Vlado KAMBOVSKI*

THE WESTERN BALKANS AT A NEW CROSSROADS

Balkan societies are at a historical crossroad in a time of transition in which they should be involved in the process of creating a post-industrial global society, rejecting the historical matrix and the ideological paradigm on which their states are based. From the national and the "great state" ideas and collectivist philosophy and its inspired mythology which is rooted as a universal social pattern that maintains and preserves the collective mentality of the national entities, the Balkan states and their political, economic and legal systems are based on the principles of authoritarian systems whose functions are protective and reactive- the protection of the majority nation and ensuring the internal solidarity of the society by constant encouragement of mistrust and hatred towards the neighboring peoples and states.

Almost three decades after the disintegration of Ex-Yugoslavia and more than two decades after the end of war and destruction, in the Balkans, the perspective of the emergence of lasting peace, friendship and good neighborhood is still far from citizens' expectations. After a long transition, Balkan societies are also far from developed functional democracies and integrated political communities based on the foundations of the rule of law and respect for the priorities of human rights and their equality, with the exception of states that have become members of the EU and NATO, but with many weaknesses in the functioning of democracy, the acceleration of economic development, and, in particular, redefinition of good neighborly relations and improved regional integration processes.

* Academy of Sciences and Arts of the Republic of North Macedonia

Agreements of friendship of the Republic of North Macedonia with Bulgaria and Greece: anticipation of the overall Balcan reconciliation and integration

A particularly critical situation is in the countries of the Western Balkans for which there are very restrained forecasts of the potential for accelerated development. Thus, in relation to their economic development prospects, World Bank comes up with forecasts of low growth rates (*Western Balkans Regular Economic Report*: Spring 2019): Balkan economies are projected to continue to grow in 2019–20, projected to average 3.7 percent for 2019–20, faster than the EU and similar to the average for Central and Eastern Europe (CEE). Growth will differ by country, accelerating in Bosnia and Herzegovina, Kosovo, and North Macedonia, while decelerating in Albania, Montenegro, and Serbia, but with slowing down the creation of new jobs due to the weak dynamism of the private sector and the ongoing challenges of human capital that severely limit the prospects for growth and poverty reduction.

The prognosis is no better on the progress of the necessary system reforms and the progress of the Euro-Atlantic integrative process, the interstate relations and the impact on the process of regional integration of geopolitical interests of large countries whose geostrategic interests are crossing in the Balkans. Regional disputes, backsliding on democracy, trading below potential and connectivity versus enlargement are the main problems for Western Balkans, stated in the report "Western Balkans to 2025: A brighter future or permanent marginalisation?" of the famous The Economist Intelligence Unit (EIU). This report expresses the concern of the European Union around potential political instability and the influence of third powers such as Russia, China and Turkey in the Western Balkans and the functioning of factors that predispose the region to political risk and instability which are related to ethnic fragmentation, low public trust in government, high unemployment, human rights abuses and large numbers of refugees and displaced persons.

The situation is aggravated by the unresolved issues between some Balkan states: the integrity of Bosnia and the status of Republika Srpska, negotiations between Serbia and Kosovo, different plans to change borders and exchange territories with the far-reaching dangerous consequences of opening a "pandora's box" by abandoning the principle of inviolability of state borders, bilateral disputes between states... All this provides the basis for reflection on the future of the region, which are formulated in the well-known publication *Chaillot Paper* No. 147 titled "Balkan futures- Three Scenarios for 2025" of the European Union Institute for Security Studies (EUISS), published on 3rd September 2018 (s. Chaillot Papers" (Paris: European Union Institute For Security Studies, n. d.), https://www.iss.europa.eu/publications/chaillot-papers).

