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EU - North Macedonia accession negotiations: the implications of the Bulgarian conditions

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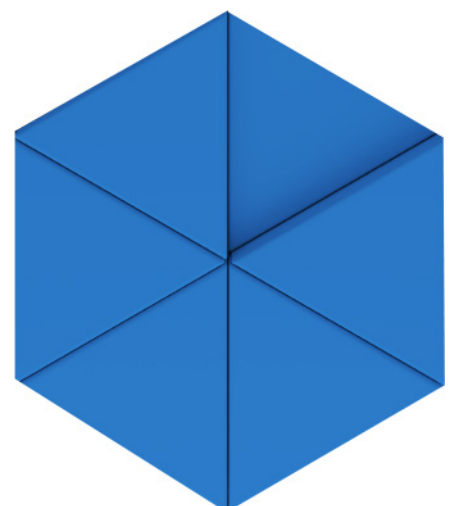
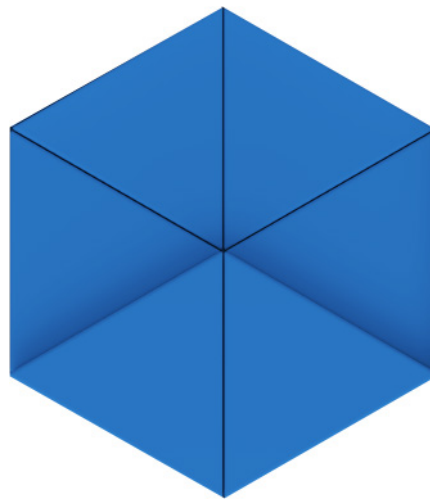
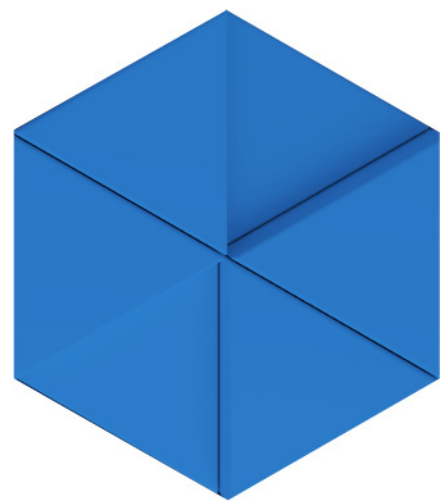
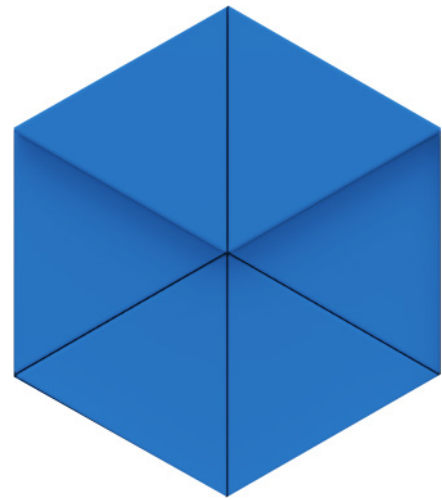
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INTRODUCTION

In this policy brief, we analyse the conditions the Bulgarian government has set forward in view of the preparation of the negotiating framework and the first intergovernmental conference between the EU and the Republic of North Macedonia. We explore their possible impact and the options for addressing these new challenges for the process of accession of North Macedonia to the EU, focusing on the forthcoming EU negotiating framework¹ in line with the new enlargement methodology.²



1 Olivér Várhelyi, European Commissioner for Neighbourhood and Enlargement, announced that the Commission will present the draft negotiating frameworks for North Macedonia and Albania in June 2020 <<https://www.euractiv.com/section/enlargement/news/enlargement-package-postponed-until-autumn-negotiation-framework-to-go-ahead-in-june/1468617/>> accessed 20 May 2020.

2 European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Enhancing the accession process - A credible EU perspective for the Western Balkans COM(2020) 57 final.

BACKGROUND

In March 2020, the Council of the European Union finally adopted a conclusion to open accession negotiations with the Republic of North Macedonia, albeit without setting a date for the first intergovernmental conference. This decision was only possible after Greece lifted the blockade to the accession negotiations as a result of the Prespa Agreement,³ signed by both countries in 2018.⁴ In line with this Agreement, the Republic of Macedonia changed its constitutional name to the Republic of North Macedonia, while the key achievements for the Macedonian side included the recognition of the official language of the country as “Macedonian”⁵ also used for the citizenship of the country. The Prespa Agreement is a bilateral agreement between the two countries, also signed by the UN representative as a “witness”.⁶ The EU and NATO strongly supported and welcomed it, stating that is exemplary for “consolidation peace and stability across the region”.⁷

Contrary to what was expected,⁸ the Prespa Agreement did not immediately open the gate for accession negotiations with North Macedonia.⁹ This was only possible two years later, after the French demand for a new, more complex methodology for accession was met.¹⁰

Before the October 2019 EU Council meeting, the Bulgarian Government adopted a Framework position,¹¹ confirmed with a Declaration by its Assembly.¹² Though supportive of the opening of the accession negotiations, the position places new conditions on the Republic of North Macedonia, claiming that they derive from the 2017 Treaty on Friendship, Good Neighbourly Relations and Cooperation Between the Republic of Macedonia and the Republic of Bulgaria (hereinafter: Friendship Treaty MK-BG).¹³ The Framework Position consists of detailed conditions, in general for the accession and separately for the first and second intergovernmental conference, as well as for the chapters 35 and 10. This document was followed by a Statement of the Bulgarian Government annexed to the Council conclusions of March 2020 (hereinafter: the Statement), focusing on the general conditions, the conditions for the first intergovernmental conference and Chapter 35.

3 Full title of the Agreement: Final Agreement for the settlement of the differences as described in the United Nations Security Council Resolutions 817 (1993) and 845 (1993), the termination of the Interim Accord of 1995, and the establishment of a Strategic Partnership between the Parties.

4 The country was admitted to the UN under the provisional name of “former Yugoslav Republic of Macedonia” and UN mediation on the name issue lasted until the Prespa Agreement came into effect in 2019. The Interim Accord in 1995 between Greece and the Republic of Macedonia ended the international and economic blockade that Greece had imposed on the Republic of Macedonia since the country had proclaimed independence from ex-Yugoslavia. Greece breached its obligation from this Accord not to block the membership of the Republic in international organisations, as confirmed by the Judgment of the International Court of Justice (Application of the Interim Accord of 13 September 1995 (the former Yugoslav Republic of Macedonia v. Greece), Judgment of 5 December 2011, I.C.J. Reports 2011, 644). The Greek blockade to the membership of NATO and EU continued until the two countries signed the Prespa Agreement.

5 Art 1. para 3. b) of the Prespa Agreement: “The official language of the Second Party shall be the “Macedonian language”, as recognised by the Third UN Conference on the Standardization of Geographical Names, held in Athens in 1977, and described in Article 7(3) and (4) of this Agreement”.

6 In accordance with the Security Council resolutions 817 (1993) and 845 (1993).

7 Joint press statement by NATO Secretary General Jens Stoltenberg and European Council President Donald Tusk on the solution to the “name dispute” <https://www.nato.int/cps/en/natohq/news_155945.htm?selectedLocale=en> accessed 24 April 2020.

8 This was expected as the European Commission had been proposing to start accession negotiations with the then “former Yugoslav Republic of Macedonia” each year since 2009.

