

**The conflict for the name 'Macedonia' between Greece and
Former Yugoslav Republic of Macedonia in regards to the
application of FYROM to become a Member State of the European
Union**

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Anr. 292595

Table of Content

Introduction.....	4
Chapter 1: Roots of the Conflict.....	6
1.1 Historic Perspectives.....	6
1.2 Science on Ethnicity.....	8
1.3 Conclusion.....	12
Chapter 2: FYROM's Road to Accession Procedures and Good Neighborly Relations.....	14
2.1 Legal Basis.....	14
2.2 Accession Process.....	15
2.3 Thessaloniki Summit.....	16
2.4 The Stabilisation and Association Process (SAP).....	18
2.5 FYROM's Annual Progress Reports in regards to the Name Issue.....	19
2.5.1 Year 2005.....	19
2.5.2 Year 2006.....	19
2.5.3 UNSC Resolutions 817/93 and 845/93.....	20
2.6 Conclusion.....	23
Chapter 3: Similar Issue Resolution.....	25
3.1 Croatia and Slovenia: Border Dispute.....	25
3.1.1 Slovenian Position.....	25
3.1.2 Croatian Position.....	26
3.1.3 EU on the Dispute.....	28
- 2006.....	28
- 2010.....	28
- 2011.....	29
3.2 Conclusion.....	31
Chapter 4: FYROM and the Ohrid Framework Agreement.....	32
4.1 Road to the Ohrid Framework Agreement.....	32

4.2 Conclusion.....	36
Chapter 5: FYROM and Greece: NATO Case.....	38
5.1 FYROM as a State and Name Issue.....	38
5.2 NATO Case	41
5.3 Conclusion.....	43
Chapter 6: Findings.....	44
6.1 Findings.....	44
6.2 Conclusions.....	46
Bibliography.....	49
- Books.....	49
- Documents.....	49
- Articles.....	52
- Internet Sources.....	53

Introduction

When Yugoslavia fell apart in the early 1990s a new country appeared on the European political map called Republic of Macedonia or internationally recognized by the UN as Former Yugoslav Republic of Macedonia (FYROM). The neighboring state of Greece, however, does not want this country to be called "Macedonia", because Greece has a whole region with the same name. The problem is that Greece is a member of NATO and the EU and Macedonia pursues a membership in both organizations, but Greece has the advantage of using its position as a member of the EU to block Macedonia's path to EU membership. In the meantime Greece realizes that there is a need for stability and unity on the Balkans which could be achieved if Macedonia joins the EU. At this point politicians and people in Macedonia are unwilling to change the name of the country in order to join EU, but for the sake of the bright stable future of the country this could happen. However, no matter the current financial crisis and situation in Greece, no Greek government can reassure that if Macedonia compromises its name today, this would help the country to join the EU, because an eventual new Greek government in this time of crisis might be against the Macedonian membership.¹ The desire of Greece for united Balkans and FYROM's goal to be part of the EU are the things that could help the two countries to get over the conflict. Therefore, the main question is: What are the eventual long-term solutions for the name "Macedonia" in the conflict between FYROM and Greece in terms of the eventual cooperation, peace, and unity in the European Union between the two countries? Followed by the sub-questions: Where is the guarantee that once Macedonia is in the EU the conflict between the countries will not resume? How to ensure that any compromise reached between the two countries will actually stick? What kind of mechanism we could have so we could reach a solution for the name of FYROM? This we will investigate in the following desk paper researching what FYROM, Greece, and the EU have done so far for reaching a solution for the name issue.

First we will take a look at the roots of the conflict into a deeper understanding what caused it. Was it possible to be prevented or could it turn into a bigger problem on the road of

¹Jerald Knaus, 'A proposal for breaking the Macedonian deadlock: A Matter of Trust', *European Stability Initiative*, June 2010, <http://www.esiweb.org/rumeliobserver/2010/06/17/a-proposal-for-breaking-the-macedonian-deadlock-the-issue-of-trust/>

FYROM to its EU membership? Then we will take a look at what EU criteria FYROM fulfilled so far and how they affect the name issue. We will turn to similar bilateral conflicts on the Balkans and see how they were resolved and how could they be used in order to help Greece and FYROM to reach an agreement. Then we will focus on the ethnic problems which Albanian minority experienced in FYROM in the light of the recent ethnical and political tensions with Bulgaria. The outcome was the Ohrid Framework which serves as a model for settling ethnic minority conflicts and could be used preventatively as a guide to stop Bulgaria from joining Greece in its refusal to support FYROM's application to the EU based on its name. We will further investigate the result of the International Court of Justice (ICJ) case in which Greece stopped FYROM from applying to NATO. We will see what the ICJ decision is and how it affects the eventual settlement for the name of FYROM. Based on all this we will seek a mechanism for a long-lasting decision that would settle the name dispute between Greece and FYROM for good neighborly relations amongst the Balkan countries following the European values within the European Union.

Chapter 1: Roots of the Conflict

1.1 Historic Perspectives

In order to find a solution for the conflict between the two countries we should ask *why* there is such a conflict. Why two states argue for the same name? This question is enlightened by another conflict – the conflict between Bulgaria and FYROM on the issue of the ethnical origins of today's Macedonians. Bulgarians claim Macedonians are Bulgarians and have Bulgarian history while Macedonians deny it and claim they are Macedonians with their own history.

The Bulgarian historian Dr. Bozhidar Dimitrov, Chief of the Bulgarian National Museum and former Minister in the 87th Bulgarian government, digest the two view points in his book *Macedonia – Holy Bulgarian Land*. Macedonians state that since ancient times they have lived in their lands and they are ancestors of the ancient Macedonians and Alexander the Great. However, since his time they have been oppressed by a number of states such as the Byzantine Empire, Bulgaria, and the Ottoman Empire. In IX century, during the rule of Bulgaria, the two Macedonian brothers Cyril and Methodius invented the Glagolitic Alphabet, which was later modified to Cyrillic Alphabet by another Macedonian, St. Clement of Ohrid.² Macedonians successfully seceded from the Bulgarian Empire in the end of X century and established their first and the only one state in medieval times led by the Macedonian Tsar Samuil. After the reign of Samuil, Macedonians were ruled by the Byzantine Empire, Bulgaria, and the Ottoman Empire.³ In the beginning of XX century, Macedonian freedom fighters Damyan Gruev and Georgi Delchev established an organization which struggled for the political independence of Macedonia from the Ottoman Empire. The organization was called VMRO. From 1913 until 1941 Macedonian people were ruled by royal Yugoslavia and after the end of World War II, they were included again in the boundaries of communist Yugoslavia after a period of Bulgarian occupation between the years 1941-1944. After the collapse of Yugoslavia, Macedonia finally established its independent state in 1991.⁴

² Paisius of Hilendar, *Slavonic-Bulgarian History* (Sofia: St. Kliment Ohridski, 1998), 260-261

³ Dimitar Kosev and Hristo Hristov. ed, *Macedonia – Collection of Documents and Materials* (Sofia: Institute of History, 1978), 38

⁴ Bozhidar Dimitrov, *Macedonia – Bulgarian Land* (Sofia: KOM Foundation, 2007), 9

This is the official view of FYROM and its people of their history which unites them, defines them, gives them a sense of dignity and pride of who they were and who they are today. In their view, the Greek request to exclude the name "Macedonia" in their official name is a request to give up on themselves, give up their history, give up the Motherland. What kind of a country would do such a thing? Would Germany or France give up their names? It would be a shameful, disgraceful act. That is why the name issue is a very sensitive and difficult problem.

In his book *Short Story of Bulgaria*, Dr. Dimitrov presents the Bulgarian point of view as well. According to the Bulgarian history there were no such things as Macedonians, Macedonian people and Macedonian language. Bulgarians came to the Balkan Peninsula in late VII century when the ancient population of today's FYROM and Bulgaria had already disappeared or moved to the coastal cities of the Byzantine Empire. Two Bulgarian brothers brought their tribes to the Balkan Peninsula. In 680 AD, Kuber settled with his Bulgarians on the territory of modern FYROM and in 681 AD, Asparuh, brother of Kuber, settled with his Bulgarians in today's Bulgaria. The two Bulgarias existed independently until the beginning of IX century when they were united by the Bulgarian ruler Krum.⁵

In 855 the Glagolitic Alphabet was invented by the brothers Cyril and Methodius. Their mother was a Bulgarian and their father was a Greek. By the end of IX century, St. Clement of Ohrid modified the Glagolitic Alphabet to Cyrillic Alphabet. Clement was a Bulgarian. Tsar Samuil who ruled Bulgaria in the end of IX and the beginning of X century was also a Bulgarian.⁶ Soon after his reign, Bulgaria was conquered by the Byzantine Empire and in the end of XII century Bulgaria regained its political independence until 1396 when it was conquered by the Ottoman Empire. In 1878 Bulgaria became an independent country but the territory of today's FYROM was returned to the Ottoman Empire. As a result the Bulgarian freedom fighters Damyan Gruev and Georgi Delchev established the organization VMRO which sought autonomy for FYROM's territory and its unification with Bulgaria.⁷ VMRO was unsuccessful. In the period 1913-1941 FYROM's territory was a part of royal Yugoslavia. Bulgaria controlled FYROM's territory in the period 1941-1944. After the end of World War II, FYROM was given

⁵ Bozhidar Dimitrov, *Short Story of Bulgaria* (Sofia: KOM Foundation, 2007), 68

⁶ Bozhidar Dimitrov, *Twelve Myths in Bulgarian History* (Sofia: KOM Foundation, 2007), 103

⁷ Patriarch Cyril of Bulgaria, *Bulgarian Exarchate in Edirne and Macedonia after 1878* (Sofia: Synod, 1970), 605

back to communist Yugoslavia, which enforced the idea that the people of Macedonia are Macedonians, not Bulgarians.⁸

These are some of the main points of the historical conflict between Bulgaria and FYROM. It should be noted that the latter version of history is the formal, official world history recognized by Bulgaria, Greece, and all serious history scholars dealing with Balkan history. The former history version, the FYROM history version, is the official history, popular and taught in FYROM only. And this is the root, the core of the conflict. Official international historians, Bulgarian scholars, and Greek scholars shrug and wonder what a Macedonian is. And since people of FYROM define themselves Macedonians, naturally their country is also Macedonia.

Greece does not care about the ethnical and historical conflicts and disagreements between Bulgaria and FYROM. By default it is none of Greece concerns. But it should be noted that ancient Macedonia, which is officially recognized as a part of the Greek historical culture and legacy, covered the territory of FYROM, north Greece, and southwestern Bulgarian. And when FYROM considers itself Macedonia it claims the Greek history and culture. Furthermore, according to Greece a country named Macedonia calls for a confusion since Greece has a region within Greece itself named Macedonia. Even though, FYROM stated that it has no territorial claims on Greece for the Greek Macedonian region, Greece keeps being concerned that the presence of the word Macedonia in the name of FYROM benefits FYROM in an inappropriate way culturally and historically.⁹

All of this in the light of the eventual EU membership of FYROM reveals very serious, deeply rooted, and sensitive cultural, historical, and ethnical problem concerning Greece historical entity and FYROM's self-determination as a people and ethnicity.

1.2 Science on Ethnicity

In the conflict whether Macedonians are Bulgarians or not, one needs to take a look at how scientists define ethnicity and the different types of ethnicities. In the book *Ethnicity and Race* the authors, Cornell and Hartmann, discuss the question of ethnicity and race in regards if they are fixed and unchanging or they are fluid and contingent. The idea that the ethnicity is

⁸ Dimitrov, *Macedonia –Bulgarian Land* (Sofia: KOM Foundation, 2007), 10-11

⁹ Dimitrov, *Macedonia - Bulgarian Land*, 11

fixed and unchanging is called primordialism; and the idea that ethnicity is flexible and it changes under certain circumstances is called circumstantialism. Primordialism states that one's ethnicity is rooted in the unchangeable circumstances of birth. A person's name, family, history, language defines him or her and these characteristics are unchangeable.¹⁰ In defense of primordialism, Donald Horowitz says that the language of ethnicity is the language of kinship.¹¹ Even though, everyone could agree with Horowitz's statement, we could see that actually primordialism does not work and people tend to change their ethnicity over time despite their kinship.