The Paper corresponds with the EU Commission strategy adopted in February 2018 under the title of "A credible enlargement perspective for an enhanced EU engagement with the Western Balkans". The strategy considers the enlargement policy "as part and parcel of the larger strategy to strengthen the EU by 2025" set out by President *Juncker* in his State of the Union speech of September 2017, describing this enlargement as "investment in the EU's security, economic growth and influence and in its ability to protect its citizen." The Paper, in Executive Summary section, it starts with the sentence "What will the Western Balkans look like in 2025?" and presents three contrasting scenarios for the horizon of 2025 — best-case, medium-case, and worst-case. Each scenario takes account of the impact of underlying megatrends (trends that are unlikely to change by 2025) on the future trajectory of the region: the scenarios do not just spell out what 2025 could look like, they also explain how decisions with far-reaching consequences taken at critical junctures (called game-changers) will shape this future between today and then. They therefore serve not merely as a description, but also as a roadmap outlining the different options available." First one is "The hour of Europe" which is shortly described as "a positive and optimistic vision of the future evolution of *the Western Balkans*." Second one bears the title of "*The Balkans* in limbo". Per the Paper, in this scenario "Balkan countries are still on the path to EU integration, but are making slow progress in implementing reforms due to a lack of political will". The third scenario is "The ghosts of the past". In this scenario, "*the Western Balkans* are haunted by the 'ghosts of the past'. The EU integration process has slowly slipped off the political agenda, while geopolitics and violent conflicts are resurgent." In the third doomy scenario, the authors say that "The redrawing of borders in the Balkans has not taken place without bloodshed". Those who are familiar with the Balkans know that the region has its own peculiarities, historic facts and cultural roots. According to the Paper, whether the Western Balkans will move towards the second, or even more to the third scenario, depends on the influence of the "Game'changers for the region": several other external actors are actively working against the goal of liberal reform in the region. Will the Western Balkan states be able to mitigate these potentially disruptive influences, represented mainly by Russia, China, Turkey, and the Gulf States?" The Paper, then asks the following question: "Will Western Balkan states be able to mitigate the potentially disruptive influences of these actors?", answering that "NATO is seen as the main security provider by the governments and civil society organizations in the Western Balkans."

These scenarios, although not reflecting the EU's official position, contain a covert acknowledgment that the EU itself for the last few years has made no political and strategic commitment towards the Western Balkans, keeping the enlargement process mainly at technical levels, and that the involvement of the Western Balkans countries in EU discussions has mainly centered on two main policy areas: counter-terrorism and the external dimension of migration. This is contrary to the general public opinion in the EU that leaving the Balkans outside the Euro-Atlantic structures could pose real threats to European security, because the old ethnic enmities and challenges of a never-ending transition, when coupled with new worrying trends undermining democracy and increased malign influence in the region, could make a perfect recipe for renewed conflicts in the Balkans.

These are the reasons why today the need for accelerating the Euro-Atlantic integration process of the Western Balkans is more important than ever before, implying above all the request that the EU, the USA and other Western structures leave the approach "stability over democracy", because it is not possible to have democracy without stability, but it is also confirmed in numerous studies that unconsolidated democracies have certain elements of instability and fragility (*Bieber*: there is no need to support autocratic systems declaring pro-Western orientation when in domestic politics they are using undemocratic means!).

The Western Balkans are "showing evident signs of State capture, covering links with organised crime and corruption at all levels of government and administration, as well as a major overlapping of public and private interests." It was in these blunt terms that the European Commission analysed the "rule of Law" in the region in its Communication of 6th February 2018, in which it recalled the conditions for these countries' accession. The Union should help them and prepare itself by undertaking reforms (*Commission Communication*: "A credible enlargement perspective for and enhanced EU engagement with the Western Balkans" COM(2018)65, 6th February 2018). The Commission did however indicate that Montenegro and Serbia "might be ready to join by 2025" and on 17th April it recommended the opening of membership negotiations with Albania and Macedonia. It also proposed "six flagship re-commitment initiatives" by the Union to ensure the stability of the Balkans better and to prepare for their integration, confirmed at the Sofia Summit on 17th May 2018. The Council of 26th June approved the Commission's analysis, but on the insistence of France and the Netherlands, it postponed the opening of membership negotiations with Albania and Macedonia until June 2019, on reserve of continued reform. The European Council of 28th and 29th

June "endorsed the conclusions on enlargement and the stabilisation and association process adopted by the Council."

The analysis made by the Commission on the political chapter — to which the Council fully subscribed — is unequivocal: the rule of Law must be significantly strengthened, the judiciary has to become independent and professional, the freedom of the media fully guaranteed and fundamental rights respected in practice. It is also time for governments and their administrations to take full responsibility for their acts. To do this the reform of the latter must be stepped up and democratic institutions, starting with the parliaments, must play their natural role of executive and counterweight. The emphasis is evidently placed on the fight to counter corruption and the dismantling of criminal networks. The detailed analysis in the per country reports confirms that none of the countries of Western Balkans escape these general points of criticism.

