

**RESOLVING POLITICAL DISPUTES OF NATIONAL
IDENTITY BY TREATY: AN EXAMINATION OF THE
NATIONAL IDENTITY PROVISIONS OF THE
PRESPA AGREEMENT**

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*This is to certify that to the best of my knowledge, the content of this thesis is my own work.
This thesis has not been submitted for any degree or other purposes.*

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the assistance received in preparing this thesis and sources have been acknowledged.*

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I. Introduction

...οἱ γὰρ ἄνθρωποι τὰς ἀκοὰς τῶν προγεγενημένων, καὶ ἦν ἐπιχώρια σφίσιν ἤ, ὁμοίως ἀβασανίστως παρ' ἀλλήλων δέχονται.¹

Nestled in the heart of the Balkans and wedged between the indefinite boundaries of different ethnic groups, the region of Macedonia has been contested and controlled by various peoples for millennia. From 1991 until 2018, a political dispute between Greece² and the former Yugoslav Republic of Macedonia (as it was then known) perpetuated this tumultuous regional history. The so-called *Macedonia Dispute* centred around competing claims to elements of national identity including the name 'Macedonia' and its associated history and historical symbols. After 27 years of enmity, which included a trade embargo, diplomatic lobbying, forceful pressure by diaspora communities, and shifting geopolitical interests, the governments of both states reached an agreement of compromise, intending to conclusively resolve the Macedonia Dispute and work towards a new, peaceful and collaborative relationship. This compromise is known as the *Prespa Agreement*.³ Whilst officially and legally the Macedonia Dispute is now considered resolved, politically the Prespa Agreement has come under strain. The long process of acceptance and adherence to the Prespa Agreement by the Parties, their citizens, and the wider community of nations continues.

This dissertation considers the effectiveness of the Prespa Agreement in resolving the Macedonia Dispute by closely examining specific provisions which pertain to issues of nationality, nomenclature, language classification, connections to historical periods and figures, historic and cultural patrimony, and the use of historic symbols. These *national identity provisions* are fundamental to the Prespa Agreement as they are designed to address the core underlying issue of the Macedonia Dispute, namely the question of how to resolve competing claims to the same elements of national identity by two independent states, built around two different national stories.⁴ The national identity provisions are framed to effectively distinguish the Macedonian national identity from the Greek equivalent, separating the peoples of Greece and North Macedonia, historically, culturally, linguistically, and geographically. In providing for such a distinction, it is evident the Parties hoped to eradicate the potential for future contention over national identity.

¹ 'For men accept from one another hearsay reports of former events, neglecting to test them just the same, even though these events belong to the history of their own country': Thucydides, *The History of the Peloponnesian War*, tr Charles Forster Smith (Harvard University Press, 1999) bk 1, XX, 35.

² Officially, the Hellenic Republic.

³ Named after the location of its signing at Lake Prespa (or *Prespes* in Greek) which borders Greece, North Macedonia and Albania, the official name of the Prespa Agreement is *The Final Agreement for the Settlement of the Differences as Described in the United Nations Security Council Resolutions 817 (1993) and 845 (1993), the Termination of the Interim Accord of 1995, and the Establishment of a Strategic Partnership Between the Parties*, Greece – the former Yugoslav Republic of Macedonia, signed 17 June 2018, UNTS 3293 (entered into force 12 February 2019).

⁴ See Ioannis Armakolas and Ljupcho Petkovski, 'Blueprint Prespa? Lessons learned from the Greece-North Macedonia agreement' (2019) *Friedrich Ebert Stiftung*, 3.

Through use of the national identity provisions the Prespa Agreement seeks to bridge an intrinsic divide between the legal and the social, or in a more conceptual sense, the certain and the fluid. There exists an inherent tension between the law and national identity. Whilst the law operates in a milieu of certainty, national identity is a fluid concept. The Prespa Agreement directly inserts itself into the ‘public-private divide’, the ‘distinction between the public domain, or that realm of legal and political life in which individuals interact with the state; and the private domain of individual life and private commerce’.⁵ A marriage between these two conflicting notions is not straightforward and the direct regulation of national identity by law is therefore problematic, raising questions of effectiveness and enforceability for the Prespa Agreement’s national identity provisions. This effectiveness will be examined in detail and measured across various parameters including legal, symbolic and political effectiveness. I will also consider how the Prespa Agreement’s effectiveness has been influenced by domestic and international political pressures. These include, primarily, the inconsistent support afforded by governments in Greece and North Macedonia towards the Prespa Agreement which has manifested through the undermining of specific treaty provisions. Without the continuing support of government, the lasting success of the Prespa Agreement will be limited, at best.

In Part II I shall consider the central concept of *national identity*, and associated concepts of the *nation*, *ethnicity*, and *nationalism*, defining each of them, distinguishing one from the other, and appreciating their relatedness and connection with the *state*. National identity was a core feature of the Macedonia Dispute as the emerging Macedonian national identity of the newly independent FYROM threatened the existing Greek national identity in neighbouring Greece by claiming exclusive connections to periods of history, historic symbols, and use of the name ‘Macedonia’ and its derivatives. Similarly, an understanding of the historical context of the Macedonia Dispute highlights the importance of history to national identity construction. Accordingly, in Part III, I shall examine the historical and political context of the Macedonia Dispute, tracing its origins in the Macedonia Question and considering key historical periods which are important to both Greek and Macedonian national identities. The key historical periods to be examined in this Part include: the ancient kingdom of Macedon; Byzantium; the decline of the Ottoman Empire and division of the region of Macedonia; the declaration of independence by the Republic of Macedonia; and the contemporary political setting which led to the signing of the Prespa Agreement. I shall also offer analysis on the competing Macedonian national identity ideologies, Macedonism and Slavism, defining each of these and examining how the Prespa Agreement has sought to directly insert itself into this debate in favour of Slavism. Understanding the concept of national identity and the historical context of the Macedonia Dispute is integral to appreciating the purpose and design of the Prespa Agreement’s national identity provisions.

In Part IV, I shall provide an overview of the law of treaties. I shall compare the Prespa Agreement to the archetypal treaty format and consider why a treaty was chosen as the mechanism to resolve the Macedonia Dispute. I shall also reflect on analogous disputes of

⁵ Jacqueline Mowbray, ‘Ethnic Minorities and Language Rights: The State, Identity and Culture in International Legal Discourse’ (2006) 6(1) *Studies in Ethnicity and Nationalism* 2, 4.

national identity and nomenclature, and highlight the unique nature of the Macedonia Dispute in the process. Ultimately, I determine that whilst the treaty, as a legal mechanism, is not designed to resolve disputes of national identity and has difficulty addressing such issues due to the aforementioned tension between law and national identity, the lack of an alternative appropriate mechanism and the flexibility on substance offered by the treaty, nevertheless makes the treaty useful in the resolution of such disputes.

Finally, in Part V, I shall analyse the national identity provisions of the Prespa Agreement in detail and shall consider the ways in which these provisions are effective. Accordingly, this Part is divided into two chapters. The first charts the national identity provisions of the Prespa Agreement including: articles 1, 7, and 8. It reviews how the Prespa Agreement has dealt with issues surrounding: the use of the name ‘Macedonia’; nationality; the Macedonian language; divergent understandings of the terms ‘Macedonia’ and ‘Macedonian’, including associated history; use of historic symbols; the concept of historic patrimony; and the establishment of a Joint Committee of Experts. The second chapter then considers the effectiveness of the Prespa Agreement in achieving its objectives, namely, to alter the Macedonian national identity by distinguishing it from Greek national identity. In doing so, I consider effectiveness according to four categories: legal effectiveness; enforceability; symbolic effectiveness; and political effectiveness. Ultimately, I conclude that the national identity provisions have been effective in some regards, and failed in others.

I contend that the Prespa Agreement seeks to achieve a hitherto untested feat, namely the resolution of a national identity dispute by directly addressing issues of national identity within the treaty provisions themselves. This solution is partly a result of the unique nature of the Macedonia Dispute and partly due to the political courage of the drafters, who sought to conclusively and holistically resolve the Macedonia Dispute with a view to improving relations between the two states into the future. Acknowledging its potential to benefit Greece, North Macedonia and the wider Balkan region, it is my position that the Prespa Agreement has not yet been conclusively effective in altering the Macedonian national identity, and further, should the current political climate persist (at the time of writing), the Prespa Agreement will not recover to achieve these objectives.

It should be noted that whilst I have managed to access sources in Greek, without possession of any knowledge of the Macedonian language, I have been unable to rely on such sources without translation. Despite this limitation, I have nevertheless sought to present an objective and balanced view of this controversial dispute. Throughout this dissertation, the following key terms will be used as follows:

- The name *Macedonia* will be used to refer to the geographical region encompassing territories within Greece, North Macedonia, Bulgaria and Albania.
- The northern-most region of Greece, *Μακεδονία*, will be referred to as *Greek Macedonia*.⁶

⁶ There are three administrative units in Greek Macedonia: Western Macedonia, Central Macedonia, and Eastern Macedonia.

- When reference is to be made to the inhabitants of the northernmost Greek province, the term *Greek Macedonian* will be used.
- *Macedonian* will be used to denote an inhabitant of North Macedonia, in line with article 1(3)(b) of the Prespa Agreement.
- Similarly, *Macedonian* will be used to denote the official language spoken by a majority of the population in North Macedonia, in line with article 1(3)(c) of the Prespa Agreement.

A) The Macedonia Dispute: a summary⁷

The Macedonia Dispute began in September 1991 with the declaration of independence by the newly created Republic of Macedonia, one of the breakaway republics of Yugoslavia. Neighbouring Greece objected to the use of the name ‘Macedonia’ by this newly independent state,⁸ claiming that use of the name Macedonia amounted to an irredentist threat to the Greek territory of the same name,⁹ including by interfering in the domestic issue of the *Slavophone*¹⁰ minority in northern Greece.¹¹ Furthermore, Greece claimed that because the name Macedonia was of Greek origin and was associated with the ancient Macedonians (who were a part of Hellenic civilization), the name could not validly be used by a state whose people had no historical connection to this period.¹² For Greece, Macedonia was a name to be used for a region of Greece and ‘Macedonian’ only towards Greeks from this region.¹³ This exclusive argument extended to the use of symbols deemed a part of a nation’s historic identity, including the *Sun of Vergina* symbol which had been used on the new Republic’s national flag.¹⁴ Greek opposition led to the changing of the Macedonian national flag and acceptance to the United Nations (UN) under a provisional name, the former Yugoslav Republic of Macedonia (fYROM).

⁷ For discussion of the core elements of the Macedonia Dispute see Alexis Heraclides, *The Macedonian Question and the Macedonians: A History* (Routledge, 2021) 213-221.

⁸ Initially, Greece was opposed to any use of Macedonia by fYROM. From the early 2000s, this position became an acceptance of a compound name including *Macedonia*. See *ibid* 229.

⁹ *Ibid* 214.

¹⁰ This classification has been used officially in Greece since 1945. See *ibid* 116.

¹¹ There exists a minority of people in Greek Macedonia who speak Macedonian (or at the very least a Slavic language very similar to Macedonian) and who identify as ethnic Macedonians. The Greek state considers these people to be *Slavophone Greeks* not Macedonians. An historic remnant of a once much larger Slavic-speaking population in northern Greece, this minority has sought official recognition from the Greek state for many decades. See *Sidiropoulos and Others v. Greece* [1998] IV Eur Court HR 57/1997/841/1047; see also Matthew CR Craven, ‘What’s in a Name? The Former Yugoslav Republic of Macedonia and Issues of Statehood’ (1995) 16 *Australian Yearbook of International Law* 199, 200, n 9; Heraclides (n 7) 215.

¹² Heraclides (n 7) 214-215.

¹³ For a discussion on Greek public opinion regarding the Macedonia Dispute see Ioannis Armakolas and George Siakas, ‘“Why Did It Take So Long?” Exploring Greek Public Opinion as an Obstacle to the Settlement of the Macedonia Name Dispute’ (2022) 50(3) *Nationalities Papers* 569.

¹⁴ This symbol is known by various names including: ‘Sun of Vergina’, ‘Vergina sun’, ‘Argead star’, and ‘sun of Kutles’. Throughout this paper ‘Sun of Vergina’ will be used. See discussion at n 408.

In contrast, the Macedonian argument centred around a state's inherent right to choose its own name.¹⁵ Indeed, Matthew Craven has observed that Greek opposition to use of the name 'Macedonia' by the Republic of Macedonia in 1991 was 'the first occasion in which it has ever been suggested that a State, or for that matter a people, should not be the exclusive determinants of their own cultural and political symbols.'¹⁶ The Macedonians claimed that by virtue of their history, culture and geographical location, they were entitled to use the name Macedonia, and indeed, that there was no other appropriate name they could use.¹⁷ They pointed to the existence of the Socialist Republic of Macedonia since 1944 (part of Yugoslavia) as evidence of continuing use of the name for their territory. As the Macedonia Dispute dragged on, a conception of national identity which linked the Macedonians to the ancient kingdom of Macedon rose to prominence with government support.¹⁸ This further angered Greece, fuelling actions to stifle Macedonian attempts at joining international bodies like NATO and the European Union (EU) and leading to the political stalemate that remained until 2018.

¹⁵ See Craven (n 11) 234-235; note the right to self-determination of peoples has been invoked by the Macedonians on numerous occasions throughout the duration of the Macedonia Dispute. This right is defined as consisting of 'the right of a community which has a distinct character to have this character reflected in the institutions of government under which it lives': Ian Brownlie in James Crawford (ed), *The Rights of Peoples* (Clarendon Press, 1988) 5. Consideration of the right to self-determination of peoples falls outside the scope of this dissertation. See Antonio Cassese, *Self-determination of Peoples: A Legal Reappraisal* (Cambridge University Press, 1995).

¹⁶ Craven (n 11) 238.

¹⁷ Heraclides (n 7) 218.

¹⁸ See discussion in Part III.

II. National Identity and Nationalism

*...the essence of a nation is that all individuals have many things in common, and also that they have forgotten many things.*¹⁹

National identity is the core feature of the Macedonia Dispute²⁰ and was considered directly by the Prespa Agreement's national identity provisions. In order to appreciate the importance and effectiveness of these provisions a rudimentary understanding of national identity and related concepts of the nation, ethnicity, nationalism and the state must be attained. This Part seeks to provide such contextual information and should be recalled as the Prespa Agreement is examined in further detail throughout this dissertation.

The *nation* has been defined in different ways by a variety of scholars. Anthony Smith defined a nation as 'a named human population sharing an historic territory, common myths and historical memories, a mass, public culture, a common economy and common legal rights and duties for all members.'²¹ Benedict Anderson famously defined the nation as an 'imagined political community'²² emphasising its constructed nature. Ernest Gellner argued culture was the foundation for nationhood²³ and offered a summary categorising membership of a nation as follows: 'two men are of the same nation if and only if they share the same culture' and 'if and only if they recognize each other as belonging to the same nation'.²⁴ Eric Hobsbawm has stressed the importance of history to the construction of nations. He has said, '[n]ations without a past are contradictions in terms. What makes a nation is the past, what justifies one nation against others is the past, and historians are the people who produce it.'²⁵ Consolidating these observations then, we can produce the following definition: a nation is constructed by a political community and centres around a shared history, culture and connection to territory. Consistent with this definition and literature on the subject, this dissertation will refer to Greek and Macedonian nations.

National identity refers to the sense of belonging to a nation both introspectively and as perceived by others. A people's national identity is constructed and defined in opposition to that of other peoples; cultural and linguistic differences between peoples accentuate the conformity of a nation, perspective defines the boundaries of distinctiveness.²⁶ Anthony Smith argues that 'a sense of national identity provides a powerful means of defining and locating

¹⁹ Ernest Renan, 'What is a Nation? (Qu'est-ce qu'une nation? 1882)' in *What is a Nation? And Other Political Writings* (Columbia University Press, 2018) 251.

²⁰ Armakolas and Petkovski (n 4) 3, 6; Fatih Demircioglu, Ekrem Yasar Akcay and Halil Emre Denis, 'North Macedonia after the Resolution of the Name Issue' (2024) 23 *Balkan Social Science Review* 371, 381.

