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Studies

DISSEMBLING AND REDEFINING OF ONE STATE AND NATION (THE EXAMPLE OF THE REPUBLIC OF MACEDONIA THROUGH THE PRISM OF THE POLITICAL, SECURITY, LEGAL AND INTERNATIONAL CONSEQUENCES FOR THE MACEDONIAN STATE AND NATION)

ROZLOŽENIE A REDEFINOVANIE JEDNÉHO ŠTÁTU A NÁRODA (PRÍKLAD REPUBLIKY MACEDÓNSKO CEZ PRIZMU POLITICKÝCH, BEZPEČNOSTNÝCH, PRÁVNÝCH A MEDZINÁRODNÝCH DÔSLEDKOV PRE MACEDONSKÝ ŠTÁT A NÁROD)

Oliver ANDONOV
Jana KUKESKA

Abstract: The creation of weak states and their political, security and economic control is a contemporary approach in conducting hybrid wars and the creation of international politics, i.e. the protection of the sphere of interests in geopolitics. The Republic of Macedonia which, following the dissolution of Yugoslavia in 1991, emerged as a state with an orderly social system in all areas, thirty years later, is a weak state which in the last four years has been brought to a state of disassembly and redefinition in terms of its statehood and nation. This will have serious historical consequences on the Macedonian nation and statehood and presents a striking example of creating a weak state in the process of geopolitical turmoil and a result of a long-term hybrid war and controlled instability. The controlled instability in the Balkans region does not apply exclusively to the Republic of Macedonia, but the same, as an unstable country, is an instrument for causing regional instability. In this paper authors will try to present the cause-effect relationships between the political, security, legal and international consequences that will in the long run arise from the destruction of the Macedonian state and nation. The order of combined action within the country through the destruction of the security system, causing political crises and long-lasting instability by use of multiple instruments as destabilizing factors driven by external power centers, ends with legal and judicial precedents and a compromise on the international position of the state. All these phases of action in all areas would not have been possible for realization if compromised persons in the security structures, political leadership and judicial and legislative power in the country were previously not installed in the period of more than 25

years. In this way, it is very clear that the state is worn out and shows a weakness for normal functioning. The recovery of the country in the future requires restart of the political and security system, the judiciary and political leadership that are not compromised. In this paper, authors as contemporaries will try to explain the situation in the Republic of Macedonia and give an insight into the causal relationship for disassembling of the Macedonian nation and state.

Key words: *politics, security, legal system, international relations, weak state*

1 Introduction

The problems resulting in geopolitical shifts due to the national interests of states are foundation of the idea for national security as a crucial notion in international relations. In the international relations the so-called international security does not exist, primarily because it is only a synonym, however in practice there exist a national security exclusively. Given that the basis of any security practice is the maintenance and accomplishment of national security, we may refer to framing security as an underdeveloped concept in international relations (Boozan 2008: 26) dependent on the national security of each state. This conceptual underdevelopment of the security within the international relations reinforces the importance of the national security, which basically denotes the notions of "dominance" and "stability." It is precisely the state's dominance in international relations and its stability with regard to the internal regulation and preservation of national security that are the basis for defining a weak and a strong state. Certainly, the theoretical approach to the framing of security is directly linked to the identification of the state as a security object grounded in the idea of the state, its constitutional order and the construction and stability of the state institutions. This includes its physical foundation as well as the preservation of the biological substrate for survival of the nation.

In the modern international relations, especially in Europe, it is not to be expected that the national security would be endangered by the classical application of armed aggression (war) by any state against its neighbouring states, but that the threats mainly pertain to the hybrid wars. The main purpose of the attack on the state would be the destruction of its order from within. If we have established that the basic constituent parts of the state are:

- a. The idea of a state,
- b. The physical basis of the state and
- c. The institutional structure of the state,

then we can determine that the collapse of any of these three pillars can cause the state system to collapse and create a weak state.