Given these persistent weaknesses, the six flagship initiatives were decided upon by the leaders of Europe at the Sofia Summit of 17th May 2018 and integrated into the "Sofia Priority Action Programme" presented in annex to the "Sofia Declaration", which was agreed by the Council on 26th June. The first initiative aims to "strengthen support to the rule of Law" by extending detailed action plans to all countries regarding chapters 23 and 24, by improving the assessment of the reforms, by guaranteeing follow-up to major processes and by linking overall negotiation pace to progress on these chapters. To the political and economic chapters, which are linked to the membership criteria, the Union has added a "good neighbourly and regional cooperation" chapter to the Stabilisation and Association Process (SAP) adopted in 1999 by the European Council and approved with the Western Balkans at the Thessaloniki Summit of 21st June 2003. This request arises from the knowledge that reconciliation of the Western Balcans countries is still a long way off, even though the leaders of the Balkans committed in this sense at the Vienna Summit on 27th August 2015. The wounds of the Second World War and the wars of the 1990's are still too often reopened via the rehabilitation of war criminals, the denial of crimes or ultra-nationalist invective. Ethnic rhetoric — whether it involves the past or whether it inflames the fear of the future — is too often used to justify staying in office or deflecting attention in the face of the difficulties experienced by the latter. These are the reasons why the European Council resolutely states that "the legacies of the past must be overcome, and reconciliation promoted, notably via a climate of tolerance," and that "The Union will not import any bilateral disputes."

Starting from these principles that are of key importance for future Euro-Atlantic integration processes of the countries of the Western Balkans, the Council stressed the exemplary nature of the agreements concluded by North Macedonia in 2017 and 2018 with Bulgaria and Greece for the entire region. The agreements affirm European values, standards and bases for developing new intergovernmental relations and open a new era in the common future of the Balkan societies which leave the retrograde ideologies, policies and prejudices regarding mutual neighbborhood relations, replacing them with a new vision for the united Balkans.

1. AGREEMENT WITH THE REPUBLIC OF BULGARIA

The Treaty of friendship, good neighborhood and cooperation between the Republic of North Macedonia and the Republic of Bulgaria signed on August 1, 2017 has all the features of a European treaty.

First of all, it is a reconciliation agreement between the two nations, which ends the age-old era of mutual idolatrous, political, and armed conflicts inspired by the great state ideologies and concepts. The idea of reconciliation of nations is today a leading European idea, woven into the founding treaties of the EU, the functioning of its institutions and the conduct of European policies. It is actually carried out on the level of absolute priority of human freedoms and rights and their equality proclaimed with the fundamental international documents of international law as the greatest guarantee for the overall peace and security of the peoples. In the light of universal human freedoms and rights, there is no room left for extreme and aggressive nationalism, paternalism in relation to national minorities living in neighboring countries or internal discrimination and inequality of citizens on national, ethnic or similar grounds.

The national state goes down in history, along with ethnocentrism and the ideological monolithicity of a multicultural and pluralistic society, creating a free space for human freedom through the processes of globalization and integration. Contrary to absolute state sovereignty, these processes raise the imperative of mutual co-operation and devaluation (transfer) of the sovereignty to joint, contractually formed alliances, such as the EU. The agreement with the Republic of Bulgaria accentuates exactly the cooperation in the processes of European integration of the Republic of Macedonia as the main goal and the meaning of the various forms of cooperation by creating the necessary legal, economic, financial and trade conditions for ensuring the free movement of goods, services, capital and knowledge. It is about promoting the four freedoms that represent the center and main

goal of the EU, subordinated to the demand for inclusion of the Macedonian society in the single European space of freedom, security and justice.

Understanding the European character of the Treaty, expressed through these two postulates of its conceptualization as an agreement of national reconciliation and a common European future within the Euro-Atlantic integrations, relativizes the significance of certain criticisms rooted in its observation as a classic bilateral cooperation agreement. Such a nature doubts the determination to jointly celebrate common historical events and personalities, reserved for the work of the joint multidisciplinary expert commission on historical and educational issues, or the provisions of the Treaty concerning the competence of the contracting parties to protect the rights and interests of their nationals in the territory of the other Contracting Party, which does not concern the protection of the status and rights of persons in the Republic of Bulgaria who are not nationals of the Republic of Macedonia. Some people think that it means unacceptable asymmetry of the Agreement in relation to the Republic of Macedonia.

Contrary to these remarks, it should be noted that the European nature of this Agreement implies its Euroconform interpretation. All these clauses should be interpreted through the optics of European standards for individual and collective rights and in the spirit of the concept of European citizenship, which in terms of treating historical themes implies not a confrontation of the old hardened and ideologized stands of historical science in both states and persistently insisting on correcting history or imposing unified historical truths, but preparing for writing a new history of social change that comes with positive contributions and lessons of the past.