²¹ Anthony D Smith, *National Identity* (Penguin, 1991) 14.

²² Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (Verso, 1983) 6.

²³ Ernest Gellner, *Nations and Nationalism* (Blackwell, 1983) 49.

²⁴ *Ibid* 7.

²⁵ Eric Hobsbawm, *On Nationalism* (Little, Brown, 2021) 316. For analysis on the importance of history to the construction of nations and its use in legitimising the existence of states see Margaret Macmillan and Patrick Quinton-Brown, 'The uses of history in international society: from the Paris peace conference to the present' (2019) 95 *International Affairs* 181.

²⁶ Smith (n 21) 17.

individual selves in the world, through the prism of the collective personality and its distinctive culture.’²⁷ Similarly, Benedict Anderson considered the nation to be ‘imagined as limited because even the largest of them... has finite, if elastic, boundaries, beyond which lie other nations.’²⁸ In delimiting these boundaries, Smith considered there to exist two models of nationality, a *Western* model and a *non-Western* model. The Western model includes the components of: ‘historic territory, legal-political community, legal-political equality of members, and common civic culture and ideology’.²⁹ This model incorporates an ability of the individual to alter their nationality, generally a result of emigration.³⁰ In contrast, Smith considered the non-Western model of nationality to focus on *ethnicity*; as ‘first and foremost a community of common descent’.³¹ In this second model there is no means of altering one’s national identity. This non-Western focus on common descent has been prevalent since at least the time of Herodotus, who, for example, looked to shared ancestry to prove the Greek ethnicity of the Macedonian kings.³² The modern Greek and Macedonian national identities align with this non-Western model. Furthermore, as we shall consider further, the Prespa Agreement’s national identity provisions define each of these nations in distinction to the other.

Ethnicity has also been understood and defined in different ways. Smith has categorised *primordial* understandings as those where ethnicity ‘exists in nature, outside time’, and has compared these to *situational* understandings, where ‘[b]elonging to an ethnic group is a matter of attitudes, perceptions and sentiments that are necessarily fleeting and mutable, varying with the particular situation of the subject’.³³ Expressed elsewhere, the ‘primordialist view of ethnic identity’ revolves around a belief that ‘each of us belongs to one and only one ethnic group, membership to that group remains fixed over a lifetime and such membership is passed down intact across generations’.³⁴ In contrast to primordialist views and similar to Smith’s situational understanding is the *constructivist* approach which ‘posits that ethnic identities are neither singular nor fixed and can change, sometimes on a very large scale’.³⁵ Smith helpfully outlines the difference between ethnic communities and nations as follows:

Ethnic communities... need not be resident in “their” territorial homeland. Their culture may not be public or common to all the members. They need not, and often do not, exhibit a common division of labour or economic unity. Nor need they have common legal codes with common rights and duties for all.³⁶

Side-by-side, a nation is a more refined political community, inhabiting a specific territory and frequently incorporating elements of ethnic identity. Furthermore, and perhaps most

²⁷ Smith (n 21) 17.

²⁸ Anderson (n 22) 6.

²⁹ Smith (n 21) 11.

³⁰ Ibid.

³¹ Ibid.

³² Herodotus, *The Histories*, ed Robert B Strassler, tr Andrea L Purvis, *The Landmark Herodotus* (Quercus, 2008) bk 5, 375, 5.22.

³³ Smith (n 21) 20.

³⁴ Ognen Vangelov, ‘The Primordialisation of Ethnic Nationalism in Macedonia’ (2019) 71(2) *Europe-Asia Studies* 203, 205.

³⁵ Ibid 205.

³⁶ Smith (n 21) 40.

importantly, an ethnicity is not associated with the state structure. This is characteristic of nations.

In the current age, the *state* is the fundamental subject of international personality.³⁷ The state is a self-governing political entity possessing the centralised power of its population, and controlling a defined territory.³⁸ The nation has increasingly become synonymous with the state, producing the concept of the *nation-state*; the grouping of a single nation within a defined self-governing territory.³⁹ Indeed, Hobsbawm considers this to be a ‘semantic illusion’ and observes that ‘all states are today officially “nations”, though many of them patently have nothing in common with what the term “nation-state” is commonly held to mean’.⁴⁰ This relationship between state and nation has been fuelled by nationalism, drawing the two concepts together in symbiosis.

As an expression of belonging to a specific group, national identity exists independently of a state’s politico-legal system. Smith considers national identity to be set ‘clearly apart from any conception of the state’⁴¹ and he usefully distinguishes the nation from the state as follows:

The latter refers exclusively to public institutions, differentiated from, and autonomous of, other social institutions and exercising a monopoly of coercion and extraction within a given territory. The nation on the other hand, signifies a cultural and political bond, uniting in a single political community all who share an historic culture and homeland.⁴²

Yet, as a powerful force, national identity is also used by the politico-legal system to further the state’s objectives, unifying a people behind a shared cause, and utilising national myths to legitimise the state’s actions; indeed, its very existence. For example, Smith argues that ‘perhaps the most salient political function of national identity is its legitimation of common legal rights and duties of legal institutions, which define the peculiar values and character of the nation and reflect the age-old customs and mores of the people. The appeal to national identity has become the main legitimation for social order and solidarity today.’⁴³ The regularity of this interrelationship between national identity and state presents as symbiosis and, whilst it is true that they influence each other in a variety of ways, (for example, the encouraging of specific behaviour, entrenching of a political framework, or developing certain laws) given their independent conceptual existence, what befalls one does not necessarily

³⁷ See Mark Neocleous, ‘Off the Map: On Violence and Cartography’ (2003) 6(4) *European Journal of Social Theory* 409.

³⁸ For a discussion of the early development of the state see James R Crawford, *The Creation of States at International Law* (Oxford, 2007) 6-7.

³⁹ Note there is no concept of the nation-state at international law. For further discussion on the concept of the nation-state see Nikola Lakic, ‘Is globalization a challenge or a threat to nation-states as a dominant form of polity?’ (2011) 6(21) *Western Balkans Security Observer* 6, 7; for discussion on the relationship between state borders and the concept of the nation see John Agnew, ‘No Borders, No Nations: Making Greece in Macedonia’ (2007) 97(2) *Annals of the Association of American Geographers* 398, 402-403.

⁴⁰ Eric Hobsbawm, *Nations and Nationalism since 1780: Programme, Myth, Reality* (Cambridge University Press, 1990) 170.

⁴¹ Smith (n 21) 14.

⁴² Ibid 14-15.

⁴³ Smith (n 21) 16.

influence the other. Of course, many countries are multi-ethnic, multi-religious, and possess a civic nationality only,⁴⁴ and the allure of the nation-state primarily fuels those more homogenous populations, including majority ethnic populations within a multiethnic state structure. The evolution of the Macedonian national consciousness is a good example of this.

Nationalism is ‘a theory of political legitimacy, which requires that ethnic boundaries should not cut across political ones’.⁴⁵ Nationalism is founded upon a common myth that ‘nations exist from time immemorial, and that nationalists must reawaken them from a long slumber to take their place in a world of nations.’⁴⁶ Nationalism also frequently incorporates ideas of exceptionalism and superiority of one nation over another, and the power of the state has been used to further aims consistent with this worldview. Indeed, Gellner as observed, ‘nationalism emerges only in milieux in which the existence of the state is already very much taken for granted.’⁴⁷ Whilst the emergence of the nation and the state has not been contingent upon each other, ‘[n]ationalism holds that they were destined for each other; that either without the other is incomplete, and constitutes a tragedy.’⁴⁸

Nationalism rose to prominence in the late eighteenth century and swept across the Balkans, unifying ethnic communities of shared religion, language, and customs, and turning them against both the ‘foreign’ Ottoman administration and those communities which did not fit within the newly imagined community. The arrival of nationalist ideologies stirred enthusiastic Balkan recipients to erupt in violent revolt to achieve its aims. Histories of the region and its peoples were re-examined, and new national myths created which justified the independence of some groups and their control over associated territories. Indeed, the legitimacy of the various Balkan states came to rest upon such national myths, and the independence of a people without them became questionable. Furthermore, the myriad of national identity-related disputes in the Balkans highlights that nationalism continues to be an effectual force.

History’s most ubiquitous phenomenon is the fluidity of social interaction; the constant intermingling of different peoples marked by trade, migration, settlement, and conquest. With these waves of change, the ethnographic makeup of a territory evolves. The history of the region of Macedonia is no different. Indeed, Macedonia has epitomised this phenomenon. Similarly, it is through social interaction that culture, the bedrock of ethnicity, is altered. Contrary to the doctrine of nationalism, an unbroken cultural connection between ancestors and contemporaries is a myth.⁴⁹ Furthermore, cultural continuity is a matter of perspective, frequently fuelled by nationalist sentiment. As Michael Herzfeld outlines,

⁴⁴ See Smith (n 21) 15.

⁴⁵ Ibid 1.

⁴⁶ Smith (n 21) 19-20.

⁴⁷ Gellner (n 23) 4.

⁴⁸ Ibid 6.

⁴⁹ See Michael Herzfeld, *Ours Once More: Folklore, Ideology, and the Making of Modern Greece* (Berghahn Books, 2020) 1-2; See also Agnew (n 39) 403.

[n]o culture remains totally unaltered with the passage of time; as generation succeeds generation, all kinds of changes occur, some abruptly, others imperceptibly but nevertheless with equal persistence... Cultural continuity is quite obviously a political issue.⁵⁰

It is out of this perpetual social interaction and change that new ethnic groups emerge, and which may eventually form a nation. This may occur through the blending of peoples and influences, or the splitting of a larger group into smaller parts. In establishing itself, a nation may seek to revive past attributes to further arguments of historical continuity and aid the legitimacy of its independence.

⁵⁰ Herzfeld (n 49) 1-2.

III. The ‘Macedonia Question’ and Key Historical Periods⁵¹

*In the beginning, there was Alexander the Great.*⁵²

Any research concerning the Macedonia Dispute must inevitably consider the rich historical context of the region of Macedonia and its people. This dissertation is no different. Fortunately, the history of the region of Macedonia has been widely researched and there is a sizeable literature on the subject. This Part will consider the key historical periods which featured in the Macedonia Dispute and are utilised in Greek and Macedonian national identity construction. An understanding of these historical periods is necessary to appreciate the objectives and effectiveness of the national identity provisions of the Prespa Agreement.

In the late 19th century, as the Ottoman Empire was in decline, the region of Macedonia, a melting pot of different peoples,⁵³ found itself coveted by each of its newly independent neighbours, Greece, Serbia, and Bulgaria.⁵⁴ Liberation from the Ottoman yoke was the aim, and the inhabitants of Macedonia were forced to choose sides. Arguments involving national identity were fashioned to entice these inhabitants into the ideological camps of each side. Where such ideologies were ineffective, violence proved successful. This period of uncertainty and the power struggle for control of Macedonia is known as the *Macedonia Question*. It manifested both as a political struggle, prone to extreme violence, and as overt conflict during the Balkan Wars of 1912-13. All throughout, rival nationalisms and the clash of ‘strategic interests’ propelled this turmoil, dividing a region which had for so long existed as part of multi-ethnic, linguistic and religious empires.⁵⁵ Amidst these competing nationalisms, the Macedonian nation was born. Over 200 years, shifting borders, the fall of empires, and the migration of peoples, the Macedonia Question evolved into the *Macedonia Dispute* between Greece and FYROM. Whilst this dispute took on a different form, it unquestionably traced its foundations to the longstanding question of what was to become of Macedonia.

The analysis provided in this Part will show that the inhabitants of Greek Macedonia and North Macedonia have a shared history of centuries of cohabitation in the same region, under the same imperial rule during Byzantine and Ottoman times, and a shared religious tradition of Eastern Orthodox Christianity. During each of these epochs and prior, the demographic makeup of the region of Macedonia has transformed considerably altering the established cultural dominance of a particular people and contributing to the intermingling of different ethno-cultural groups and their languages. The effect of competing nationalist narratives on such an intertwined history was a dispute that went to the very heart of national identity and

⁵¹ The key historical periods to be considered in this dissertation are only those that have been a focus of claims under the Macedonia Dispute or have been consequential to its emergence.

⁵² Marie-Janine Calic, *The Great Cauldron: A History of Southeastern Europe* (Harvard University Press, 2019) 9.

⁵³ Ottoman Macedonia was home to Turks, Greeks, Bulgarians, Vlachs/Aromanians, Jews, Albanians, Serbs, Roma, and others.

⁵⁴ Evangelos Kofos, ‘The Macedonian Question: The Politics of Mutation’ (1986) 27(1) *Balkan Studies* 157; Anastasia N Karakasidou, ‘Sacred Scholars, Profane Advocates: Intellectuals Molding National Consciousness in Greece’ (1994) 1(1) *Identities* 35, 38.

⁵⁵ Kofos (n 54) 158.

has been directly addressed by the Prespa Agreement in a manner seeking to undo historic intermingling, establishing the illusion of two completely distinct peoples separated by state borders.

This Part is divided into three Chapters. The first provides a geographical introduction to the region of Macedonia. The second analyses the key historical periods which have informed the subject matter of the Macedonia Dispute, including: the ancient Kingdom of Macedon; Byzantium; the Macedonian Struggle (1870-1913); and the period following the Balkan Wars (1912-13) whence the region of Macedonia was divided between Greece, Serbia and Bulgaria. The final Chapter concerns the contemporary political context which led directly to the signing of the Prespa Agreement, beginning with the declaration of independence of the Republic of Macedonia in 1991. This final chapter will also examine the ideological foundations underpinning the construction of Macedonian national identity.

A) Geographical Context

Macedonia lies in the centre of the Balkan peninsula,⁵⁶ a region which has been described as ‘a bridge or a battleground of empires and cultures.’⁵⁷ The topography of the Balkans has directly influenced this tumultuous history. Located between Europe and Asia, and with a lack of significant geographical barriers, continuing waves of migration and the interaction of different peoples for millennia have been the hallmark of the region.⁵⁸ Furthermore, the ‘rugged and complex topography’ of the Balkans ‘tended to the formation of local units rather than a unified state or empire’.⁵⁹ A series of trade routes and military highways connected the Eastern Mediterranean to the Balkan hinterland and Central Europe, the most renowned of which was the Roman *Via Egnatia* which passed through Macedonia. These roads carried the armies of empires who were lured to the Balkans for ‘its strategic location, its transportation network, and its abundance of workers, foodstuffs and raw materials’.⁶⁰ Since the Roman conquest of Macedonia in the 2nd century BC, the region of Macedonia formed part of large multiethnic, multilingual and multireligious empires for over two thousand years, until the conclusion of the Balkan Wars in 1913.⁶¹ Cursed by its geography, Macedonia has perhaps experienced and suffered the blows of continuing imperial might more than neighbouring Balkan regions, for ‘[m]en, like streams, have been attracted towards the Aegean littoral’, and Macedonia lay in their path.⁶²

⁵⁶ ‘Balkan’ is derived from the Turkish for ‘mountain chain’. To the Byzantines, this mountain chain, south of the Danube, was known as ‘Haemus’. See Dimitri Obolensky, *The Byzantine Commonwealth: Eastern Europe 500-1453* (Cardinal, 1974) 20.

⁵⁷ Leften Stavros Stavrianos, *The Balkans since 1453* (Hurst & Co, 2000) 2.

⁵⁸ Calic (n 52) 11; Stavrianos (n 57) 2; see also Obolensky (n 56) 19-23.

⁵⁹ Stavrianos (n 59) 4.

⁶⁰ Calic (n 52) 19.

⁶¹ Macedonia has formed part of the Roman Empire, the Eastern Roman (Byzantine) Empire, the Bulgarian Empire, the Serbian Empire, the Latin Empire of Constantinople (following the Fourth Crusade), and finally the Ottoman Empire.

⁶² George B Zotiades, *The Macedonian Controversy* (Society for Macedonian Studies, 1961), 5.