In regards of circumstantialism, Abner Cohen in *Ethnicity and Race*, states that ethnicity is fundamentally a political phenomenon, therefore it is not fixed and tends to change under different circumstances.¹² Another important point of the circumstantialism is that individuals and groups emphasize their own ethnicity when such ethnicities are in some way advantageous to them.¹³ Since it is known for sure that people tend to change their identities, it is more relevant to accept the approach of the circumstantialism as the truthful one.

Ethnicity and race could vary. They could be assigned and thick, imposed by others and those others make sure that people stick to the certain ethnicity or race. They could be assigned and thin, assigned by someone else but the ones who assigned the identity do not pay much attention to them. Ethnicity and race could be asserted and thick, which means that people tend to pay more attention to their ethnicity or race. And finally ethnicity and race could be asserted and thin. In this case people define their ethnicity and race but do not pay much attention to it.¹⁴

In this regard, where do Macedonians stand? In the years after World War II, the Macedonian ethnicity was assigned and thick. The Macedonian ethnicity was imposed by the Yugoslav regime on the people and it was "thick" because the Yugoslav authorities made sure that through propaganda and oppressions individuals would stick to the Macedonian ethnicity. However, generations past and today the ethnicity of the people of FYROM is asserted and thick.

¹⁰ Stephen Cornell and Douglas Hartman, *Ethnicity and Race: Making Identities in a Changing World* (Thousand Oaks Pine: Forge Press, 2007), 51

¹¹ Ibid., 57

¹² Ibid., 59

¹³ Ibid., 61

¹⁴ Ibid., 85

People's lives were threatened if they did not accept the Macedonian identity. Therefore they preferred to accept it, which proves that people are flexible and tend to adjust to the current circumstances. The Macedonian case study is a great example of the circumstantialism theory. Today, Macedonians not only identify as such, but they also deny that they were once Bulgarians or Serbs, or any other ethnicity. That is why contemporary Macedonian ethnicity is asserted and thick.

In order to understand why Yugoslavia wanted people of FYROM to be Macedonians we should understand why and how ethnicities and nations are created. Ethnicities and nations are invented to serve political purposes. The political construction of ethnicity and race is a process by which the rules for political participation and political access create, reinforce or alter ethnic and racial boundaries.¹⁵ A culture of ethnicity and nation is a product of specific relationships, evolving over time; of specific events, their interpretations and justifications; and of particular constituencies who, in pursuit of their own long-term agendas, find ethnicity and race convenient to their purposes.¹⁶ Yugoslavia ruled FYROM's territory from 1913 until 1941. Yugoslavia's political purpose was once and for all to separate FYROM's territory from Bulgaria by imposing the local people the notion that they were not Bulgarians but Serbs. Over time, it became obvious that people would not change their ethnicity from Bulgarian to Serbian. Therefore, after 1945 when FYROM's territory was once again included in the boundaries of Yugoslavia, the Yugoslav government switched its tactic and imposed the propaganda that people of FYROM were not Serbs but Macedonians. This tactic, combined with arrests, threats, and killings, was successful and it achieved its political goal to separate FYROM's territory and its people from Bulgaria.

In Macedonia you could be Bulgarian, Serb, Greek, Slav. Yet why there is such confusion on the topic of the ethnic population that lives in Macedonia? The answer gives the explorer of the Balkans, the author Misha Glenny who in his book *The Balkans* writes that Macedonia was and is the crossroads of the Balkan Peninsula and a mix of peoples. To travel from Central Europe to the Aegean port of Salonika or from the Adriatic Sea to Istanbul, the trader would always pass through Macedonia to avoid traversing the Balkan Mountains. Even Bismarck with

¹⁵ Ibid.,178

¹⁶ Ibid., 208

his studied contempt for all Balkan affairs conceded its vital strategic location. "Those who control the valley of the River Vardar [in Macedonia] are the masters of the Balkans."¹⁷

And there it is an answer why royal Yugoslavia and royal Bulgaria were in struggle for today's FYROM. Any kinds of politics are servile to economy, to money, to trade, to business. As described above Yugoslav communist continued that line of politics using as a tool Macedonism.

But let us return to the people of Macedonia themselves. The folklore singer Lyubka Rondova, native of Macedonia, states that when she gets together with relatives from Bulgaria, Greece, FYROM, Canada, and Australia they define themselves differently such as Bulgarians, Macedonians, Greeks, Slavs but at the end all sing songs in the same language, *their* language.¹⁸ Misha Glenny himself is confused and carefully calls people living in Macedonia "Macedonian/Bulgarians, Bulgarian/Macedonians, Greeks, Slavs, and Slav Macedonians."¹⁹ All of this leads to the conclusion that Macedonia is truly the unyielding philosopher's stone of Balkan nationalism and that nationalism and national identity in the region are build on fragile foundations. Currently people there stick to the idea that they are Macedonian which leads to the conflict for the name with Greece which we are going to investigate and solve.

Soviet chief Stalin, Yugoslav communist chief Josip Broz Tito, and the chairman of the Communist International Georgi Dimitrov of Bulgaria reached an agreement for Macedonisation of today's FYROM, then part of communist Yugoslavia, and southwestern Bulgaria. Bogdan Angelov, a child in the late 1940s, explains that Yugoslav teachers came to southwestern Bulgaria to teach the Macedonian language invented in 1945. "We were forced to define ourselves Macedonians. What Macedonians? We are Bulgarians. There were even agreements southwestern Bulgaria to become part of Yugoslavia, but later Bulgaria gave up on the idea," says Angelov.²⁰

There is the root, the core of the problem. The forced Macedonisation of FYROM and southwestern Bulgaria by Stalin and Tito leads to today's name issue between Greece and

¹⁷ Misha Glenny, *The Balkans* (New York: Penguin Group, 1999), 156

¹⁸ Lyubka Rondova, *Operatsia Slava* http://www.youtube.com/watch?v=jZmN8K_1Mfk

¹⁹ Glenny, *The Balkans*, 191

²⁰ "Goryani" documentary, BNT1, <http://www.youtube.com/watch?v=0gGUM78zPT0&feature=related>

FYROM. Why did they do it? The roman tactics: divide and rule. Stalin had moved and mixed all sorts of different ethnicities within the Soviet Union and then he applied the same tactics on the Balkans using as tools Tito and Dimitrov to invent Macedonian nation, people, and language.

1.3 Conclusion

How is all of the above relevant to the current name conflict between Greece and FYROM? It is relevant because the historic facts and documents we have point that this is the truth, truth which should be revealed, known, and understood by EU and FYROM. Truth sets you free and calls for peace. How do we know it? Well, historical and ethnical manipulations are the ones that lead to deceptions, confusions and conflicts such as the one discussed in this paper. Only if FYROM, Greece, and EU agree upon historic truth they could have a peaceful cooperation, long-lasting stability, and harmony on the Balkans within the EU. If EU does not realize it now and ignore the historic truth by denying it, or state that the name conflict is a minor one or unimportant one, then EU well into the future will be embarrassed when Member States sunk once again into their ethnical and historic conflicts. Therefore the first step to the answer of the main question for finding long-term solution for the name of Macedonia is to know the truth about the history of modern day FYROM. It is not irrelevant, it is essential. No laws, no regulations, no measures could be effective if EU, FYROM, Bulgaria, and Greece do not honor the historic truth. People without truth about their past have no future which would mean that EU has no future. So it is in the very sole interest of EU, FYROM, and Greece to agree upon history which would give excellent basis for finding the proper long-term solution for the name of FYROM.

Otto von Bismarck said: "If there is ever another war in Europe, it will come out of some damned silly thing in the Balkans."²¹ And he was right. Since his prophetic words there have been six wars on the Balkans - Serbo-Bulgarian War of 1885, First Balkan War (1912), Second Balkan War (1913), World War I which started on the Balkans, World War II, and the war in Yugoslavia in the 1990s, plus a NATO military operation in Kosovo in 1999. "Damned silly things" and so many wars due to Europe's Great Powers lack of understanding the Balkans, lack of desire to help them, lack of any sort of interest of what happens on the Balkans. This attitude

²¹ Otto von Bismarck, http://thinkexist.com/quotation/if_there_is_ever_another_war_in_europe-it_will/185518.html

of Bismarck and the Great Powers turned the Balkans into Europe's backyard. EU is about to decide what a Balkan country name should be which is in no way a "damned silly thing", not for the Balkan countries. The correct understanding of Balkan history by the EU is essential because only then the "damned silly things" turn into things that matter and make sense. Once again EU's understanding history is the first most important step to finding long-term solution for the name issue, otherwise past mistakes will be repeat. Disregarding history when deciding FYROM's name is ignorant and dangerous. It is time the EU to correct for the past mistakes of Europe.

Chapter 2: FYROM's Road to Accession Procedures and Good Neighborly Relations

After we saw what the root of the problem for the name Macedonia is between FYROM and Greece, let us take a look at the criteria FYROM needs to satisfy in order to become a Member State of the European Union, to what extent they are being fulfilled and what other problems FYROM has in its neighborly relations with Bulgaria that may influence the future name of the country.

2.1 Legal Basis

The legal basis for becoming a Member State is contained in **Article 49** of the Treaty on European Union (TEU) which reads:

“Any European State which respects the values referred to in Article 2 and is committed to promoting them may apply to become a member of the Union...”²²

Article 49 continues with explanation of the procedure itself but let us take a look at the values referred to in **Article 2** of the Treaty on European Union (TEU):

“The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.”²³

An applicant country should also comply with the principles of **Article 6 (1)** of the Treaty on European Union (TEU) which the European Union is based on. These principles are defined as follows:

“The Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union of 7 December 2000, as adapted at Strasbourg, on 12 December 2007, which shall have the same legal value as the Treaties. The provisions of the Charter shall not extend in any way the competences of the Union as defined in the Treaties. The rights, freedoms and principles in the Charter shall be interpreted in accordance with the general provisions in Title VII of the Charter governing its interpretation and application and with due regard to the explanations referred to in the Charter, that set out the sources of those provisions.”²⁴

²² European Basic Treaties, Treaty on European Union. Kluwer 2010, Deventer, Holland p. 26

²³ European Basic Treaties. Treaty on European Union. Kluwer 2010. Deventer, Holland p. 5

²⁴ European Basic Treaties. Treaty on European Union. Kluwer 2010. Deventer, Holland p. 6

2.2 Accession Process

When a country receives the status of an applicant State, accession negotiations do not start right away because the applicant country needs to meet a certain number of conditions. Future Member States of the EU need to abide by the accession criteria or Copenhagen criteria. These criteria were laid down at the European Council meeting in Copenhagen in 1993. They are:

“Stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;

The existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union;

The ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union to take on the obligations of membership including adherence to the aims of political, economic & monetary union.”²⁵

FYROM was granted the status of an EU applicant country in 2005. Any applicant should comply with Articles 2, 6 (1), 49 of TEU, and the Copenhagen criteria which as we saw call for respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. Let us see to what extent the applicant FYROM fulfils them. There is a number of people such as Dragi Karov or Spaska Mitrova, whose names and cases circulate in the media because of their cases of problems with authorities because they claimed they are Bulgarians. Dragi Karov lives in FYROM and defines himself Bulgarian. He says in the documentary *Being Bulgarian in Macedonia*: "In Macedonia you can call yourself whatever you like [...] but if you say you are Bulgarian you are finished [...] They continued beating me from 10:00 a.m. to 04:00 p.m. One of the serbomans²⁶ told me: 'Your grandfather was Bulgarian and was jailed. Your father was also imprisoned in Idrizovo as a Bulgarian.' I laughed despite all the pain: 'If my grandfather and my father were Bulgarians what am I? I am Bulgarian as well.' And the beating began again...just because I was Bulgarian. [...] If

²⁵ Accession Criteria. Copenhagen European Council.

http://europa.eu/legislation_summaries/glossary/accession_criteria_copenhagen_en.htm

²⁶ Serboman - A Slav person of FYROM who defines themselves Macedonian or Serbian and promotes communist Yugoslav politics of Macedonism

you want an official job there is nothing for you because you are Bulgarian."²⁷ Dragan Popov, ethnical Bulgarian of FYROM says: "I was attacked and beaten. And no one was sentenced, nothing. [...] I've been unemployed for 4 years now. Because of me my daughter is also without a job, although she has a university degree."²⁸ Dimitar Mitskov reveals: "Out 471 Bulgarian cemeteries only 2 exist today. [...] What happened to the rest of them?"²⁹ Dragi Karov and others who feel unequally treated expressed their regret to the Amnesty International³⁰ but no further actions were taken.