Science and culture represent a special contribution to the development of the spirit of cooperation and community among the nations. On that basis, Academy of sciences and arts of North Macedonia (MASA) and Bulgarian academy of sciences, as the highest scientific and art institutions of particular interest for the two countries, in the past period of the year gave an indispensable contribution in creating a spirit of cooperation and trust in the scientific and artistic environment of both countries, contributing to the overcoming of the captivity of the areas of politics, ideology or dogmatic understanding of history. They are working together on a number of projects, among which are those that engulf some of the controversial issues of the history of the two peoples, beginning with the joint commemorations of individuals and events from the common distant and nearer past. Numerous conferences and other meetings, art manifestations, publications and other forms of joint activities have been organized.

They have shown that there is no issue that cannot be dealt with through the confrontation of reasonable arguments, which can sometimes lead to different conclusions, if the discussion is approached with good faith and with full confidence and friendly attitude towards the interlocutors, and that this alone can be the method that should be accepted by all entities and at any level of the common dialogue between the two countries. We cannot rule with the past, we can only rule our common future, working together on the principles of mutual proximity and trust imposed by the awareness of the shared universal and European values and common interests of the whole Balkan region for lasting peace, stability and accelerated social development.

2. AGREEMENT WITH THE REPUBLIC OF GREECE: NATURE, PURPOSE AND INTERPRETATION

The Final Agreement for resolving the differences described in UN Security Council Resolutions 817 (1993) and 845 (1993), terminating the validity of the Interim Accord of 1995 and establishing a strategic partnership between the Parties — the Prespa Agreement, signed on June 17, 2018 in the village of Nivitsi, Greece on the shores of Prespa Lake, is the second European agreement of the Republic of Macedonia with its neighbors.

The European nature of the Treaty defines its foundation on fundamental European values and principles, such as respect for territorial integrity and inviolability of borders, lasting friendship and cooperation between neighboring nations and states, peaceful resolution of disputes, respect for universal human rights and freedoms and, most importantly, the suppression of the centuries-old state aspirations that result in nationalist closure of societies and a climate of distrust towards the other. The collapse of such barriers and their replacement by mutual understanding and co-operation is the first necessary step towards bilateral and regional integration, which is the main precondition for successful Euro-Atlantic integrations.

The Prespa Agreement is based on the affirmation of the principle of care and protection of minority rights as the main function of any state, without the paternalism of the neighboring countries and, on this basis, without interference in its internal affairs. With the agreements of this kind, the relations between the states in respecting the rights of minorities — national, ethnic, religious and other groups, that are related to the majority groups in the neighborhood, are developed on a principled basis, which, instead of state policies dictated by narrow ideological, party and other interests, confirms the significance of universal and European standards and mechanisms for the promotion and protection of individual and collective rights.

This is an obligation of the state in which the members of those groups live as loyal citizens.

The Prespa Agreement has a specific imperative component compared to other bilateral agreements, predetermined by the fact that the Contracting Parties are bound by Resolution 817 (1993) of 7 April 1993 and Resolution 845 (1993) of 18 June 1993 of the Security Council, confirmed by the Interim Accord of 13 September 1995 — to resolve the differences over the name of the Republic of Macedonia "in a dignified and sustainable manner, bearing in mind the importance of the issue and the sensitivities of each side. Such a nature implies the fact that long-term negotiations on its conclusion are guided under the auspices of the UN Security Council and with the active participation of intermediaries, the latest of which, Mr. Matthew Nimitz, with his signature confirms its validity.

Reaching agreement between the two countries on the name dispute of the Republic of Macedonia and other related issues is set as a condition by the EU and NATO for its accession to them. Therefore, the signing and ratification of the Prespa Agreement has the significance of a necessary instrument of Euro-Atlantic integration of the Republic of North Macedonia, as *conditio sine qua non* for the implementation of the NATO decision for its accession in a relatively short period in which the technical and other procedures are carried out, and opening the first chapters for negotiations with the EU.

The imperative component of the Agreement gives it a special nature of a legal-constitutional (law-making) agreement, the specificity of which in relation to other bilateral agreements consists in the obligation of the Republic of North Macedonia for changes to its Constitution, and for the Hellenic Republic — to ratify and consistently implement other obligations regarding the establishment of cooperation and strategic partnership. It has a special dimension of an international legal act created under the auspices of the UN, which contains precise provisions, as well as guidelines for the development of interstate relations of both countries, with wider international legal implications. The Prespa Agreement does not solve, because it is not and can not be its' subject, identity issues, the recognition of the identity of the Macedonian people, the particularity of the Macedonian language, history and culture, and so on.

