



APPROCCIO COMPARATO ALLA MEMBERSHIP DELLA MACEDONIA DEL NORD NELLE NAZIONI UNITE E NELL'UNIONE EUROPEA

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THE BRAKE UP OF YUGOSLAVIA, THE WARS AND THE BIRTH OF NEW INDEPENDENT COUNTRIES

- The war in Slovenia as a military intervention from the Yugoslav army in order to restore the sovereignty of the Federation (1991)
- The war in Croatia was between Croats and Serbs for independence from Yugoslavia (1991 – 1992)
- The war in Bosnia was fought between 1992 and 1995, between Republic of Bosnia and Herzegovina and Herzeg-Bosnia and Republika Srpska. Ended with Dayton Accords
- The war in Kosovo and Serbia 1998-1999. It was fought by the forces of the Federal Yugoslavia, and the Kosovo Albanian Liberation Army
- Macedonia separated from Yugoslavia in a peaceful manner and remained a so called 'Oasis of Peace', but it had an internal conflict in 2001 between Albanians and the Macedonian government



1989

RECOGNITION OF NEW STATES IN THE BALKANS – THE BADINTER COMMISSION



Following the Declaration on Yugoslavia and on the Guidelines on recognition of new states from December 16, 1991, the new countries presented a request for international recognition to the European Community in 1991, relying on the Declaration of Brussels concerning the recognition of new states in Eastern Europe. The Badinter Commission, which was established by the EC to examine the applications, on the 11th of January 1992 gave the following opinions:

❑ Opinion n. 6 - only Slovenia and Macedonia fulfill the criteria prescribed by the Guidelines

❑ Opinion n.3. – Croatia did not fulfil the criteria according to the Guidelines, because of lack of guarantees for protection of the Serbian minority

❑ Opinion n.4 - Bosnia and Herzegovina did not fulfil the criteria according to the Guidelines, because of lack of referendum for independence



Despite these opinions, the European Community during the European Council in Lisbon (1992) recognized only Slovenia and Croatia, while it didn't recognize Macedonia, rather it imposed to the country to change its constitutional name.

What's it in a name?

Referendum for independence of the Republic of Macedonia (8 September 1991)

The country was not internationally recognized by the European Community (contrary to Opinion N.6 of the Badinter Commission)

After the change of the Constitutional amendments (art. 3 e 49), the country presented an application for UN membership and became a UN member in April 1993 under the provisional name 'former Yugoslav Republic of Macedonia' in violation of art. 4 (2) of the UN Charter

Interim Accord between Macedonia and Greece from 13 September 1995 (foresees the change of the flag)

Matthew Nimetz, was a mediator nominated by the Secretary General of the UN in order to mediate the conflict from 1998 until 2018

In 2008 Greece vetoes Macedonian membership to NATO and violates the Interim Accord from 1995

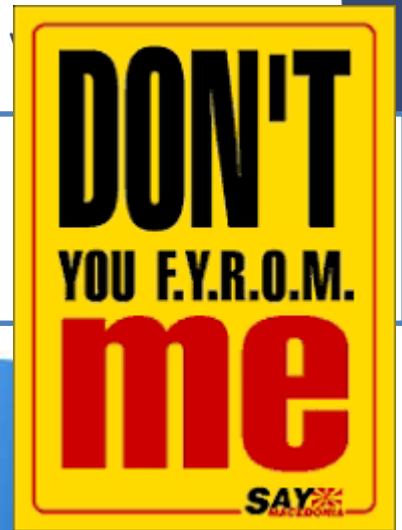
Imposition of a total embargo by Greece towards Macedonia (1994-1995)



In 2009 Greece blocks the opening of negotiations inside the EU

In June 2018 the two countries conclude the Treaty of Prespa that resolves the name dispute and replaces the previous Interim Accord of 1995

In 2008 Macedonia initiates a case against Greece in front of the International Court of Justice for infringement of art. 11 of the Interim Accord, and in 2011 the Court rules in favour of Macedonia, condemning Greece for breaching the Accord



ORIGINS AND CHARACTERISTICS OF THE NAME DISPUTE :



- The name issue originates since the 1st and 2nd Balkan wars when the geographical region Macedonia was divided between Greece, Bulgaria, Serbia and Albania
- The name issue *sensu stricto* refers to the Greek concern about the use of the name Macedonia (regarding possible territorial claims from Macedonia)
- The name issue *sensu lato* concerns:
 1. Historical-cultural claims related to Ancient Macedonia (especially after the discovery of the sarcophagus of Philip II Macedon in Northern Greece in 1977),
 2. The non-recognition of the Macedonian minority in Greece (discriminatory policy towards Macedonian minority after the Treaty of Sèvres from 1920 that was manifested with maximum intensity during the exodus of the Macedonian population during the Greek civil war between 1946 – 1949)