Human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities...where is all of this? It turns out that according to the EU everything in FYROM is fine and it granted FYROM the status of an applicant. All of this is a result of the above described history. The issue of Macedonia is a issue of being a Macedonian or Bulgarian which is reflected into the name itself which concerns Greece. Therefore the name issue and the long-term solution is not a problem just between Greece and FYROM, it is a trilateral problem concerning very deeply Bulgaria as well. That is why when a solution is about to be taken for the name Bulgaria should also take an active part of it. It is the only way to honor the truth and heal the past wounds for a real, united, stable, and democratic European Union.

2.3 Thessaloniki Summit

The Thessaloniki Summit took place in June 2003 and it sets the relationships between the European Union and the Western Balkan countries. Prior the Summit the Commissioner for External Relations, Chris Patten said: "Thessaloniki will send two important messages to the Western Balkans: The prospect of membership of the EU is real, and we will not regard the map of the Union as complete until you have joined us. We in the European Commission will do all we can to help you succeed. But membership must be earned. It will take the sheer hard work

²⁷ Being Bulgarian in Macedonia, documentary by Ivan Kulekov, May 19, 2008, <http://www.youtube.com/watch?v=oJU0cE4CIZQ&feature=relmfu>

²⁸ Being Bulgarian in Macedonia, documentary by Ivan Kulekov, May 19, 2008, <http://www.youtube.com/watch?v=UO4dBGi003s&feature=relmfu>

²⁹ Being Bulgarian in Macedonia, documentary by Ivan Kulekov, May 19, 2008, <http://www.youtube.com/watch?v=oJU0cE4CIZQ&feature=relmfu>

³⁰ "Dragi Karov - Court for Waving Bulgarian Flag in Macedonia", Kristalina Ilieva, *Vardar*, August 12, 2009, <http://www.freemacedonia.net/statia.php?sn=125&t=2&>

and applied political will of those in power in the region. How far you proceed along the road towards European Integration, and how fast, will be up to you".³¹

Indeed, the Summit was followed up by a declaration that the Western Balkan countries and the EU "share the values of democracy, the rule of law, respect for human and minority rights, solidarity and a market economy, fully aware that they constitute the very foundations of the European Union. Respect of international law, inviolability of international borders, peaceful resolution of conflicts and regional co-operation are principles of the highest importance, to which we are all committed. We vigorously condemn extremism, terrorism and violence, be it ethnically, politically or criminally motivated. [...] Preparation for integration into European structures and ultimate membership into the European Union, through adoption of European standards, is now the big challenge ahead [and] the Stabilisation and Association Process (SAP) will remain the framework for the European course of the Western Balkan countries, all the way to their future accession."³²

It was also provided a Thessaloniki agenda for the Western Balkans which calls for further consolidating peace and promoting stability and democratic development; progress of Western Balkan countries towards the EU within an enriched Stabilisation and Association Process; fighting organised crime and co-operation in other justice and home affairs matters; promoting economic development; and reconciling for the future and enhancing regional co-operation.³³

It becomes clear that Thessaloniki Summit reiterates the values declared in the treaties. Let us see how FYROM follows them. In 2009 the newspaper *Struma* revealed the case of Spaska Mitrova. She is from FYROM and ever since she applied for a Bulgarian citizenship her husband started mental and physical violence against her. FYROM imprisoned her for 3 months in 2009 for not providing a bed for her already ex husband while visiting her daughter. Mitrova was unable to breast feed her daughter or provide the medications the baby needed who was

³¹ The Thessaloniki Summit: a milestone in the European Union's relations with the Western Balkan countries, http://www.eu-un.europa.eu/articles/en/article_2444_en.htm

³² EU-Western Countries Summit – Declaration, 10229/03 (Presse 163) http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/misc/76291.pdf

³³ The Thessaloniki Agenda for the Western Balkans, http://ec.europa.eu/enlargement/enlargement_process/accession_process/how_does_a_country_join_the_eu/sap/thessaloniki_agenda_en.htm

given to an orphanage. "The violence of my husband and administrative repressions started when my family and I declared that we are Bulgarians, not Macedonians" Mitrova said.³⁴ "We should stop asking Skopje for their friendship. They should ask for our support for the EU. Greece is a great example for it"³⁵ wrote at the time in the online edition of *Vesti*. In June 2012 the parental rights of Mitrova were taken away by FYROM.³⁶

Once again where are the promoted by the EU treaties and Thessaloniki Summit values of democracy, the rule of law, respect for human and minority rights, solidarity, peace and promoting stability and democratic development? Mitrova's case was brought to the attention of Amnesty International³⁷ just like Karov's case and that was about it. One cannot read anything about these cases on behalf of the EU or its Commission, or any other official body to the EU. In the meantime, online newspapers and EU and world blogs comment on cases. This is oddly unsatisfying position of the EU, nothing, no official statements, it is as if Dragi Karov and Spaska Mitrova's cases do not exist.

2.4 The Stabilisation and Association Process (SAP)

The stabilisation and association process is the framework for EU negotiations with the Western Balkan countries, all the way to their eventual accession. It has three aims: 1) stabilising the countries and encouraging their swift transition to a market economy 2) promoting regional cooperation 3) eventual membership of the EU. Each country moves step by step towards EU membership as it fulfills its commitments in the stabilisation and association process, as assessed in annual progress reports.³⁸ Let us take a look at those annual progress reports on FYROM concerning its name.

³⁴ "Bulgarian mother from FYROM imprisoned in Skopje", *Struma*, August 1, 2009, http://www.struma.com/obshtestvo/maika-kurmachka-absolventka-v-yuzu-s-vuorujen-konvoi-vkarana-v-zatvora_783/

³⁵ Bulgaria defends Spaska Mitrova, *Vesti*, August 4, 2009, <http://www.vesti.bg/index.phtml?tid=40&oid=2345471>

³⁶ FYROM takes away Spaska Mitrova's child, *Vesti*, June 18, 2012, <http://www.vesti.bg/index.phtml?tid=40&oid=4900651>

³⁷ "To the Amnesty International - Australia", Tassia Tsenova, *Vardar*, August 10, 2009, <http://www.freemacedonia.net/statia.php?sn=108&t=2&>

³⁸ Enlargement. The Stabilisation and Association Process; http://ec.europa.eu/enlargement/enlargement_process/accesion_process/how_does_a_country_join_the_eu/sap/index_en.htm

2.5 FYROM's Annual Progress Reports in regard to the Name Issue

FYROM has been an EU applicant since 2005. So let us investigate its progress in terms of dealing with the problem of the name Macedonia.

2.5.1 Year 2005

“Relations with Greece have improved in the last few years. Greece is the most important investor in the country (57% of the total foreign investments) and trade has been constantly increasing. However the dispute over the name of the country has remained an open issue since 1993. In 1993 the Former Yugoslav Republic of Macedonia was recognised in the UN under this provisional name. In UNSC Resolutions 817/93 and 845/93, the UN Security Council urged the Former Yugoslav Republic of Macedonia and Greece to continue their efforts under the auspices of the UN Secretary General to arrive at a speedy settlement of the issue. In 1995 an Interim Agreement created a framework for bilateral relations which stated, amongst other elements, that talks would continue between the two parties under the auspices of the UN to find a compromise. Article 11 (1) of this Agreement stated that “*Upon entry into force of this Interim Accord, ... [Greece] agrees not to object to the application by or the membership of the ...[former Yugoslav Republic of Macedonia] in international, multilateral and regional organisations and institutions of which... [Greece] is a member; however, ...[Greece] reserves the right to object to any membership referred to above if and to the extent the ...[former Yugoslav Republic of Macedonia] is to be referred to in such organisation or institution differently than in paragraph 2 of the UN Security Council Resolution 817 (19932).*” In 2005, the UN Mediator submitted proposals which have not been accepted by the parties as common basis for negotiations. Efforts should be intensified with a constructive approach in order to find rapidly a negotiated and mutually acceptable solution within the framework of UN Security Council Resolutions 817/93 and 845/93 and in the interest of regional cooperation and good neighborly relations.”³⁹

2.5.2 Year 2006

EU's Enlargement Strategy and Progress Report 2006 on the Former Yugoslav Republic of Macedonia in terms of Regional Cooperation and Good Neighborly Relations reads:

“Relations with Greece have been developing. In December 2005 the two countries opened an Office for Consular, Economic and Trade Relations in Bitola and a Consulate in Thessaloniki respectively. Cooperation has developed in many areas, including transport, health, security, culture and customs. However, there has been no progress on the name issue which remains an open problem. Renewed efforts are needed, with a constructive approach, to find a negotiated and mutually acceptable solution on the name issue with Greece, under the auspices of the UN, within the framework of UN Security Council

³⁹ Analytical Report for the Opinion on the application from the Former Yugoslav Republic of Macedonia for EU membership, SEC (2005) 1425, {COM (2005) 562 final} p 33;
http://ec.europa.eu/enlargement/archives/pdf/key_documents/2005/package/sec_1425_final_analytical_report_mk_en.pdf

*Resolutions (EEC) No 817/93 and (EEC) No 845/93, thereby contributing to regional cooperation and good neighborly relations.*⁴⁰

The Communication from the Commission to the European Parliament and the Council – Enlargement Strategy and Main Challenges 2006-2007 states:

*“The Former Yugoslav Republic of Macedonia has remained an active partner in regional cooperation. Bilateral relations with neighbors have developed; however, there has been no progress on the name issue, which remains an open problem. Renewed efforts are needed, with a constructive approach, to find a negotiated and mutually acceptable solution on the name issue with Greece, under the auspices of the UN, thereby contributing to regional cooperation and good neighborly relations.”*⁴¹

To avoid repetition we will mention that EU’s Enlargement Strategy and Progress Reports from 2007 all the way to the 2010 on the Former Yugoslav Republic of Macedonia in terms of Regional Cooperation and Good Neighborly Relations and the Communication from the Commission to the European Parliament and the Council – Enlargement Strategy and Main Challenges from 2007-2008 to 2010-2011 reads:

*“[R]elations between the two countries were affected by the name issue. No progress has been made in this context. Renewed efforts are needed, with a constructive approach, to find a negotiated and mutually acceptable solution on the name issue with Greece, under the auspices of the UN, within the framework of UNSCR 817/93 and 845/93, thereby contributing to regional cooperation and good neighborly relations.”*⁴² *“Relations with Bulgaria have remained good.”*⁴³

2.5.3 UNSC Resolutions 817/93 and 845/93

UNSC Resolution 817/93 notes “a difference has arisen over the name of the State, which needs to be resolved in the interest of the maintenance of peaceful and good-neighborly relations in the region.”⁴⁴ It also calls for “cooperation with the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia in order to arrive at a speedy settlement of their differences.”⁴⁵ UNSC Resolution 845/93 reiterates Resolution 817/93 by stating: “The Security Council [...] urges the parties to continue their efforts under the auspices

⁴⁰ The Former Yugoslav Republic of Macedonia Progress Report 2006, SEC(2006) 1387, {COM (2006) 649 final}, p 17; http://ec.europa.eu/enlargement/pdf/key_documents/2006/Nov/fyrom_sec_1387_en.pdf

⁴¹ Communication from the Commission to the European Parliament and the Council – Enlargement Strategy and Main Challenges 2006-2007, COM(2006) 649 final, p 39; http://ec.europa.eu/enlargement/pdf/key_documents/2006/Nov/com_649_strategy_paper_en.pdf

⁴² The Former Yugoslav Republic of Macedonia Progress Report 2007, {COM(2007) 663 final}, p 18; http://ec.europa.eu/enlargement/pdf/key_documents/2007/nov/fyrom_progress_reports_en.pdf

⁴³ The Former Yugoslav Republic of Macedonia 2010 Progress Report. SEC(2010)1332, {COM(2010)660}, p 24; http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/mk_rapport_2010_en.pdf

⁴⁴ UNSC Resolution 817/93, S/RES/817 (1993); <http://www.hri.org/docs/fyrom/S.RES.817.html>

⁴⁵ Ibid.

of the Secretary-General to arrive at a speedy settlement of the remaining issues between them.”⁴⁶

It is evident in all EU’s Enlargement Strategy and Progress Reports and all Communications from the Commission to the European Parliament and the Council that there has not been done much of a progress regarding resolving the name issue between FYROM and Greece. We can see that EU notices and favors the general progress of FYROM in its way of becoming a Member State. EU points FYROM’s development and granted FYROM a candidate country status in 2005. Since then, EU reports the advancements and achievements of FYROM – its general neighborly relations with other countries are good; relations with Bulgaria remain relatively good in spite of some ethnicity-based concerns; economic relations with Greece are good. However, we see that while progressing in some areas, the name issue is on hold. Since 2005 EU repeats in its reports that mutually acceptable solution to the name issue, under the auspices of the UN, remains essential. This means no progress or solution has been found yet for the name issue and this question remains open. A solution is needed because it might come to a point where FYROM fulfils all EU membership criteria but cannot become a Member State because it would not have a name.