The conclusion is that all states are to some extent vulnerable to military, economic and political threats, which makes the problem of national security multidimensional. In this way, the idea upon which the states are based is subject to evolution creating problems in identifying the threat to

national security and its identification. Therefore, we can conclude that states vary not only in their status as forces, but also in their weakness or strength, being part of the state system and the creation of a weak state (Ibid 88).

In fact, when the idea of the state and the institutions of the state are weak, then the state is per se less a state than the one whose idea and institutions are solid. Therefore, the lack of a national idea, the destruction of the national idea and statehood, the collapse of the state institutions through the dismantling of the security system, the legal system, fiscal and tax indiscipline, and the creation of a fundamental political instability, all together contribute to the creation of a very weak state. A key determinant of weak states is their high level of concern with home-generated security threats caused by several different sources of threat.

This process is evident in the Republic of Macedonia, which has been systematically degraded as a state for nearly three decades, including undermining on security; economic and legal grounds thus ultimately resulting in undermined the idea of statehood among the Macedonian people. In this article, we will try to briefly explain the genesis of the political destruction, the destruction of the security and legal system of Macedonia, and as an introduction to the destruction of the state or the state-building idea of the Macedonian people. Overall, the consequences of this destruction made Macedonia a weak state thus deteriorated its position in international standing.

2 The genesis of the political crisis in the Republic of Macedonia

In the last 30 years, the Republic of Macedonia has been continuously going from crisis to crisis resulting in creation of a weak state and preparation for constitutional redefinition. It is believed that the basis of this long-term strategic policy is the destruction of so-called "Macedonianism" as a national idea of the Macedonian nation for creation of its own Macedonian state, which was realized in 1944 upon the constitutional decisions of ASNOM.

If we make a retrospective and chronology of the manner in which the Macedonian nation-state idea was undermined, our analysis would be very extensive. However, there are several key moments and events that directly affect the institutional, economic, political, security and national stability of the Republic of Macedonia. Certainly, hereof the "boiling frog" method was applied, in order to keep the Macedonian people from remembering and seeing what the ultimate goal was.

Following the stake of events since 1991, it is necessary to emphasise that following a successful independence referendum on September 8, 1991, Macedonia proclaimed independence from Yugoslavia. Already in November the same year, the first Constitution of the Republic of Macedonia was adopted, and it was assessed as democratic. However, despite the Badinter Commission's report¹ stating that Macedonia deserved an

¹ The text of the Badinter Commission Report (Opinions) are published in the *European Journal of International Law*. Opinions 1-3 are reproduced in 3 EJIL 1

international recognition, the international law was violated and the violations of the Macedonian state and nation began. To prepare for this operation, the SDSM government led by Branko Crvenkovski has been corrupted and seeing a short-term benefit of coming to power in 1994, it granted the Albanians from Kosovo and South Serbia 150,000 citizenships. Creating "controlled instability" the then-President of the Republic of Macedonia Kiro Gligorov was assassinated. Although a senior Communist cadre, in terms of the national issue, the President Gligorov was firmly nationally designated as Macedonian.

The creation of preconditions for initiating a political crisis in Macedonia was also supported by creating an economically weak state, i.e. by destruction of the state's economic capacities and impoverishment of its population. This effect was achieved through the so-called transition of the social capital into private, precisely at the time of SDSM's rule with Branko Crvenkovski. Thereto, the social capital, especially the important industrial and economic complexes, was privatized by several rich man for a very symbolic prize. The privatization is there from widely considered unfair, criminal and designed to satisfy only the richest elements of the population. In this way, the economic and financial power was concentrated in a narrow circle of politically and financially powerful persons who had a direct influence on the political trends in the country. The second aspect of influence was creating of the feeling of apathy and distrust of the Macedonians towards their own state.