Throughout history, the name ‘Macedonia’ has been applied to various locations in the Balkans throughout history ultimately becoming ‘an historical-geographical term based upon confused historical memories and devoid of geographical significance.’⁶³ It was originally used during the classical and Hellenistic periods to describe the region north-east from Mt Olympus around the Thermaic Gulf, in present-day Greece. This was considered the homeland of the ancient Macedonians. Etymologically, *Μακεδονία* shares its root with the ancient Greek *μακεδόν*, ‘meaning “tall” or “high”, a reference to the Pindus uplands where these early tribes resided.’⁶⁴ *Macedonia* was used by the Romans (and Byzantines) to refer to provinces located apart from the ancient Macedonian homeland.⁶⁵ The Ottomans divided the wider region of Macedonia into the vilayets of *Salonika*, *Manastir* and *Uskub*.⁶⁶ Eventually, as a result of this unsettled classification, use of the name Macedonia became imprecise in both geographical and ethnographical references.

The limits of Macedonia have always been arbitrary as the region has no natural defining borders.⁶⁷ Indeed, Macedonia ‘is an agglomeration of mountain ranges, lakes and river basins’⁶⁸ which both traverse through the region and feed into it. Adopting the definition proposed by Henry Robert Wilkinson, in the analysis that follows, the perimeters of the region of Macedonia will be understood to comprise the ‘Sar mountains in the north, the Aegean Sea in the south, the lower Mesta river and the Rodopi Mountains in the east, and the Albanian highlands in the west.’⁶⁹ This definition places the region of Macedonia within the states of Greece, North Macedonia, Albania and Bulgaria, and is much larger than the ancient Macedonian heartland, yet notably does not include all regions that have been known as Macedonia throughout history.

B) History and Identity in Macedonia

The classification of ethnic identity in Macedonia has been problematic since ancient times. Four historical periods, in particular, have been the subject of much controversy and are of principal bearing upon the Macedonia Dispute. These four periods will form the subject of sections to this chapter. The first concerns the classification of the ancient Macedonians and their connection to a modern Balkan nation. The second period can broadly be characterised as the period of Byzantine rule over Macedonia when the Slavic peoples first settled in the region (6th century AD). The migration and settlement of Slavic peoples into Macedonia changed the ethnographic, linguistic and cultural makeup of the region, and important figures of Byzantium

⁶³ Douglas Dakin, *The Greek Struggle in Macedonia: 1897-1913* (Society for Macedonian Studies & Institute for Balkan Studies, 1966) 3, n 4.

⁶⁴ Eugene N Borza, *In the Shadow of Olympus: The Emergence of Macedon* (Princeton University Press, 1990) 69.

⁶⁵ From the late 8th century to early 9th century, Macedonia was a Byzantine *theme* (administrative unit) located in western Thrace.

⁶⁶ Dakin (n 63) 3.

⁶⁷ Ibid 3-4; John S Koliopoulos, *Plundered Loyalties: Axis Occupation and Civil Strife Greek West Macedonia, 1941-1949* (Hurst & Co, 1999) 1; Zotiades (n 62) 27- 29.

⁶⁸ Dakin (n 63) 3-4; See also Stavrianos (n 57) 2-4.

⁶⁹ Henry Robert Wilkinson, *Maps and Politics: A Review of the Ethnographic Cartography of Macedonia* (Liverpool University Press, 1951) 3.

have been claimed by both Greece and North Macedonia. The third period between 1870 and 1913 is known as the *Macedonian Struggle*. This period has been described as an ‘unofficial, undeclared, clandestine war’⁷⁰ and concerned violent skirmishing between Bulgarian *komitadjis*, Greek *andartes* and *makedonomachoi*, and Ottoman soldiers, in their attempts to win the minds and souls of the inhabitants of Macedonia, the end result being the division of the region between Bulgaria, Greece and Serbia following the Balkan Wars (1912-1913). Finally, in the last period Macedonia formed part of the aforementioned states, and during this time the inhabitants were exposed to harsh policies of assimilation and nationalisation, which ended with the establishment of the then Republic of Macedonia in 1991, following the break-up of Yugoslavia.

The primordial grafting of modern national identities onto that of ancient predecessors is a pervasive Balkan phenomenon, exemplified in the claims over the ancient Macedonians by Greeks, Macedonians and to a lesser extent Albanians, Bulgarians and Vlachs.⁷¹ Often, this identity grafting amounts to ‘ethnic legacies [being] transformed and reinvented in ways that bear very little relation to the historical ontology of the pre-modern pasts of societies’.⁷² Nationalist ideologies are constructed which aim to unify a people behind imaginary conceptions of the past. Frequently, as is the case of the ancient Macedonians, this identity grafting thrusts historical matters into the political arena, where states compete to assert their alleged exclusive patrimonial rights in order to legitimise the existence of the independence of the nation and consequently, the nation-state. Specific historical periods, events and figures are used to accentuate differences between modern Balkan nations, ignoring, or veiling, the extensive common experiences these same modern nations share.⁷³

i) *The Ancient Macedonians*

Pliny describes the region of Macedonia as being home to ‘150 nations’,⁷⁴ though the most renowned of these were those associated with the ancient kingdom of *Macedon* which existed from approximately the 9th century BC until Roman conquest following the Battle of Pydna in 168 BC. Three main theories of ethnological classification exist for this ancient people; firstly, and perhaps most widely accepted, the ancient Macedonians are considered to have been ancient Greeks.⁷⁵ This claim has been supported by evidence of similarities in language, cultural practices and religious beliefs, and significantly, a lack of conclusive evidence to refute such a presumption.⁷⁶ Secondly, others consider the ruling class to have been Greek, and the

⁷⁰ Roderick Beaton, *Greece: Biography of a Modern Nation* (Allen Lane, 2019) 179.

⁷¹ Dimitar Bechev, *Historical Dictionary of North Macedonia* (Lanham: Rowman and Littlefield, 2019) 5.

⁷² Paschalis M Kitromilides, ‘Paradigm Nation: The Study of Nationalism and the “Canonization” of Greece’ in Roderick Beaton & David Ricks (eds), *The Making of Modern Greece: Nationalism, Romanticism, and the Uses of the Past (1797-1896)* (Ashgate, 2009) 29.

⁷³ For discussion of ‘oppositional character’ of nation formation see: Loring Danforth, *The Macedonian Conflict: Ethnic Nationalism in a Transnational World* (Princeton University Press, 1995).

⁷⁴ Pliny, *Natural History*, tr H. Rackham (Harvard University Press, 1942) vl II, bk IV, X, 143.

⁷⁵ Stavrianos (n 57) 18; Calic (n 52) 12; see also M B Hatzopoulos, ‘Macedonia and Macedonians’, (ed) Robin J Lane Fox, *Brill’s Companion to Ancient Macedon: Studies in the Archaeology and History of Macedon: 650 BC-300 AD* (Brill, 2011) 44-45.

⁷⁶ See Hatzopoulos (n 75).

commonfolk a distinct (non-Hellenic) people.⁷⁷ Numerous contemporary sources support this latter position, at minimum.⁷⁸ Finally, some historians believe the ancient Macedonians to have been a distinct people who were Hellenised.⁷⁹ All of these standpoints differ depending upon one's method of classification of identity and are each inconclusive due to limited available evidence. No doubt, the majority of these classifications would appear foreign to the ancient Macedonians (and ancient Greeks) who identified first and foremost with fellow members of their *polis*.

The ancient kingdom of Macedon is of significance to the Macedonia Dispute, not only due to its rudimentary ascription of the geographical name but also due to its connection to its most famous son and king, Alexander the Great. No historical figure has so encapsulated the national aspirations of the Balkan peoples as Alexander the Great, 'all have hoped to inherit the mantle of the storied Macedonian hero of war.'⁸⁰ As a core point of contention between the governments and peoples of Greece and North Macedonia, Alexander has featured prominently in the nationalist discourses in both states. Prior to the signing of the Prespa Agreement, both Greece and FYROM promoted opposing classifications of the ancient Macedonians. Naturally, they supported those classifications that aided their own exclusive and continuing relationship to the ancients, whilst at the same time refuting the arguments of the other party. If one side could achieve expansive recognition as the descendants of the ancient Macedonians, their claims to political, cultural and linguistic legitimacy would be bolstered. Furthermore, the imperial triumphs of Alexander the Great would mask the ongoing dysfunctions of the state and improve both the global image and domestic pride of its citizens.

For many in FYROM, claims over the ancient Macedonians were an integral fixture in the construction of an independent national identity, separate from that of its fellow Slavic neighbours, Serbia and Bulgaria; both of which had laid claims over the territory and inhabitants of FYROM in recent history. As a young nation-state, it was believed that without asserting their descent from the ancient Macedonians, the inhabitants of FYROM would face continuing difficulties in asserting their political, cultural and linguistic independence from these neighbours.⁸¹ Ulf Brunnbauer reflects on this quest for primordial legitimacy as a reactionary pushback against the 'vigorous Bulgarian campaign for the denial of the existence of a separate Macedonian language and nation that commenced in 1958'.⁸² Similarly, Greek opposition to use of the name Macedonia, drove a reactionary political movement which embraced the ancient Macedonians as a core feature of the Macedonian national identity.⁸³

⁷⁷ Borza (n 64) 80-81.

⁷⁸ Herodotus (n 32) 375; Thucydides, *History of the Peloponnesian War*, tr Rex Warner (Penguin Classics, 1972) 189-190; Isocrates, *To Phillip*, tr George Norlan (Harvard University Press, 1928) vI I, 311.

⁷⁹ Nicholas Geoffrey Lempriere Hammond, *A History of Greece to 322 BC* (Oxford University Press, 1967) 534-535; Victor Ehrenberg, *The Greek State* (Methuen & Co Ltd, 1969) 137; for a contemporary position, see Demosthenes, *Third Philippic*, tr J H Vince (Harvard University Press, 1930) 243-244.

⁸⁰ Calic (n 52) 9.

⁸¹ See Ernest N Damianopoulos, *The Macedonians: Their Past and Present* (Palgrave Macmillan, 2012) 113-125.

⁸² Ulf Brunnbauer, 'Ancient Nationhood and the Struggle for Statehood: Historiographic myths in the Republic of Macedonia' in Pal Kosto (ed), *Myths and Boundaries in South-Eastern Europe* (C. Hurst & Co, 2005) 272.

⁸³ See Heraclides (n 7) 127.

For Greece, the ancient Macedonians formed an integral part of Hellenic civilization. They were ancestors of the modern Greeks, as were the ancient Athenians and Spartans. Since its establishment in 1831, Greece had adopted a ‘grand narrative... of over 3000 years of uninterrupted history and the existence of a “Greek nation” since the Homeric days’.⁸⁴ According to the Greek argument, the inhabitants of FYROM, evidenced by their language and cultural practices, were Slavs whose ancestors first arrived in the region in the sixth century AD and could therefore not be the descendants of the ancient Macedonians.⁸⁵ This connection was reserved for modern Greeks.

ii) *Byzantium⁸⁶ and the arrival of the Slavs (6th century AD)*

Byzantium, the continuation of the Roman Empire in the Eastern Mediterranean, which took on an increasingly ‘Greek’ character, was by today’s conceptions a multiethnic conglomeration of peoples who by virtue of their citizenship identified as Romans or *Ρωμαίοι / Ρωμιοί*.⁸⁷ The waves of Slavic migrations into Byzantine controlled Macedonia⁸⁸ commencing in the sixth century AD added to this melting pot and significantly altered the ethnographic make-up of the Balkans, still visible today.

Greek historians have placed Byzantium within the Greek national history, ignoring the various other peoples who were part of the empire and also the self-identification of the Byzantines themselves.⁸⁹ In support of these claims, Greek historians ‘like to cite the small number of Byzantine intellectuals who made gestures in the direction of Greek identity, and they privilege the role of language’ in their definition of the Byzantines as Greek.⁹⁰ This appropriation is particularly relevant when considering the rival nationalisms of Balkan nations, each seeking to claim Byzantium (and figures from this period) as an integral to their national stories and thereby extend the ‘legitimacy’ of their nation and their state’s existence as distinct from that of their neighbours.⁹¹ Anthony Kaldellis argues that contemporary nationalistic classifications which have sought to claim the Byzantines as within exclusive national histories are inconsistent with the self-identification of the Byzantines as Romans and has pointed to the name used for their (Greek) language as *Romeika* or *Ρωμαίικα* as further evidence of this identification.⁹²

⁸⁴ Ibid 216; see also Beaton (n 70) 1-14.

⁸⁵ See Elizabeth Barker, *Macedonia: Its Place in Balkan Power Politics* (Royal Institute of International Affairs, 1950) 10.

⁸⁶ For a discussion of the nomenclature used for the Roman Empire centred around Byzantium/Constantinople see Anthony Kaldellis, *Romanland: Ethnicity and Empire in Byzantium* (Harvard University Press, 2019) 15-17.

⁸⁷ See ibid 17.

⁸⁸ Throughout the Byzantine period, records indicate that references to *Macedonia* and *Macedonians* continued, albeit seldom synonymously. Ioannis Tarnanidis, ‘The Macedonians of the Byzantine period’ in John Burke and Roger Scott (eds), *Byzantine Macedonia: Identity, Image and History* (Byzantina Australiensia, 2000) 31.

⁸⁹ See Heraclides (n 7) 216.

⁹⁰ Kaldellis (n 86) 15.

⁹¹ Some states, like Bulgaria, have sought to construct their national stories in opposition to Byzantium which they consider part of Greek history.

⁹² See Kaldellis (n 86) 31.

Successive incursions and settlement in Macedonia by Slavic tribes (c. 6th century AD), Bulgars (c. 7th century AD) and Turks (c. 13th century AD) gradually altered the demographic makeup of the region. The conglomerate of ethnic groups that formed in Macedonia led one observer to remark that by the twentieth century ‘no heirs remain’ of the ancient Macedonians.⁹³ Instead, ‘[r]ace succeeded race, conqueror trod on the heels of conqueror, and though few of the strangers effected a permanent settlement until the coming of the Slavs, they destroyed their earlier civilisation and ruined the wealthier classes who had adopted Greek culture’.⁹⁴

Beginning in the early 6th century AD, various Slavic tribes migrated south into the Balkans as far as the Peloponnese and ‘from the second half of the sixth century, they began to conquer parts of former Byzantine territory and establish new homes there’.⁹⁵ They ‘destroyed the Roman and the Christian culture in the greater part of the Balkans’,⁹⁶ likely mixing with the local inhabitants rather than supplanting them entirely.⁹⁷ Eventually, after many years of repelling these raids by force, the Byzantines enticed some of these Slavic peoples to settle in specific regions, bribing others, and pitting the various tribes against each other.⁹⁸ It became clear that the Slavic presence in the Balkans was permanent⁹⁹ and by the ninth century AD, Byzantium had determined it prudent to seek the conversion of the Slavic peoples to Christianity and thereby hoped to end the incessant conflict with them. In pursuit of cultural assimilation, the Slavic populations surrounding large Byzantine metropolises and in the Greek peninsula were subjected to the ‘deliberate use of Greek as a liturgical language’.¹⁰⁰ In contrast, commencing with the dispatch of the missionaries Constantine (Cyril) and Methodius to Great Moravia,¹⁰¹ the conversion of Slavic peoples across Eastern Europe outside the borders of Byzantium was conducted in the Slavic vernacular.¹⁰² As speakers of a Slavic language,¹⁰³ they developed an alphabet based on the Greek for the previously unwritten Slavic languages. Today, we know this alphabet as *Cyrillic*.

Cyril and Methodius are venerated as saints in the Eastern Orthodox Church. The provenance of these brothers has been the subject of much debate as competing nationalisms have vied for exclusive claim of these figures within their national origin stories, including Bulgaria and North Macedonia. Their birth outside of Thessaloniki and their knowledge of the Slavic vernacular of Macedonia are considered evidence of their Macedonian or Bulgarian origins. Today, both Bulgaria and North Macedonia celebrate national holidays on 24 May in honour

⁹³ Henry Noel Brailsford, *Macedonia: Its Races and Their Future* (Methuen & Co, 1906) 91.

⁹⁴ Ibid 92-93.

⁹⁵ Timothy E Gregory, *A History of Byzantium* (Wiley-Blackwell, 2010) 169.

⁹⁶ Obolensky (n 56) 22 and 81.