The Commission reiterates that “[b]ilateral issues should not hold up the accession process.”⁴⁷ That is why a reasonable solution which sticks must be found because if the pre-accession conditions applied to the country have no meaning or are not done well after it becomes a Member State, the very purpose of the EU enlargement would be negated.⁴⁸ Therefore it is essential for the EU itself a compromise and solution to be found.

In the last annual report of the European Commission, Stefan Fule, the European Commissioner for Enlargement and European Neighbourhood Policy, pointed that the name issue with Greece should be solved in the initial stage of the negotiation process⁴⁹ and that a

⁴⁶ UNSC Resolution 845/93; <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N93/361/24/IMG/N9336124.pdf?OpenElement>

⁴⁷ Christophe Hillion, *The Creeping Nationalisation of the EU Enlargement Policy*, p 22; <http://www.wider-europe.org/sites/default/files/attachments/events/SIEPS%20report.pdf>

⁴⁸ Otto and Kirstyn Inglis, *Chapter 10 Membership Conditions Applied to the Future and Potential Member States*, Handbook on European Enlargement (The Hague, Netherlands: Asser Press, 2002), 255

⁴⁹ Communication from the Commission to the European Parliament and the Council - Enlargement Strategies and Main Challenges 2012-2013, SWD(2012) 332 final, {COM(2012) 600 final}, p 19; http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/mk_rapport_2012_en.pdf

further dialogue is needed between FYROM and Bulgaria in order to be avoided different interpretations of cultural, historical, and ethnic issues.⁵⁰

It has been pointed in the Progress Reports and Commission's Communications that relations between FYROM and Bulgaria are stable and good, but recent events point to another direction. *Vesti* informs that FYROM produced a movie called *The Third Half* which blames Bulgaria for the deportation of 11 000 Jews from FYROM to Poland during World War II which calls for anti-Bulgarian feelings amongst the people of FYROM. This does not correspond to the historic truth. Bulgaria is widely known as the only ally of Nazi Germany that saved 50 000 Jews from being deported to Poland.⁵¹ The territory of today's FYROM was given to Bulgaria by Hitler in 1941, but none of the people of the territory received Bulgarian citizenship, they remained under German administration and Bulgaria was in no way responsible or capable to prevent the Jewish deportation.⁵²

In addition to this case FYROM organized in the Royal Museum of Brussels exhibition⁵³ of a thousand year old Macedonian culture and manuscripts.⁵⁴ However, historians were united in their opinions that monasteries of FYROM are full of medieval Bulgarian, Serbian and Greek manuscripts, but no Macedonian ones since Macedonian people and language were created by communists in 1945,⁵⁵ and therefore it is impossible to have such manuscripts.⁵⁶

Even though, the Bulgarian Prime Minister Boyko Borisov stated during his formal visit in Albania that Bulgaria supports the eventual EU membership of all Western Balkan countries,⁵⁷ Bulgaria has its reaction to the repressions of people in FYROM who define themselves Bulgarian, the anti-Bulgarian movie, and the manuscript exhibition. The reaction came from the Bulgarian minister of external affairs Nikolay Mladenov during his visit in Blagoevgrad, the

⁵⁰ European Commission suggested negotiations for FYROM's EU membership, *Vesti*, 10 October, 2012, <http://www.vesti.bg/index.phtml?tid=40&oid=5195911>

⁵¹ Velizar Velkov and Georgi Georgiev. *History of Bulgaria*. Sofia: BAN, 1979, 150

⁵² Bulgarian EU Deputies against FYROM's Movie, *Vesti*, 28 October, 2012, <http://www.vesti.bg/index.phtml?tid=40&oid=4249491>

⁵³ Macedonian and the medieval manuscripts: It is the first time that this has repeated itself, *Balkan Chronicles*, November 30, 2012, <http://www.balkanchronicle.com/index.php/arts-a-culture/arts/culture/2525-macedonia-and-the-medieval-manuscript-it-is-the-first-time-that-this-has-repeated-itself>

⁵⁴ Skopje Shows "Macedonian" Culture in Belgium, *Vesti*, 10 October, 2012, <http://www.vesti.bg/index.phtml?tid=40&oid=5194031>

⁵⁵ Medieval Macedonia, *Medieval Histories*, August 31, 2012, <http://medievalhistories.com/medieval-macedonia/>

⁵⁶ Historians' Negative Reactions for Macedonian Exhibition, *Vesti*, 28 August, 2012, <http://www.vesti.bg/index.phtml?tid=40&oid=5090651>

⁵⁷ Borisov likes Albanian asphalt, they like Bulgarian highways, *Newsbg*, 22 October, 2012, http://news.ibox.bg/news/id_366363815

central city of a Bulgarian region of Pirin Macedonia in southwestern Bulgaria: "Good neighborly relations with Skopje on the basis of bilateral dialogue seem impossible in the light of the recent events. We are going to seek a solution through the European Union. We may withdraw our support for FYROM to become an EU member."⁵⁸

The right Bulgarian political party Union of Democratic Forces (SDS) even suggested that Bulgarian ambassador to FYROM to be called back to Sofia.⁵⁹ All of this is happening in the eve of the parliamentary elections. Last official researches⁶⁰ shown on TV7 reveal that the support of the right-center political party GERB (Citizens for European Development of Bulgaria), which currently heads the government, receives only 20 percent when it used to be over 50 percent. The lost support does not transform into support for the main opposition party Bulgarian Socialist Party which also receives 20 percent support. Sociologists speculate that the lost support would go to ultra right nationalistic party Ataka, the nationalistic party National Front for Saving Bulgaria (NFSB), and the nationalistic party VMRO that are about to unite and form a coalition.⁶¹ Meanwhile, we saw that the external minister of the party in power GERB adopted the positions of the nationalistic parties. All of this mean that the current Bulgarian policy towards FYROM and the future one regardless of which parties form a government will be much more strict and demanding in terms of historical and cultural truth, human rights, and rights of minorities in FYROM. Defending the historical truth inevitably touches upon the name Macedonia and it is no coincidence that the external minister spoke about Bulgarian policy in the region of Pirin Macedonia in southwestern Bulgaria.

2.6 Conclusion

EU's reports and Commissioner Fule's call for a dialogue between Bulgaria and FYROM have no effect and shows no progress or move into the right direction of real good neighborly relations, especially after Bulgarian external minister's cry that it is impossible to have a dialogue with Skopje and Bulgaria will seek the help of the European Union based on the FYROM's

⁵⁸ Harsh Bulgarian Position for Macedonia, *Vesti*, 29 October, 2012, <http://www.vesti.bg/index.phtml?tid=40&oid=5244451>

⁵⁹ UDF: Skopje Does Not Deserve an Ambassador, *Vesti*, 23 October, 2012, <http://www.vesti.bg/index.phtml?tid=40&oid=5229491>

⁶⁰ Alpha Research - Social Political Researches, http://alpharesearch.bg/bg/socialni_izsledvania/socialni_publicacii/obshtestveni-naglasii-septemvri-2012g.782

⁶¹ GERB loses support, BSP Gains Little Support, *Factorat Koshlukov*, TV7, 20 October, 2012, <http://tv7.bg/faktorat-koshlukov/NewsDetails&id=9493182>

Exhibition and Karov and Mitrova's cases. If the EU is sincere, perspicacious, farseeing, and prudent in its desire to solve these issues it should call for an international history conference with history scholars representatives from Bulgaria, FYROM, Greece, and history scholars from all over the world who are specialists at Balkan history. Such a conference would be supervised by the EU, NATO, UN, and OSCE. The goal of the conference would be to achieve unified opinion on common Balkan history. It should answer the questions: What exact territory ancient Macedonia covered on the territories of Greece, FYROM, and Bulgaria? Was ancient Macedonia symbol of Greek culture and is FYROM improperly benefiting from this cultural and historical legacy? Are people of FYROM descendants of ancient Macedonia and therefore have the right to call themselves Macedonians? Are people of FYROM Macedonians? Could they define as such? Was Macedonian nation created after World War II or it existed before that? Could Greece, FYROM, and Bulgaria agree upon a commonly shared history? Is there a Macedonian language - the question should be set up by international scholars specialists at Slavic languages. When a cultural and historic scientific agreement is achieved amongst Greece, Bulgaria, and FYROM, could be created synchronized history textbooks approved and used in the three countries that promote the common history in a peaceful non-antagonistic way which would prevent future disagreements and conflicts in the region? This is one of the first most important steps for finding a long-lasting solution of the name issue between Greece and FYROM. The EU should not look at it as an undesired problem, but as a chance to show it is a true leader in the region and bearer of peace, harmony, and cooperation in Europe, after all it received the Noble Peace Prize for these values which calls for responsibility and active role in solving such issues.

Chapter 3: Similar Issue Resolution

3.1 Croatia and Slovenia: Border Dispute

The dispute between FYROM and Greece is not the only dispute between a candidate state and a Member State. Croatia (candidate state) and Slovenia (Member State) have a long lasting dispute about their maritime border. Let us take a closer look into the dispute, how the two countries deal with it and what useful suggestions and experiences could be drawn from it that could be applied to the case of FYROM and Greece. Upon their declaration of independence on 25 June 1991, Slovenia and Croatia established the land border between their respective states on the basis of the former border between the two Yugoslav republics.⁶² *The Conundrum of the Piran Bay* reveals that the borders between former Yugoslav republics were set only on the land, not on the sea. During the time of the Yugoslav federal state, the borders between the republics were merely administrative in nature.⁶³ This caused the confusion of which country should get the Piran Bay within its border.

3.1.1 Slovenian Position

The Slovenian side has maintained that it expects Croatian authorities to respect the border situation of June 25, 1991 – the date the two countries declared independence from the former Yugoslavia – and the accord on avoiding incidents that the two governments signed in June 2005. The most straightforward Slovenian argument is that Slovenia has sovereignty over the whole Piran Bay and, therefore, the maritime border needs to be set according to the principle of equity with due regard to the relevant circumstances [...] Slovenia claims sovereignty over the whole Bay of Piran. It has submitted that it has been exercising jurisdiction since the entry into force of the Osimo Accords in 1975 over the whole Bay from the control point both in the former federation and thereafter. The legal evidence can be found in the Pula Agreement and Instructions of the Police Directorate of the Republic of Slovenia on exercising police control.