The mentioned creation of distrust was considered a tool for launching the next step and that is creation of a serious political crisis and destruction of state. Thereto, through the instrument of armed conflict (which was used to threaten the population in the country especially in regard with their biological survival), the next phase of the destruction of the Macedonian statehood began. Namely, the impoverished population, the devastated state-legal system and the security system, the general insecurity and distrust towards the state, have created all the conditions for weakening the Macedonia's defence capability. At this stage, the Albanian minority in Macedonia was strongly exploited and supported by various criminal structures and intelligence centres of the international community, in order to create "road" position and force the Macedonians to reformulate the Republic of Macedonia from a nation state to a "civil-multi-ethnic" state.

It is widely accepted that the ethnic community exists when the key group possesses some of the following characteristics: the correct collective name, the myth of common ancestors, common historical memories, one or more elements of differentiating a common culture, coming together in a separate homeland, a sense of solidarity for important sectors for the population (Waever et al. 1995: 53). This theoretical principle and practical

(1992) and Opinions 4-10 are reproduced in 4 EJIL 1 (1993) (available online) <https://doi.org/10.1093/oxfordjournals.ejil.a035855>.

rule was deliberately omitted and instead of nation and minorities, ethnic communities were created in Macedonia. This is the point of breach for complete segregation of the Macedonian society, leading to, a situation where the Albanian minority retained its national definition by connecting with Albania and Kosovo, while the Macedonians regressed from a nation to an "ethnic community". Such form of destruction by reducing one nation to an ethnic community level can hardly be recovered ever.

The recent "Treaty on friendship, good neighbourliness and cooperation" with Bulgaria as well as the "Prespa Agreement with Greece" is in support of the destruction process. Both treaties emphasize the non-existence of the Macedonian nation, while at the same time, they contest the proper historical collective name, the common history and in particular the Macedonian language — the fundamental of the common Macedonian culture. At the same time, the bilingual project in the county has opened the possibility of its complete (over time) extrusion not only in some parts of Macedonia but also in the neighbouring countries with unrecognized Macedonian minority.

Based on the theoretical approach, we can confirm that although being rare, yet the transformations of dying or born nations are present through destruction of the entire infrastructure of a nation as mentioned above. Therefore, the Macedonian nation, gradually over a period of 27 years, was led to a state of apathy and distrust of the idea of statehood. The latest developments from 2015 to 2019 brought a puppet government in order to carry out the mentioned redefinition of the state. In fact, it happened when the Government ignored the people's will on the occasion of the unsuccessful Referendum to amend the constitution and change the name of the country, and instead of withdrawing from the process by virtue of the low referendum turnout, it continued with blackmailing and intimidating MPs to vote for amendment of the Macedonian Constitution. The constitutional amendments, which were adopted by the Parliament on January 11, 2019, do not only refer to the name change from the Republic of Macedonia to the Republic of North Macedonia. The essence of these changes is much deeper, and we will explain it further in this article.

3 Brief analyses of the Constitutional Amendments of 11 January, 2019

In an attempt to provide an introduction to the legal support for the redefinition of the Republic of Macedonia and the international legal consequences on the further existence of the state and its nation, it is necessary to make a brief analysis of the Constitutional Amendments adopted on January 11, 2019. In this way, we hope that the international scientific public, as well as any interested reader, will have a clearer understanding of the consequences for Macedonia and its transformation into a weak state.

3.1 Amendment No. XXXIII²

The Amendment reads: In the Constitution, the words “Republic of Macedonia” shall be replaced with the words “Republic of North Macedonia”, and the word “Macedonia” shall be replaced with the words “North Macedonia”, except in Article 36 of the Constitution of the Republic of Macedonia.

1. Everywhere, the word Republic of Macedonia is replaced with the word Republic of North Macedonia, and it presents a complete change of the country's name. The old-name state Macedonia, especially its essential denominator "MACEDONIA" goes down in history. The newly renamed state "North Macedonia" will be a titular of a new nation (if one follows the state-nation principle), and as a new nation it implies building a new identity and history, starting in 2019.