9 General Affairs Council, Enlargement and Stabilisation and Association Process - Council conclusions 10555/18(26 June 2018) <<https://www.consilium.europa.eu/en/meetings/gac/2018/06/26/>> accessed 3 May 2020.

10 General Affairs Council, Enlargement and Stabilisation and Association Process - Council conclusions 7002/20 (25 March 2020) <<https://data.consilium.europa.eu/doc/document/ST-7002-2020-INIT/en/pdf>> accessed 3 May 2020.

In this brief we analyse the conditions presented in the Statement annexed to the Council conclusions of March 2020.¹⁴ This is a unilateral statement of a Member State (MS), and is not a document adopted by the Council. However, it has real implications as consensus of all MS is needed to agree on key issues regarding enlargement and the Republic of Bulgaria can in fact impose a veto on the start of the first intergovernmental conference. The new methodology for enlargement, recently endorsed by the Council, calls on all parties to “abstain from misusing outstanding issues in the EU accession process”,¹⁵ but does not eliminate the possibility of a veto.

The overview of the Friendship Treaty MK-BG and the relevant Bulgarian positions from the Framework position and the Statement are presented in the Annex to this Brief.

- 11 Council of Ministers of the Republic of Bulgaria, Рамкова позиция относно разширяване на ЕС и процеса на стабилизиране и асоцииране: Република Северна Македония и Албания (09 October 2019) [Framework Position regarding EU enlargement and the Stabilisation and Association Process of the Republic of North Macedonia and Albania] <<https://www.gov.bg/prestsentar/novini/ramkova-pozitsia>> accessed 3 May 2020.
- 12 Декларация на Четиридесет и четвъртото Народно събрание на Република България във връзка с разширяването на Европейския съюз и Процеса на стабилизиране и асоцииране на Република Северна Македония и Република Албания [Declaration of the Forty-fourth National Assembly of the Republic of Bulgaria in regard to EU enlargement and the Stabilisation and Association Process of the Republic of North Macedonia and Albania] <<https://www.parliament.bg/bg/news/ID/4920>> accessed 3 May 2020.
- 13 Закон за ратификация на Договорот за пријателство, добрососедство и соработка меѓу Република Македонија и Република Бугарија [Law on Ratification of the Treaty on Friendship, Good Neighbourliness and Cooperation between the Republic of Macedonia and the Republic of Bulgaria] („Службен весник на Република Македонија – меѓународни договори“ бр. 12/2018).
- 14 This Annex is not published on the official web site of the Council.
- 15 European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Enhancing the accession process - A credible EU perspective for the Western Balkans COM(2020) 57 final 2.

IMPLEMENTATION OF THE FRIENDSHIP TREATY, UNILATERAL INTERPRETATION OR COERCION

The statement consists of three parts: the Bulgarian position that the accession process for North Macedonia as a whole will be conditioned on its own interpretation of the Friendship Treaty MK-BG; requests for inclusion in the negotiating framework for the Republic of North Macedonia, as well as a request related to the negotiating framework for Albania. Below we analyse the points from the Statement, in comparison to the Friendship Treaty MK-BG and in view of accession criteria and present the findings from the analysis.

1. Most of the Bulgarian requests are related to Article 8 of the Treaty MK-BG (see Annex) and the work of the Joint Multidisciplinary Expert Commission on Historical and Educational Issues established under the Friendship Treaty MK-BG (hereinafter: the Commission), formed “with a view to strengthening their mutual trust”, and “aiming to contribute to objective, scientific interpretation of historical events, founded on authentic and evidence-based historical sources”.¹⁶

Views of both sides as to the actual achievements and the substance of the Commission’s work differ significantly. The Macedonian side considers the work dynamic, as nine meetings were held since its establishment in mid-2018 until November 2019.¹⁷ The publication of the Bulgarian Framework position, confirmed by the Assembly’s Declaration came following the assessment on the Bulgarian side that little had been achieved.¹⁸ The Macedonian side consequently requested a break in the work of the Commission, justifying it with the forthcoming elections in North Macedonia.¹⁹

Bulgaria cemented its position on key historic issues through political decisions of the Government and the Assembly, seeking for a fast-track endorsement by the EU of its interpretation of the Treaty through conditioning the accession process of North Macedonia. This has actually compromised the Commission’s work and discredited the principles of the Friendship Treaty MK-BG.

The Bulgarian and Macedonian side seem to interpret the term “shared/common history”²⁰ used in the Friendship Treaty MK-BG in a fundamentally different way. The Bulgarian side, by simply adding the specification “until 1944” in the Statement and in the Framework Position, which cannot be found in the Treaty, is seeking to legitimise its claims that the Macedonian nation was created in 1944, and before that Macedonia and Bulgaria had a “common history”.²¹ For the Macedonian side, this (mis)interpretation of the common history up to 1944 “as belonging to Bulgarian people” is not acceptable, as “we can talk of common history in certain historic periods”, but also of “shared or intertwined history”, but not only with Bulgaria.²² Seemingly, conceptual and methodological issues are burdening the work of the Commission.²³

16 Закон за ратификација на Договорот за пријателство, добрососедство и соработка меѓу Република Македонија и Република Бугарија [Law on Ratification of the Treaty on Friendship, Good Neighbourliness and Cooperation between the Republic of Macedonia and the Republic of Bulgaria] [„Службен весник на Република Македонија – меѓународни договори“ бр. 12/2018].

17 Interview with Foreign Minister of the Republic of North Macedonia, Nikola Dimitrov, Telma ‘Top tema’ (5 May 2020) <<https://telma.com.mk/78392-2/>> accessed 6 May 2020.

18 Teodora Pavlova, ‘Проф. Ангел Димитров: Напрежението в работата на Съвместната мултидисциплинарна експертна комисија между България и Северна Македонија не затихва’ [Prof. Angel Dimitrov: Tensions in the work of the Joint Multidisciplinary Expert Commission between Bulgaria and Northern Macedonia do not subside] Focus New Agency (Sofia, 29 November 2019) <<http://m.focus-news.net/?action=news&id=2724634>> accessed 28 April 2020.

19 Interview with Dragi Gjorgjiev, ‘Македонско-бугарската комисија на пауза, по изборите ќе се бара решение за Гоце Делчев’ [Macedonian-Bulgarian commission on break, after elections, a solution will be sought for Goce Delchev] Alsat, ‘360 0’ (26 February 2020) <<https://360stepeni.mk/makedonsko-bugarската-komisija-na-pauza-po-izborite-ke-se-bara-reshenie-za-gotse-delchev/>> accessed 3 May 2020.

20 The Treaty is signed in Macedonian and in Bulgarian, which use the term ‘заедничка’ in Macedonian and ‘обща’ in Bulgarian. The unofficial translation in English published by the MFA of the Republic of North Macedonia is ‘shared’.

21 ‘Bulgaria: Zaharieva calls for the resumption of the work of the joint committee on historical issues’, Independent Balkans News Agency (13 May 2020) <<https://balkaneu.com/bulgaria-zaharieva-calls-for-the-resumption-of-the-work-of-the-joint-committee-on-historical-issues/>> accessed 15 May 2020.

22 Dragi Gjorgjiev and Petar Todorov, ‘Македонско-бугарскиот спор не може да има „победник“ [The Macedonia-Bulgaria dispute cannot have a “winner”] Deutsche Welle (Skopje, 25 April 2020) <<https://tinyurl.com/ybp6wr2p>> accessed 3 May 2020.