⁹⁷ Gregory (n 95) 169; see also Obolensky (n 56) 105-106.

⁹⁸ Obolensky (n 56) 70.

⁹⁹ ‘...various modern Slavic peoples of southeast Europe generally connect their national origins with this phenomenon’: Gregory (n 95) 169.

¹⁰⁰ Obolensky (n 56) 112.

¹⁰¹ See discussion in John Julius Norwich, *Byzantium: The Apogee* (Penguin Books, 1991) 71-73.

¹⁰² Obolensky (n 56) 112.

¹⁰³ The Slavic vernacular spoken by Cyril and Methodius was that which was spoken in Macedonia. The brothers are believed to have been born outside of Thessaloniki: see Norwich (n 101) 73.

of Saints Cyril and Methodius and their work bringing Christianity and the Cyrillic script to the region. The national university of North Macedonia in Skopje bears their names. The Greeks, in contrast, consider the brothers to have been Greeks who learnt the Slavic language in order to more effectively proselytise their faith.¹⁰⁴ Whilst important as saints, Cyril and Methodius play a less significant role in the Greek national mythology. Of course, despite these rival claims, it is historically implausible for the various contemporary peoples of Macedonia to claim ‘purity’ of ancestral descent both from individuals and more broadly across large communities of people- be that ethnic, linguistic or cultural. Nevertheless, the symbolic importance of these figures and a connection to glorious ancestors should not be underestimated.

iii) *The Struggle for Macedonia 1870 - 1913*

The tumultuous period in Ottoman Macedonia from the late 18th century to the early 19th century can reasonably be considered the precursor of the later Macedonia Dispute. This was a period of violent struggle, societal change, spiritual contest, and the inception of nationalist ideologies that persist today. At the turn of the nineteenth century, Ottoman Macedonia was made up of an assortment of different ethnic groups who identified with each other according to religion, language, and local geography,¹⁰⁵ and whilst nationalist ideologies had begun to creep through the Balkans from the late eighteenth century, any ‘awakening’ of the inhabitants to their differences was slow and restricted. For centuries, the Ottomans had categorised their subjects into *millet*s, or nations according to religion. At the turn of the nineteenth century, all Orthodox Christians were considered part of the *Rum millet*i and were headed by the Greek Orthodox Patriarch of Constantinople.¹⁰⁶ This dominance by the Greek-controlled Patriarchate provided for a steady process of Hellenisation in Macedonia through the prevalence of Greek schools and churches.¹⁰⁷ Leften Stavrianos remarks ‘[w]ere it not for the fact that [the Macedonians] were almost all illiterate’ it is likely that this Hellenisation would have resulted in the majority of the population considering themselves to be Greek.¹⁰⁸ Instead, by the late nineteenth century, nationalism had torn Macedonia apart. Bulgarians, Greeks, Serbs, and Ottoman (Turks) all violently competed for dominance in the region during a period known locally as the *Macedonian Struggle*.¹⁰⁹

Ethnographic statistics of Macedonia during the nineteenth and early twentieth centuries vary widely. The accurate mapping of such a region was made difficult by the intermingling of

¹⁰⁴ For an explanation of how Cyril and Methodius spoke a Slavic language, see Obolensky (n 56) 186.

¹⁰⁵ Duncan M Perry, *The Politics of Terror: The Macedonian Liberation Movements 1893-1903* (Duke University Press, 1988) 21; see also Dimitris Livanios, ‘Conquering the Souls: Nationalism and Greek Guerrilla Warfare in Ottoman Macedonia 1904-1908’ (1999) 23 *Byzantine and Modern Greek Studies* 195, 196-197.

¹⁰⁶ Stavrianos (n 57) 90, 518; Calic (n 52) 10; Robert Shannan Peckham, *National Histories, Natural States: Nationalism and the Politics of Place in Greece* (I.B. Tauris & Co Ltd, 2001) 4.

¹⁰⁷ Stavrianos (n 57) 518; regarding Greek schools see John S Koliopoulos & Thanos Veremis, *Greece: The Modern Sequel: From 1831 to the Present* (New York University Press, 2002) 160-161.

¹⁰⁸ Stavrianos (n 57) 518.

¹⁰⁹ The *Macedonian Struggle* is the name used by the countries of the region to refer to the period between 1870-1913. In Bulgarian, Македонска борба; In Macedonian, Борба за Македонија; In Greek, Μακεδονικός Αγώνας. Outside of the region, this period is generally known as the *Macedonian Question*.

different groups of peoples who rarely conformed to any form of national identity classification, and the conflicting political motives which influenced the publication of those statistics favouring certain groups over others.¹¹⁰ Stavrianos has gone so far as to claim that '[p]opulation statistics for Macedonia are virtually meaningless'.¹¹¹ Certain themes do, however, appear constant in each of these figures. Firstly, Orthodox Christian inhabitants are displayed as being in a majority throughout Macedonia¹¹² and secondly, speakers of a Slavic language are considered to have been numerically superior.¹¹³ According to the Ottoman census of 1904, there were 896,496 Bulgarians, 307,000 Greeks, 99,000 Vlachs¹¹⁴ and 100,717 Serbs in Ottoman controlled Macedonia.¹¹⁵ During the same period, it was estimated that approximately one-third of the population of Ottoman Macedonia were Muslim.¹¹⁶ In addition to these, Albanians (both Christian and Muslim), Sephardic Jews, and Sarakatsani,¹¹⁷ also inhabited the region. The commercial life of Thessaloniki, Macedonia's largest city (then known as Salonica), was dominated by Sephardic Jews well into the twentieth century and only met its end as a result of the Holocaust.¹¹⁸

It is generally believed that the majority of the Christian inhabitants in rural areas were linguistically and culturally Slavic, whilst Greeks (or at least Hellenised peoples) tended to be congregated in the urban centres of the region.¹¹⁹ To complicate matters further, the distinction between Greeks and Slavs was somewhat fluid, particularly due to the prevalence of Greek education and the use of the Greek language in Macedonia. An individual could come to be considered a Greek through education and profession, whereas, one could be classified as a Bulgarian if they were an uneducated peasant.¹²⁰ The spread of nationalism in the nineteenth century encouraged Bulgarians and Serbs to break with this reality as they sought to undo the *millet* system's basic tenet of constructing cultural identity on religious affiliation, and in its place 'make religious affiliation a consequence of national allegiance.'¹²¹ The uneducated

¹¹⁰ For a discussion of the political context surrounding the production of ethnographic maps of the Balkans and the variety of results produced, see Robert Shannan Peckham, 'Map mania: nationalism and the politics of place in Greece 1870-1922 (2000) 19 *Political Geography* 77; Peckham *National Histories* (n 106) 141-142.

¹¹¹ Stavrianos (n 57) 517.

¹¹² For ethnographic maps of the region of Macedonia during the 19th and 20th centuries, see: Wilkinson (n 69); see also Mark Mazower, *The Balkans: From the End of Byzantium to the Present Day* (Phoenix Press, 2001) 104; Maria Pandevska, 'The Term "Macedonian(s)" in Ottoman Macedonia: On the Map and in the Mind' (2012) 40(5) *Nationalities Papers* 747.

¹¹³ Dimitris Livanios, *The Macedonian Question: Britain and the Southern Balkans 1939-1949* (Oxford University Press, 2008) 5-7; Barker (n 85) 10; Misha Glenny, *The Balkans: 1804-2012* (Granta Publications, 2012) 157.

¹¹⁴ The *Vlachs*, also known as *Aromanians*, are a romance language-speaking ethnic group which inhabits the Balkans.

¹¹⁵ Cited in Mark Mazower, *Salonica: City of Ghosts* (Harper Perennial, 2004) 269; Barker (n 85) 11.

¹¹⁶ Livanios *The Macedonian Question* (n 113) 5-6.

¹¹⁷ The *Sarakatsani* are an historically transhumant and ethnic group which inhabit Greece, and parts of Bulgaria, Albania, and North Macedonia. They are Greek speaking, unlike the Vlachs.

¹¹⁸ For further reading, see Mazower *Salonica* (n 115).

¹¹⁹ Livanios *The Macedonian Question* (n 113) 6.

¹²⁰ Anastasia N Karakasidou, *Fields of Wheat, Hills of Blood: Passages to Nationhood in Greek Macedonia 1870-1990* (University of Chicago Press, 1997) 72; R J Crampton, *A Concise History of Bulgaria* (Cambridge University Press, 2005) 36; Stavrianos (n 57) 367.

¹²¹ Crampton (n 120) 66 and 71.

multitudes of Macedonia, bereft of national sentiments and with a 'total amnesia of the past... were a lost people with no defenses against divisive/destructive *deethnicization*'.¹²²

In 1870, in spite of condemnation from the (Greek) Patriarch of Constantinople, the Ottoman Sultan acceded to pressure from the Bulgarians, who were supported by Russia in pursuit of its pan-Slavist aspirations,¹²³ and decreed by *firman* that a Bulgarian Exarchate be established.¹²⁴ Control of dioceses in the vilayets of *Salonika*, *Manastir* and *Uskub* were thus divided between the Patriarchate and the Exarchate, and furthermore, these dioceses were permitted to decide by two-thirds majority should they wish to transfer their allegiance.¹²⁵ The Christians of Macedonia were now faced with a choice which, whilst *prima facie* concerned ecclesiastic administration, in reality would mark the beginning of a bloody struggle between competing national ideologies as the Exarchate battled to forcibly convert villages across Macedonia from loyalty to the Patriarch, and thus Greek-influenced, to the Bulgarian Exarchate.¹²⁶ Priests and teachers were sent across the region and schools were established offering free education,¹²⁷ in opposition to the already numerous Greek schools.¹²⁸ By 1875, through the missionary zeal of Bulgarian priests, the Exarchate had claimed numerous dioceses across Bulgaria, Macedonia, and Thrace, as far west as Ohrid.¹²⁹ The Ottoman census of 1904 determined that there existed 648,962 Patriarchists and 557,734 Exarchists in Macedonia.¹³⁰

In 1878, following the latest Russo-Turkish War, the *Treaty of San Stefano* provided for the establishment of a large Bulgarian Principality stretching from the Black Sea to the borders of modern-day Albania. However, this Bulgarian success was short-lived as pressure from Great Britain and Austria-Hungary led to the signing of the *Treaty of Berlin* (also 1878), which revoked the Treaty of San Stefano and provided for a rump Bulgarian Principality, far from Macedonia.¹³¹ The Bulgarians never forgot the territories that were 'stolen' from them by the Treaty of Berlin and for the next seventy years their political class was fixated upon irredentist dreams of reclaiming Macedonia and access to the Aegean Sea.¹³² Attempts at annexation of these territories through use of military force during the Macedonian Struggle, Balkan Wars, First World War and Second World War were coupled with programs of Bulgarisation of local populations.¹³³

¹²² Damianopoulos (n 81) 7-8.

¹²³ Barker (n 85) 7; Beaton (n 70) 150-152; Stavrianos (n 59) 425.

¹²⁴ Dakin (n 63) 14.

¹²⁵ Crampton (n 120) 74.

¹²⁶ Richard Clogg, *A Concise History of Greece* (Cambridge University Press, 2013) 67; Koliopoulos and Veremis (n 107) 280; Barker (n 85) 8.

¹²⁷ Glenny (n 113) 196.

¹²⁸ For estimates of numbers of Bulgarian and Greek schools see A T Spiliopoulos, *La Macedoine et l'Hellenisme* (1904), cited in Dakin (n 63) 19-20.

¹²⁹ Perry *The Politics of Terror* (n 105) 15.

¹³⁰ Cited in Mazower *Salonica* (n 115) 269. Note that a significant number of the Patriarchists recorded were not also recorded as Greek. See (n 115).

¹³¹ See Koliopoulos and Veremis (n 107) 278.

¹³² Mazower *The Balkans* (n 112) 100.

¹³³ For attempts at 'Bulgarisation' see Barker (n 85) 19-20 and 79; Calic (n 52) 395.

The Macedonian Struggle is marked by the establishment of numerous revolutionary organisations. Initially, these organisations were founded by Slavic-speakers, sympathetic to the Bulgarian cause of annexation of Macedonia and supported politically and financially by the Bulgarian government. However, as time passed and the violence in Macedonia spread, Greeks (or more accurately, those loyal to the Patriarchate) formed organisations of their own in resistance. The two most renowned of the Bulgarian organisations were the *Internal Macedonian Revolutionary Organisation* (IMRO)¹³⁴ which sought autonomy for Macedonia, and the *External Macedonian Revolutionary Organisation* (EMRO), which strove for the annexation of Macedonia by Bulgaria.¹³⁵ Over time, as it became clear that the Great Powers would not support the establishment of a Greater Bulgaria, an autonomous Macedonia was sought by the majority, frequently with the view to eventual unification with Bulgaria.¹³⁶

The Bulgarian *komitadjis*, so called because they were members of revolutionary committees, waged a guerrilla war against the Ottomans and terrorised the rural population of Macedonia, forcing them to convert to the Exarchate. Whilst amassing local support, it was intended that by sustaining a guerrilla skirmish against the Ottomans, the *komitadjis* would attract severe repercussions against the local inhabitants which would in turn draw the attention and intervention of the Great Powers in their favour.¹³⁷ These attacks also drew a response from Patriarchists, who, initially led by priests, formed their own violent organisations with the intent of reconverting villages to the Patriarchate and maintaining a stranglehold over their existing regions of influence. The most famous Patriarchist organisation was the *National Society* founded in Athens in 1894.¹³⁸ The Kingdom of Greece (as it then was) was late to openly support these organisations, fixated as it was on union with Crete,¹³⁹ and subsequently incapable at providing assistance following the embarrassing defeat to the Ottoman Empire in the 1897 war.¹⁴⁰ However, following nationalistic uproar in response to IMRO's failed *Ilinden Uprising* in 1903, the Greek *Macedonian Committee* was formed and with renewed nationalist vigour, the Kingdom of Greece turned its attention to the salvation of Macedonia from the Bulgarians.¹⁴¹

During this time, surrounded by the tugging forces of adjacent nationalisms, an independent Macedonian national consciousness was roused amongst some inhabitants of Macedonia.¹⁴² The impetus for this independent consciousness is still under debate. It may have been purely

¹³⁴ In Macedonian, Внатрешна македонска револуционерна организација (БМРО).

¹³⁵ Perry *The Politics of Terror* (n 105) 36-37 and 40.

¹³⁶ Dakin (n 63) 47; Barker (n 85) 16; Zotiades (n 62) 15 and 22.

¹³⁷ Glenny (n 113) 196.

¹³⁸ Koliopoulos and Veremis (n 107) 280.

¹³⁹ From the mid-nineteenth century until the Asia Minor Catastrophe of 1922 which ended the Greco-Turkish War, the irredentist ideology of the Great Idea (*η Μεγάλη Ιδέα*) dominated Greek foreign policy. This ideology sought the expansion of the borders of the Kingdom of Greece to encompass the surrounding regions home to significant Greek populations and which were considered a part of the Greek historic homeland. See Koliopoulos and Veremis (n 107) 231; Beaton (n 70) 127-129. On the importance of the Greek schools in Macedonia to the aims of the Great Idea, see Peckham *National Histories* (n 106) 58.

¹⁴⁰ See Koliopoulos and Veremis (n 107) 279.

¹⁴¹ Beaton (n 70) 178; Livanios 'Conquering the Souls' (n 105) 220; Koliopoulos and Veremis (n 107) 280-281.