⁶² Border Issue Between Slovenia and Croatia (May 2010)
http://www.ukom.gov.si/en/media_relations/background_information/foreign_affairs/border_issue_between_slovenia_and_croatia_may_2010/

⁶³ Matej Avbelj and Jernej Lentnar Cernic, *The Conundrum of the Piran Bay: Slovenia v. Croatia – The Case of Maritime Delimitation*, Journal of International Law and Policy Vol. V, p 3 http://www.muntr.org/v4/wp-content/uploads/2012/02/The_Conundrum.pdf

The important point in this respect is that Slovenia has had economic and police control over Piran Bay which was under its jurisdiction prior to and also after independence.⁶⁴

The Bay has historically belonged to the Piran municipality, Slovenia. Since 1893, the latter has owned both sides of the Bay, including the Savudrija Peninsula which was bequeathed to it by Antonio Caccia in 1893. Only after World War II, in 1945, the communist rulers of Croatia and Slovenia – under circumstances as of yet unexplained – seem to have agreed that Savudrija goes to Croatia. Moreover, the historical documents of the Catholic Church indisputably prove that the parishes on the Savudrija Peninsula always – from the eleventh century until 1954 – belonged to the bishopric of Piran, more accurately the bishopric of Koper both presently in Slovenia. This sufficiently proves that the Piran Bay should be considered a historical bay. In addition, further geographical, economical, cultural, and political circumstances exist that support Slovenia's historical connection to the Bay. The density of population on the Slovenian side of the Piran Bay suggests that the claim for Slovenian control over the whole Piran Bay is justified. The Bay and the whole Slovenian coast are heavily populated. The coastal region is an area of 44 square kilometers with a population of almost 80,000 people (232 inhabitants/km), which means that the population density of the area is more than twice the national average. Most of the population (over 80%) lives within the 1.5 kilometer wide strip along the coast, which is 46 km long. This plainly argues in favor of Slovenian control over the entire Bay. This concentration of population and activities, which include transport, industry, commerce, tourism and fishery, represents a major concern in the coastal area. Besides that the Slovenian coast has a well-developed tourist infrastructure. The area has 21,000 tourist beds (that is 27% of all tourist capacities in the country), most of them in Piran, receiving about 400,000 tourists a year.⁶⁵

3.1.2 Croatian Position

The Conundrum of the Piran Bay explains the position of Croatia as well: The Croatian National Assembly states that the Croatian government and the negotiators should follow UNCLOS Article 15 and demand that the maritime border in the Piran Bay should be drawn according to the principle of equidistance, which means in the middle of the Bay...The Republic of Croatia has based its political claims on the mentioned UNCLOS Article 15. The latter

⁶⁴ Ibid., 5,6

⁶⁵ Ibid., 8,9

provides that, failing an agreement between the states, the border should be drawn along the median line (first paragraph) unless there could be invoked some historic title or other special circumstances which call for a different delimitation of the territorial sea (second paragraph).⁶⁶

Avbelj and Cernic continue by explaining that the border in Dragonja River valley (Piran Bay) should be on the river itself as this has been defined in the land-registry books of the bordering Croatian and Slovenian local municipalities. However, flanking the most downstream part of the river's main current are four villages whose status has been contentious during the years. Both Croatia and Slovenia claimed sovereignty over the villages due to the overlapping land-registry books of the local municipalities. According to the Agreement, these villages should be ceded to Croatia, so that the border would clearly remain on the Dragonja River without transgressing it. Since these villages are predominantly populated by the people of Slovenian origin, this move of the Slovenian government was seen as a compromise, and as an element of a good will for an exchange for a greater part of the Piran Bay [...] Croatian authorities stress that the border in the Bay has never been determined and that the Bay has never been controlled solely by one state (either Slovenia or Croatia) but rather that each country has exercised jurisdiction on its own respective side of the Bay. So there exists a factual dispute in regard of the historical control of the Piran Bay [...] Croats say that there is much evidence of Croatian administrative and judicial authorities exercising control in the "Croatian half" of the Bay...During the former Yugoslavian regime, the sovereignty over the entire Adriatic Sea – and thus including the Piran Bay – has been exercised by the federal government and the sovereignty of the republics was not delimited. It can be concluded on this basis that the sovereignty in the Piran Bay was therefore exercised jointly and simultaneously by Croatia and Slovenia.

The strongest Croatian legal argument is, however, based on UNCLOS Article 2 which provides that the sovereignty of the state extends beyond its land territory to the sea, including its territorial waters [...] In the context of the Piran Bay, according to the Croatian arguments, this approach means that the Piran Bay cannot be a historical bay and that every Slovenian claim to draw the boundary in a way to exercise the sovereign jurisdiction over the entire Bay is contrary to the conventional and customary international law and its principles. The Croatian side concludes that since there are no special circumstances and no resort to a special historical title is possible, the rule of equidistance should be adopted and the Bay should be divided down the

⁶⁶ Ibid., 10

middle. The Croatian side proposed that failing the delimitation agreement, the case should be referred to an independent judicial or arbitration tribunal for its resolution within the valid legal framework of international law.⁶⁷

As we can see, just like the name issue between FYROM and Greece, this bilateral dispute for territory is very sensitive to both countries but it was solved. Let us take a look how and to what extent the EU was involved and helped.

3.1.3 EU on the Dispute

Now let us see the EU observations in Commission's Communications and Progress Reports in terms of the border dispute.

- 2006

The Communication from the Commission to the European Parliament and the Council – Enlargement Strategy and Main Challenges 2006-2007 states:

*“[L]ittle progress has been made towards finding definitive solutions to various pending bilateral issues with Croatia's neighbors, particularly as regards border demarcation. This issue is a key Accession Partnership priority. Efforts are needed to further develop cooperation and good neighborly relations.”*⁶⁸

In order to avoid repetition we will point that all EU's Communications from the Commission to the European Parliament and the Council – Enlargement Strategy and Main Challenges and Enlargement Strategy and Progress Reports from 2006 to 2010 could be summarized in: " further progress is required towards finding definitive solutions to the various bilateral issues which remain open, particularly as regards borders."⁶⁹

- 2010

The Communication from the Commission to the European Parliament and the Council – Enlargement Strategy and Main Challenges 2010-2011 states:

⁶⁷ Ibid., 14, 15

⁶⁸ Communication from the Commission to the European Parliament and the Council – Enlargement Strategy and Main Challenges 2006-2007, COM(2006) 649 final, p 34
http://ec.europa.eu/enlargement/pdf/key_documents/2006/Nov/com_649_strategy_paper_en.pdf

⁶⁹ Communication from the Commission to the European Parliament and the Council - Enlargement Strategy and Main Challenges 2008 -2009, COM(2008) 674 final, p 32 http://ec.europa.eu/enlargement/pdf/press_corner/key_documents/reports_nov_2008/strategy_paper_incl_country_conclu_en.pdf

*“Slovenia and Croatia signed and ratified a Border Arbitration Agreement which paves the way for a final settlement. This agreement shows that bilateral issues can be solved in the spirit of good neighborliness.”*⁷⁰

- 2011

EU’s Enlargement Strategy and Progress Report 2011 on Croatia in terms of Regional Cooperation and Good Neighborly Relations reads:

*“Relations with Slovenia have improved further. The Arbitration Agreement on the border entered into force on 29 November 2010 and was jointly submitted for registration with the Secretariat of the UN on 25 May 2011.”*⁷¹

As we can see Croatia and Slovenia truly have a serious border dispute over the control of Piran Bay since the two Yugoslav republics became independent countries in 1991. Each side has its own view of the situation and no one wanted to compromise. From Commission’s Communications and Progress Reports on Croatia it becomes clear that even though, Croatia seeks EU membership and Slovenia desires good neighborly relations reaching a way of solving the issue could be a challenge. However, in the name of the common good and an ever closer union Slovenia and Croatia overcame their differences and had the political will to start searching for a real solution.

Border Issue between Slovenia and Croatia states that in January 2009, Slovenia welcomed the initiative by the European Enlargement Commissioner Olli Rehn to solve the border issue and allow Croatia's EU accession negotiations to continue. Regrettably, in June 2009 Croatia withdrew from the process led by European Enlargement Commissioner Rehn [...] However, Slovenian and Croatian Prime Ministers signed the Arbitration Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Croatia on 4 November, 2009 in Stockholm, witnessed by Swedish Prime Minister Reinfeldt as EU Presidency. Governments made a decision to solve the border dispute with the involvement of the independent third party with an aim to reach a fair solution that would take into consideration vital interest of both countries. The Slovenian government believes that Arbitration Agreement is

⁷⁰ Communication from the Commission to the European Parliament and the Council – Enlargement Strategy and Main Challenges, COM(2010) 660, p 11

http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/strategy_paper_2010_en.pdf

⁷¹ Croatia 2011 Progress Report, SEC(2011) 1200 final, {COM (2011) 666 final}, p 15

http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/hr_rapport_2011_en.pdf

a good agreement, based on renewed trust between the two countries and negotiated in good faith. Signing of the Arbitration Agreement represents an important step towards the final resolution of long-lasting border dispute between two countries. Given that an award of Arbitral Tribunal is binding for both parties, entry into force (ratification) of the Arbitration Agreement would provide a final resolution of the border dispute and thus immediately have an important effect of unburdening bilateral relations. Slovenia believes that resolving border issues between Slovenia and Croatia would send an important message to the Western Balkan countries that the pace of their EU accession process also depends on their efforts to solve open issues, including border issues.⁷²

Some of the key points found in the Arbitration Agreement which seeks a border dispute solution are that there is a Arbitral Tribunal that would act according to international law, it would be recognized by Slovenia and Croatia, it would set the maritime boundary, no documents undertaken unilaterally would be taken under consideration, the Tribunal may seek expert advice (Articles 1, 2 3, 4, 5, 6).⁷³ The Agreement points:

Article 7: The award of the Arbitral Tribunal

[...] The Arbitral Tribunal adopts the award by majority of its members. The award shall state the reasons on which it is based. No individual or dissenting opinions shall be attached to the award.

(2) The award of the Arbitral Tribunal shall be binding on the Parties and shall constitute a definitive settlement of the dispute.

(3) The Parties shall take all necessary steps to implement the award, including by revising national legislation, as necessary, within six months after the adoption of the award.

Article 9: The continuation of the EU accession negotiations according to the negotiating framework

(1) The Republic of Slovenia shall lift its reservations as regards opening and closing of negotiation chapters where the obstacle is related to the dispute. (2) Both Parties shall refrain from any action or statement which might negatively affect the accession negotiations.

Article 10: Stand-still

(1) Both Parties refrain from any action or statement which might intensify the dispute or jeopardize the work of the Arbitral Tribunal.

(2) The Arbitral Tribunal has the power to order, if it considers that circumstances so require, any provisional measures it deems necessary to preserve the stand-still.

Article 11

(1) The Agreement shall be ratified expeditiously by both sides in accordance with their respective constitutional requirements.

⁷² Border Issue Between Slovenia and Croatia (May 2010),

http://www.ukom.gov.si/en/media_relations/background_information/foreign_affairs/border_issue_between_slovenia_and_croatia_may_2010/

⁷³ Arbitration Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Croatia,
http://www.vlada.si/fileadmin/dokumenti/si/projekti/2010/Arbitrazni_sporazum/10.a_Arbitra%C5%BEni_sporazum_-_podpisan_EN.pdf

Having political will, the establishment of effective Arbitration Tribunal and Arbitration Agreement that functions properly would not be a problem especially if backed by the EU.

3.2 Conclusion

Slovenia's belief mentioned above that the Arbitration Agreement may and will achieve its goal in solving bilateral issues and could set an example for other Western Balkan countries is very encouraging and directly calling for solving other bilateral issues in the region. Such a conflict would be the one between FYROM and Greece for the name 'Macedonia'. Up until the Arbitration Agreement what Slovenia and Croatia lacked was the political will to even start searching for eventual solutions. Once they realized that solving the border issue would help their neighborly relations and it would contribute to the stability of the EU, the two countries were able to find a way to look for a solution by calling for such an Arbitration Agreement. FYROM and Greece have not taken such a step yet. Once FYROM and Greece reach to the point of having the political will to solve the name conflict, they should not be wondering and shrugging where to start but take a closer look at the way the Slovenian-Croatian Arbitration Agreement is set. The Arbitration Agreement is an excellent helper and a pattern which FYROM and Greece need to seriously consider (and adapt it for their specific needs) if they desire to reach a settlement in their conflict.