23 More on the differences in the approach: Ljubica Spasovska, ‘Сите нации се модерни конструкти’ Res Publica blog (Skopje, 8 August 2019) <<https://respublica.edu.mk/blog/2019-08-01-10-48-19>> and response to the blog Naum Kajchev, ‘Дали сите нации се модерни конструкти? [Are all nations modern constructs?] Res Publica (Skopje, 23 August 2019) <<https://respublica.edu.mk/blog/2019-08-23-08-41-39>> accessed 11 May 2020.

The Commission has so far not managed to reach agreement on key figures and specific dates for joint commemorations, which is one of the provisions of the Friendship Treaty MK-BG, with the most contentious issue being the ethnicity of key historic figures, such as Goce Delchev.²⁴

The insistence of the Bulgarian side on the demarcation of the common history “up to 1944” is also important in understanding the demand for “replacement of information signs and other indications, including those on historical and cultural monuments”, which is not at all mentioned in the Friendship Treaty MK-BG. The Bulgarian Framework Position explains in greater detail this request: “to remove from the signs and inscriptions on monuments, plaques and buildings of texts that openly demonstrate hatred against Bulgaria, such as those containing qualifications such as the “Bulgarian fascist occupier”.²⁵ This request appears to seek a rectification of Bulgaria’s own history rather than to “contribute to objective, scientific interpretation of historical events” as stipulated in the Treaty. According to some opinions, the discussion could also start with “recognising and discussing the war crimes committed by Bulgarian occupying forces on Macedonian territory during World War II”, which “is a much more important question than whether someone in the nineteenth century called himself a Bulgarian or a Macedonian”.²⁶

The proposal by the Macedonian part of the Commission to include historians who are not part of the Bulgarian or Macedonian historiography was not accepted by the Bulgarian side.²⁷

2. The Statement urges North Macedonia to state “no historical and demographic grounds for seeking minority status for any group of citizens on the territory of the Republic of Bulgaria and to discontinue “any support to organisations claiming the existence of a so-called “Macedonian minority” in the Republic of Bulgaria, including international organisations such as the Council of Europe and in multilateral formats and monitoring mechanisms”, basing it on Article 11 of the Friendship Treaty MK-BG.

Neither Article 11 of the Treaty, nor any other of the Treaty provisions refers to “minorities”. However, the preamble does state that it relies on the principles of the UN Charter, the OSCE documents and the “democratic principles contained in the CoE acts”. The rights of the persons belonging to minorities belong to those persons and are unalienable. Furthermore, these rights are one of the values of the Union,²⁸ whereas discrimination on the ground of ethnic origin is prohibited.²⁹ The states have an obligation for safeguarding the rights of minorities in their own countries.

Informative on this issue are the CoE documents, which, inter alia note the non-recognition by Bulgaria of the Macedonian minority^{30,31} and emphasise the fact that Bulgaria continues not to execute long-standing judgments of the Court of the organisations aiming to achieve “the recognition of the Macedonian minority in Bulgaria”.³² Consequently, accepting this request would mean that Bulgaria would be allowed to export its human rights violations, already established by the ECtHR, under the guise of democratization and Europeanization.

24 Katerina Blazhevska, „Горгиев: Фактите за Гоце Делчев се исти, но различно е толкувањето“ [Gjorgiev: 'The facts about Goce Delchev are the same, but the interpretation is different'] Deutsche Welle (Skopje 19 June 2019) < <https://tinyurl.com/y963cbnx> > accessed 3 May 2020.

25 Framework Position I.1.

26 Ljupcho Popovski, „Интервју со Улф Брунбауер, австриски историчар: Барањата на Бугарија се смешни“ [Interview with Ulf Brunbauer, Austrian historian: Bulgaria’s demands are ridiculous] Независен весник (Skopje, 11 May 2020) <<https://nezavisen.mk/intervju-so-ulf-brunbauer-avstriski-istorichar-baranjata-na-bugarija-se-smeshni/?fbclid=IwAR2owvF9VmlvLk8ArXZ648lvO3rc9ENkZ-eFYAaKGUHO4mIGYDp-PmEbiFo>> accessed 13 May 2020.

27 ‘Joint work of historians from Bulgaria and North Macedonia is far from desired results’ BNG interview with Angel Dimitrov (Sofia, 12 December 2019) <<https://www.bnr.bg/en/post/101203641/joint-work-of-historians-from-bulgaria-and-north-macedonia-is-far-from-desired-results>> accessed 6 May 2020.

28 Treaty on European Union art 2.

29 Charter of Fundamental Rights of the European Union art. 21.

30 Advisory Committee on the Framework Convention for the Protection of National Minorities, Third Opinion on Bulgaria, (30 July 2014) 5 and 9-10 <<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168008c669>> accessed 2 May 2020.

31 Parliamentary Assembly of the Council of Europe, Resolution 2296 (2019) Post-monitoring dialogue with Bulgaria <<https://semantic-pace.net/tools/pdf.aspx?doc=aHR0cDovL2Fzc2VtYmx5LmNvZS5pbmQvbnRveG1sL1hSZWYyWDJILURXLWV4dHluYXNwP2ZpbGVpZD0yODA2M-iZsYW5nPUVO&xsl=aHR0cDovL3NlbWVudGJjcGFjZS5uZXQvWHNsdC9QZGYvWFJlZi1XRC1BVVY1YUwyUERGlnhzbA==&xsltparams=Zm-lsZWlPTl4MDYy>> and accessed 24 April 2020.

32 The Commissioner for HR of the CoE Dunja Mijatovic Report following her visit to Bulgaria from 25 to 29 November 2019, (31 March 2020) 11 < <https://rm.coe.int/report-on-the-visit-to-bulgaria-from-25-to-29-november-2019-by-dunja-m-16809cde16> > accessed 2 May 2020.

This request implicitly compromises the accession criteria of the Cluster Fundamentals on democratic institutions and rule of law, which strongly rely on the standards set-up by the CoE, the bodies under its umbrella and other international organisations. Observance of membership responsibilities and established standards is an obligation and not a choice for EU acceding countries, as well as for any member of these organisations. Furthermore, any state party to ECHR cannot deprive itself of the right for inter-state application.³³

The motives of the request should again be searched for in history and the Bulgarian interpretation that “common history” ended in 1944, consequently not encompassing the historic period during which the Macedonian minority in Bulgaria was fully recognised (1947–1958).

3. The condition related to the reform of the intelligence and security services – “unveiling of collaborators from modern-day Republic of North Macedonia who worked for the security and intelligence services of former Yugoslavia” as well as the requests that North Macedonia initiates a “rehabilitation process of the victims of the Yugoslav communist regime, repressed because of their Bulgarian self-identification” have no grounds in the Friendship Treaty MK-BG. It is not clear, whether Bulgaria expects these issues to be tackled by the Commission – as an issue of history or in another manner. They seem superfluous, and possibly misplaced, as the EU accession conditionality framework for these issues is already established (and evolving) based on the European system of human rights, including the ECHR jurisprudence, Venice Commission Standards, etc., on which the Cluster “Fundamentals” strongly relies.
4. Concerning the negotiating framework, Bulgaria requests that the implementation of “treaties between the Republic of North Macedonia and EU Member States” – in this case Greece and Bulgaria, constitute the negotiating Chapter 35 “Other”.