As a result, the following questions arise:

- Did Macedonians ever exist and who were they?
- From whom (which entity-ethnic community, by which common history, culture, language, and tradition) does that new nation emerge?
- The question is not whether, but to what extent will the neighbors confiscate part or parts of the Macedonian people's history?
- What will be the consequences on the survival of the Macedonian people in future and will there be no retrograde processes regarding the death of a nation?
- What will be the further demands of the neighboring countries especially in line with the instruments and mechanisms they dispose in the process of negotiations for full membership of the EU in Macedonia?

These are not hypothetical questions, but essential scientific questions that need to be answered. Their empirical verification will only be possible in the future, depending on the political pragmatism within the country as well as the regional influences.

3.2 Amendment XXXIV

The Amendment reads: In the Preamble of the Constitution of the Republic of Macedonia, the words “as well as citizens living within its borders who are” shall be deleted, the words “the decisions of the ASNOM” shall be replaced with the words “the legal decisions cited in the Proclamation of the First Session of the ASNOM to the Macedonian people about the said session of the ASNOM”, the words “which expressed the will to create an independent sovereign state and the Ohrid Framework Agreement” shall be added after the word “year”, and the words “have decided to” shall be deleted. “

² Full text of the Amendments can be reached: https://www.sobranie.mk/the-constitution-of-the-republic-of-macedonia-ns_article-constitution-of-the-republic-of-north-macedonia.nspix

The deletion of the ASNOM's decisions has a direct impact on the deletion of the history and the state-legal continuity of the Macedonian state as well as on the historical evidence of the statehood of the Macedonian people. The insertion of: "Proclamation of the first session of the ASNOM to the Macedonian people" in place of "ASNOM Decisions" represents a historical generalization and relativization of the Macedonian nation state as a nationally constituted state of the Macedonian people in a certain historic moment according to state-building legal acts with historical and political significance. The proclamation is in fact a manifesto to the people for their introduction with important historical events, and it is not a legal nor constitutional confirmation of the state and law continuity and a historical seal of the Macedonian state. The proclamation does not mention the key legal acts that establish the Macedonian state and nation with its postulates as documents that are not permanently binding, such as:

- ASNOM as the highest legislative body and a representative body of the state power of the DEMOCRATIC (REPUBLIC) MACEDONIA, i.e. its successor is the Assembly of the Republic of Macedonia (Sojuz na borcite 2014: 5-9).
- The Macedonian language as the only official language in the Macedonian state and its entire territory (introduction to abolition of the Macedonian language and state) (Ibid: 11-12).
- Appreciation of the People's Liberation Army (renouncing the antifascist struggle) and renouncing the ideology of antifascism as a historical, cultural and democratic gain (Ibid: 10).
- Proclamation of Ilinden as a national-state holiday (questioning whether this is an introduction for abolition of Ilinden as well) and its celebration as a cornerstone of the Macedonian state, statehood and a symbol of the Macedonian people's national struggle for independence
- Avoiding ASNOM's decisions and constitutional changes actually erases the tendency to "unite the whole Macedonian people", because a new nation (North Macedonian) is being created, while also denying "the rights to full freedom and equality of all nations" in Macedonia " and therefore:
- The inclusion of the Ohrid Agreement in the preamble turns Macedonia or Northern Macedonia in the direction of undefined statehood and "binationality" as an artificial pseudo-state creation. Why the words "decided to constitute the Republic of Macedonia" are deleted from the Preamble? Does it mean that the people no longer decide but someone else does it on their behalf? This is a lexical, semantic, legal and historical question that indicates that the Macedonian people and all minorities did not decide to establish the Republic of Macedonia, but that it was resolved by someone else, or they did so at the behest of someone else. Thus, a new nation and state is created without continuity of history, composed of an amorphous mass without collective memory — history, culture, religion, language, tradition.