GENERAL FRAMEWORK EU – WESTERN BALKANS RELATIONS AND THE PROCESS OF EUROPEAN INTEGRATION

North
Macedonia -
2004

Albania - 2006

Montenegro -
2008

Bosnia and
Herzegovina -
2008

Serbia - 2010

Kosovo- 2016



THE SIGNING OF THE PRESPA AGREEMENT (JUNE 2018)



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

PREAMBLE

The First Party, the Hellenic Republic (the "First Party") and the Second Party, which was admitted to the United Nations in accordance with the United Nations General Assembly resolution 47/225 of 8 April 1993 (the "Second Party"), jointly referred to as the "Parties",

-Recalling the principles and purposes of the Charter of the United Nations, the Helsinki Final Act of 1975, the relevant Acts of the Organization for Security and Cooperation in Europe ("OSCE") and the values and principles of the Council of Europe,

-Guided by the spirit and principles of democracy, respect for human rights and fundamental freedoms, and dignity,

Treaty of Prespa in June 2018, following the support of the EU and the US

Name change - from Macedonia to the Republic of North Macedonia

Obligations for Greece

obligations from the Greek side were abstaining from blockage and vetoing the country into international organizations

Obligations for North Macedonia

series of limitations of usage of the name Macedonia concerning historical events that date from Hellenistic period until the Second World War, denial of the existence of a Macedonian minority in Greece and again guarantees that there will be no territorial claims from the Macedonian side

- TREATY OF PRESPA - OR

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 (17 June 2018, Mala Prespa)

Violation of internal law :

1. Procedures relative to the conclusion of the Treaty

Treaty negotiations (absence of a constitutional proposal for negotiations and negotiations were conducted in a secret manner – contrary to art. 3 and 8 of the Law on conclusion, ratification and execution of international treaties from 1998)

Signing of the agreement (unconstitutional/conclusion of an “ultra vires” act – contrary to art. 119 Cost and art. 3 of the Law on conclusion, ratification and execution of international treaties from 1998)

The procedure for adoption of the Treaty of Prespa (the Parliament applied a simplified procedure instead of regular procedure, the Treaty was examined within an inadequate Parliamentary Commissions, voted with simple majority instead of 2/3 majority as foreseen for questions of fundamental importance)

Law for ratification of the Treaty (2 suspensive veto from the President of the Republic, nevertheless the Treaty was promulgated from the President of the Parliament, together with the Law regarding the use of the Albanian language (the Law was also suspended 2 times).

Violation of internal law:

2. Procedures related to the opening of the procedure for constitutional amendments for the name change

Unlawful procedure for induction of referendum (contrary to art.9 of the Law of Referendum and other modalities of participation, the type of referendum was unconstitutional because it was consultative/advisory instead of obligatory; the referendum question was too vague and inadequate as well as the referendum procedure was contrary to the Code of good conduct from the Commission of Venezia from 2007)

The referendum decision was not taken into consideration (the referendum failed, it didn't meet the threshold of 50%, because the turnout was 36,9%)

Unlawful opening of the procedure for constitutional amendments (there was no constitutional basis for opening the amendment procedure)

Unlawful methods for adoption of the constitutional amendments (using bribe and threat with 8 parliamentarians of the opposition blackmailing them with the Law for amnesty for terroristic acts for the assault to the Parliament of 27 April 2017, in order to reach the necessary quorum of 2/3 majority (81 deputies), necessary for adoption of amendments)

VIOLATION OF NORMS UNDER INTERNATIONAL LAW:

Violation of international law (material aspects) :

1. Violation of the principle of sovereign equality between States (principle of sovereignty)

In the Treaty the **name of the State** – Republic of Macedonia or also 'Former Yugoslav Republic of Macedonia **is not mentioned** in any part, instead the State is referred to as 'the part that was admitted into the United Nations in accordance with Res. 47/225 of 8 April 1993'. The text retrogrades in respect to the previous Agreement where the 'second part' was referred to under the name 'Former Yugoslav Republic of Macedonia'

In the introductory part of the Treaty a series of international documents are being recalled, however **the Sentence of the International Court of Justice** from 2011 concerning the violation of art. 11 of the Interim Agreement from 1993 by Greece for blocking Macedonia's entry into NATO, has been **omitted**.