The Bulgarian demand that North Macedonia and the EU only use the full name of the country “The Republic of North Macedonia” and not the shortened form “North Macedonia”, envisaged in the Prespa Agreement, since a part of the geographical region of North Macedonia “falls within the sovereign territory of the Republic of Bulgaria”³⁴ is not based on the Friendship Treaty MK-BG and is contrary to the Prespa Agreement. Accordingly, it is contrary to the arrangements that consequently followed in the UN, where the full and the short name of the country (Republic of North Macedonia and North Macedonia) are registered.³⁵ Furthermore, this demand does not actually refer only to the negotiating framework, but the use of the name of the country in the EU in general.

Bulgaria insists that the “language clause” used in the bilateral agreements between Sofia and Skopje be used in the EU – “the official language of the Republic of North Macedonia”, including the future negotiating framework, as Bulgaria does not recognise the Macedonian language. The Statement and the Framework position go beyond the Friendship Treaty MK-BG, which refers to the “Macedonian language”, but adds, “in line with the Constitution of the Republic of Macedonia” (the comparable phrase is used for the Bulgarian language). This is also contrary to the Prespa Agreement, which explicitly refers to the Macedonian language. The recognition of the Macedonian language, as well as the distinct Macedonian history, culture and heritage of North Macedonia in the Prespa Agreement are interpreted as the key achievements for Macedonians from the solution of the name dispute.³⁶

The Bulgarian request that the Prespa agreement be implemented “in parallel and with strict adherence” to the Friendship Treaty MK-BG” is establishing some kind of hierarchy between the two agreements – giving priority to the Friendship Treaty MK-BG, which has no basis in international law. Both are bilateral agreements between two sovereign countries, with the difference that the Prespa Agreement is witnessed by the UN representative, ending a dispute mediated by the UN and with its results registered by the UN.

33 ECHR, art 33.

34 Statement 7.

35 <<https://unterm.un.org/unterm/Display/Record/UNHQ/NA/1c98d616-3b6a-4d15-a7cb-f88c7f988b83>> accessed 24 April 2020.

36 Prespa Agreement art 7.

The analysis of the Bulgarian requests demonstrates that they either significantly deviate from the essence of the articles of the Friendship Treaty MK-BG or add up new conditions that have no grounding in the Treaty. Bulgaria opted to use its newly gained position as an EU Member State for coercion and impose its own interpretation of the Treaty as a basis for endorsing its national interests or rather the current perception/understanding of its national interests.³⁷ Such an interpretation and possible application of the principle of good-neighbourliness is contrary to international law – the UN Charter, which grounds friendly relations among nations on the principles of equal rights and self-determination of peoples³⁸ and the Declaration on principles of international law on friendly relations and co-operation among states in accordance with the charter of the United Nations,³⁹ which sets out the principles of good neighbourliness.⁴⁰

Only articles of the Friendship Treaty MK-BG related to history and identity are selected as specific conditions set by Bulgaria for the progress of North Macedonia in the accession negotiation. None of the articles related to cooperation of the two countries in many areas covered by the Agreement (movement of goods, services and capital, joint investments, customs, tourism, transportation interconnections and other communication links, including in the framework of regional infrastructure projects, culture, education, health care, social policy and sports, protection of copyrights and intellectual property rights, legal and consular areas) is even mentioned.

Consequently, compliance by Bulgaria with the principle *Pacta sunt servanda* “in good faith” in line with the Vienna Convention on the law of treaties⁴¹ becomes highly problematic.

Bulgaria has promoted itself as a strong advocate for the EU accession of North Macedonia by supporting the political decisions for opening the negotiations. However, if Bulgaria insists upon the conditions it has set for the first and second intergovernmental conference, this will have the impact of blocking the actual start of negotiations. In accession negotiations so far, the First Intergovernmental Conference was the presentation of the Negotiating Framework, while the Second Intergovernmental Conference was the actual start of the negotiations and opening of chapters.⁴²

37 More on the issue of good-neighbourliness as a condition for EU accession: Elena Basheska, 'The Good Neighbourliness Condition in the EU Enlargement' (2014) *Contemporary Southeastern Europe*, 1(1), 92 <https://pureadmin.qub.ac.uk/ws/files/18636154/Basheska_The_Good_Neighbourliness_Condition_in_EU_Enlargement_0.pdf> accessed 28 April 2020.

38 Charter of the United Nations, art 1.

39 Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations UNGA (adopted 24 October 1970 UNGA Resolution 26/25 (XXV)) <<https://www.un.org/ruleoflaw/files/3dda1f104.pdf>> accessed 28 April 2020.

40 “(a) The principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations, (b) The principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered, (c) The duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter, (d) The duty of States to co-operate with one another in accordance with the Charter, (e) The principle of equal rights and self-determination of peoples, (f) The principle of sovereign equality of States, (g) The principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter”

41 United Nations, Vienna Convention on the Law of Treaties, 23 May 1969, UN Treaty Series, vol. 1155, 331 <<https://www.refworld.org/docid/3ae6b3a10.html>> accessed 2 May 2020.

42 Council of the EU, Second meeting of the Accession Conference with Montenegro at Ministerial level - Start of substantial negotiations, press release, Brussels (18 December 2012), <<http://data.consilium.europa.eu/doc/document/ST-17885-2012-INIT/en/pdf>> and Second meeting of the Accession Conference with Serbia at Ministerial level - First two chapters opened, Brussels (14 December 2015) <<https://www.consilium.europa.eu/media/21901/press-release-accession-conference-with-serbia.pdf>> accessed 7 May 2020.

THE IMPLICATIONS AND THE OPTIONS FOR THE NEGOTIATING FRAMEWORK

The way in which the new challenges posed by the Bulgarian positions will be dealt with will have numerous implications, which can be observed in various ways – for the accession process of North Macedonia, for the region, for EU enlargement and foreign policies. In this section, we explore the possible implications and options for the negotiating framework, as the first next step, which is setting the conditionality framework for the entire accession process. Furthermore, the analysis is conducted in view of the new enlargement methodology, as the negotiating frameworks for North Macedonia and Albania are its first real test, especially for the key principle of credibility.

*For the accession process to regain credibility on both sides and deliver to its full potential, it needs to rest on solid **trust, mutual confidence and clear commitments on both sides.***

*It means the **Western Balkans leaders must deliver more credibly on their commitment** to implement the fundamental reforms required, whether on rule of law, fighting corruption, the economy or ensuring the proper functioning of democratic institutions and public administration, and foreign policy alignment. EU Member States and citizens have legitimate concerns and need to be reassured of the unequivocal political will of the countries, proven by structural, tangible reforms. Western Balkans leaders must also show further efforts to strengthen regional cooperation and good neighbourly relations to bring stability and prosperity to their citizens, while giving confidence to the EU that the region is addressing the legacy of its past.*

*This also means the **European Union delivers on its unwavering commitment to a merit-based process.** When partner countries meet the objective criteria and the established objective conditions, the Member States shall agree to move forward to the next stage of the process. All parties must abstain from misusing outstanding issues in the EU accession process. In the same vein, Member States and institutions must speak with one voice in the region, sending clear signals of support and encouragement, and speaking clearly and honestly on shortcomings when they occur.*

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1. The Bulgarian position on the Macedonian language and Macedonian identity, directly contradicting the Prespa Agreement and the UN registered denominations, would delegitimise the Prespa Agreement. Similarly, the acceptance of the Bulgarian interpretation of the Treaty MK-BG, that significantly departs from its actual content, would have the impact of delegitimising the very same Treaty, as a bilateral treaty, based on the international norms on good-neighbourliness.