Therefore, in this analysis, we believe that this amendment will have a future impact that will reflect on the redefinition of the Macedonian nation from a political nation to a newly created i.e. artificially created nation without a foundation.

3.3 Amendment XXXV

The Amendment reads: 1. The Republic shall respect the sovereignty, territorial integrity and political independence of the neighboring states. 2. This amendment shall supplement Article 3 of the Constitution of the Republic of Macedonia.

This is a very unnecessary amendment aiming at defocusing the public. Namely, in the existing Constitution of the Republic of Macedonia, in article 34 Amendment I.1 it is clearly stated that "the Republic of Macedonia has no territorial claims to the neighboring states". The question is, do the neighboring states have such guarantees in their constitutions against the Republic of Macedonia?

3.4 Amendment XXXVI

The Amendment reads:

1. The Republic shall protect, guarantee and foster the characteristics and the historical and cultural heritage of the Macedonian people.

The Republic shall protect the rights and interests of its nationals living or staying abroad.

The Republic shall provide for the diaspora of the Macedonian people and of part of the Albanian people, Turkish people, Vlach people, Serbian people, Roma people, Bosniak people and others and shall foster and promote the ties with the fatherland. In doing so, the Republic shall not interfere with the sovereign rights of other states and with their internal affairs.

2. This amendment shall replace Article 49 of and Amendment II to the Constitution of the Republic of Macedonia.

Through this Amendment it is evident that the country withdraws the concern for the position and rights of the Macedonian people in the neighboring countries and for the expatriates who once left Macedonia, as provided for in article 49, paragraph 1.³

Along with the new provisions, floccules and unreasonable stipulation are inserted, as follows:

1. "The Republic shall protect, guarantee and foster the characteristics and the historical and cultural heritage of the Macedonian people" (this is unnecessary to be inserted in article 49 concerning the protection of the Macedonian people living in the Republic of Macedonia. The Constitution per se, protects all of its citizens (Macedonians included),

³ Article 49, paragraph 1, reads: The Republic cares for the status and rights of those persons belonging to the Macedonian people in neighboring countries, as well as Macedonian expatriates, assists their cultural development and promotes links with them.

guarantees and fosters the cultural and historical heritage of the Macedonian people in the Republic of Macedonia as guaranteed by Article 48 to all communities).

2. In paragraph 2 of Amendment 36, the Republic protects the rights and interests of its citizens living or residing abroad. Why is this necessary when one of the primary duties and functions of a state under the international law is to protect the interests of the nationals of his home state while they are residing abroad? The right of a state to afford protection to its citizens whilst they are abroad is a universally accepted canon of international law, and it is this right of his home state that a diplomatic agent exercises whilst looking after the interests of his co-nationals and making representations on their behalf to the government of the receiving state if they suffer harm or injury in the territories of that state (Sen 1965).

3. Paragraph 3 is the most fraudulent: "The Republic shall protect the rights and interests of its nationals living or staying abroad."⁴ Here are two logical questions: First: What are they caring for, better living, health, property, or? Or, the Republic should take care of the rights of Macedonians living abroad. • Second: Which Macedonian people will take care of? For those who have been citizens of neighbouring countries in generations and are Macedonians by gender? Or for those who by exercising their sovereign right of self-determination want to call themselves Macedonians, and their domicile states don't allow that? Or for anyone, because according to the changes within the Amendments 33 and 34, there will be no Macedonian nation nor Macedonian people but Northern Macedonian.

(As previously mentioned above in the Amendment 33, the words "Republic of Macedonia" and the word "Macedonia" are replaced by the words, North Macedonia).

4. Given these changes it is clear why the use of "Macedonian citizenship / citizens of northern Macedonia" is permitted — under the Prespa Agreement.

