposal also embraces the so-called grouping of negotiations chapters into **six thematic chapters (clusters)**. The Commission names few reasons making this new approach plausible. Firstly, it states that it will allow “a stronger focus on core sectors in the political dialogue”. Secondly, it will help identify the most important and urgent reforms per sector.

On the other hand, many concerns have been raised so far, over the Commission belief - which this approach could even speed up the overall negotiation process, as it could happen only if some secondary and less important issues would not hold the entire negotiation cluster. Currently, there are no guarantees for that, which makes this Commission’s “belief” fragile, and potentially brings the rest into an uncertain position.

Looking from the perspective of the long-term benefits that this new methodology is offering to the countries concerned, it can be said that these benefits directly stem from the more intrusive scrutiny over the reform in the areas of rule of law, fight against organized crime and tackling

corruption in the Western Balkan countries. In other words, these reforms should be regarded as essential, due to the general atmosphere that improvements in these critical areas are precondition to any sort of meaningful progress of the countries belonging to the region - leading to the well-being of its citizens.

On the other hand, some authors who are criticizing the methodology such as Bodo Weber, argue that the Commission's proposal does not address the fundamental problem of the EU enlargement policy, which is not the methodology, but it is related to the deeper dilemma of "what kind of the EU we actually want"? By saying this, he is actually opening a Pandora box of proposals for reforming the EU that the EU officials were not able to agree upon by date.

Reforms related to the EU negotiating strategy, and to the general EU approach towards the Western Balkans, are indispensable for the benefit of the region, as they could bring end to the practices such as perpetuation of informal power structures, state capture and patronage that continue to thwart the region's democratic consolidation. Above and beyond, regional challenges are coupled with the necessity for internal consolidation of the EU - that should not happen at the expense of the countries that are waiting in line to join the EU. The EU internal consolidation could happen in parallel with continuing the negotiation processes with Western Balkan countries, therefore not endangering important aspects of the EU project, such as the capacity and credibility of its foreign policy.

8. Conclusion

The accession methodology is much more than a bureaucratic process, that the EU's core principles are much more than judicial norms. The idea of a new methodology comes from a genuine need and desire to change what has demonstrated not to be much effective: the Enlargement policy, as a sharp Foreign policy tool, has been blunted by geopolitics, and lack of coherence. The processes happening within the region or within the specific candidate state are sometimes also coupled with anxieties related to the EU's own internal economic, political and institutional crises.

Credible enlargement conditionality, based on the principles such as transparency, certainty, graduality, individuality, being at the heart of the EU Accession process, seems to be needed more than ever. Moreover, looking from the lenses of the Western Balkans the new accession methodology is expected to prove that the negotiation process is trustable and a strong impenetrable path, immune to (geo) political turmoils or political moods of member states.

The Enlargement itself, seen as a change within the EU's ranks, has already demonstrated capacity to influence the EU's foreign policy. Therefore, the enlargement is a tool for the enhancement of EU's policies as much as it is a tool for the transformation of candidate countries.

The New strategy addresses convincingly the elephant in the room embedded in “deepening vs. enlargement dilemma”, as well as the so-called sense of betrayal felt by Western Balkan citizens and governments, and a certain “loss of faith” in the European project in the wake of France’s “veto” of accession talks for two Western Balkan states, etc.