If the first step to settling the name issue is to go to the root of the conflict and understand why FYROM is called Macedonia today, the second step, as we saw in the previous chapter, is to call for international historic conference to answer culture and history questions which all the parties involved agree upon, the third step would be to have the political will to solve the name issue exemplified by the Arbitration Agreement of Slovenia and Croatia. The good news is that as we could see from the Progress Reports on Croatia it takes some number of years while the parties get used to the inevitable reality that they should solve their neighborly issues and quit being stubborn. It is a good news because we see the same tendency in the Progress Reports on FYROM too. The problem has been dragging for five, six years now and the inevitable realization of actual solution will call for the political will of FYROM and Greece to compromise and achieve a long-lasting solution of what FYROM should be called.

Chapter 4: FYROM and the Ohrid Framework Agreement

4.1 Road to the Ohrid Framework Agreement

In this chapter we will take a look at the ethnical problem of FYROM with its Albanian minority which was resolved by the Ohrid Framework which could be used as a great instrument for solving the recent ethnic problems which FYROM experiences with another minority which defines Bulgarian. We will see that the Albanian minority conflict in FYROM was resolved by constitutional changes let by EU, USA, OSCE, NATO. The Ohrid Framework demonstrates that even though EU did not prevent the conflict, it was an active player to its solution. The Ohrid Framework is an excellent example of the needed political will, discussed in the previous chapter, shown not only by EU but by FYROM itself. FYROM, urged by the EU and the other players, managed to change its constitution in order to give proper rights to its Albanian minority. In the light of the repressed people who define themselves Bulgarians in FYROM, as discussed in chapter two, this is great news because the Ohrid Framework reveals that such issues could be resolved with the active political will of FYROM itself backed by the EU. It should and it could be resolved before Bulgaria support Greece in its unwillingness FYROM to include the name Macedonia in its name based on the neglected and repressed Bulgarian minority in FYROM. The Ohrid Framework demonstrates that the shared political will of FYROM and EU supported by USA, UN, NATO, and OSCE could give excellent results in terms of solving legal constitutional changes and problems based on ethnicity.

In the early 1990s Macedonia emerged out of Yugoslavia as an independent country based on its Slavic Macedonian population and defined by it. However, Macedonia was not a homogenous country and it has quite a large Muslim Albanian minority. Slav Macedonians disregarded Albanians on each public life level which led to an inevitable ethnic conflict after the crisis in Kosovo in 1999. It could be very useful to take a look at it, how it was resolved and what conclusions we can draw from its resolution that could be used in order to resolve the name issue between Greece and FYROM. Furthermore, we described the latest problems between Bulgaria and FYROM based on ethnic tensions, discriminations, and misunderstandings. The Ohrid Framework which came out as a solution and compromise between Macedonians and Albanians could be very useful and serve as a guiding tool which gives hope that any current

ethnic conflict between Bulgaria and FYROM could be resolved and any future conflict could be prevented preserving and sustaining the ethnical peace and good neighborly relations.

The 1974 Yugoslav constitutional preamble described Macedonia as ‘the state of the Macedonian people and the Albanian and Turkish minorities’. The new version in 1989 defined it as a nation-state of Macedonian nation. Moreover, previously existing minority rights were abolished and restricted [...] Tension arose as the majority proclaimed a Macedonian nation-state in 1989 and the minority in turn rejected independence and boycotted the referendum issued in 1991.⁷⁴

Akcali states that no agreement was reached with Greece too over the name Macedonia which led to the adoption of the acronym FYROM (Former Yugoslav Republic of Macedonia). The two countries also engaged in a dispute over the republic’s flag which incorporated the Vergina sun symbol, claimed by Greece as representing the historical Greek province of Macedonia. Its adoption by Skopje, on July 3, 1992 was seen as a reaction to Greek pressure to change the name. The dispute which led to an economic embargo by Greece between February 1994 and October 1995 was resolved after an interim accord between the two states, when the flag was changed by an act of parliament.⁷⁵ This would serve as at least one example of that Greece and FYROM are capable of negotiating and reaching an agreement on something.

Akcali explains the facts that when Albanian guerrilla insurgency emerged in the aftermath of the Kosovo crisis in 1999 supported by KLA (Kosovo Liberation Army), then in power in Kosovo, the UN Security Council adopted a Resolution 1345,⁷⁶ condemning the violence by Albanian nationalists. The EU followed and supported the Macedonian government in combating terrorist acts but at the same time urged it to start a dialogue on political reform with the elected Albanian political parties. The major EU concern at this time was to prevent another intractable conflict in the region [...] However, the Macedonian government continued to oppose demands that the constitution be amended to grant Albanian population (officially

⁷⁴ Emel Akcali, EU’s competency in conflict resolution: The Cases of Bosnia, Macedonia (FYROM) and Cyprus examined, p 18,
http://ceu.academia.edu/EmelAkcali/Papers/1095074/EUs_competency_in_conflict_resolution_The_Cases_of_Bosnia_Macedonia_FYROM_and_Cyprus_examined

⁷⁵ Ibid., 18

⁷⁶ UN Security Council Resolution 1345, S/RES/1345 (2001)
<http://www.unhcr.org/refworld/category,LEGAL,,,MKD,3b00f53310,0.html>

categorized as a minority) equal rights with the Slavic FYROM population and Albanian the status of second language [...] Violence ceased but by the end of April 2001, erupted again when Albanian militants killed eight Slavic FYROM soldiers. This led to the civilian Slavic FYROM riots against Albanian property. Government troops subsequently launched an offensive against Albanian positions near Kumanovo after two more of its soldiers were killed [...] The FYROM President Trajkovski seemed committed to the dialogue but the Prime Minister Georgievski moved along the line of Macedonian nationalist hardliners who were convinced that the army could crush the Albanian struggle. In response to the escalation of the conflict, the EU and NATO acted together. Solana and NATO General Secretary Lord Robertson met jointly with the Slavic Macedonian and Albanian leaders and managed to convince them to establish an all parts government and prevent Georgievski from declaring a state of war. However, several ceased-fires mainly brokered by NATO failed to prevent ten thousands of refugees in northwestern FYROM. Meanwhile in June 2001, NLA (National Liberation Army) rebels occupied the town of Aracinovo, only some 6 kilometers east of the capital Skopje and in response, the government announced the suspension of its offensive against the NLA. However, violent protests were staged by FYROM nationalists at the parliament building in Skopje, in response to the NATO-mediated ceased fire arrangement at Aracinovo, which was perceived to pro-Albanian.⁷⁷

EU's Competency in Conflict Resolution states that on June 29 2001, NATO formally approved an operation to deploy a 3500 member multinational force in FYROM to assist in the disarmament of the NLA which was conditional on the imposition of a lasting-cease fire. The EU announced at the same time a substantial financial aid package for Macedonia in case of a peaceful solution. It also appointed the former French Defense Minister, Francois Leotard as special EU representative to FYROM. Leotard and US special envoy James Pardew acted as a joint EU-US mediator team which was later complemented by OSCE (Organization for Security and Cooperation in Europe) High Commissioner. The tripartite team did not this time leave the negotiation process to the parties but presented their own proposals such as the Framework Document to solve interethnic problems, decentralization, non-discrimination in public service,

⁷⁷ Akcali, EU's competency in conflict resolution: The Cases of Bosnia, Macedonia (FYROM) and Cyprus examined, 19-20, http://ceu.academia.edu/EmelAkcali/Papers/1095074/EUs_competency_in_conflict_resolution_The_Cases_of_Bosnia_Macedonia_FYROM_and_Cyprus_examined

special parliamentary regimes and the other major laws, education and language issues [...] The negotiations started in Ohrid and step by step disputed issues were resolved, most importantly the public use of Albanian language and of the Albanian representation within the police. Finally, on August 13, the Parties signed the Ohrid Framework Agreement providing for amendment of the constitution to grant greater rights to Albanian community. On the following day, the NLA leader Ali Ahmeti agreed that 2500-3000 NLA fighters hand in their weaponry to NATO troops.⁷⁸

EU's Competency in Conflict Resolution says that in early September 2001, parliamentary debate on constitutional reform was delayed by mass Slavic FYROM protests against the peace plan. The EU and OSCE monitors were deployed to supervise the implementation of the peace agreement while NATO troops to protect them. In early October, the EU criticized delays in implementing constitutional reforms and on November 16, 2001 the Macedonian parliament finally adopted 15 key amendments to the existing constitution. The principal reforms were the revision of the constitution's preamble to include a reference to members of non-ethnic Slav Macedonian communities as citizens of the country.⁷⁹ A double-majority system was introduced to the Parliament whereby certain legislation would require the approval of a minority group, the establishment of Albanian as the second official language in communities where Albanians comprised more than 20 per cent of the population; and the rights to proportional representation for Albanians in the Constitutional Court, all areas of government administration and the security forces.⁸⁰

Akali points out that an EU sponsored international donor conference on economic assistance for the FYROM originally scheduled to take place in October 2001, was postponed to December, pending the implementation of additional reforms. In January 2002, new legislation providing for the devolution of greater authority to local government (thereby granting a measure of self-rule to predominantly Albanian regions) was approved by the parliament and the donor conference took place in March. In October 2002, NATO agreed to extend the mandate of Operation Amber Fox until December and in March 2003, the remaining contingent was

⁷⁸ Ibid., 20

⁷⁹ Ibid., 20

⁸⁰ Ohrid Framework Agreement, August 13, 2001, UNHCR The UN Refugee Agency, http://faq.macedonia.org/politics/framework_agreement.pdf

replaced by an EU led mission, Operation Concordia comprising 350 military personnel. 13 EU Member States and 14 non-EU nations were to participate in the force. The purpose of the operation, which was deployed at the official request of President Trajkovski was to maintain security in order to facilitate the implementation of the Ohrid Peace Agreement. In December 2003, Operation Concordia was replaced by a 200 member EU mission, Operation Proxima which in addition to maintaining security and combating organized crime in the country was to advise the FYROM police forces [...] Eventually the EU granted Macedonia candidate status on December 17, 2005 but with no promise of when such negotiations could start. France has made a budget deal as a condition for granting Macedonia a candidate status and Greece agreed not to veto the decision on the basis that the name dispute would be resolved. According to the EU, the main obstacles before its eventual membership are good relations with its neighbors and reforms to its judicial and police systems. Also FYROM's growth rate lags much behind that of most EU members. Unemployment is high and foreign investment is relatively low. The decentralization process of power still requires full implementation. However, the relatively low population and the European characteristics of the country win sympathy among EU states [...] As the EU ambassador in Macedonia, Erwan Fouere expressed it, the European perspective is the motor for the conduct of reform process in Macedonia and “the faster that the oil is put in, the faster the engine will work.”⁸¹

4.2 Conclusion

We can see that the ethnic conflict between the Slavic people of FYROM and Albanians started right with the birth of FYROM itself and it was developing for ten years. However, the EU was not prepared for it, even though, the issue was taking place in its backyard. The EU failed at preventing the ethnic conflict. On the other hand, the EU proved to be very active in the resolving the conflict and acted as a regional leader. It called for supporting the Macedonian government in combating Albanian terrorist acts but at the same time urged it to start a dialogue on political reform leading to a solution. The EU also announced a substantial financial aid package for FYROM in case of a peaceful solution. EU sponsored international donor

⁸¹ Akcali, EU's competency in conflict resolution: The Cases of Bosnia, Macedonia (FYROM) and Cyprus examined, 22

conference on economic assistance for the FYROM. The EU criticized delays in implementing the constitutional reforms after reaching an agreement.