In its content, the Agreement is complex and provides for mutual rights and obligations of the Contracting Parties: from the obligation to change the former name of the Republic of Macedonia and its use *erga omnes*, to an obligation of the Republic of Greece to establish a strategic partnership and assistance to the Republic of North Macedonia in its integration into

EU and NATO. This means that the Republic of North Macedonia was obliged after the ratification to make constitutional changes for the purpose of changing the name of the state, but also the Republic of Greece is obliged to ratify it, raise diplomatic relations to a higher level, actively support the process of Euro-Atlantic integration, to advance overall relations in economics, justice, and so on.

Concerning the complex nature of the Agreement, it is important to clearly define its goals. They express the will of the parties, their autonomy, the specifics that determine the manner of interpreting its provisions and its application and other issues that must be regulated in accordance with the law of international treaties (international treaty law) codified by the UN Vienna Convention on the Law of Treaties (VCLT), adopted in 1969 (in force since 1980). According to the VCLT, the freely expressed will of the Contracting Parties, according to the Convention, defines the objectives, nature, mutual rights and obligations, the manner of fulfillment of the agreement, the termination of the agreement, the peaceful settlement of disputes and other issues in accordance with the principles of: good faith and *pacta sunt servanda*, as the generally accepted rules of international law.

The primary common and complementary goals are: the final overcoming of the name dispute of the Republic of Macedonia in a dignified and sustainable way, taking into account the importance of the issue and the sensitivities of each side, with its replacement with the name "Republic of North Macedonia" and the constitutional changes by which such goal should be achieved; national reconciliation, lasting friendship, good neighborly relations, cooperation and strategic partnership between the two countries; and supporting and assisting the process of Euro-Atlantic integration of the Republic of North Macedonia. In addition to these goals, the Agreement's Preamble highlights the mutual commitment of both sides to promote the principles of democracy, respect for human rights and fundamental freedoms and dignity, the implementation of the provisions of the Charter of the United Nations, in particular those relating to the obligation of States in their international relations to refrain from threat or use of force against the territorial integrity or political independence of any state, the commitment to respect the principles of inviolability of the borders and territorial integrity of the states and confirmation of the existing border between the two countries as a permanent international border, consent to the need to strengthen peace, stability, security and further promotion of cooperation in Southeast Europe, the desire to strengthen the atmosphere of trust and good neighborhood relations in the region and the permanent termination of all hostile attitudes that could still persist, consent to the need

to refrain from irredentism and revisionism in the good relations, cooperation in the areas of agriculture, civil protection, defense, economy, energy, environment, industry, infrastructure, investments, political, economic, social relations, tourism, trade, cross-border cooperation and transport.

Legal science refers to the interpretation of legal norms as an essential thinking activity on which the understanding of their meaning and their effective and equitable application depends. International treaties imply specific methods of interpretation depending on their nature — whether they are multilateral agreements concluded within an international organization (UN, EU, CE, etc.), treaties — laws that contain supranational norms with universal effect that oblige all states members of the international community (conventions on genocide, war crimes, racial discrimination, European Convention on Human Rights, etc.), or are bilateral agreements that resolve disputable issues (in more detail, *Murphy* (2011), 65). Bilateral agreements express the freedom of the parties' will, both in terms of defining mutual rights and obligations, as well as in the interpretation of their provisions. This means that the interpretation of contracts, as the work of the signatories themselves, must take place through an interactive process in which interpretation becomes a hermeneutic instrument of understanding and agreement on their true meaning. If their freedom implies the possibility with mutual consent to terminate or amend the agreement, *argumentum a maiore ad minus* may interpret it as it is appropriate on both sides.

The specificity of the Prespa Agreement are the imperative norms that refer to the change of the name of the Republic of North Macedonia and the constitutional changes, which is why it has a legal-constitutive effect on the "agreement-law". This means that the autonomy of the will of both sides is limited to issues to which the UN Security Council resolutions and the recommendations and views of the EU and NATO are applied. Its framework and main object is the overcoming of the name dispute, so that, *a contrario*, it can not get in identity and similar issues, regulated by supranational norms and standards. Such a meaning can not be obtained by its provisions even through the procedure of their interpretation.