Consequently, the implementation of the Prespa Agreement and the implementation of the Bulgarian interpretation of the Friendship Treaty MK-BG cannot be both included in the negotiating framework, as they are contradictory in this respect.

It is also essential that the negotiating framework avoids any contradictions to the EU acquis, as “The Union shall respect the equality of Member States before the Treaties as well as their national identities, inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government.”⁴³ While the accession process should definitely be a transformation process that is changing nations, it has not been and should not be perceived as a process of changing national identity.

⁴³ Treaty on European Union, art. 4. Para. 2.

It is expected that the negotiating framework will safeguard the achievements of the Prespa Agreement, and would not put in question the closed mediation process in the UN. Consequently, the issues related to the Macedonian identity, the language and the name of the country should not be re-initiated. The negotiating framework should clearly refer to the Macedonian language and use the short name of the country – North Macedonia – as in the case with Serbia and Montenegro.

2. Good neighbourly relations as a requirement against which progress will be measured throughout the accession process is not new and is included in the negotiating frameworks for Croatia, Montenegro, and Serbia⁴⁴ as one of the criteria of the Stabilisation and Association Process. The Bulgarian request is not only for specific reference to the implementation of the Prespa Agreement and the Friendship Treaty MK-BG in the body of the document, but that they constitute the negotiating Chapter 35 “Other”. This would be only comparable to the negotiating framework with Serbia, in line with which “the issue of normalisation of relations with Kosovo” is dealt with in Chapter 35 “Other issues”.⁴⁵

However, Chapter 35 in the case of Serbian accession negotiations does not include historic issues between Serbia and Kosovo, but actual real-life issues, such as energy and telecommunications, customs, freedom of movement, university diplomas and a variety of other issues which also have implications on the functioning of Kosovo’s institutions.⁴⁶ Therefore, a simple copy-paste approach will not work.

In addition, Serbia and Kosovo are not members of the EU and are consequently of an equal standing. In the case of North Macedonia the neighbouring Member States – Greece and Bulgaria – are interested parties, which would as EU MS be in a position to set, interpret and assess the implementation of the conditions, which makes them highly privileged parties.

By including the implementation of the Friendship Treaty MK-BG under Chapter 35: “Other issues”, with the expected constant pressure of Bulgaria to put on the table historic issues, the context of the accession process would be significantly altered. As a result, instead of a “forward-looking agenda” proclaimed by the Methodology,⁴⁷ a “backward-looking agenda” would be imposed, burdened with historic issues.

The Prespa Agreement, on the other hand, clearly links the dynamics of the implementation of some obligations of North Macedonia with opening of negotiating chapters. However, even in this case there is no need for inclusion of these issues under the Chapter 35 “Other”, as the obligations under the Prespa Agreement clearly refer to the other chapters.⁴⁸ Unnecessary duplication of setting and monitoring the conditions in different chapters, would create ambiguities and even contradictions that would further question the predictability and meritocracy of the process, declared in the Methodology.

The exclusive focus or emphasis solely on bilateral agreements with EU MS in the negotiating framework would have a negative impact on bilateral relations and regional cooperation within the Western Balkans and set a negative example for the countries involved.

It is also unavoidable to recognise in the negotiating framework both agreements – the Prespa Agreement and Friendship Agreement MK-BG, each of them separately, in their entirety and in view of the actual obligations. They should be highlighted in a positive and forward-looking perspective, underpinning the principle of credibility of the new enlargement methodology, and calling on the international law and principles on good-neighbourliness.

However, there is no need to include the implementation of any bilateral agreement under the Chapter 35: “Other”.

It is equally important not to neglect the bilateral relations with the countries of the region that are not EU MS.

44 Council of EU, Conference on accession to the European Union Montenegro, General EU Position AD 23/12 (Negotiating Framework) (2012) <<http://data.consilium.europa.eu/doc/document/AD-23-2012-INIT/en/pdf>>; Council of EU, Conference on accession to the European Union – Serbia, General EU Position AD 1/14 (2014) (Negotiating Framework) <<http://register.consilium.europa.eu/doc/srv?l=EN&t=PDF&g-c=true&sc=false&f=AD%201%202014%20INIT>> accessed 7 May 2020.

45 Council of EU, Negotiating Framework – Serbia 19.

46 Council of EU Conference on Accession to the EU – Serbia, European Union Common Position, Chapter 35: Other issues Item 1: Normalisation of relations between Serbia and Kosovo (2015) <<http://data.consilium.europa.eu/doc/document/AD-12-2015-INIT/en/pdf>> accessed 7 May 2020.

47 Communication 2.

48 Prespa Agreement, Article 1, p. 10 b) obliges North Macedonia to commence issuing all internal documents and materials with the new name of the country with the opening of each EU negotiating chapter in the relevant field and to finalise the process in five years from opening.

3. The pre-dominance of the bilaterally imposed conditions, which are not related either to the *acquis* or to international standards most certainly further jeopardise not only to the principle of credibility in the new Methodology, but also the principle of predictability, positive and negative conditionality.

d) Predictability, positive and negative conditionality

*There are strong calls from Member States, as well as from Western Balkans countries for a process that is more predictable and which ensures **greater clarity on what the Union expects** of enlargement countries at different stages of the process, and what the positive and negative consequences are of progress or lack thereof.*

*The Commission will use the enlargement package to check the compliance of the candidates with the *acquis* and provide clearer guidance on specific reform priorities and alignment criteria as well as expectations for next steps in the process. A stronger political steer and refocused IGCs will increase predictability, with clearer planning for the year ahead. The political actors in the countries will thus have a clearer indication of what must be done to move ahead. This will include an indication of what clusters / chapters could potentially be opened or closed and, where relevant, which conditions would still need to be met for this to happen.*

The core element of the merit-based accession process is its conditionality. However, in order to achieve that, conditions must be clear from the outset. It is important that candidate countries know the benchmarks against which their performance will be measured and that Member States share a clear understanding of what exactly is requested from the candidates. The Commission will better define the conditions set for candidates to progress, in particular through its annual reports. These conditions must be objective, precise, detailed, strict and verifiable. The Commission will also use third party indicators where relevant to provide Member States with the broadest possible base for their decisions.

COMMUNICATION, P. 5.

The implicit potential of the Bulgarian interpretation of the Friendship Treaty MK-BG to discredit the accession criteria in the Cluster “Fundamentals”, especially regarding the functioning of democratic institutions and Chapter 23 Judiciary and Fundamental Rights should not be undermined.

The cumulative effect of the prolonged and continuous pre-dominance of bilaterally imposed conditions could have a weakening impact, not only on the political commitment, but also on the capacity for reform processes in North Macedonia.

It would certainly be quite difficult to ensure “greater clarity” and “clear guidance” in regard to reforms, if the negotiations involve interpretation of history. It is difficult to imagine EU institutions being in a situation to judge upon historic issues or simply write a part of the history of Europe, especially with the tendency of the new Methodology “to make the process more political” and ensure a more important role for the MS.⁴⁹

To encourage the process of dialogue related to issues of history, the EU has available options to support dialogue, scientific exchange, including historians who are not from the countries involved.

Last, in line with the intention to create a “forward looking agenda”, and having in mind that the economic criteria are now part of the Cluster “Fundamentals”, attention could and should be turned to other very relevant aspects of the Treaty, which also need high political and financial support (such as infrastructure, e.g. Corridor 8).

The negotiating framework should consistently prioritise the merit-based criteria, especially those under the Cluster “Fundamentals” and avoid any contradictions, deriving from bilateral issues, which could jeopardise them.