Hence, according to the sound logic of reasoning, several more fundamental questions arise in this analysis:

- The state withdraws from the Macedonians and Macedonian nationality in the neighbouring countries.
- In the explanations of the amendments, one cannot see any substantial necessity for amending the Constitution for the purpose of the promoting the human rights and freedoms and further development of the Republic of Macedonia but everywhere the following is used: "implementation of the Treaty with Greece for the purpose of accessing in the EU and NATO". Furthermore, this bilateral Agreement provides for procedure and content for amending the Macedonian Constitution. This, above everything, is out of common sense as one

⁴ The erased old text of this paragraph reads: the Republic cares for the cultural, economic and social rights of the citizens of the Republic abroad.

Constitution cannot be changed with bilateral agreement i.e. after the dictation of another state.

In addition, in the Prespa Agreement the official name of the Republic of Macedonia is not mentioned but the country is referred as "Second party", even though it is being subject to change with the Agreement. Some lawyers may legitimately discuss that this Agreement cannot be considered as the one entered by the Republic of Macedonia because its name is not contained in the part reserved for naming the contracting parties i.e. the signatories.⁵ Therefore, the following question arises: Is an alliance membership and interstate agreement more important than a Constitution? What about the David Ruzie's famous principle: "In no case the International Agreement can't derogate the Constitution." (Ruzie 1975). This is obviously so opposite the international law and unknown for the international relations where states appear as main legal entities.

4 Legal "support" for the redefinition of the state and the international consequences thereupon

Legal arguments for amending the State Constitution with the ultimate aim of accomplishing the above mentioned state redefinition are difficult to be found in any legal source, law textbook or law authority in the world. The innovation of finding such argumentation as an impossible mission will long be studied by law students as a school example of (authoritarian) rule of a government formed by violation of the rule of law principle.

The illegitimacy of the election of Government after the 2016 parliamentary elections is the first step in undermining the country's constitutional and legal system and introducing a definitive redefinition of the same. It first started with an illegitimate and impertinent attempt to elect a President of the Assembly, which grossly violated the very clearly defined articles of the Constitution, the Law on Parliament and the Rules of Procedure of the Assembly of the Republic of Macedonia.

Resolving the longstanding name dispute between Macedonia and Greece has resulted in conclusion of the Prespa Agreement which imposed a short time frame on series of illegal changes. The agreement's text is explosive, having been crafted to fundamentally confirm and consolidate a radical 'otherness' of the two parties involved (that is, Greece and Macedonia), encompassing their populations and histories (Stefan, 2018). Any expert tasked with supervising the re-writing of history textbooks in the spirit of this agreement, as stipulated therein, will quickly find it impossible to reconcile the definitions and concepts put forth there with the methodological and theoretical knowledge about the need to de-essentialize and de-construct 'ethnicity', 'history', 'culture', 'nation', etc (Ibid).

⁵ Rretired Supreme Court Judge, Mrs. Milojka Kalkashlieva in a letter published in the daily newsletter Nova Makedonija considered that from legal point of view, Macedonia did not sign anything

Perhaps among the most critical issues is fact that this Agreement contains provisions for amending the Macedonian Constitution. Article 118 of the Constitution: "The international agreements ratified in accordance with the Constitution are part of the internal legal order and cannot be changed by law." This means that the international treaties are not above the Constitution, and cannot change the Constitution. The agreement imposes amendments to the Constitution of the Second Party a change to the constitutional name⁶,, "the Republic of Macedonia" (nameless in the Agreement) and adopting the new name and its derivative adjectives in the Constitution, as well the manner, timeline and oversight over the implementation of the agreement by the First party – the Hellenic Republic, which constitutes direct Greek interference into internal matters of the Republic of Macedonia – a sovereign country founded on the principle of self-determination of the Macedonian people in 1944 and the ASNOM (Anti-fascist Assembly of National Liberation of Macedonia). (Siljanovska 2019). On the other hand, the inherent right of a state to have a name can be derived from the necessity that a juridical person must have a *legal identity* (Janev 2019: 51) In absence of such identity, the juridical person, such as a state, could to a large extent lose its capacity to interact with other juridical persons (e.g. conclude agreements, etc.) and independently enter into and conduct its external relations (Ibid). Hence, the name is a solid expression of the right of self-determination belonging to the jus cogens norms thus *stricto sensu* belongs to the domestic jurisdiction.