The agreement contains provisions on authentic interpretation of the terms "Macedonia", "Macedonian" and "Macedonian language" as an official language belonging to the group of South Slavic languages (art. 7). With these definitions at the time of signing the agreement, a mutually authentic interpretation of the two sides is given, so these terms can not be an object of further interpretation. Regarding the interpretation of the other provisions, the general principles of the international contract law stipulated

in the VCLT, further developed by the legal science as doctrinal, dogmatic rules, are applied (see *Dickson/ McCowell,* (2010) 89).

The VCLT provides several general rules for the interpretation of the agreements, provided in a separate chapter (section 3). As a rule, the rule of interpretation "with good faith" is emphasized, which should start from the usual meaning of expressions and their interpretation in the context in which they are foreseen in the light of their objects and goals (Art. 31). The notion of "good faith" (*bona fides*) contains an ethical postulate of honest treatment of the parties to the agreement (see *Linderfalk,* (2007), 45).

An additional method of interpretation is the analysis of preparatory activities that precede the conclusion of the contract and the circumstances under which it was concluded (historical method) in order to determine the true will of the parties and their consent and to avoid ambiguous or vague formulations or interpretations leading to an apparently absurd or unreasonable result (Article 32). In so doing, if the agreement is drawn up in different languages, each of them is official, unless the parties agree that one language version is authentic. Expressions in texts in different languages should have the same meaning in any authentic text (Art. 33, read in general *Gardiner*, (2008), 144; *International Law Commission, "Draft Articles on the Law of Treaties with Commentaries" in the Yearbook of the International Law Commission,* vol. II (United Nations 1966).

With the expansion of treaties as sources of international law, the problem of their interpretation becomes almost a central preoccupation of many leading names in the science of international law (*Arnold McNair, Gerald Fitzmaurice, Robert Kolb, Richard K. Gardiner, Robert R. Wilson, Serge Sur* and others). According to *McNair*, there is no part of the contract law to which theorists "approach with greater concern for the interpretation issue" (*McNair*, (1961), 364). His complicity arises from the knowledge, according to Schwarzenberger, that interpretation is "a process that establishes the legal nature and the effects of the consensus reached by the parties to the agreement" (*Schwarzenberger*, (1971), 116). According to the *International Law Commission*, ILC, 1966, Report, 218, "in a sense, interpretation is more art than exact science"!

The next generally accepted doctrinal rule is the principle of "correctness" in the interpretation of the agreement: its provision should be interpreted in such a way as to penetrate into the intentions of the sides expressed through its text and the level of compliance of both parties (*Linderfalk,* (2007), 30). This means that the provision should be given meaning that does not harm either party. The "correctness", understood as an understanding of

the mutual intentions on both sides, becomes to some extent synonymous with equity, that is, fair interpretation.

The general and specific rules on which the interpretation of the provisions of the Prespa Agreement is based, should also be added to the principle of its Euro-conformal interpretation, which deals with the basic principles, provisions and terms reflecting the EU approach to the respect of the human rights (ECHR, EU Charter of Fundamental Rights), economic relations, security and justice (EU law as an area of freedom, security and justice), etc. The obligation to apply this principle arises, first of all, from the nature of the Agreement itself as a European treaty, concluded between, on the one hand, an EU member state and on the other hand a candidate country for EU membership.

On that basic methodological postulate, the interpretation of the provisions regarding the compromise name of the Republic of North Macedonia is acceptable for both sides to enable the formation of objective and scientifically based views that render the rational validation of the Agreement and disqualify as irrelevant the interpretations with an emotional, ideologized or politicized background. Their rejection by means of scientific arguments is the only way to prevent nationalistic or similar euphoria from either side prevailing over reason.

Ad Article 1, Article 3, and so on) — the change of the official name: "North Macedonia". In Article 1, the Agreement contains the consent (Article 3), the official name of the Republic of Macedonia to be "Republic of North Macedonia", as a constitutional name to be used *erga omnes,* and its abbreviated name" North Macedonia ".

The consensus reached on the new official name of the Republic of North Macedonia is a compromise between the fears and hopes of both parties: the name "Macedonia" of the state has been retained, which does not jeopardize the identity of the Macedonian people living on its territory, but a geographical determinant has been added to differ from the northern region of Greece, which is called "Macedonia" and whose ancient past relates to the historical awareness and cultural identification of the citizens of the Republic of Greece from that region. The compromise solution balances the interests of the two states and their citizens in a long-term and sustainable way: the Macedonian people and the citizens of the Republic of Greece who have a sense of cultural connection with the ancient history of the area they live in.