The document could also refer to the need for constructive dialogue, mutual respect and trust, especially in addressing outstanding issues between states.

The EU should in parallel explore the options for “soft” support to these aims, including scientific projects and projects promoting dialogue on all levels of bilateral cooperation.

In addition, support to joint projects by neighbouring MS and North Macedonia in fields supporting economic development would be highly beneficial.

49 Communication 3.

4. Eventual EU pressure on the Macedonian side for a “quick compromise” will not yield results, as the space for further concessions related to the national identity has greatly shrunk and is, in fact, practically non-existent, even with EU membership up for grabs.

The President of North Macedonia Stevo Pendarovski has recently stated that, “if the price we have to pay is to say we are not Macedonians and the language I speak is not Macedonian, then we do not need the EU”,⁵⁰ and thereby clearly marking out Macedonia’s position on the issue. It would be a mistake to presume that for the sake of EU membership, or for an accelerated accession process, the authorities of North Macedonia would quickly agree to the ultimatums coming from Sofia. In addition, the disposition among citizens will not allow them too much space for manoeuvring. Research shows that the difficult compromise on the name issue with Greece was only possible and acceptable for a critical number of citizens of North Macedonia under the condition that Macedonian ethnic identity and the Macedonian language was not brought into question.⁵¹ Furthermore, citizens perceive the most contentious historic periods in the current discussions with Bulgaria as the most significant ones defining the Macedonian national identity.⁵²

Increased pressure on the Macedonian side to accept the Bulgarian interpretation of the Treaty would be counter-productive as this would further potentiate the divides on the Macedonian political scene and distort the public discourse for the forthcoming elections,⁵³ increasing nationalistic tones. The Macedonian pro-European actors can revert the public debate, only if the EU institutions firmly stand by European values and norms.

In addition, such increased pressure would actually present a punishment for the self-initiative of the Government to address the pending issues with Greece and with Bulgaria, which again would send out the wrong message to the entire region.

Consequently, the pressure would only result in the postponement of the accession process for North Macedonia. The cost of this postponement might not be perceived as high for the EU, since enlargement is not an EU priority, at least not of all Member States. However, not only the accession process for North Macedonia would be questioned, but also the foreign policy of the EU towards the region. Within the enlargement process or out of it, the outstanding bilateral dispute will be there and augmenting, causing further negative consequences for the stability of the region, which remains in Europe.

Even though the negotiating framework is a document of the EU and North Macedonia does not have a voice in its adoption, the possible impact of pressure on North Macedonia to accept the Bulgarian interpretation for the Friendship Treaty MK-BG would be counter-productive for the stability of the country and the region, and therefore against the EU’s own interests.

50 Интервју со претседателот Стево Пендаровски [Interview with President Stevo Pendarovski] ALSAT, ‘360 0’ (1 May 2020) <<https://360stepeni.mk/video-360-stepeni-sezona-6-emisija-61-intervju-so-pretседателot-stevo-pendarovski/>>

51 European Policy Institute, ‘Citizens’ deliberate: why and how in the EU? Deliberative Polling® on the opportunities and challenges of Macedonia’s EU accession’ (2018) <http://epi.org.mk/docs/Rezime_debatna%20anketa_EN.pdf> accessed 7 May 2020.

52 According to a study carried out in 2013, “Regarding the historical period defining the Macedonian identity, all of the respondents singled out the following periods as the most significant: the period of “komiti”, i.e., the era of guerilla struggle for an independent state championed by IMRO/TMORO in the period of end of 19 century – beginning of the 20 , the period of the so-called enlightenment (intellectual national awakening preceding or coinciding with the “komiti period”), and, finally, the partisans (the fighters for a recognized state as part of Yugoslavia championed by the Yugoslav Communist party). The respondents expressed either a sense of opposition or indifference to the period of Antiquity.” (Source: Katerina Kolozova et al. ‘Skopje 2014 Project and its Effects on the Perception of Macedonian Identity Among the Citizens’ Institute of social sciences and humanities - Skopje (2013) 8. <<http://www.isshs.edu.mk/wp-content/uploads/2017/05/1.-sk2014-eng.pdf>> accessed 28 April 2020.

53 The elections were scheduled for 12 April 2020 after the resignation of the Government following the EU “no” to the Macedonian accession bid in October 2019. They were postponed due to the COVID-19 pandemics and are yet to be rescheduled.

ANNEX

OVERVIEW OF THE PROVISIONS OF THE FRIENDSHIP TREATY MK-BG, THE BULGARIAN FRAMEWORK POSITION AND THE STATEMENT REGARDING THE ACCESSION OF THE REPUBLIC NORTH MACEDONIA TO EU

We analysed the positions from the Framework position on EU Enlargement and the Stabilisation and Association Process: The Republic of North Macedonia and Albania⁵⁴ and the Statement by the Republic of Bulgaria with regard to the adoption of the Council Conclusions on Enlargement and Stabilisation and Association Process⁵⁵ in view of the provisions of the Treaty of Friendship, Good-neighbourliness, and Cooperation between the Republic of Macedonia and the Republic of Bulgaria.

We matched and presented the positions from the Framework Position and the Statement with the relevant articles of the Treaty.⁵⁶ Those positions that could not be linked to any of the articles of the Treaty are presented at the end of the document. The introductory parts of the Framework Position and the Statement, including the general statements on the application of the conditionality are not included. The explicit conditions for certain stages of the accession process – first or second intergovernmental conference (IGC), negotiating framework (NF) or later stage of negotiations are presented.

TREATY OF FRIENDSHIP, GOOD-NEIGHBOURLINESS, AND COOPERATION BETWEEN THE REPUBLIC OF MACEDONIA AND THE REPUBLIC OF BULGARIA

The Republic of Macedonia and the Republic of Bulgaria (hereinafter jointly referred to as the Contracting Parties),

- Stemming from their shared commitment to further developing the good- neighbourliness, friendship and cooperation between the two countries,
- Deeply convinced of the need for developing cooperation on the basis of mutual respect, trust, understanding, good-neighbourliness and mutual respect for the interests of their countries,
- Believing that the comprehensive development and deepening of the friendly good-neighbourly relations between them serves the interests of the peoples of the Republic of Macedonia and of the Republic of Bulgaria,
- Convinced of the necessity to strengthen the security and peace, the cooperation and trust in Southeast Europe,
- Welcoming the commitment/aspiration of the Republic of Macedonia to integration in the European and Euro-Atlantic structures,
- Believing that constructive dialogue about all aspects of the bilateral relations, as well as about regional and international issues shall contribute to the further development of the relations between the two countries, on equal footing,
- Reaffirming the fundamental importance of the Joint Declaration of 22 February 1999 for the relations between the two countries,
- Taking account of the shared history that ties together the two countries and their people,
- Abiding by the principles of the Charter of the United Nations, the documents of the Organization for Security and Co-operation in Europe and the democratic principles set forth in Council of Europe documents,

54 Council of Ministers of the Republic of Bulgaria, Рамкова позиция относно разширяване на ЕС и процеса на стабилизиране и асоцииране: Република Северна Македония и Албания (09 October 2019) [Framework Position regarding EU enlargement and the Stabilisation and Association Process of the Republic of North Macedonia and Albania] <<https://www.gov.bg/bg/prestentor/novini/ramkova-pozitsia>> accessed 3 May 2020.