Without going into many details in the content of this asymmetric agreement which only provides for rights of the first party (the Hellenic Republic), and obligations of the Second party (nameless), and denies the fundamental right of self-determination, we will list several rules of procedure violations while trying to embody the text of the Prespa agreement into the domestic legislative infrastructure:

According to the principle of separation of power and checks and balances, the President of the country is the guardian of the institutional balance between the central governing bodies thus dominus in the international law relations. Article 119, paragraph (1) of the Constitution of the Republic of Macedonia, stipulates that the "International agreements are concluded in the name of the Republic of Macedonia by the President of the Republic of Macedonia. Although the paragraph (2) of same article further reads that "the International agreements may also be concluded by the Government of the Republic of Macedonia, when it is so determined by law, the governing Law on Conclusion, Ratification and Enforcement of International Agreements (Official Gazette No.5/98)⁷ exclusively lists (numerous clauses) 22 areas in which the government is entitled to enter into international agreements. But even in these 22 areas, Government cannot

⁶ There is no constitutional provision outlined to change the name of the country

⁷ Article 2, paragraph 3

enter into agreement without the necessary consultation and cohabitation with the President.

From the text of the so-called Prespa Agreement, which is part of the referendum question, it is obvious that a clumsy and inadmissible attempt is made for abuse of substantive law, with one only purpose: to provide for government jurisdiction in areas that are exclusive constitutional jurisdiction of the President of the Republic. As a result, the Government is lacking legal authorization to enter into agreement for change of the country's name and having the Minister of Foreign Affairs to sign the agreement is both "negotiorum gestio" act as well with an ultra vires act, because Mr. Nikola Dimitrov⁸ has overstepped his mandate, and has Violated the Constitutional and legal prerogatives (Siljanovska 2019).

Second problematic is the referendum process itself. Article 1(4-c) of the Prespa Agreement stipulates that "The Second Party, if it decides so, will hold a referendum" thus such Decision was passed by the Parliament on July, 30th, 2018.⁹ There are absolute and irreversible procedural and substantive obstacles due to which any Decision for call of referendum cannot produce legal action. In the initiative to assess the constitutionality and legality of the Parliament decision to hold a referendum submitted by the political party Levica, the petitioner clearly identified the following obstacles of the contested Decision:¹⁰

A) Formal obstacles:

1. The decision does not contain all mandatory required elements by law.
2. The type of referendum that is being called is unclear
3. The referendum question is ambiguous and capricious

B) Substantive obstacles:

1. There is no consultative referendum for entering into alliance
2. The "treaty" in question is not ratified in accordance with the Constitution.

The decision was not passed in a referendum, because the referendum¹¹ did not reach the legal turnout threshold of 50 per cent of the registered voters.¹² Yet, even that it was unsuccessful;¹³ the Macedonian government unlawfully adopted the proposal for changing the Constitution,

⁸ The Minister of Foreign Affairs of the Republic of Macedonia

⁹ The Decision is published in the Official Gazette of RM, No. 140/18

¹⁰ Initiative to assess the constitutionality and legality of the Parliament Decision, submitted by the political party Levica

¹¹ Referendum was held on 30th September, 2018

¹² From 1.806.336 eligible voters, 609, 427 voted "yes". The turnout was about 36.89%, not enough for successful referendum.