¹⁴² The renowned Serbian geographer, Jovan Cvijić, controversially referenced "Macedo-Slavs" as a distinct ethnic group in his map of 1909: see discussion in Peckham *National Histories* (n 106) 141.

reactionary to the nationalistic contest that was tearing the region apart, or it was the expression of an inherent sense of distinctiveness by the inhabitants that had remained dormant until this time. It was likely also fostered in part by the ‘dissemination of the myth of origin from Ancient Macedonians and Alexander the Great’¹⁴³ by Greek groups, which was intended to extricate the Slavic-speaking inhabitants of Macedonia from the Bulgarians and facilitate their acceptance of a Greek national identity. Furthermore, this self-identification as Macedonian likely arose from use of the term in reference to a ‘sense of common regional or cultural identity’.¹⁴⁴ Whatever the impetus, the existence of an independent Macedonian nation was not accepted by any of the region’s neighbours. According to the Bulgarians, the Slavic-speaking Macedonians were dialect-speaking Bulgarians;¹⁴⁵ to the Serbs, they had been ‘Bulgarised’, but were nonetheless of Serbian origin; and, to the Greeks, they were *Slavophone*, but nonetheless Greeks, who considered themselves as such on account of their allegiance to the Patriarch of Constantinople.¹⁴⁶

To this day, the issue of Macedonian nationality is controversial.¹⁴⁷ Greece only officially recognised the existence of a Macedonian nationality by ratifying the Prespa Agreement¹⁴⁸ and Bulgaria denies the existence of the same, unless its shared Bulgarian roots are recognised.¹⁴⁹ In a region of states whose legitimacy rests on affiliation with historical figures and peoples, ‘[i]t was difficult to find room for another state or another nation. All the glorious ancestors, all the famous heroes, and all the powerful symbols had already been claimed.’¹⁵⁰ It would take nearly a century of domination by neighbouring states for a Macedonian national consciousness to reach the maturity required for independent statehood and, similarly, even longer for external recognition. The construction of Macedonian national consciousness shall be considered further in what follows.

iv) *Macedonia Divided*

The chaos in Ottoman Macedonia continued after a brief reprieve from hostilities following the Young Turk Revolution in 1908,¹⁵¹ whence it became clear that the reforms promised were

¹⁴³ Anastas Vangeli, ‘Nation-building ancient Macedonian style: the origins and the effects of the so-called antiquization in Macedonia’ (2011) 39(1) *Nationalities Papers* 13, 15.

¹⁴⁴ Karakasidou *Fields of Wheat* (n 120) 73; see also Glenny (n 113) 157.

¹⁴⁵ For discussion of the similarities between the Slavic idiom of Macedonia and the Bulgarian and Serbian languages see: Dakin (n 63) 17; Barker (n 85) 10; Zotiades (n 62) 34.

¹⁴⁶ Stavrianos (n 57) 518; see also Koliopoulos *Plundered Loyalties* (n 67) 17.

¹⁴⁷ See Craven (n 11) 199.

¹⁴⁸ The question of whether the Prespa Agreement provides for the recognition of a Macedonian nationality, (in an ethnic sense) is a matter of debate and is considered in further detail in Part V. The official Greek Government position is that Macedonian nationality, as expressed in the Prespa Agreement, can be equated with citizenship, not ethnicity.

¹⁴⁹ Kyril Drezov, ‘Macedonian Identity: An Overview of the Major Claims’, in James Pettifer (ed), *The New Macedonian Question* (Palgrave MacMillan, 1999) 47 and 51; Sinisa Jakov Marusic, ‘Bulgaria Blocks Start of North Macedonia’s EU Accession Talks’, *Balkan Insight* (online, 27 November 2020) <<https://balkaninsight.com/2020/11/17/bulgaria-blocks-start-of-north-macedonias-eu-accession-talks/>>.

¹⁵⁰ Loring Danforth *The Macedonian Conflict* (n 73) 5.

¹⁵¹ The Young Turk Revolution was a revolutionary movement by members of the Committee of Union and Progress (CUP) that begun in Salonica (Thessaloniki) and sought the restoration of constitutional government in

illusory and would not benefit the Christian minorities of the Ottoman Empire.¹⁵² In 1912, Montenegro, Serbia, Greece, and Bulgaria declared war on the Ottoman Empire with the intention of removing the Ottomans from Europe. After their initial victories, and Bulgarian resentment at its lesser share of the spoils, these allies were plunged back into war, this time against each other. The outcome of these Balkan Wars was that the region of Macedonia was divided between Serbia, Greece and Bulgaria by the *Treaty of Bucharest* (1913), though the vast majority would form part of Serbia and Greece. The territory obtained by Greece during the Balkan wars became the *Γενική Διοίκηση Μακεδονίας* or “General Administrative Unit of Macedonia” in 1914.¹⁵³ This was the first time since antiquity that the description *Macedonia* was used to identify an administrative structure’.¹⁵⁴

The inhabitants of the wider region faced continuing programs of nationalisation to assimilate them to that of the majority in each state¹⁵⁵ and where assimilation was not possible, large forced migrations occurred, causing thousands of Muslims, Greek-speakers and Bulgarians to be uprooted and sent to neighbouring “mother” countries. In Greek Macedonia, population exchanges with Bulgaria and Turkey led to a complete overhaul of the established ethnographic composition of the territory,¹⁵⁶ with the result that by 1924 the vast majority of inhabitants identified themselves as Greeks,¹⁵⁷ alleviating any conceivable threat of secession.¹⁵⁸ Significant numbers of Slavophones remained only in the north-western regions of Greek Macedonia, and still do today,¹⁵⁹ and these inhabitants were subject to government-led campaigns of Hellenization.¹⁶⁰ In Serbian Macedonia, known as *South Serbia*, programs of re-nationalisation were undertaken such that the inhabitants would come to recognise themselves as Serbs, however, a consequence of these programs was to drive the Macedonians of Serbia ever closer to Bulgaria.¹⁶¹

the Ottoman Empire. Rising amidst the existing turmoil in the region of Macedonia, the CUP sought to introduce sweeping reforms focused around a shared identity of ‘Ottomanism’. Ultimately, over the following decade, the revolutionaries turned to violent Turkish nationalism and were responsible for the genocide of Armenians, Greeks and Assyrians. See Mazower *Salonica* (n 115) 272-282.

¹⁵² Beaton (n 70) 181-185.

¹⁵³ Michael Ioannidis, ‘Naming a State- Disputing over Symbols of Statehood at the Example of “Macedonia”’ (2010) 14 *Max Planck UNYB* 507, 515, citing article 1 of Law 524/14, *Official Gazette of the Greek Kingdom* (31 December 1914), Issue A, 404.

¹⁵⁴ *Ibid* 515.

¹⁵⁵ Joseph S Roucek, ‘The Eternal Problem of Macedonia’ (1947) 2(4) *International Journal* 297, 299.

¹⁵⁶ For detailed analysis of the effect of population exchanges in Greek Macedonia see Elisabeth Kontogiorgi, *Population Exchange in Greek Macedonia: The Rural Settlement of Refugees 1922-1930* (Oxford University Press, 2006).

¹⁵⁷ By most accounts, it is estimated that over 1 million Greek Orthodox refugees from Asia Minor were forcibly sent to Greece in 1923, the majority of whom were settled in Greek Macedonia, from where hundreds of thousands of Muslims and Bulgarians had previously been expelled; see Stavrianos (n 57) 590-591; Calic (n 52) 400-401; Koliopoulos *Plundered Loyalties* (n 67) 24-46. For further discussion of the ethnographic changes in Greek Macedonia following the Balkan Wars, see Arnold Toynbee, *The Greeks and their Heritages* (Oxford University Press, 1981) 232-233.

¹⁵⁸ Kofos ‘The Politics of Mutation’ (n 54) 159.

¹⁵⁹ For a discussion of historical memory and demographic change in the Prespa region of Greek Macedonia see Helen Vatsikopoulos, ‘Memories of Abandonment and Ruination in Prespa, Greek Macedonia’, 38 *Journal of Modern Greek Studies* (2020), 425.

¹⁶⁰ Karakasidou ‘Sacred Scholars’ (n 54) 39.

¹⁶¹ See Barker (n 85) 22-23.

During the interwar years, as communism became the dominant ideology of the Balkans, the question of what was to become of Macedonia was once again raised. Tensions developed between the Balkan communist parties and the Comintern¹⁶² following a declaration made at the Fifth Comintern Congress of 1924 advancing the right to self-determination of peoples and denouncing the forced alteration of the ethnographic makeup of Greek Macedonia caused by the settlement of thousands of refugees from Asia Minor pursuant to the *Treaty of Lausanne* (1923) which ended the Greco-Turkish War (1919-1922).¹⁶³ At this fifth Congress, it was announced that '[t]he Communist parties and the Balkan Federation must support to the utmost the national-revolutionary movement of the oppressed nationalities of Macedonia and Thrace for the creation of independent republics.'¹⁶⁴ The Bulgarians were in favour of this directive, while the parties of Yugoslavia¹⁶⁵ and Greece strongly opposed any consideration of the loss of territory.¹⁶⁶ In response, the Comintern 'denounced all opposition as opportunism and betrayal of the proletariat.'¹⁶⁷ The Greek Communist Party found itself caught between the directives of Moscow and its appeal to local inhabitants, the majority of whom were now refugees and who identified as Greeks. As a result, its official position changed from supporting the directives of the Comintern, to abandoning these in 1935, to once again returning to support a united, autonomous Macedonia in 1949 in an attempt at countering Yugoslav propaganda.¹⁶⁸ The issue of Macedonia remained unresolved and was not discussed at the Seventh Comintern Congress of 1935.¹⁶⁹

In 1944, at Jajce, the Anti-Fascist Council of National Liberation of Yugoslavia established the *Socialist People's Republic of Macedonia* as the sixth republic of Yugoslavia.¹⁷⁰ This republic correlates to the borders of today's North Macedonia. Prior to this, the region had been known as *South Serbia* and *Vardar Banovina*.¹⁷¹ Macedonian was codified and became the official

¹⁶² The *Comintern*, short for *Communist International*, and also known as the *Third International*, was an organisation of international communist parties which advocated for global communism and was led by the communist party in the Soviet Union.

¹⁶³ The population exchange between Greece and Turkey in 1923, provided for by the Lausanne Treaty, is estimated to have involved approximately 1.5 million Orthodox Christians removed from Turkey and settled in Greece, and approximately 500,000 Muslims removed from Greece and settled in Turkey. The majority of those sent to Greece were settled in Greek Macedonia, a region devoid of its former Muslim and Slavic populations. For a detailed account of the Asia Minor Catastrophe see Michael Llewellyn-Smith, *Ionian Vision: Greece in Asia Minor 1919-1922* (Hurst & Company, 1973).

¹⁶⁴ Cited in Barker (n 85) 58; see also Stavrianos (n 57) 614-615; and Koliopoulos and Veremis (n 107) 112, 114.

¹⁶⁵ Yugoslavia existed in two iterations (1929-1941, 1945-1991) including the modern states of Serbia, Montenegro, Croatia, Slovenia Bosnia and Hercegovina, and North Macedonia. See Norman Davies, *Europe: A History* (Pimlico, 1997) 1319.

¹⁶⁶ Stavrianos (n 57) 615; Koliopoulos *Plundered Loyalties* (n 67) 110.

¹⁶⁷ Stavrianos (n 57) 615.

¹⁶⁸ Koliopoulos *Plundered Loyalties* (n 67) 111.

¹⁶⁹ Barker (n 85) 75.

¹⁷⁰ Ibid 97; Loring M Danforth, 'Claims to Macedonian Identity: The Macedonian Question and the Breakup of Yugoslavia' (1993) 9(4) *Anthropology Today* 4; George Koukoudakis, 'The Macedonian Question: An Identity-Based Conflict', (2018) 29(4) *Mediterranean Quarterly* 3, 6.

¹⁷¹ See Barker (n 85) 22-23.

literary language of the republic¹⁷² and the inhabitants were declared to be an independent nation, undoing decades of Serbian attempts at assimilation.¹⁷³ In addition, ‘the Autocephalous Macedonian Orthodox Church was established by state decree’ despite opposition from the Serbian Patriarchate and the Patriarch of Constantinople.¹⁷⁴ A program of national construction was instigated to distinguish the language, identity and history of the inhabitants from that of their neighbours in Bulgaria¹⁷⁵ and a ‘messianic mission’ for the reunification of a *Great Macedonia* was instilled in the dreams of the inhabitants and their brethren across the diaspora.¹⁷⁶ In 1948, ‘the Institute of National History was established in Skopje with a mission to make and remake the foundations of the Macedonian ethno-national narrative in line with the Macedonian self-identification that had developed at the end of the nineteenth and beginning of the twentieth century.’¹⁷⁷

It is widely believed that Josip Broz Tito, Marshall of Yugoslavia, was the mastermind behind this ethnogenesis of a Macedonian nation,¹⁷⁸ for which he held two motives: firstly, he sought to combat any Bulgarian claims at annexation of Yugoslav Macedonia and extinguish the existing Bulgarian sympathies of the Macedonians by uniting them around their new identity;¹⁷⁹ and, secondly by pronouncing the existence of the independent Macedonian nation and supporting the self-determination of the Macedonian people Yugoslavia would lay claim to the surrounding territories of Macedonia in Greece and Bulgaria, which had been unjustly divided.¹⁸⁰ Over the decades that followed, the state of relations between the Balkan neighbours reflected the condition of the issue of Macedonia.¹⁸¹ When Tito renewed Yugoslav claims over Greek and Bulgarian Macedonia, relations were sour; when the issue was ignored, relations improved.¹⁸² The question of what to do with Macedonia remained this way until the disintegration of Yugoslavia and the ensuing declaration of independence of the Republic of Macedonia in 1991,¹⁸³ following a peaceful referendum.¹⁸⁴ This was the first time since antiquity that the name ‘Macedonia’ was used by a sovereign entity.¹⁸⁵ This development marks the beginning of the Macedonia Dispute.

¹⁷² Victor A Friedman, ‘A Tantrum from the Cradle of Democracy: On the Dangers of Studying Macedonian’, in Victor C De Munch & Ljupcho Ristevski (eds), *Macedonia: The Political, Social, Economic and Cultural Foundations of a Balkan State* (IB Tauris, 2013) 32; Kofos ‘The Politics of Mutation’ (n 54) 159; Vangelov (n 34) 207.

¹⁷³ Danforth *The Macedonian Conflict* (n 73) 66.

¹⁷⁴ Kofos ‘The Politics of Mutation’ (n 54) 160; See also Brunnbauer ‘Ancient Nationhood’ (n 82) 266.

¹⁷⁵ Zotiades (n 62) 26-27; Robert D Kaplan, *Balkan Ghosts: A Journey Through History* (Papermac, 1993) 60; See also Brunnbauer ‘Ancient Nationhood’ (n 82) 266, 268-269.

¹⁷⁶ Kofos ‘The Politics of Mutation’ (n 54) 160.

¹⁷⁷ Vangelov (n 34) 207; see also Vangeli (n 143) 16.

¹⁷⁸ See Heraclides (n 7) 92-94; Nikolaos Zahariadis, ‘Nationalism and Small-State Foreign Policy: The Greek Response to the Macedonian Issue’ (1994) 109(4) *Political Science Quarterly* 647, 657.

¹⁷⁹ Koliopoulos *Plundered Loyalties* (n 67) 112.

¹⁸⁰ Danforth *The Macedonian Conflict* (n 73) 66; Koliopoulos *Plundered Loyalties* (n 67) 112-113.

¹⁸¹ Koliopoulos and Veremis (n 107) 306.

¹⁸² Ibid.

¹⁸³ See Heraclides (n 7) 112-113.

¹⁸⁴ Whilst the vast majority of participants voted to establish an independent republic, the referendum was largely boycotted by the significant Albanian minority.

¹⁸⁵ Ioannidis (n 153) 516.

C) Contemporary Political Context

True to the history of the region, the arrival of an independent Macedonian state was enveloped in controversy. Bulgaria was the first state to recognise the newly declared Republic of Macedonia in January of 1992; Greece refused to do the same. Athens objected to both use of Macedonia as the name of the state and use of the Sun of Vergina symbol represented on the state's national flag as it considered both to be integral components of its national identity.¹⁸⁶ Matthew Craven has observed that opposition by Greece was 'the first occasion in which it has ever been suggested that a State, or for that matter a people, should not be the exclusive determinants of their own cultural and political symbols.'¹⁸⁷ These more superficial issues cloaked the deeper Greek concerns that their new neighbour was attempting to claim an exclusive connection to ancient Macedonian history, in direct violation of existing Greek assertions.¹⁸⁸ The recognition of a modern Macedonian nation, legitimised by a claimed direct descentance from the ancient Macedonians, would also substantiate existing irredentist desires to Greek territory promoted as the reunification of a divided Greater Macedonia.¹⁸⁹ Such concerns were sustained by explicit aspirations over Greek territory, present in clauses of the new Republic's constitution and propaganda disseminated by the Macedonian government.¹⁹⁰ In response to these trepidations, successive Greek governments 'embarked on an aggressive campaign to capture sole legitimacy over use of the name Macedonia'¹⁹¹ including by working to obstruct the widespread recognition of the new republic and also by preventing accession to international organisations, utilising its position as a member of the European Community (EC) (later European Union) and North Atlantic Treaty Organisation (NATO).