The acceptance of a new, changed official name of the state, which remains in its subjective name form "Macedonia", does not jeopardize the national identity and uniqueness of the Macedonian people, nor does it take away

any of its external significance. The new complex name with a geographical determinant does not dispute the Macedonian national identity, because the name of the state does not determine the national identity, but, on the contrary, the national identity imposes the name of the state that gives it the necessary breadth of liberty, preservation and expression of the national independence. The very history of the Macedonian nation as a cultural and then a political nation is the best proof of such a claim that, in fact, a cultural nation that is synonymous with national identity is older than the state. It is formed through a long historical process.

A key thesis of this interpretation, which relies on the arguments of human natural freedoms and rights and human dignity, whose essence is freedom and the right to identity and national self-determination as a fundamental human right, is that the Agreement does not interfere, because it cannot be caught in the issues of national identity. As a natural right, it is regulated by *ius cogens* norms and standards declared by the UN Charter, the Universal Declaration of Human Rights, the European Convention on Human Rights and numerous other conventions and documents relating to fundamental rights, the protection of minorities, equality of cultures and languages, etc, so that it cannot be the subject of mutual agreements between states.

Ad Article 1 item 3) — Macedonian citizenship. The determination of the citizenship of "citizens of the Republic of North Macedonia", which will be recorded in all travel documents as "Macedonian", is a correct formulation. It nominates the citizenship status as a link between the citizens of the Republic as "Macedonian" and not "NorthMacedonian", which undoubtedly represents an adequate appointment. This does not jeopardize the citizenship status of Greek citizens: they have Greek citizenship, so when we mention a "Macedonian citizen" there are no problems in identifying him as a citizen of "North Macedonia".

In spite of some hasty comments, this provision does not specify the national identity of the Macedonian citizens. Firstly, because the national identity is not something that is recognized by a bilateral agreement, because it is determined by supranational norms. Secondly, it would be wrong to say that the term "Macedonian citizenship" should be equated with nationality and refer to all citizens of "North Macedonia", because it would be contrary to the multiethnic character of the Macedonian society: in the Republic of Macedonia not only Macedonians live, but also Albanians, Turks, Serbs, etc.

Hence, the term "Macedonian citizenship" should be interpreted according to its customary use in international law, meaning the state-legal

relationship of the citizen with the country in which he lives and creates his civil, political and other rights.

Ad Article 1 paragraph 3 (c) — "Macedonian language" as an official language. This provision has a declarative character: it does not recognize the existence of the Macedonian language and its status as the official language of the Republic of North Macedonia, but confirms its international recognition, among other things, at the Third UN Conference on Standardization of Geographical Names, held in Athens in 1977. The provision contained in Article 7, paragraph 3 and 4 of the adjective "Macedonian" gives a strictly defined meaning (authentic interpretation).

Despite its declarative significance, this provision has particular significance in relation to the further reflections arising from the *erga omnes* extended effect of the provisions on the name "North Macedonia", together with all items relating to citizenship and official language. They enter, namely, in general international use, so that the new name "North Macedonia" must always be accompanied by those two characteristics of its statehood.

Ad Article 1 paragraph 3) and Article 7 — authentic interpretation of the terms "Macedonia" and "Macedonian". These key provisions contain the rule of non-exclusive use of these terms, their understanding in a different historical context and cultural heritage and the use of each side of a different meaning determined by the provision of Article 7. The method of literary interpretation that derives the meaning of a term from its usual meaning, in which it is widely used, does not exclude the use of "polysemic expressions" in the law — words that are also pronounced and written but have different meanings (and the very term "right" has at least two meanings: a system of legal norms, a direction of movement, a subjective right, etc.). The different meanings of the polysemic term depend on the context in which it occurs, the particular speech situation, and the different etymological roots.

The term "Macedonia" is used in at least two actual meanings: as the name of a country (Republic of North Macedonia) and as the name of the northern region of the Republic of Greece. In addition, it is a historical name of the wider region of the Balkans as a separate territorial unit of the medieval big states, for marking Macedonia in Antiquity, etc. The special meaning of the polysemic term must be fixed with a more precise definition.

In the Agreement such a function of interpretation of these terms is based on the authentic definitions in Article 7. The different meanings of the terms "Macedonia" and "Macedonian" are derived from the different historical context and cultural heritage, in which they are used. Regarding the Republic of Greece, "these terms denote not only the area and the people in the northern region of the First Party, but also their features, as well

as the Hellenic civilization, history, culture and heritage of that region from antiquity to the present day." In relation to the Republic of North Macedonia, they "signify its territory, language, people and their features, with their own history, culture, and heritage which are particularly distinct from those referred to in Article 7, paragraph (2)."