55 Annex to the General Affairs Council, Enlargement and Stabilisation and Association Process - Council conclusions 7002/20 (25 March 2020) (not published).

56 The translation of the Friendship Treaty MK-BG in English was downloaded from the web site of the Ministry of Foreign Affairs of the Republic of North Macedonia (marked as unofficial) <https://www.mfa.gov.mk/document/1712>. The translation of the Framework Position is our own, while the text of the Statement in English is presented as in the annex to the Council conclusions.

HAVE AGREED AS FOLLOWS:

**ARTICLE 1**

The two Contracting Parties shall develop comprehensive relations, in pursuance with fundamental principles of international law and good-neighbourliness. ————✗

**ARTICLE 2**

1. The two Contracting Parties shall cooperate within the United Nations, the Organization for Security and Co-operation in Europe, the Council of Europe and within other international organizations and fora.
2. The two Contracting Parties shall develop their cooperation in the area of European and Euro-Atlantic integration, with a view to successful preparation of the Republic of Macedonia for its accession to the European Union and NATO. The Bulgarian side shall share its experiences in order to help the Republic of Macedonia fulfil criteria required for membership of the European Union, and shall support the Republic of Macedonia in obtaining an invitation for membership of NATO, in accordance with relevant decisions adopted at NATO summit meetings. ————✗

**ARTICLE 3**

The two Contracting Parties shall facilitate the development of the cooperation among Southeast European countries, as well as the strengthening of the understanding, peace and stability in the Region and the implementation of regional projects, as part of the overall process of building a united Europe. ————✗

**ARTICLE 4**

1. The two Contracting Parties shall maintain contacts and exchange meetings between representatives of their respective state authorities, at different levels for purposes of developing their friendly relations and cooperation.
2. The two Contracting Parties shall facilitate contacts between their respective local authorities and citizens of the two countries. ————✗

**ARTICLE 5**

Taking into consideration that the two Contracting Parties are geographically close, they shall strive to create the required legal, economic, financial and trade conditions to ensure the most comprehensively possible movement of goods, services and capital. They shall encourage joint investments and shall ensure their protection. ————✗

**ARTICLE 6**

The two Contracting Parties shall support the increase of their exchange in the area of tourism, and the development of relevant forms of cooperation in the area of tourism. ————✗

**ARTICLE 7**

1. The two Contracting Parties shall expand and improve their transportation interconnections and other communication links between them, including in the framework of regional infrastructure projects.
2. The two Contracting Parties shall strive to facilitate the customs and border formalities for passengers and goods, moving between them. ————✗



ARTICLE 8

1. The two Contracting Parties shall encourage their active and unimpeded cooperation in areas of culture, education, health care, social policy and sports.
2. With a view to strengthening their mutual trust, within three months at the latest from the entry into force of this Treaty, the two Contracting Parties shall establish, on parity basis, a Joint Multidisciplinary Expert Commission for Historical and Education Issues, aiming to contribute to objective, scientific interpretation of historical events, founded on authentic and evidence-based historical sources. The Commission shall submit an annual report about its work to the Governments of the two Contracting Parties.
3. Upon mutual agreement, the two Contracting Parties shall organize joint celebrations of shared historical events and personalities, with the aim of strengthening their good-neighbourly relations, in the spirit of European values.

Stage	Framework position	Statement
1st IGC	Achieving concrete results in the work of the Commission, verified by the Joint Intergovernmental Commission, regarding the period of our common history until 1944, including reaching an agreement on Go-tse Delchev, VMORO-VMRO and the Ilinden-Preobrazhensko uprising. Replacement of information signs and other indications, incl. on historical monuments and cultural monuments, in implementation of the texts agreed so far. Taking systematic measures to remove from plaques and inscriptions on monuments, plaques and buildings, texts that openly incite hatred towards Bulgaria, for example those containing qualifications such as the "Bulgarian fascist occupier". Agreeing on specific dates for the joint celebration of the events and personalities on which an agreement has been reached.	Active engagement by the Republic of North Macedonia in reaching a definitive agreement on the entire spectrum of the work of the Joint Multidisciplinary Expert Commission on Historical and Educational Issues created under the Treaty, including reaching agreement on key figures and events from our common history with the Republic of North Macedonia up to 1944, on specific dates for the joint commemoration of those events and figures on which agreement has been reached; and replacement of information signs and other indications, including those on historical and cultural monuments, in pursuance of the agreed texts.
	When celebrating events and personalities agreed upon, political figures, representatives of state institutions in the Republic of North Macedonia, as well as of the state-funded media should base their official statements and comments on the texts agreed by the Commission.	The abstention of political figures and representatives of state institutions in the Republic of North Macedonia from statements/positions that could be interpreted as putting into question or contradicting the texts agreed upon by the two governments.
2nd IGC	Harmonization of the curricula in history and literature of the two countries in accordance with the achievements of the Joint Multidisciplinary Expert Commission on Historical and Educational Issues. Relevant historical and literary sources from the 19th and 20th centuries, along with the adapted texts, should be presented and studied in the language norm on which they were originally written. To this end, representatives of the Ministries of Education of the two countries will be invited for further participation in the work of the Joint Multidisciplinary Expert Commission. Clear commitment and time frame for reaching an agreement on other important personalities and events from our common history until 1944. A clear commitment and time frame to reflect the agreements reached in the state-funded books, documentaries, films, museums.	
Later stage	<p>• Chapter 35 ('Other'):</p> <p>The Republic of North Macedonia to implement in the curriculum in history, geography and literature for the respective school classes/university courses the agreements reached on the whole spectrum of the activity of the Joint Multidisciplinary Expert Commission on Historical and Educational Issues.</p> <p>The Republic of North Macedonia to apply to the relevant historical monuments (monuments, plaques, cemeteries, etc.) the agreements reached on the whole spectrum of the activities of the Joint Multidisciplinary Expert Commission on Historical Issues.</p>	

**ARTICLE 9**

The two Contracting Parties shall make efforts to facilitate the free dissemination of information by encouraging and developing their cooperation in the area of the media, by utilizing possibilities offered by modern communication systems. The two Contracting Parties shall also work on the protection of copyrights and intellectual property rights of authors of two countries. ✗

**ARTICLE 10**

The two Contracting Parties shall advance their cooperation in the legal and consular areas and more specifically in areas of civil, criminal and administrative affairs, and shall promote the resolution of humanitarian and social problems of their respective nationals. ✗

**ARTICLE 11**

1. Neither of the two Contracting Parties shall undertake, encourage or support activities aimed against the other Contracting Party, which are of hostile nature.
2. Neither of the two Contracting Parties shall allow that its territory be used against the other Contracting Party by organizations and groups, the goal of which is to commit subversive, separatist activities and activities which threaten the peace and security of the other Contracting Party.
3. The two Contracting Parties do not harbour and shall not make territorial claims against each other.
4. Each of the two Contracting Parties shall have the right to protect the rights and interests of its respective nationals, on the territory of the other Contracting Party in accordance with international law.
5. The Republic of Macedonia hereby confirms that nothing in its Constitution may be and should be interpreted in a way that it constitutes or shall ever constitute the basis for interference in the internal affairs of the Republic of Bulgaria, with the purpose of protecting the status and rights of persons, who are not nationals of the Republic of Macedonia.
6. The two Contracting Parties shall undertake efficient measures to prevent ill-intentioned propaganda by institutions and agencies and shall discourage activities of private entities aimed at inciting violence, hatred and other similar activities that may be detrimental to their relations.