The Treaty is assymmetric regarding right and obligations for both parties (i.e. Greece has only rights, except 2 obligations, while Macedonia has no right only obligations)

Violation of international law (material aspects) :

2. Violation of the principle of self-determination of people

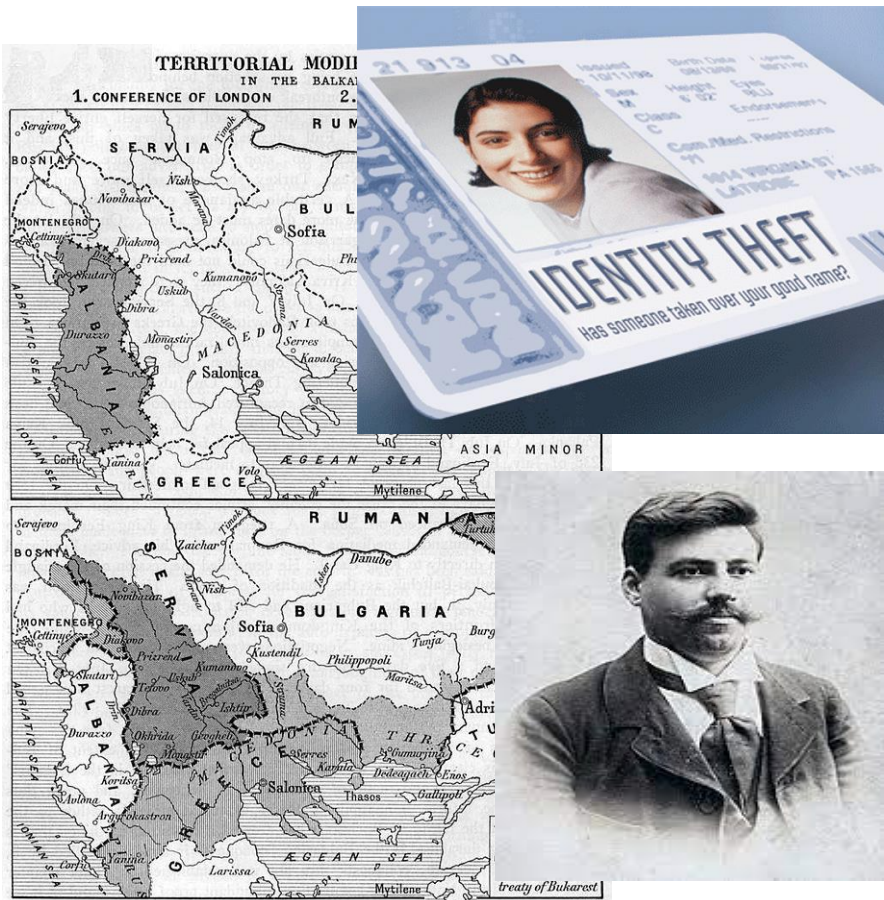
The subject of the Greek-Macedonian dispute regarding the name is missing, on the contrary it has been amplified contrary to the **previous Treaty**, and instead of speaking of 'one' difference regarding the name now it speaks of 'differences' (art.1) (regarding name, language, culture, history, educational system etc.) that reenter in the principle of self determination of people, as an imperative norm of international law of Jus cogens character and contrary to the previous Treaty

Violation of international law (material aspects) :

3. Violation of the principle of non-interference in internal affairs

The Treaty imposes the **revision of official documents** of the State in order to adapt them with the new name and imposes the removal of the term 'Macedonia' or the addition of the term 'North' from every state symbol or documents, institutions, buildings, etc. The Treaty foresees the **institution of a 'Common committee'** composed of diplomats, archeologists, historians... appointed to revision all school books and educational materials and clean them from the term 'Macedonia' or 'Macedonian'

DISPUTE WITH BULGARIA:



- The identity dispute with Bulgaria origins since the formation of Yugoslavia in 1945. However, during the years of the federation no claims whatsoever have been advanced towards the country
- It has been with the signing of the Treaty of Friendship, good-neighbourliness, and cooperation between Bulgaria and Macedonia in 2017, in base of which Bulgaria initiated practicing revisionist foreign policy towards Macedonia, where Bulgarians consider that the Macedonian nation was an artificial construction under Tito and that the Macedonian language is a Bulgarian dialect
- The identity issue *sensu stricto* refers to the Bulgarian denial of the Macedonian identity and Macedonian language, sustaining that there is no such thing as a Macedonian nation, that the Macedonian identity is an artificial construction of Yugoslavia under Tito and that the Macedonian language is a Bulgarian dialect
- The identity issue *sensu lato* concerns:
 1. Historical-cultural claims related to Macedonian history, Macedonian historical figures and facts, but also territorial claims towards Macedonia based on the myth of Greater Bulgaria created with the San Stefano Peace Agreement in 1878
 2. The non-recognition and the assimilation of the Macedonian minority in Bulgaria, which previously has not been the case, has been a discriminatory policy towards Macedonian minority since the 1960's, and has been affirmed and repeated by the European Court of Human Rights in 11 judgments

А а, Б б, В в, Г г, Д д, Ѓ ѓ, Е е,

events

Who are the Macedonians?