The interpretative provision (Article 7, paragraph 3), according to which the terms "Macedonia" and "Macedonian" denote not only the territory, the language (as Macedonian), but also the "people" clearly imply the appointment of the majority of the people living in the Republic of North Macedonia as "Macedonian people". Such an appointment is supported by the other part of the provision, which states that the territory, language and people of the Republic of Macedonia have their own history of culture and heritage, different from the Hellenic civilization, history, culture and heritage. The distinction is reinforced by the formulation in Article 7, paragraph 4, according to which the Republic of North Macedonia declares that "its official language, the Macedonian language, belongs to the group of South Slavic languages", and both parties declare that "the official language and other features of the Second Party are not related to the ancient Hellenic civilization, history, culture and heritage of the northern region of the First Side " (Republic of Greece).

Despite the explicit reference that the Macedonian history, culture and language (from the group of South Slavic languages) are distinct from the Hellenic history and culture considered as an inheritance in the northern region of the Hellenic Republic, these provisions should not be viewed as provisions that have constitutive meaning in relation to the Macedonian national identity. It can not be explicitly recognized by this bilateral agreement, because universal norms and human rights standards are on a supranational level, over any bilateral agreement. Also, they do not contain the recognition of the Macedonian national identity, but simply state it as a fact, because their reach is limited to the "territory" of the Republic of North Macedonia. Macedonians, people regarded as belonging to the Macedonian people, live not only on the "territory of the Second Party". They live in its neighborhood, in European and overseas countries, so it is completely illusory to determine their national identity and feeling as Macedonians by a bilateral agreement enumerated "from the Second Party" (Republic of North Macedonia).

The acceptance by both sides that their "understanding" of the terms "Macedonia" and "Macedonian" refers to a different historical context and cultural heritage corresponds with the generally accepted stances and historical interpretations of the historical heritage of Ancient Macedonia and its

Hellenistic culture from the time of Alexander the Great, with which citizens of the northern province of Greece — Macedonia identify, as well as with the scientific views of our and the world science of the Slavic cultural roots of the Macedonian people as the majority constituent of the Republic of North Macedonia. This distinction corresponds to our historical, literary, linguistic and cultural scientific thought, which has never initiated the officialization of any other version of the historical and cultural context in which the Macedonian language, literacy, culture and nation developed.

Thus, these provisions can not have any annulative effect regarding the existence of a Macedonian national feeling in individuals and groups who are citizens of other states in the Balkans, whose main characteristic is precisely the multicultural and multiethnic character of societies. Whether the feeling of Macedonian nationality and Macedonian minority persists in a particular state, whether and how it is respected, is a matter for that state, in accordance with the European approach to abandon state paternalism and address minority rights in each state as its internal issue.

Finally, the consequence of these provisions regarding the constitutional changes that inaugurate the new name of the state "North Macedonia" is that they can not be covered with issues of national identity and culture. This means that the terms "Macedonian people", "Macedonian language" and "Macedonians" (and not "North-Macedonian people and language" or "North-Macedonians") remain in the Constitution and in the legal system. That conclusion also relies on the dictation of Article 1, paragraph 3, that: "The second party shall accept the name" Republic of North Macedonia "as its official name, as well as the terms referred to in Article 1, paragraph (3), enforcing an internal procedure that is both binding and irrevocable and will involve the adoption of an amendment to the Constitution, as agreed with this agreement. " This provision limits the changes in the Constitution in this section only to the new name of the state, excluding other changes in terms of language or naming the people (expressio unius est exclusio alterius).

3. CONCLUSIONS

By signing the agreements for friendship, good-neighborhood and cooperation with the Republic of Bulgaria and the Republic of Greece, the Republic of North Macedonia affirms its decisive determination to overcome the historical heritage, burdened with a great-state and nationalist ideology, and to speed up the processes of its Balkan and Euro-Atlantic integration. On the same principles, it should continue with the initiative for concluding similar agreements with neighbors Albania, Kosovo and Serbia.

By signing, and then with the implementation of these agreements, the Republic of North Macedonia gives an example of the reality and perspectives of the new model of relations between the Balkan states, which only guarantees lasting peace and overcoming of the destructive historical paradigms that are still drifting above these regions. The Republic of North Macedonia, according to its geo-political position and the natural multiculturalism developed for centuries, is most likely to move such initiatives aimed at transforming the Balkans into a prosperous EU region.

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