Stage Framework position**Statement****1st IGC**

The Republic of North Macedonia should suspend and refrain from pursuing a policy, in whatever form, of supporting and encouraging claims for recognition of the so-called "Macedonian minority" in Bulgaria. The Republic of North Macedonia to unreservedly and urgently align its positions and actions in international organizations and fora in line with Article 11 of the Treaty on Good-neighbourliness, clearly declaring that there are no historical and demographic grounds for seeking minority status for any group of citizens of the territory of the Republic of Bulgaria. The multilateral formats and monitoring mechanisms of the Council of Europe should not be instrumentalized by the Republic of North Macedonia to put pressure on Bulgaria on issues related to the rights of persons belonging to minority groups.

Discontinuation by the Republic of North Macedonia of any support to organizations claiming the existence of a so-called "Macedonian minority" in the Republic of Bulgaria, including in international organisations such as the Council of Europe and in multilateral formats and monitoring mechanisms.

Alignment of Republic of North Macedonia's positions and actions in international organizations and forums with Article 11 of the Treaty, including by declaring that there are no historical and demographic grounds for seeking minority status for any group of citizens on the territory of the Republic of Bulgaria.

Later stage NF

Chapter 10 ("Information Society and Media"):

- Overcoming hate speech in public, incl. towards persons who self-identify as Bulgarians (in connection with the application of professional media standards; achieving transparency regarding media ownership and financing; regulation of online media; etc.).

The undertaking of measures by the authorities in the Republic of North Macedonia to actively prevent, and where necessary investigate and prosecute, any form of discrimination or hate speech against its citizens with Bulgarian self-identification or Bulgarian descent and cultural affiliation.



ARTICLE 12

1. Within three months from the entry into force of this Treaty, the two Contracting Parties shall establish a Joint Inter-Governmental Commission. The Ministers of Foreign Affairs of the two Contracting Parties shall co-chair the Commission, which shall also include high-ranking officials of the two countries.
2. The Joint Inter-Governmental Commission shall have regular meetings once a year, in order to review the effective implementation of this Treaty, of the application of measures for the improvement of their bilateral cooperation, and in order to resolve issues that might arise in the course of the implementation of this Treaty. As deemed necessary, each Contracting Party may propose the convening of additional meetings of the Joint Inter-Governmental Commission. ✗



ARTICLE 13

1. This Treaty shall be subject to ratification in accordance with the respective Constitutional requirements of the two Contracting Parties. This Treaty shall enter into force on the date of the exchange of instruments of ratification between the two Contracting Parties and shall remain in force for an indefinite period.
2. This Treaty may be amended upon written agreement between the two Contracting Parties. The amendments shall be agreed upon via diplomatic channels and shall enter into force in accordance with paragraph 1 of this Article.
3. Each Contracting Party may terminate this Treaty by sending a written notification to the other Contracting Party. The Treaty shall cease to apply within one year following the date of receipt of the said notification. ✗



ARTICLE 14

This Treaty shall be without prejudice to the bilateral and multilateral agreements to which the Contracting Parties are Parties.

Signed in Skopje, on 1 August 2017, in two original copies, each in the respective official languages of the Contracting Parties – in the Macedonian language, in accordance with the Constitution of the Republic of Macedonia and in the Bulgarian language, in accordance with the Constitution of the Republic of Bulgaria, both texts being equally authentic.

Stage Framework position

Statement

**1st
IGC**

The Republic of North Macedonia to declare in a verbal note to the UN Member States that the adherence to the amendments to the Constitution of the Republic of North Macedonia in accordance with the Prespa Agreement will be implemented in parallel with strict adherence to the Treaty with the Republic of Bulgaria in its entirety, including in regard to the “language clause” of the Treaty.

Guaranteeing that adherence to the amendments in the Republic of North Macedonia's constitution under the Prespa Agreement will be implemented in parallel with strict adherence to the Treaty in its entirety.

NF

With regard to the language, to use the phrase “official language of the Republic of North Macedonia”. In case of absolute need to use the term “Macedonian language” in EU documents and positions, an asterisk should be added for clarification each time – “according to the Constitution of the Republic of North Macedonia.” It should be clear that the language norm declared a constitutional language in the Republic of North Macedonia is related to the evolution of the Bulgarian language and its dialects in the former Yugoslav Republic after their codification after 1944. No document/statement in the accession process can be considered as a recognition by the Bulgarian side of the existence of the so-called “Macedonian language”, separate from Bulgarian.

Implementation of the “language clause” agreed between Sofia and Skopje in the agreements of the Republic of North Macedonia with the EU, including in the future Negotiating Framework. Thus, the linguistic norm spoken by the population of the Republic of North Macedonia should only be referred to as “the official language of the Republic of North Macedonia” in EU documents/positions/statements, including the future Negotiating Framework. No document/position/statement by the EU and its institutions can be interpreted as recognition of the existence of a separate so-called “Macedonian language”.

ADDITIONAL REQUESTS THAT CANNOT BE LINKED TO ANY ARTICLE OF THE TREATY AND/OR RELATE TO ITS IMPLEMENTATION IN GENERAL:

Stage	Framework position	Statement
1st IGC/NF	Good-neighbourliness should be confirmed as a horizontal criterion throughout the accession process.	The reference to good-neighbourly relations, including the full implementation of treaties between the Republic of North Macedonia and EU Member States as a requirement against which progress will be measured throughout the accession process in the future Negotiating Framework and one whose implementation will be assessed within the negotiating chapter 35 "Others".
	Maintaining good neighbourly relations and in particular – the implementation of bilateral treaties with EU Member States (Bulgaria and Greece) is an integral part of the applicable conditions and will be assessed in the framework of Negotiating Chapter 35.	
	Chapter 35 should be among the first open and last closed negotiations chapters in order to ensure that the fulfilment of conditions is continuously monitored during the EU accession process.	
	Indicate in the note to the UN that the use of the short name provided for in the Prespa Agreement refers only to the political entity of the Republic of North Macedonia and not to the geographical region of North Macedonia, part of which is located within Bulgaria.	
	Initiation of a rehabilitation process of the victims of the Yugoslav communist regime, repressed because of their Bulgarian self-identification.	
Later stage	Initiation of process of unveiling of collaborators from modern-day Republic of North Macedonia in the security and intelligence services of former Yugoslavia.	Initiation by the Republic of North Macedonia of a rehabilitation process of the victims of the Yugoslav communist regime, repressed because of their Bulgarian self-identification.
	In addition, in the opening statement of the EU within the first IGC, Bulgaria will insist on the inclusion of a text on the need for the Republic of North Macedonia to implement, in good faith, the spirit and letter of the Treaty on Good-neighbourliness with Bulgaria throughout the EU accession process.	Swift implementation of the reform of the intelligence and security services, an important part of which would be the unveiling of collaborators from modern-day Republic of North Macedonia who worked for the security and intelligence services of former Yugoslavia.
	Bulgaria will insist on the inclusion of guarantees in the EU negotiating positions under separate chapters that the Treaty on Good-neighbourliness will continue to be implemented by the Republic of North Macedonia. A separate position will be prepared for each of the chapters in the process of membership negotiations, and in Chapters 35 and 10 they will include the following elements: ⁵⁷	
	Bulgaria also reserves the right, for reasons related to national security, to suspend its support in the enlargement process, including the actual implementation of the Treaty and the progress made in the work of the Joint Multidisciplinary Expert Commission on Historical and Educational Issues.	

⁵⁷ These provisions are presented under the relevant articles.