In the midst of the chaos befalling Yugoslavia, Athens persuaded the EC to require that recognition of the new republics would only follow amendment to their constitutions, removing any references to irredentist aspirations over neighbouring territories.¹⁹² In 1992, the constitutional amendments having been made, the Arbitration Commission of the Conference on Yugoslavia, known as the 'Badinter Arbitration Commission', found that the Republic of Macedonia had fulfilled the requirements of the EC and should therefore be recognised as a state.¹⁹³ Despite this, bowing to political pressure from Athens, the EC states affirmed that they would now only recognise the new republic 'under a name which does not include

¹⁸⁶ Craven (n 11) 199.

¹⁸⁷ Ibid 238.

¹⁸⁸ Ibid 199-200.

¹⁸⁹ Underlying these fears was the past geopolitical struggle with Bulgaria over Macedonia and Thrace which was supplanted by the Macedonia Dispute. See Karakasidou 'Sacred Scholars' (n 54) 39.

¹⁹⁰ Craven (n 11) 200.

¹⁹¹ Karakasidou 'Sacred Scholars' (n 54) 39.

¹⁹² *Declaration on the Guidelines of the Recognition of New States in Eastern Europe and the Soviet Union, Extraordinary EPC Ministerial Meeting* (Brussels, 16 December 1991) [1993] 4 E.J.I.L 72; *Declaration on Yugoslavia and on the Guidelines on the Recognition of New States, Extraordinary EPC Ministerial Meeting* (Brussels, 16 December 1991) [1992] 31 ILM 1485.

¹⁹³ *Arbitration Commission of the Conference on Yugoslavia*, 'Opinion No 6 On the Recognition of the Republic of Macedonia by the European Community and its Member States' (1992) 92 *ILR* 182, 182-187; Malgosia Fitzmaurice, 'The Badinter Commission (for the Former Yugoslavia)' in *Max Planck Encyclopaedias of International Law* (Oxford University Press, 2019) [20], [28].

Macedonia'.¹⁹⁴ Realising its path was blocked, in July 1992, the Republic of Macedonia lodged its application for admission into the UN. Following UN Security Council (UNSC) Resolution 817 on 7 April 1993,¹⁹⁵ it was recommended that the new state be admitted under the provisional name of 'The former Yugoslav Republic of Macedonia' until the resolution of the dispute with Greece. One day later, by General Assembly Resolution 47/225,¹⁹⁶ fYROM was admitted as a member of the UN, without a flag.¹⁹⁷ The UNSC further encouraged 'the parties to continue their efforts under the auspices of the Secretary-General to arrive at a speedy settlement of the remaining issues between them' by Resolution 845 on 18 June 1993.¹⁹⁸

This provisional name for the new republic was never intended to be used for a lengthy period of time, it being unsuitable to both parties. From 1991 until the early 2000s, the official position of successive Greek governments was one of rejecting any use of the name Macedonia and its derivations,¹⁹⁹ whilst north of the border, the first President of fYROM, Kiro Gligorov, insisted upon monopolisation of the name Macedonia for his new state.²⁰⁰ Tensions rose as negotiations reached an impasse and global momentum steadily shifted in favour of recognising the new republic by its constitutional name. In response, a newly elected Greek government decided to cripple fYROM into submission by enforcing a trade embargo.²⁰¹ With the Serbian border to the north already closed due to a UN embargo, and roads to Albania and Bulgaria almost inoperative, the new republic found itself completely isolated. The embargo caused uproar amongst fellow EC member states who initiated proceedings against Greece in the Court of Justice of the European Communities which ultimately dismissed these proceedings in 1995 relegating any solution to the dispute to the political sphere.²⁰²

The embargo was lifted in October 1995 following the signing of the UN brokered *Interim Accord* on 13 September of the same year.²⁰³ The Interim Accord resolved many issues and worked to establish normalised relations between the two states, though notably it did not deal with the issue of the name. Interestingly, neither of the parties are mentioned by name in the Accord, reflecting the outstanding issue of significance, and due to the refusal by fYROM to

¹⁹⁴ *European Council- Presidency Conclusions*, SN 3321/1/92 (Lisbon, 26-27 June 1992) 47; see also Craven (n 11) 205.

¹⁹⁵ SC Res 817, UN Doc S/RES/817 (7 April 1993).

¹⁹⁶ A Res 47/225, UN Doc A/RES/47/225 (8 April 1993).

¹⁹⁷ The requirements of statehood and the effect of recognition at international law cannot be discussed here. For further reading, see: Crawford, *The Creation of States* (n 38).

¹⁹⁸ SC Res 845, UN Doc S/RES/845 (18 June 1993).

¹⁹⁹ Evangelos Kofos, 'Greek Policy Considerations over FYROM Independence and Recognition', in James Pettifer (ed), *The New Macedonian Question* (Palgrave MacMillan 1999), 240-247; Heraclides (n 7) 229.

²⁰⁰ Kofos 'Greek Policy Considerations' (n 199) 255.

²⁰¹ This was the second embargo placed upon the new republic by Greece. The first was an oil embargo in August 1992; see Duncan M Perry, 'Crisis in the Making? Macedonia and its neighbours' (1994) 43(1-2) *Comparative Southeast European Studies* 31, 45; Kofos 'Greek Policy Considerations' (n 199) 244-246.

²⁰² *Commission of the European Communities v Hellenic Republic* (C-120/94 R) [1994] ECR I-03037; see ECR I-01513, [54] (Advocate General Jacobs): 'It is not for the Court to determine who is entitled to the name 'Macedonia', the star of Vergina and the heritage of Alexander the Great, or whether FYROM is seeking to misappropriate a part of Greece's national identity or whether FYROM has long-term designs on Greek territory or an immediate intention to go to war with Greece.'; see also Craven (n 11) 207.

²⁰³ *Interim Accord between Greece and the Former Yugoslav Republic of Macedonia*, Greece – the former Yugoslav Republic of Macedonia, signed 13 September 1995, I-32193 (entered into force 13 October 1995).

be ‘bound by a treaty with a name other than that by which it designates itself’.²⁰⁴ This nameless appearance is repeated in the Prespa Agreement.

The following achievements were included in the provisions of the Interim Accord: recognition of FYROM as an ‘independent and sovereign state’;²⁰⁵ confirmation of the existing border between both states²⁰⁶ and an affirmation to ‘respect the sovereignty, the territorial integrity and the political independence of the other Party’;²⁰⁷ agreement to continue negotiations regarding the name *Macedonia*;²⁰⁸ a declaration by FYROM that ‘nothing in its Constitution... can be interpreted as constituting or will ever constitute the basis of any claim... to any territory not within its existing borders’;²⁰⁹ nor any basis ‘to interfere in the internal affairs of another State in order to protect the status and rights of any persons in other States who are not citizens’;²¹⁰ a prohibition on ‘hostile activities and propaganda by State-controlled agencies’ directed at each other;²¹¹ the cessation of use of the Sun of Vergina symbol ‘in any way’, including on the national flag of FYROM;²¹² the introduction of respect for symbols associated with ‘historic or cultural patrimony’;²¹³ a theme which is continued in the Prespa Agreement and will be discussed further in Part IV; and, finally, agreement by Greece not to object to the application by FYROM of membership to international organisations of which Greece is already a member, provided FYROM does not attempt to join such organisations under its constitutional name.²¹⁴ In addition to these, the Interim Accord also contained numerous provisions for the encouragement of political, economic and social collaboration between both states.

For over ten years since the signing of the Interim Accord, negotiations continued and remained at a deadlock. In 2008, after FYROM’s application to NATO was rejected at the Bucharest Leaders’ Summit, proceedings in the International Court of Justice were filed by FYROM, alleging a breach of Article 11(1) of the Interim Accord by Greece.²¹⁵ For its part, Greece asserted that it could not be held responsible for this outcome as decisions of NATO were made unanimously and without formal voting, independent of the Greek Government.²¹⁶ Furthermore, Greece counterclaimed that FYROM had in fact breached the Interim Accord by continuing to use the Sun of Vergina symbol, distribute hostile propaganda and seek

²⁰⁴ Nikos Zaikos, ‘The Interim Accord: Prospects and Developments in Accordance with International Law’, eds Evangelos Kofos and Vlas Vlasidis, *Athens – Skopje: An uneasy symbiosis (1995-2002)* (Hellenic Foundation for European and Foreign Policy, 2005) 22-23.

²⁰⁵ *Interim Accord* (n 203) art 1(1).

²⁰⁶ *Ibid* art 2.

²⁰⁷ *Ibid* art 3.

²⁰⁸ *Ibid* art 5(1).

²⁰⁹ *Ibid* art 6(1).

²¹⁰ *Ibid* art 6(2).

²¹¹ *Ibid* art 7(1).

²¹² *Ibid* art 7(2).

²¹³ *Ibid* art 7(3).

²¹⁴ *Ibid* art 11(1).

²¹⁵ *Application of the Interim Accord of 13 September 1995 (The former Yugoslav Republic of Macedonia v Greece)* (Advisory Opinions and Orders) [2011] ICJ Rep, 644, 650-651.

²¹⁶ *Ibid* 659, [39].

recognition under its constitutional name.²¹⁷ In 2011, by majority, the Court found that Greece had breached its obligations under the Interim Accord and dismissed the counterclaims.²¹⁸ Despite this, the NATO Secretary General stated that the Court's ruling would not affect the decision made in Bucharest.²¹⁹ FYROM was not admitted into NATO and the Macedonia Dispute lingered on.

In 2010, likely fuelled by the 2008 NATO Leaders' Summit snub, tensions rose again following the launch of the *Skopje 2014* project by the right-wing VMRO-DPMNE government in FYROM under then Prime Minister Nikola Gruevski.²²⁰ The project involved the 'large-scale reconstruction of the capital city of Skopje in neoclassical and baroque styles... along with educational and mass media narratives asserting the continuity of the Macedonian nation since antiquity.'²²¹ The project was an overt example of state-led national identity construction and *antiquization*,²²² and included the erection of numerous statues of historical figures (claimed by Greece and Bulgaria) in Skopje. The most notorious of these statues is the 22-metre high 'Warrior on a Horse' which resembles the likeness of Alexander the Great and stands in the central square of *Plostad Makedonija*.²²³ Andrew Graan has labelled the project as 'a campaign, an organisational structure for events (e.g., dedications, press releases, promotions) designed to continually sculpt and advance Macedonia's brand image.'²²⁴ The project was highly divisive, splitting Macedonian society along both inter and intra-ethnic lines. For supporters, generally, 'VMRO-DPMNE party supporters, right-leaning intellectuals, public figures and journalists',²²⁵ the project utilised nationalistic messaging to evoke a sense of pride in Macedonian history and culture, and it sought to counter the threat to both the national identity and the state from external powers, like Greece. For opponents, including 'the political opposition led by the Social Democratic Union of Macedonia [SDSM]... students, architects, left-leaning and independent intellectuals and the Macedonian NGO sector', this project and its 'mono-ethnic narrative of Macedonian history' was viewed to 'exacerbate ethnic tensions', particularly with the significant Albanian minority in FYROM, and 'unnecessarily antagonise neighbouring Greece'.²²⁶ Furthermore, opponents viewed the project as having been 'implemented without public consultation or transparency' and incurring 'enormous costs in

²¹⁷ Ibid 682-690; see also George C Papavizas, 'FYROM: Searching for a Name and Problems with the Expropriation of History' (2010) 2(3) *Mediterranean Quarterly* 86, 88.

²¹⁸ *Application of the Interim Accord* (n 215) 693.

²¹⁹ Anders Fogh Rasmussen, 'Statement by the NATO Secretary General on ICJ Ruling' (Press Release, 151, 5 December 2011) < https://www.nato.int/cps/en/SID-50672CA8-1A1DD013/natolive/news_81678.htm >.

²²⁰ Vangelov (n 34) 203; Vangeli (n 143) 18. In Macedonian VMRO-DPMNE is Внатрешна македонска револуционерна организација – Демократска партија за македонско национално единство, translated as Internal Macedonian Revolutionary Organization- Democratic Party for Macedonian National Unity

²²¹ Vangelov (n 34) 203.

²²² Ibid.

²²³ See Appendix A.

²²⁴ Andrew Graan, 'Counterfeiting the Nation? Skopje 2014 and the Politics of Nation Branding in Macedonia' (2013) 28(1) *Cultural Anthropology* 161, 167.

²²⁵ Vangelov (n 34) 204.

²²⁶ Vangelov (n 34) 204. In Macedonian SDSM is Социјалдемократски сојуз на Македонија, translated as Social Democratic Union of Macedonia

one of the poorest countries in Europe'.²²⁷ Today, critics consider the project to be an example of government frivolity and mismanagement.²²⁸

Finally on 12 June 2018, amidst the challenges of economic crisis and competing geopolitical interests, the foreign ministers of both states, Nikos Kotzias and Nikola Dimitrov, surrounded by their nations' respective Prime Ministers, and delegates from the EU and the UN, met on the shores of Lake Prespa in northern Greece to sign the so-called Prespa Agreement, ending the longstanding dispute. Photos and video recording of the signing ceremony depict a peaceful, celebratory event. Not far from the location of signing, a convoy of protestors from various regions of Greece were intercepted by police on their way to Lake Prespa. Their journey was violently cut-short with tear gas, prevented from reaching the signing location and disrupting the event. This episode evidences the controversial nature of the Prespa Agreement.²²⁹

Looking back six years since the signing of the Prespa Agreement, relations between the two states have changed little. Encouragingly, North Macedonia was admitted into NATO on 27 March 2020. Greece has supported the admission of North Macedonia into the EU, while first France and then Bulgaria have prevented continuation of the accession process. While French concerns focused on a reticence towards the EU enlargement process,²³⁰ at the time of writing Bulgaria continues its longstanding dispute over the classification of the Macedonian language, history, and nationality, and demands North Macedonia amend its constitution to recognise a Bulgarian minority in the country.²³¹ Evidently, the construction of an independent Macedonian national identity continues to irk the sensitivities of North Macedonia's neighbours.²³²

i) The construction of Macedonian national identity

A primordial Macedonian national identity centred around the ancient Macedonians was not always prevalent in North Macedonia and amongst the Macedonian people. Since the independence of the Republic of Macedonia in 1991, a domestic debate over Macedonian national identity has raged in which momentum continues to shift. On the one side is *Slavism*, an ideology that the Macedonians are a South Slavic people, distinct from their Bulgarian and Serbian neighbours.²³³ This ideology 'had existed since the creation of the Macedonian republic within Yugoslavia [and] continued to be the main national narrative in the first decade

²²⁷ Ibid.

²²⁸ Irena Stefanoska and Darko Stojanov, 'A tale in stone and bronze: old/new strategies for political mobilization in the Republic of Macedonia', (2017) 45(3) *Nationalist Papers* 356, 357.

²²⁹ The negotiation process of the Prespa Agreement will be considered in detail in Part V.

²³⁰ See Dimitar Bechev and Damir Marusic, 'North Macedonia on the Threshold of Europe: The Path Forward: Two Tracks in Parallel' (Atlantic Council, 2020) 4; Silvana Mojsoska, 'Politics versus Policy of EU Integration' (2021) 69(4) *Comparative Southeast European Studies*, 561, 564.

²³¹ See Dimitar Bechev, 'It's Time for Bulgaria and North Macedonia to move forward', *Politico* (online, 7 July 2022) <<https://www.politico.eu/article/its-time-for-bulgaria-and-north-macedonia-to-move-forward/>>.

²³² For the purposes of this dissertation only the dispute with Greece will be examined in detail.