In these actions, though, the EU had the strong support of the USA and OSCE. It should be also noted the invaluable NATO military support. The NATO Operation Amber Fox was replaced by an EU led mission Operation Concordia. Later Operation Concordia was replaced by a 200 member EU mission, Operation Proxima which in addition to maintaining security and combating organized crime in the country was to advise the FYROM police forces.

On the basis of the ethnic conflict in FYROM, in terms of the name issue between Greece and FYROM we can draw the conclusion that so far the EU has a lot to learn in conflict preventions, which is not fatal since the name conflict has been existing as long as the ethnic one. When it comes to solving the problem or at least being actively pursuing a solution, the EU manages much better – it offers financial and economic assistance, urges law reforms, and even takes part successfully in military operations and has its own ones such as Concordia. Therefore, we can evaluate that the EU has the capacity not simply to be an international player along with the USA, NATO, and OSCE, but an actual leader in the region as it should be. This would mean that the EU should be active in solving the name issue between Greece and FYROM. It should urge and initiate a conference on top international level to decide the name of FYROM just like the tripartite team in the ethnic conflict reach a solution and set the Ohrid Framework Agreement and follow the model of Slovenia and Croatia in their Arbitration Agreement, while the Ohrid Framework is a bright example that FYROM-Bulgarian ethnical problem could be prevented with the political will of understanding and legal considering the rights of minorities in FYROM who define themselves Bulgarian. Such a prevention would stop Bulgarian political tensions and calls for withdrawing Bulgaria's support for FYROM's EU membership and joining Greece in its position that FYROM should not be called Macedonia. Combining the lessons of the Arbitration Agreement and the Ohrid Framework is the further step to finding a long-lasting solution for the name of FYROM.

Chapter 5: FYROM and Greece: NATO Case

In this chapter we will investigate what problems FYROM had in its initial stage of forming as an independent state in terms of its name and how it caused the Greek blockage of FYROM's road to become a NATO member. We will see what attitude the two countries have regarding ICJ's decision on the Greek blockage and how it could be helpful in our search for a long-lasting solution of what name FYROM should adopt.

5.1 FYROM as a State and Name Issue

After the dissolution of Yugoslavia and the formation of the Macedonian republic in 1991, Craven explains that in May 1992 when the Council of Ministers indicated that it was "willing to recognize Macedonia as a Sovereign and independent State within its actual borders" but only "under a name which can be accepted by all parties concerned. At this stage a number of States suggested the name "New Macedonian Republic"; Greece itself preferred the "Democratic Republic of Skopje". By the time of the Lisbon summit in June 1992 the Council of the EC had given way to Greek pressure (perhaps fearing a loss of unanimity in matters of foreign policy) and declared that it would only recognize the new Republic "under a name which did not include the term 'Macedonia' ". The Macedonian Assembly, by contrast, flatly rejected the idea that the Republic should change its name before recognition. By the end of 1992 it became clear that there was increasing frustration within the EC over Greek intransigence, and that general recognition could not be held off much longer. The Republic had submitted an application for membership to the United Nations, and the International Monetary Fund had already announced that the Republic was a successor to the liabilities and assets of the SFRY (Socialist Federal Republic of Yugoslavia) and that accession was open to it once formal conditions were satisfied. In February 1993, Greece accepted the idea of international arbitration over the issue of Macedonia's name. Two months later, on 7 April 1993, the Security Council adopted Resolution 817 (1993),⁸² which had been drafted by France, Spain and the United Kingdom, recommending that the Republic should be admitted to the Organization under the provisional name "Former Yugoslav Republic of Macedonia", until some agreement was reached as to its final name. On the following day, Macedonia was admitted to the UN without a flag pending consideration by an arbitration committee of Greek objections to Macedonia's use of the star of Verginia as its

⁸² UN Security Council Resolution 817, *UNHCR The UN Refugee Agency*, April 7, 1993, S/RES/817 (1993), <http://www.unhcr.org/refworld/category,LEGAL,,,MKD,3b00f15623,0.html>

national symbol. Over the next year, FYROM was recognized by all Member States of the EC (except Greece) and by a number of other States, including the United States.⁸³

In *What's in a Name*, Craven states that although the question of statehood was thereafter beyond doubt, no further progress was made with respect to the ultimate name of the Republic, and in October 1993 Greece withdrew from the UN-brokered negotiation. In terms of its name various proposals had been put forward including: "Slavomacedonia" (proposed by Milosevic); "Nova Macedonia" (proposed by Vance-Owen); "Republic of Macedonia (Skopje)" (which had been accepted by the Republic but included the word Macedonia which did not satisfy Greece).⁸⁴

Craven continues by revealing international law and ICJ position on the issue. Whilst much of the discussion has focused upon matters relating to the acquisition of statehood, it should be noted that the dispute takes on a different dimension once the question of statehood is resolved. It is an accepted principle of international law, that flows from the sovereign equality of States, that each State "has the right freely to choose and develop its political, social, economic and cultural systems". In that regard, it would surely be fundamental to the notion of sovereignty and self-determination that a State should have the right to establish its own constitutional system in conformity with obligations imposed by international law (for example, with respect to human rights treaties), and to choose its own national symbols including both its name and its flag.⁸⁵ This would suggest that the action taken by Greece (not recognizing Republic of Macedonia), with the acquiescence of other members of the international community, to force the Republic to alter its name, flag and constitution, all of which are potent symbols of the State's national identity, represents interference in the sovereignty of the Republic of Macedonia. It is clear, nevertheless, that not every interference in the sovereignty of another State will be prohibited by international law. The International Court of Justice (ICJ) specifically considered the question of intervention in the *Case Concerning Military and Paramilitary Activities in and against Nicaragua*.⁸⁶ There, it stated that "the principle of non-intervention ... forbids all States or groups of States to intervene directly or indirectly in internal or external

⁸³ Matthew CR Craven, *What's in a Name? The Former Yugoslav Republic of Macedonia and Issues of Statehood*, <http://www.austlii.com/au/journals/AUYrBkIntLaw/1995/4.pdf>, p 206

⁸⁴ *Ibid.*, p 206-207

⁸⁵ Nikola Achkov, *Abandoned Balkans. The Long Path of Tolerance in the Shadows of Missed Centuries* (Sofia: Fenix, 2009), 112

⁸⁶ *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v United States of America)*, *International Court of Justice*, June 27, 1986, <http://www.icj-cij.org/docket/index.php?sum=367&code=nus&p1=3&p2=3&case=70&k=66&p3=5>

affairs of other States. A prohibited intervention must accordingly be one bearing on matters in which each State is permitted, by the principle of State sovereignty, to decide freely. One of these is the choice of a political, economic, social and cultural system".⁸⁷ As suggested above, the subject of the dispute between Greece and Macedonia clearly relates to an issue which, as a matter of sovereignty, should fall exclusively within the discretion of Macedonia itself. The ICJ continued, however, by stating that intervention is wrongful only "when it uses methods of coercion in regard to such choices, which must remain free ones". Accordingly, the ICJ appears to distinguish between "intervention" in the sense of plain interference which is not prohibited by international law, and "unlawful intervention" which is defined by the use of coercive methods, that is, that it is forcible or dictatorial. As to what might amount to coercion, the ICJ did not limit itself to the use of armed force. It endorsed, as declaratory of customary international law, the terms of the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty⁸⁸ and the Declaration on Friendly Relations,⁸⁹ both of which prohibit "the use of economic ... measures to coerce another state in order to obtain from it the subordination of the exercise of its sovereign rights". It also decided that the provision of financial assistance to opposition groups within another State amounted to unlawful intervention. Although it is clear that certain economic measures may amount to unlawful intervention, the Court decided that on the facts of the case, the cessation of economic aid and the imposition of a trade embargo did not (although the latter did amount to a breach of treaty obligations). It cannot easily be concluded, leaving aside any specific treaty obligations, that the imposition of an economic embargo by Greece (on FYROM because of the name issue) is either lawful or unlawful under existing international law. It is certainly clear that its objective is unlawful, but whether or not the measures taken to that end amount to intervention rests upon an appreciation of what amounts to coercive behavior and to that end, how much discretion is given to States in the organization and disposition of their own economic affairs.⁹⁰

⁸⁷ Ibid.

⁸⁸ Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty, *United Nations General Assembly*, December 9, 1981, A/RES/36/103, <http://www.un.org/documents/ga/res/36/a36r103.htm>

⁸⁹ Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, *UN Documents*, October 24, 1970, A/RES/25/2625, <http://www.un-documents.net/a25r2625.htm>

⁹⁰ Craven, *What's in a Name? The Former Yugoslav Republic of Macedonia and Issues of Statehood*, 234

In terms of self determination the EU Arbitration Commission at the time stated "self-determination was identified [...] as a right of every individual to 'choose to belong to whatever ethnic, religious or language community he or she wishes'.⁹¹ Although 'one possible consequence' of this might be that a minority group within a Republic has a right to 'the nationality of their choice',⁹² it could not be interpreted as undermining the integrity of existing borders."⁹³ As a result of this, we witnessed the absurdity of early 1990s when FYROM's Romani populations defined themselves as ancient Egyptians who came to FYROM along with Alexander the Great's troops on their way home from the Middle East.⁹⁴

5.2 NATO Case

In the light of all these definitions and confusions, it reached to the point when Greece blocked the FYROM's membership to NATO and a decision was taken on December 5, 2011:⁹⁵ The ICJ, based on evidence that Greece during the NATO Summit in Bucharest in 2008, objected to the FYROM's entry into NATO, held that Greece violated the Interim Accord of September 1995, which was agreed to by Greece and the FYROM. (Interim Accord, signed at New York, Sept. 13, 1995, 4 UNTS 1995). Under this Accord,⁹⁶ Greece undertook the obligation not to block the FYROM's entry into NATO while the dispute over the use of the name Macedonia by the FYROM is still unresolved. Greece challenged the jurisdiction of the ICJ over this issue on the grounds that the dispute was related to opposing views over the name Macedonia, and that the issue concerned NATO and its members and therefore fell outside the ICJ's jurisdiction. The ICJ rejected these arguments. Nor did it accept Greece's claim that Greece's objection to the FYROM's use of the name Macedonia fell under the exception provided in article 11 of the Interim Accord that permitted Greece to object to the FYROM's admission to organizations if the FYROM applied to them using any other name than FYROM.⁹⁷

⁹¹ Alain Pellet, *The Opinions of the Badinter Arbitration Committee A Second Breath for the Self-Determination of Peoples*, 184, <http://207.57.19.226/journal/Vol3/No1/art12-13.pdf>

⁹² *Ibid.*, 184

⁹³ Craven, *What's in a Name? The Former Yugoslav Republic of Macedonia and Issues of Statehood*, 234

⁹⁴ Hugh Poulton, *Who Are The Macedonians?* (Hong Kong: Indiana University Press, 2000), 141-142

⁹⁵ Application of the Interim Accord of 13 September 1995 (The Former Yugoslav Republic of Macedonia v. Greece), December 5, 2011, <http://www.icj-cij.org/docket/files/142/16827.pdf>

⁹⁶ United Nations Interim Accord between the Hellenic Republic and the FYROM, September 13, 1995, Document 95-27866, <http://www.hri.org/docs/fyrom/95-27866.html>

⁹⁷ Greece / International Court of Justice: Judgment on Blocking Entry of the Former Yugoslav Republic of Macedonia into NATO, *Library of Congress*, Theresa Papademetriou, February 6, 2012, http://www.loc.gov/lawweb/servlet/lloc_news?disp3_l205402974_text

Euinside points that "[t]he ruling of the court in The Hague could have a moral value and make Macedonians feel like winners but actually it does not oblige third parties, like NATO or the EU, to give a green light to FYROM membership application. A compromise and more flexibility between the two sides are needed in order to find a solution to the problem. As pointed out in an editorial in the *Dnevnik Daily* [...] the ruling is not 'a ticket for immediate entry to NATO.'"⁹⁸