¹³ According to article 73/2 of the Constitution: "The decision is passed in a referendum if majority of those voting have cast in favor of the same, on condition that more than half of the total number of voters voted.

and sent the proposal to the Parliament. The decisive vote to change the constitution and the country's name was passed on 11 January 2019 in favor of the change. The president of the country, however, refused to sign the bill, qualifying the Prespa Agreement as unconstitutional thus contrary to the Constitution; the bill was signed by the Speaker of the Parliament instead. Although being widely welcomed by the international community, the MP's vote was marred by allegations of bribery and political dirty tricks. However, the authors of this paper leave this subject open for further research and discussions among colleagues from the academic community. Third, the Presidential role in the process of ratification of agreements was also disrespected. According to the mentioned Law on Conclusion, Ratification and Enforcement of International Agreements, the President shall communicate the original text of the Agreement to the Ministry of Foreign Affairs together with a proposal for initiation of a ratification procedure and an explanation thereof, within 30 days of the date of signature at the latest. Upon this proposal, the Ministry shall prepare a Proposal for adoption of a law on ratification of the concluded international agreement and shall submit it to the Government of the Republic of Macedonia, which - after its adoption — will forward to the Parliament of the Republic of Macedonia¹⁴ for further legislative procedure. Once the proposal law is in this phase, the President is entitled to address at a plenary session and give explanation on the agreement concluded. Fourth procedural infringement refers to the disrespect of the Assembly Rules of procedure as the Rules of procedure of the Parliament were not respected. Firstly, because the President of the Parliament Law on ratification of the Agreement was not sent to the competent Foreign Affairs Committee and the Committee for constitutional issues, but to the European Affairs Committee that is not in charge of this matter. Secondly, because the law is passed within shortened procedure (comparution immediate) and according to the Rules of procedure "The initiator of a law proposal can suggest to the Assembly to review the law proposal reducing the time frame when: it is not the case of complex and extensive law; the law or some provisions of a law cease, or when it is not the case of complex and extensive harmonization of the law with the legislation of the European Union".¹⁵ No such circumstances existed for the law to be passed in shortened procedure. A contrary, the importance, the complexity and the great financial impact but also the sensitivity of the question as regulated in the domestic law, dictates the same to be reviewed and decided upon in a regular legislative procedure.

For the foregoing, one may easily confirm that the whole process of name change of the country is anti-constitutional, illegal and extremely harmful and irritating thus incompatible with the country's democratic and constitutional order. From the substantive point of view, the Prespa Agreement further violates the provisions of the Vienna Convention on the

¹⁴ Article 20 and 21

¹⁵ For further information, see <https://www.sobranie.mk/legislative-procedure.nsp>

Law of Treaties (1969) and the peremptory norms of International Law, and as such it cannot be considered a legally valid treaty but only null and void.

Conclusion

Analyzing the systematization of the theoretical and practical approach to the dismantling and redefinition of the Macedonian nation Macedonian state, we can conclude the following:

1. It was a long process having its roots deep in the historical approach against Macedonia by the neighbors.
2. This process was strongly influenced by the interests of the neighboring states and the regional and global forces.
3. The process took place at a specific historical-political period both regionally and globally.
4. The entire operation to dismantle and redefine the Macedonian nation and state was aided by inside and especially by the political elites in Macedonia. Whether they are fully aware of treason they made, or it is just a combination of objective and subjective weaknesses of the political elite, takes further analysis.
5. The ethno-political conflict process in the Macedonian-Albanian relation has a strong destabilizing effect on the internal state homogeneity and on the security risks and threats, although the percentage of the Albanian minority does not exceed 20%
6. The interests of the major powers controlling the territory of the Balkans and the energy transport routes influenced the development of the process.
7. Of particular influence was the seized will for the idea of statehood of the Macedonian nation as the leading nation in the nation state of the Republic of Macedonia.
8. There appear continued legal precedents expressed in particular by disrespect of the established international law, as well as the disrespect of the domestic law of the Republic of Macedonia (especially the citizens' will expressed in the referendum on 30.09.2018)

Given the conclusions, we can foresee that in the future, Macedonia and the Macedonian nation will face many temptations and above all a long-lasting generational struggle to restore the nation and statehood as a nation state of the Macedonian people.

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