²³³ This ideology has its roots in early thinkers like Krste Misirkov (1874-1926) who argued for the recognition of an independent Slavic Macedonian nation. See Heraclides (n 7) 71-73.

of Macedonia's independence.'²³⁴ On the other side, is *Macedonism* which views the Macedonians as the direct descendants of the ancient Macedonians, to the exclusion of other regional peoples, including the Greeks.²³⁵ Through its national identity provisions, the Prespa Agreement seeks to directly insert itself into this debate and conclusively resolve the question of Macedonian national identity in favour of Slavism.

As an independent Macedonian national identity was 'the last to be institutionalised in the region, after its neighbours [i.e. Greece and Bulgaria] had already created their own national narratives and myths incorporating historic Macedonia', a sense of 'urgency to nation-building processes undertaken by the newly created Macedonian institution within Yugoslavia' was felt and as a result a condensed state-led process of national identity construction ensued.²³⁶ Initially, the 'origins of the Macedonian nation [were traced] to the national liberation struggles against the Ottomans in the nineteenth century',²³⁷ and 'antiquity-inspired national myths were absent from virtually all of the events that the Macedonian historiography considers to be the cornerstone of contemporary Macedonian statehood and nationhood.'²³⁸ However, as this nineteenth century historical 'period had already been incorporated by Bulgarian historiography and treated as part of the Bulgarian national narrative', Macedonian historiographers sought to 'distinguish the Macedonian Southern Slavic identity from that of the Bulgarians'.²³⁹ They did this by adopting a primordial approach and slowly retreated further back in time, seeking a unique national origin mythology, not yet owned by a neighbouring people. This process began with 'Macedonian historiographers [publishing] numerous historic works tracing Macedonian identity back to the establishment of the first South Slavic state entities following the settlement of the Slavs in the region and their clashes with the Byzantine Empire',²⁴⁰ and eventuated in the appropriation of the ancient Macedonians as the true ancestors of the Macedonian people.

This process of national identity construction has been termed *antiquization* (or *antikvizacija*) which can be defined as 'identitarian policies based on the assumption that there is a direct link between today's ethnic Macedonians and Ancient Macedonians'.²⁴¹ It is a primordial ideology that sought to 'reassert Macedonians' status as an "historic nation" on par with their neighbours',²⁴² and since the independence of the Republic of North Macedonia it has gradually swept across a large swathe of the Macedonian intellectual and political class. Vangeli notes that '[t]he initial antiquization measures were rather spontaneous and resembled

²³⁴ Vangelov (n 34) 211.

²³⁵ An early proponent of a connection between the modern and ancient Macedonians was Georgi Pulevski (1817-1893). See Heraclides (n 7) 69.

²³⁶ Vangelov (n 34) 207.

²³⁷ Ibid 208.

²³⁸ Vangeli (n 143) 15.

²³⁹ Vangelov (n 34) 208.

²⁴⁰ Ibid.

²⁴¹ Vangeli (n 143) 13; see also Stefoska and Stojanov (n 228) 357; Mišo Dokmanović, 'The Unexpected Twist: The Historical Legacies of the Twentieth Century and the Process of "Antiquisation" in Macedonia' in eds Balazs Apor and John Paul Newman, *Balkan Legacies: The Long Shadow of Conflict and Ideological Experiment in Southeastern Europe* (Purdue University Press, 2021) 253.

²⁴² Vangelov (n 34) 210.

political populism. The name Alexander the Great was used simply to depict the nation's grandeur and to nourish the people's spirit.'²⁴³ Indeed, evidence of the gentle advancement of Macedonism can be seen during the Yugoslav period, when although 'state institutions... included the idea of Ancient Macedonian nationhood in the official nation building process... [however] narratives of antiquity were placed lower in the hierarchy of myths'.²⁴⁴ Indeed, not only were there 'few references to ancient Macedonia in the Macedonian liberation movement in the nineteenth century'²⁴⁵ but 'the number of literary works referring to Alexander the Great significantly decreased during the Yugoslav years.'²⁴⁶

As it spread, the Macedonist national mythology came to directly oppose to the pre-existing Slavist ideology, becoming a controversial topic in fYROM, splintering Macedonian society and 'generating a public debate about "real Macedonians" and "traitors", creating fear and deep divisions among the people'.²⁴⁷ Proponents of Slavism were on one side, proponents of Macedonism on another, and minority groups, including the significant ethnic Albanian population, were left unable to connect with the majority identity. During the first decade of independence, the Slavist doctrine appears to have been accepted by the majority of the political class, including the first President of fYROM, Kiro Gligorov.²⁴⁸ Then, over time, more influential members of society came to adhere to Macedonism, most notoriously, Prime Minister Nikola Gruevski (2006-2016). Vangeli considers the Macedonist antiquization to have been heavily influenced by Macedonians whose origins are from Greek Macedonia (known as 'Aegean Macedonia' to Macedonians) and who were 'refugees from the Greek Civil War' (1946-1949).²⁴⁹ Former Prime Minister Gruevski is understood to have origins in Greek Macedonia. Vangeli also notes the influential role played by the Macedonian diaspora in promulgating Macedonism, including the adoption of the Star of Vergina symbol as the national flag.²⁵⁰ Indeed, the adoption of the Star of Vergina as the newly independent Republic's national flag evidenced the arrival of this new primordial trajectory.²⁵¹

Macedonism rose to prominence in the 1990s²⁵² and only came to dominate Macedonian national consciousness in the mid-2000s and as Vangeli accurately highlights, the ideology 'is invariably related to the naming dispute between Macedonia and Greece'.²⁵³ Ognen Vangelov points to three key historical events which encouraged the antiquization process: firstly, 'the inter-ethnic 2001 Macedonian-Albanian conflict which resulted in the Ohrid Framework Agreement';²⁵⁴ secondly, 'the 2004 Decentralisation Law, which brought about the redrawing

²⁴³ Vangeli (n 143) 17.

²⁴⁴ Ibid 16.

²⁴⁵ Dokmanović (n 241) 256.

²⁴⁶ Ibid 258.

²⁴⁷ Vangelov (n 34) 215.

²⁴⁸ See ibid 210.

²⁴⁹ Vangeli (n 143) 18.

²⁵⁰ Ibid 16-17.

²⁵¹ Ibid 17; Vangelov (n 34) 210.

²⁵² Heraclides (n 7) 177.

²⁵³ Vangeli (n 143) 14; Heraclides (n 7) 177.

²⁵⁴ The *Ohrid Framework Agreement* (13 August 2001) was a peace deal which ended a spate of conflict between the fYROM government and armed Albanian groups and which granted additional rights and

of municipal boundaries, mostly in line with Albanian demands for a greater number of municipalities with Albanian ethnic majorities'; and finally, 'the 2008 Greek veto on Macedonian accession to both NATO and the EU.'²⁵⁵

As we can see, antiquization was directly influenced by perceived threats (both internal and external) to the independence of the Macedonian nation-state. These threats encouraged evermore audacious and defiant expressions of Macedonism culminating in the Skopje 2014 project, mentioned in the previous Part. Recall the varied manifestation of this government-sponsored antiquization including the changing of 'the name of the international airport at Skopje to "Alexander the Great Airport"... renaming streets, buildings and roads after ancient heroes... [and] the use of ancient soldiers as motifs in international tourism campaigns'.²⁵⁶ Coupled with these visible changes, school textbooks were amended in-line with this new ideology and 'the newest official "History of the Macedonian People" published by the Institute for National History in 2009, argue[d] that during the interaction of the immigrant Slavs and the native Ancient Macedonians, the ancient features prevailed and defined the development of the region.'²⁵⁷ Vangeli highlights the 'paradigmatic case' of the 'so-called rebirth of the Ancient Macedonian spring-welcoming holiday, Xantica... [in which participants] wear armour and symbols resembling the phalanges of Alexander the Great'.²⁵⁸ These cultural expressions of Macedonism are particularly prevalent in the diaspora.²⁵⁹

In recent years, it has been possible to chart support for each of these ideologies according to political affiliation. Whilst proponents of Macedonism have tended to be supporters of the right-wing VMRO-DPMNE, proponents of Slavism generally have supported the left-wing SDSM.²⁶⁰ This is evidenced by the fact the Prespa Agreement was negotiated and signed by the SDSM government and the newly-elected VMRO-DPMNE government has revived tensions with Greece over its frequent use of the name 'Macedonia' without its geographic qualifier.

guarantees to the Albanian minority of FYROM. See Ulf Brunnbauer, 'The Implementation of the Ohrid Agreement: Ethnic Macedonian Resentments' [2002] 2002(1) *Journal on Ethnopolitics and Minority Issues in Europe* 1.

²⁵⁵ Vangelov (n 34) 211.

²⁵⁶ Ibid 213.

²⁵⁷ Vangeli (n 143) 20.

²⁵⁸ Ibid 19.

²⁵⁹ See Heraclides (n 7) 112; Loring M Danforth, 'Transnational Influences on National Conflict: The Macedonian Question' (1995) 18(1) *PoLAR: Political and Legal Anthropology Review* 19.

²⁶⁰ Vangelov (n 34) 204; See Vangeli (n 143) 13.

IV. Treaties

*It is for the people to determine the destiny of the territory and not the territory the destiny of the people.*²⁶¹

A) What is a treaty?

James Crawford has described treaties as ‘the most fundamental source of obligation in international law.’²⁶² Treaties can be bilateral or multilateral in character and are the primary legal mechanism to regulate the behaviour of states. Treaties can be distinguished against the other primary source of obligation at international law, *customary international law*.²⁶³ They encompass a diverse range of subject matter and have served as an effective means of resolving disputes between sovereign powers for centuries.²⁶⁴ Comparing treaties to domestic legal obligations is useful to understand their diversity and applicability.²⁶⁵ In essence, we can consider a bilateral treaty, such as the Prespa Agreement, as a form of contract, whose subject-matter may encompass a diverse array of issues.

The Vienna Convention on the Law of Treaties (1969) (VCLT)²⁶⁶ was drafted by the International Law Commission of the United Nations with the intent to codify the law of treaties into a single document, bringing together various rules of customary international law and contributing its own new rules. The VCLT defines a treaty as ‘an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation’.²⁶⁷ The VCLT contains a wholistic set of rules governing the creation of treaties, their interpretation, enforcement and amendment. In this paper I consider the VCLT as expressing the most widely accepted parameters of international treaty law and note that the VCLT may not reflect all customary international law of treaties.

The Prespa Agreement shares many features with archetypal treaties. It has provisions which focus on practical measures to strengthen bilateral relations in the form of ‘intensification and enrichment of cooperation between the two parties’,²⁶⁸ enhancement of diplomatic relations,²⁶⁹ economic cooperation,²⁷⁰ defence cooperation,²⁷¹ and so on. It contains a preamble with normative statements of being ‘guided by the spirit and principles of democracy, respect for human rights and fundamental freedoms, and dignity’²⁷² and ‘desiring to strengthen the

²⁶¹ *Western Sahara* (Advisory Opinion) [1975] ICJ Rep 12, 122 (Judge Dillard).

²⁶² James Crawford, *Brownlie's Principles of Public International Law*, (Oxford University Press, 1998), 30.

²⁶³ *Customary international law* is a collection of obligations derived from established state practice.

²⁶⁴ See Jeremy Hill, *Aust's Modern Treaty Law and Practice* (Cambridge University Press, 2023), 1.

²⁶⁵ See James Crawford *Brownlie's Principles* (n 262) 369-370.

²⁶⁶ *Vienna Convention on the Law of Treaties*, opened for signature 23 May 1969, 1155 UNTS 331 (entered into force 27 January 1980).

²⁶⁷ *Ibid* art 2.1(2).

²⁶⁸ *Prespa Agreement* (n 3) art 9.

²⁶⁹ *Ibid* art 10.

²⁷⁰ *Ibid* arts 13 and 14.

²⁷¹ *Ibid* art 17.

²⁷² *Ibid*, see also art 5.

atmosphere of trust and good neighbourly relations in the region'. The Prespa Agreement also contains mechanical provisions which outline the process for ratification of the Agreement by both parties,²⁷³ and provide for a dispute resolution mechanism.²⁷⁴ However, distinct from these regularities, the Prespa Agreement also contains various provisions concerned with national identity, mentioned previously. Not only are these provisions not found regularly in other treaties, the Prespa Agreement may in fact be the first bilateral treaty to include such provisions. This makeup, blending standard and novel provisions, and incorporating concepts previously unknown to international law and state practice, makes the Prespa Agreement a unique and fascinating prototype of a new breed of treaty which has the potential to influence the resolution of similar disputes in the future.

A thorough analysis of the VCLT is outside the scope of this paper. Yet, a brief examination of key provisions of the VCLT relevant to our examination of the Prespa Agreement is warranted and useful, particularly for those provisions of the Prespa Agreement that are controversial. Firstly, as a bilateral treaty, the Prespa Agreement is binding between the Parties. This obligation is found in article 26 of the VCLT which states 'every treaty in force is binding upon the parties and must be performed by them in good faith', and also mirrors the maxim *pacta sunt servanda*.²⁷⁵

Secondly, some provisions of the Prespa Agreement are ambiguous, likely by design, including the national identity provisions (to be considered in the next Part in detail). The drafting of these provisions with *constructive ambiguity*²⁷⁶ allowed for flexibility to be read-into the provisions, for this flexibility to evolve over time, and practically for the Parties to be able to reach an agreement in the first place. Article 31 of the VCLT outlines the general rule of interpretation of treaties.²⁷⁷ It follows the *textual approach* to interpretation which 'emphasises the intention of the parties as expressed in the text, as the best guide to their common intention'.²⁷⁸ The textual approach is one of many competing approaches that have been considered over time including 'the restrictive approach, the teleological approach, and the effectiveness principle'.²⁷⁹ Crawford further stresses that the 'jurisprudence of the International Court likewise supports the textual approach'.²⁸⁰ In our analysis of the national identity provisions that follows, we will be utilising the textual approach, whilst also, at times, considering the intentions of the Parties and the wider political context to assist us in understanding those provisions which employ constructive ambiguity.

²⁷³ Ibid art 1(4).

²⁷⁴ Ibid art 19.

²⁷⁵ VCLT (n 266) art 26.

²⁷⁶ *Constructive ambiguity* refers to the use of ambiguous language in a treaty provision which allows for the flexible interpretation of the provision by the Parties, usually in furtherance of political aims.

²⁷⁷ Article 31 reflects customary law position: VCLT (n 266). See *Arbitral Award of 31 July 1989 (Guinea-Bissau v Senegal)* [1991] ICJ Rep 53, 70; *Genocide (Bosnia and Herzegovina v Serbia and Montenegro)* [2007] ICJ Rep 43, 109-10, cited in Crawford *Brownlie's Principles* (n 262) 380.

²⁷⁸ Crawford *Brownlie's Principles* (n 262) 379.

²⁷⁹ Ibid.

²⁸⁰ Ibid.

Thirdly, as we shall examine in the next Part, the Prespa Agreement contains an obligation to use the name North Macedonia *erga omnes*, or ‘towards all’, meaning the name must be used by the Government of North Macedonia both domestically and internationally. The concept of *erga omnes* at international law can be understood as an obligation owed to the entire international community. Note however, article 34 of the VCLT mirrors the maxim *pacta tertiis nec nocent nec prosunt* and expresses the principle that ‘a treaty does not create either obligations or rights for a third State without its consent.’²⁸¹ Crawford notes that this provision ‘falls slightly short of expressing the customary rule... besides not creating obligations or rights, treaties cannot infringe the rights of other states without their consent.’²⁸² Article 35 builds upon the previous article by stating that a third state can consent to be bound to a treaty provided it was intended by the parties that obligations be created for third states.²⁸³ As the Prespa Agreement is a bilateral treaty, then, it cannot create obligations for third-party states (without their consent). As a result, the *erga omnes* obligation should be understood, as an obligation to use the name North Macedonia in relations with all other states, rather than in the strict sense of an obligation owed by and to the entire international community. This remains a point of contention amongst observers and will be considered further in the next Part.