The Greek point of view on the ICJ decision reveals *Athens News*: Greece [...] was satisfied to hear that the UN court rejected FYROM's request to order Greece "to refrain from any future conduct that violates its obligation under Article 11, paragraph 1, of the Interim Accord. [...] It is worth noting that both sides agree that the ICJ judgment does not address the issue of the differences over the name of FYROM and they express their will to find a mutually acceptable solution, under the auspices of the United Nations. In its ruling, the ICJ dismissed Greece's claim that it was justified in blocking FYROM's candidacy to NATO, because the latter had already breached the Interim Accord. The judges noted that only one breach had been established - the use of a prohibited symbol in its flag in 2004 - and that FYROM had discontinued using the symbol, the Vergina sun, that year."⁹⁹

We see that ever since the dissolution of Yugoslavia the name of Republic of Macedonia raised as a problem and called for an international attention and debates. As a result, it was internationally recognized under its provisional name Former Yugoslav Republic of Macedonia (FYROM). However, the issue was so sensitive that even though Greece agreed not to prevent FYROM's applications to international organizations under this name it did so when it applied to NATO. ICJ's decision satisfied to certain extent both sides. FYROM is glad that Greece should follow Article 11, paragraph 1, of the Interim Accord which allows FYROM to apply to international organizations. On the other hand, Greece had the chance to procrastinate the name issue with this case and attract the attention to it by pointing that a solution for the name of FYROM should be found and FYROM is just a temporary name which in international plan does not satisfy neither Greece, because of the word "Macedonia" in it, nor FYROM which does not

⁹⁸ Macedonia Wins a Battle But Not the War in Name Dispute with Greece, *Euinside*, Evelina Topalova, December 11, 2011, <http://www.euinside.eu/en/news/macedonia-has-won-a-battle-but-not-the-war-in-the-name-issue-with-greece>

⁹⁹ The Case of FYROM vs. Greece: Call it a tie, *Athens News*, Costas Papachlimintzos, December 11, 2011, <http://www.athensnews.gr/issue/13473/51325>

want to be "Former" and "Yugoslav". Furthermore, Greece reiterates that ICJ's decision does not automatically mean that FYROM could become a NATO or EU member if it does not fulfill the required criteria, ICJ simply points that Greece breached the Interim Accord. ICJ's decision does not resolve the name issue itself and it remains under the auspices of the United Nations.

5.3 Conclusion

The conclusion from the case is that FYROM remains named FYROM for now and it could apply to international organizations without Greece being able to stop such applications, however, it is evident that Greece would take advantage of its right of veto if FYROM fulfills the EU criteria and is about to become an EU Member State. The UN had not been active in its effort to resolve the name issue prior the NATO case and it has not been active ever since the ICJ's decision. Therefore, this calls for more active role and effort from the EU and the good neighborly political will of FYROM and Greece. The NATO case shows that FYROM is just a provisional name and causes more problems than settling the issue or being accepted within time by either side. The NATO case also demonstrates that FYROM and Greece lack effective efforts in the long-lasting solution of the problem. Their lack of effort and political will could be compensated by a EU stimulation and urgency to solve the name issue once and for all, especially after the UN proved to be ineffective for over two decades. The lesson from the NATO case and the Ohrid Framework together is that a solution and agreement could be reached for any problem but the main players should be encouraged and supervised by the EU.

Chapter 6: Findings

6.1 Findings

In this desk paper we researched the situation and the possible outcome for the name of FYROM in its conflict with Greece. We looked at the roots of the conflict - why FYROM wants to be called Macedonia. We investigated FYROM's progress on joining EU and its history issues with Bulgaria and Greece. We looked at other bilateral issues regarding EU such as Slovenia-Croatia border dispute and FYROM's Albanian minority issue. We followed what ICJ decided on the case of Greece's veto on FYROM's NATO membership application. We did all of this in the light of finding a long-lasting solution for the problem of what the name of FYROM should be.

In the first chapter we presented several history versions popular across the Balkans portraying and interpreting past events differently. Since the UN has been inactive on the topic, this chapter is mainly for the EU. In order to be a fair judge EU could no longer afford to ignore the possible historic truth with the neutral attitude *leave history to historians*. Truth sets free, empowers and points to the right solutions. History directly affects modern day and we saw that ignoring historic truth led to many wars on the Balkans. Therefore, the EU has to learn its own lesson from the past and be considered when arbitrating what a Balkan's country name should be. This first chapter is very important in terms of long-lasting peaceful solution for the name of FYROM because the in-depth understanding of what the conflict is about, is understanding why FYROM wants to Macedonia and why Greece does not want that to happen. The path for understanding is history.

In the second chapter we looked at the progress of FYROM on its path to EU and FYROM's progress in its relations with Greece and Bulgaria. We noticed stagnation and almost no development in the progress report on the name conflict with Greece. In the meantime FYROM experiences problems with FYROM people who start defining themselves Bulgarians, something which has not been tolerated by FYROM's authority. At this point the EU is familiar with the above issues and if the EU was familiar with the roots of the conflict, the history, it could call for international ethnic and history conference for settling and agreeing upon a

common, non-antagonistic history, which would be a major step further for achieving a long-lasting peace and agreement upon the name of FYROM.

Chapter 3 is definitely the most inspirational and successful for the bilateral issues in the EU. Slovenia and Croatia's EU reports on their border dispute did not show much progress just like in the Greece and FYROM situation. However, Slovenia and Croatia created the Arbitration Agreement through which they settled their border dispute. Arbitration Agreement may and will achieve its goal in solving bilateral issues and could set an example for other Western Balkan countries is very encouraging and directly calling for solving other bilateral issues in the region such as the name conflict between FYROM and Greece. Slovenia and Croatia border dispute solution is also a triumph for the Member States and the potential ones. In this case the EU was just reflecting the development of the situation without being very active. On the other hand, Slovenia and Croatia demonstrated their political will and desire to resolve their problems. Therefore, they are bright example of the political will and determination for good long-lasting neighborly relations. An example which should be invaluable to FYROM and Greece.

If the EU was applauding Slovenia and Croatia's own efforts, it has been much more active in resolving FYROM's conflict with its Albanian minority. As we saw, the EU could not prevent the conflict but it was very active in its solution by a substantial financial aid package for FYROM, sponsored international donor conference on economic assistance for the FYROM, criticized delays in implementing the constitutional reforms after reaching an agreement. In all this and creating the Ohrid Framework, it should be noted that the EU is just one of the players involved, it had the strong support of the USA, NATO, and OSCE.

However, as a young organization with no equivalent in the world, the EU deserves credit for its efforts in the Albanian minority case. But the key word for the EU in the Slovenia-Croatia border dispute, the Ohrid Framework, and the name conflict between Greece and FYROM is *active*. In all these conflicts, the overall activity of the EU is just reflecting the situations without being active participant, unless it is absolutely necessary as in the Albanian minority conflict in FYROM. All the discussed issues should be considered by the EU as opportunities to be active and helpful, not as undesirable and annoying problems on the path to the common European peace and unity.

After Yugoslavia's dissolution FYROM immediately was attacked by Greece for claiming the Macedonian name which ultimately led to the Greek blockage of FYROM's application to the NATO. ICJ decided that Greece should follow Article 11, paragraph 1, of the Interim Accord which allows FYROM to apply to international organizations. Even though both countries tried somehow to argue that this decision is in their advantage, the reality is that it simply reestablish the status quo. And as we know the UN had not been active in its effort to resolve the name issue prior the NATO Case and it has not been active ever since the ICJ's decision. So no matter what issue we investigate once again we reach the conclusion that the EU should be more active. Following the reasoning above, a combination from the so desirable EU activity and Member States' political will is the recipe for solving conflicts regarding the European Union.

6.2 Conclusions

Based on all researched and discussed material we could not pronounce what the country FYROM should be called in order to satisfy the interested players - FYROM, Greece, Bulgaria, the EU, NATO and the UN. But we could point to essential steps that should be taken by the players in order to be found a long-lasting peaceful solution to that name conflict.

The first step is that the EU and its competent bodies and representatives not just to get familiar, but to know in depth the proper, neutral, unbiased Balkan history. This would lead to real and proper understanding of the name issue and why each side has and defends certain positions and views on the conflict. The lack of understanding the Balkans and their neglected history by Europe caused many wars and conflicts in the past two centuries. The road of mutual peace and good neighborly relations within the EU begins with truly understanding each other which would guarantee a sticking compromised name for FYROM

The second step in finding a long-lasting solution to the name issue is that the EU, Greece, FYROM, and Bulgaria should agree upon a common, shared Balkan history. For that purpose the EU should be very active and call for international history conference in which should take part Balkan history scholars from around the world, history scholars from FYROM, Greece and Bulgaria. The goal of the conference should be to answer the following questions: What exact territory ancient Macedonia covered on the territories of Greece, FYROM, and

Bulgaria? Was ancient Macedonia symbol of Greek culture and is FYROM improperly benefiting from this cultural and historical legacy? Are people of FYROM descendants of ancient Macedonia and therefore have the right to call themselves Macedonians? Are people of FYROM Macedonians? Could they define as such? Was Macedonian nation created after World War II or it existed before that? Could Greece, FYROM, and Bulgaria agree upon a commonly shared history? Is there a Macedonian language - the question should be set up by international scholars specialists at Slavic languages. When a cultural and historic scientific agreement is achieved amongst Greece, Bulgaria, and FYROM, could be created synchronized history textbooks approved and used in the three countries that promote the common history in a peaceful non-antagonistic way which would prevent future disagreements and conflicts in the region?

The third step in finding a long-lasting solution to the name issue is that both country FYROM and Greece should have the political will to do so. Something that so far we have not seen, but this is the chance of the European Union to be more active and urge the countries to seek a solution. Similar bilateral issues between a Member State and a Candidate State is no exception for the EU. Above we discussed how useful could be the territory issue between Slovenia and Croatia which did not want to cooperate and lacked political will in solving their problem. However, exhausted by the dead end of their situation Slovenia and Croatia sought and found a solution expressed in the Arbitration Agreement. When FYROM and Greece are finally exhausted by their political stubbornness (and urged by the EU) they could use as a model the Slovenian-Croatian Arbitration Agreement and experience in seeking a proper way of dealing with the name issue.

The fourth step in finding a long-lasting solution to the name issue for FYROM would be to treat properly, in the light of the EU commonly shared human values, its minorities. We discussed the Albanian minority problem which FYROM had and led to constitutional changes urged by the EU, the USA, OSCE, and NATO and expressed in the Ohrid Framework. We discussed the growing ethnical tension between FYROM and people who define themselves Bulgarians. As a result Bulgaria is on the edge of withdrawing its support for FYROM for EU membership and joining Greece in its position for the name issue. At first sight this appears as an additional problem for FYROM. But in actuality any problem is just an opportunity. If FYROM

pulls itself together and shows the political will to solve its minority issues, not regarding only Albanians and Bulgarians, but all other minorities it has, it would certainly gain Bulgaria and EU's support. FYROM has the opportunity to do it, has the experience with the Albanian minority, and has the model framework, the Ohrid Framework, how to do it. If FYROM shows incapable or unwilling to do so, then just like in 2001 the problem transforms into an opportunity for the EU to be the leader in the region and actively participate in its solution.

The ICJ's decision on the NATO Case between FYROM and Greece does not change the status quo. Neither side is satisfied and Greece and FYROM are in starting positions again. The NATO Case reiterates the need for political will of both sides and even calls for encouragement by the EU since the UN is inactive on the issue. Legal changes of the name of FYROM could and can be made if the involved players desire so. It was exemplified by the Ohrid Framework which with the good political will of FYROM, the EU, the USA, OSCE, and NATO constitutional changes were made that granted greater rights of the Albanian minority.

To find a long-lasting solution to a name conflict that would actually stick and guarantee that it would not resume at some point we should follow the steps: 1) Mutual in depth understanding of the positions of the players involved. 2) Agreeing upon the common shared history and its presentation in a positive, non-antagonistic way. 3) Strong desire and political will for reaching the goal of having mutually acceptable name, following the model pattern of achieving understanding of the Arbitration Agreement in the Slovenia-Croatia case. 4) Proper treatment of minorities following the EU's call for respect of human rights.

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