Loading...

- In the census of 1946, Bulgaria recognizes the existence of a Macedonian minority of around 160,000 people
- From 1965 a strong policy of assimilation towards the Macedonian populations is being upheld by the Bulgarian government, whereby it resulted that only 10,000 people declared themselves as Macedonians in the 1965 census
- Macedonians have been refused the right to register political parties (OMO Ilinden – Pirin) and have been condemned several times on behalf of the European Court of Human Rights
- Since the signing of the 2017 Treaty of Friendship, good-neighbourliness, and cooperation between both countries, Bulgaria conducts a revisionist foreign policy towards Macedonia, whereby it denies the existence of the Macedonian identity and Macedonian history, it denies the existence of a Macedonian language sustaining that it is a Bulgarian dialect and it imposes falsification of historic events related to the period of Bulgarian occupation of Macedonia during World War II



Bulgarian passport?
Why not!?



THE TREATY WITH BULGARIA (JULY 2017)



ДОГОВОР ЗА ПРИЈАТЕЛСТВО, ДОБРОСЕДСТВО И СОРАБОТКА МЕЃУ РЕПУБЛИКА МАКЕДОНИЈА И РЕПУБЛИКА БУГАРИЈА

Република Македонија и Република Бугарија (нарекувани во понатамошниот текст заеднички "Договорни страни"),

Поаѓајќи од заедничкиот стремеж за понатамошен развој на добрососедството, пријателството и соработката меѓу двете држави,

Длабоко убедени во потребата од развој на соработката врз основа на меѓусебното почитување, доверба, разбирање, добрососедство и заемно почитување на интересите на нивните држави,

Верувајќи дека сеопфатниот развој и продлабочување на пријателските добрососедски односи меѓу нив одговара на интересите на народите на Република Македонија и Република Бугарија,

Убедени во неопходноста од зајакнување на безбедноста и мирот, соработката и довербата во Југоисточна Европа,

Поздравувајќи го стремежот на Република Македонија за интеграција во европските и евроатлантските структури,

Верувајќи дека конструктивниот дијалог за сите аспекти на билатералните односи, како и за регионални и меѓународни прашања ќе придонесе за понатамошен развој на врските меѓу двете држави на рамноправна основа,



CURRENT SITUATION and ISSUES:

- In July 2020, Bulgaria blocked the signing of the status agreement with FRONTEX
 - In September 2020, Bulgaria imposed strict conditions upon the negotiation framework between Macedonia and the EU which are contained in the so called, Explanatory memorandum on the relationship between Bulgaria and Macedonia sent to EU Member States. In this Explanatory memorandum Bulgaria insists that the Macedonian identity of the Macedonian people is an artificial creation of Tito under Yugoslavia, and that the language is a Bulgarian dialect. Aside from this, it insists that Macedonia should reinterpret history in the part where Bulgarians are considered as occupators of Macedonia under fascist rule and insists to be reconsidered as liberators
 - Upon this political advancement from Bulgaria, the Czech Republic, Slovakia and Austria raised objections towards Bulgaria and responded by withdrawing the whole package on European integrations in the European Council in December 2020
- Bulgarian state officials have been investigated for a passport scam, whereby more than 115.000 passports were issues to foreign citizens from neighboring countries, from which around 80.000 issued to Macedonians.
 - Macedonians in the past years (since Bulgaria's accession to the EU) have asked for Bulgarian passport because of visa free travel in the EU and because of the possibility to work in EU countries
 - With the current dispute Bulgaria insists that these 80.000 Macedonians that have received Bulgarian passport, that they are Bulgarian citizens and that they should be inserted as a minority in the Macedonian constitution
 - Therefore, Bulgarians now have put as a precondition to the European enlargement process, the opening of the Macedonian constitution and the insertion of this so called 'bulgarian minority' in the Constitution

Question and conclusions:
Will N. Macedonia reach the goal towards
European integrations?

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