The VCLT does not contain requirements on the substance and form of treaties.²⁸⁴ In other words, ‘[h]ow treaties are negotiated and brought into force depends on the intention of the parties. There are no overriding requirements of form’.²⁸⁵ Furthermore, states are free to make treaties on any matter of substance, provided this does not derogate from *jus cogens* norms.²⁸⁶ Even still, the inclusion of provisions which deal with national identity demarcation between parties, as found within the Prespa Agreement, has not been common practice. This is because national identity, is not a concept directly regulated by international law.²⁸⁷ The ability of law (including international law) to shape and regulate issues of national identity is unclear. Further, it is unclear how the relevant national identity provisions in treaties could be enforced. In other words, whilst the inclusion of national identity provisions within treaties is permissible under international law, their enforcement and general effectiveness is questionable.

B) Ratification

Before a treaty enters into force, it must be ratified (and depending upon the domestic legal requirements of each state party to the agreement, it may be required to be ratified by domestic legislature). This was a requirement for both Greece and North Macedonia. The Prespa

²⁸¹ VCLT (n 266) art 34.

²⁸² Crawford *Brownlie's Principles* (n 262) 384.

²⁸³ VCLT (n 266) art 35.

²⁸⁴ Anthony Aust, *Modern Treaty Law and Practice*, (Cambridge University Press, 2013), 5.

²⁸⁵ *Temple of Preah Vihear (Cambodia v Thailand)*, (*Preliminary Objections*) [1961] ICJ Rep 17, 31-2, cited in Crawford *Brownlie's Principles* (n 262) 371.

²⁸⁶ *Jus cogens* norms, also known as peremptory norms, are a set of fundamental principles of international law from which derogation is not accepted by the international community. Examples of *jus cogens* norms include the prohibition on genocide and slavery, and the illegal use of force.

²⁸⁷ However, international law does regulate aspects of national identity which should be respected and protected, such as through the protection of the rights of minority groups, non-discrimination, and the freedom of expression. For a discussion on the ways international law protects ethnic minorities and linguistic rights, see Mowbray ‘Ethnic Minorities’ (n 5) 2.

Agreement sets out a detailed process for ratification in article 1(4) which included the requirement that North Macedonia amend its constitution and ratify the Agreement prior to Greece commencing its own ratification process.

In terms of the effectiveness of treaties in the domestic legal orders of the parties, there exists a distinction between those states in which international law inherently forms part of the domestic legal order (monism) and those states in which international law must be transposed into the domestic legal order via statute (dualism). Greece is a monist state by virtue of article 28(1) of the Greek Constitution, which provides: '[t]he generally recognised rules of international law, as well as international conventions as of the time they are ratified by statute and become operative according to their respective conditions, shall be an integral part of domestic Greek law and shall prevail over any contrary provision of the law.'²⁸⁸ Notably, conventions and treaties must still be 'ratified by statute',²⁸⁹ thus only customary international law and jus cogens are inherently part of the domestic legal order. Similarly, North Macedonia is also a monist state and by virtue of article 8 of the Constitution of North Macedonia 'generally accepted norms of international law' are included as 'fundamental values of the constitutional order'.²⁹⁰ Like Greece, in North Macedonia international agreements must be ratified, and article 118 of the Constitution provides 'international agreements ratified in accordance with the Constitution are part of the internal legal order and cannot be changed by law.'

Accordingly, in order for the Prespa Agreement to have direct effect in the domestic legal orders of both states, it had to be ratified. Once ratified, it then gained a status of superiority to all domestic laws and by virtue of specific provisions of the Prespa Agreement which provided for constitutional amendments, it also gained ascendancy over the national constitutions. Evangelos Venizelos has considered that 'the Prespa Agreement imposes an exemplary monist scheme' over the parties due to its authority over their national constitutions.²⁹¹ See for instance, article 1(12) of the Prespa Agreement which states that the newly agreed terminology for North Macedonia be 'incorporated in the Constitution of the Second Party... [and] Pursuant to this amendment, the name and terminologies will change accordingly in all articles of the Constitution'. Similarly, article 4(1) of the Prespa Agreement is an anti-irredentism clause and states: '[e]ach party hereby commits and solemnly declares that nothing in its Constitution, as it is in force or will be amended in the future, can or should be interpreted as constituting or will ever constitute the basis for any claim to any area that is not included in its existing international borders'. Likewise, article 4(2) is a non-interference clause and states: '[e]ach party hereby commits and solemnly declares that nothing in its Constitution, as it is in force or will be amended in the future can or should be interpreted as constituting or will ever constitute the basis for interference with the internal affairs of the other Party in any form and for any

²⁸⁸ *Constitution of the Hellenic Republic*.

²⁸⁹ See Mariela Apostolaki and Antonios Tzanakopoulos, 'Greece', ed Fulvio Maria Palombino, *Duelling for Supremacy: International Law vs. National Fundamental Principles* (Cambridge University Press, 2019) 107.

²⁹⁰ *Constitution of the Republic of North Macedonia*.

²⁹¹ Evangelos Venizelos, 'The Prespa Agreement as an Example of Prevalence of the Monist Approach in the Relationship Between the National Constitution and International Law' (2021) *Liber Amicorum in honor of Prof. Svetomir Škarić* (forthcoming) 1-2.

reason, including for the protection of the status and rights of any persons that are not its citizens'.²⁹² Noting the domestic constitutional law of Greece and North Macedonia is outside the scope of this paper, two interpretations of Article 4 and its relationship to the constitutions can be entertained. Firstly, article 4 not only operates to amend the Constitution as it stands, but also prevents future amendment or reversion. Or alternatively, article 4 seeks to act upon the interpretation of constitutional provisions only, thus attempting to clarify existing and future provisions and restrain the interpretative abilities of constitutional courts. Both interpretations solidify the Prespa Agreement (or at least this provision) above the national constitutions in both states, and in effect renders the Prespa Agreement a constitutional addendum.

The obligation for parties to uphold their commitment to the terms of an agreement (article 26 VCLT) make treaties an appealing means of resolving controversial disputes. If such a treaty is violated, it would cause significant political and legal damage to the party in breach. This same legality provides for the enforceability of treaties within the international legal system. Frequently, treaties will provide for mechanisms of dispute resolution. In the Prespa Agreement, the settlement of disputes is dealt with in article 19 which outlines a method for the peaceful resolution of disputes through discussion and the mediation of the UN. Where a dispute cannot be resolved through discussion, the parties are entitled to refer the dispute to the International Court of Justice.²⁹³ We shall consider the enforceability mechanism of the Prespa Agreement in detail in Part V.

C) Why use a treaty?

The Macedonia Dispute has frequently been viewed as inherently political in nature,²⁹⁴ in the sense that its subject matter (competing claims to a state name, national identity, historic patrimony, and so on) involved political issues rather than legal ones. Accordingly, a treaty was not necessarily considered as the most suitable means of resolution. Rather, it was presumed by commentators that resolution of the Macedonia Dispute required a political solution which may have been unilateral or agreed between the governments in both states. To be sure, following the *Interim Accord* of 1995 an agreement in one form or another was increasingly likely. However, the strategy for reaching this end point may have differed from that which was undertaken. For example, an agreement (or agreements) may have focused on easily achievable items to increase the goodwill between the states and provide the breathing space for governments to slowly chip away at more significant points of contention. The parties could have agreed to enact small confidence building measures or agree to Memoranda of

²⁹² See also *Prespa Agreement* (n 3) art 3(1) which states '[t]he Parties hereby confirm their common existing frontier as an enduring and inviolable international border' and (2) which commits the Parties to 'respect the sovereignty, the territorial integrity and the political independence of the other Party.'

²⁹³ *Prespa Agreement* (n 3) art 19(3).

²⁹⁴ See for example Ilias Bantekas, 'The Authority of States to Use Names in International Law and the Macedonian Affair: Unilateral Entitlements, Historic Title, and Trademark Analogies' (2009) 22 *Leiden Journal of International Law* 563, 564.

Understanding which would not require ratification and are not legally binding like treaties. Crucially, the issues of national identity and history did not need to feature in these solutions.²⁹⁵

As the Macedonia Dispute dragged on with no resolution in sight, it became increasingly obvious that no clear political agreement could be reached. It became clear that the governments in both states were minded for a resolution that was both comprehensive, binding and swift. They sought to end the Dispute using a single agreement, at one time and to decisive effect. The most effective mechanism to meet the above prerequisites is a treaty. A treaty provides a legally acceptable and enforceable²⁹⁶ means of comprehensively and publicly resolving disputes between states. Furthermore, in reaching a single agreement rather than multiple smaller ones, willing governments minimise their exposure to public scrutiny when seeking to end controversial disputes. The treaty is flexible on form and substance, permitting the creation of an agreement that is in a legalistic form yet evidently a political document by virtue of its substance, and including provisions that cover a diverse array of issues, seemingly resolving them simultaneously. In other words, the treaty format is customisable to suit the needs of the parties to the agreement. A treaty is also the obvious choice to resolve controversial political disputes between states because there is no adequate alternative offering the same benefits.

D) Treaties and National Identity

Disputes (and conflict) over national identity and/or geographical nomenclature are an enduring feature of the interaction of peoples and states. Whilst there are numerous examples of such disputes, none of them has been resolved in the same manner as the Macedonia Dispute between Greece and North Macedonia, that is, through a bilateral treaty containing national identity provisions, purportedly resolving both the question of the name of a state and also questions of the national identity of its people. This is not to say that the Prespa Agreement is not a suitable blueprint for the resolution of similar disputes; quite the opposite. It is, however, clear that the Macedonia Dispute possessed some unique characteristics which distinguish it from other similar disputes. For example, it involved competing claims by different states (and constituent peoples) to the same history and historical symbols, the name of a region, and consequently aspects of the same associated national identity. Furthermore, Kotzias claims the signing of the Prespa Agreement was the first time a state agreed to amend its constitution and change its name during peacetime.²⁹⁷ Analogous disputes have involved either competing claims to a geographical name, national identity, or history, and not all of these concurrently.

²⁹⁵ An example of a political solution to national identity issues can be found in the *Treaty of Friendship, Good Neighbourliness and Cooperation* (2017) (n 319) between Bulgaria and North Macedonia which does not contain national identity provisions like those in the Prespa Agreement. Article 8 provides for the establishment of a Joint Multidisciplinary Expert Commission on Historical and Educational Issues, and the joint celebration of common historical events and figures. In this way, issues of national identity will be resolved over time through trust-building measures and (presumably) objective committee findings.

²⁹⁶ Noting the question of enforceability of national identity provisions within a treaty.

²⁹⁷ Νίκος Κοτζιάς, *Η Λογική της Λύσης- Πολιτική θεωρία και Πρακτική στις Διεθνείς Σχέσεις- Αλήθειες για το Μακεδονικό και τη Διαπραγμάτευση* (Gutenberg, 2020) 909.

i) *Analogous disputes*

There are many examples of disputes in which national identity plays a leading role and which have not yet been resolved. Some of these have led to armed conflict, others appear on the brink of doing the same. Consider for example, Russia's invasion of Ukraine and its claims that Ukraine is not a legitimate independent state but rather an historical part of Russian civilization, unjustly separated from Russia during the collapse of the Soviet Union.²⁹⁸ Or the determined efforts by the People's Republic of China (China) to absorb the Republic of China (Taiwan), peacefully or otherwise, which they regard as historically an integral part of China. Consider also the competing claims to use of the name 'China' by both of these parties. Similarly, the ongoing tensions between Kosovo and Serbia over the territory of the historical heartland of the Serbian nation and Serbian Orthodox Church, but which is no longer inhabited by a majority Serb population (and has not been for centuries); or Azerbaijan's successful recapture of Nagorno-Karabakh in 2023 and the subsequent fleeing of ethnic Armenians from the region. Finally, remember the continuing illegal occupation of northern Cyprus, an island divided along ethnic lines and held hostage by the geopolitical interests of large powers. Each of the above examples involve questions of national identity, competing claims to territory, and irredentism, yet none of them perfectly mirror the Macedonia Dispute.

History has also provided numerous instances of competing claims to geographical names between states, many of which have descended into disputes. Alexis Heraclides usefully outlines examples of such competing claims, including: 'Great Britain and Bretagne in France (Brittany in English), Luxembourg (Grand Duchy of Luxembourg) and the province of Luxembourg in Belgium (in Wallonia), Moldova and Moldavia in Romania'; 'Ireland and Northern Ireland, Mongolia (Outer Mongolia) and Inner Mongolia in China, Mexico and New Mexico in the United States, Bangladesh (Bengali-land) and the state of West Bengal in India... [and] Azerbaijan and East Azerbaijan Province in Iran'.²⁹⁹ We can of course add to this list the cases of Sudan and South Sudan, and North Korea (officially the Democratic People's Republic of Korea) and South Korea (officially the Republic of Korea).

Despite the frequency of competing claims to geographical names, agreements resolving such disputes have been rare. One such example was the dispute over the name for the Republic of Ireland. Following independence, the newly created state of Ireland chose as its name an identifier 'that coincided with the geographical area of the island of Ireland as a whole, extending thus to the UK-administered part of Northern Ireland', and its 1937 constitution included provisions 'rejecting the partition of the island and calling for a politically unified Ireland'.³⁰⁰ By article 4 of this constitution, the name of the state would be *Éire* or Ireland in English.³⁰¹ 'The British response took the form of using *Éire* (or *Eire*) instead of "Ireland", despite the constitutional preference of the latter state to be termed Ireland in English language

²⁹⁸ See for example the essay written by Vladimir Putin, 'On the Historical Unity of Russians and Ukrainians' <<http://en.kremlin.ru/events/president/news/66181>>.

²⁹⁹ Heraclides (n 7) 225.

³⁰⁰ Ioannidis (n 153) 532.

³⁰¹ Ibid.

contexts.’³⁰² Later, the Irish government successfully sought admission to the United Nations and European Economic Community under the name “Ireland” whilst the British Government commenced referring to Ireland as “the Republic of Ireland”.³⁰³ The *Belfast Agreement* (1998) (known as the Good Friday Agreement) ‘was the first formal agreement signed between “the Government of the United Kingdom of Great Britain and Northern Ireland” and the “Government of Ireland”’³⁰⁴ and settled the dispute. Unlike the Prespa Agreement, the name issue was not addressed directly in the Belfast Agreement, rather a focus of the treaty was the amendment of the Irish constitution to replace those provisions which contained irredentist statements. National identity issues were not present in the provisions of the Belfast Agreement.

³⁰² Ibid 533.

³⁰³ Ibid 534.

³⁰⁴ Ibid 536.

V. The Prespa Agreement

*Τα δύο κράτη, Ελλάδα και Βόρεια Μακεδονία, μετά την υπογραφή της Συμφωνίας των Πρεσπών και στην πορεία υλοποίησής τους θα αλλάζουν. Θα αλλάζουν ως προς το πώς βλέπει ο ένας τον άλλον.*³⁰⁵

The Prespa Agreement was the product of political compromise between ideologically aligned governments in both states,³⁰⁶ a unique moment in the collective histories of Greece and North Macedonia. The respective governments had the political resolve to seek lasting, beneficial change, despite being faced with outspoken public opposition, including by media and diaspora groups.³⁰⁷ A close reading of the Preamble to the Prespa Agreement highlights the Parties' intention for the Agreement to encourage closer ties within a wider European framework and it was believed the Prespa Agreement would 'strengthen peace, stability, security and further promote cooperation in South-eastern Europe'.³⁰⁸ This perspective is buttressed by articles 1(1) and 1(2), whereby the Parties have determined that this Agreement be final, thus terminating the *Interim Accord* of 1995; they also consider the negotiations conducted under the auspices of the United Nations as binding.³⁰⁹ The forward-looking objectives of the Parties (outlined above) rest upon the resolution of the national identity elements of the Macedonia Dispute.

Former Prime Minister Tsipras of Greece sought to use an agreement with North Macedonia to strengthen his SYRIZA party's administrative credentials following 'the period of dire economic crisis' Greece had suffered and 'transform his party into a mainstream party dominating the left spectrum in Greek politics'.³¹⁰ This Greek government appears to have genuinely wished to extend the hand of friendship to their northern neighbours, if not out of simple benevolence, then because they realised it was in the national interest to do so. Former Foreign Minister Nikos Kotzias³¹¹ states that the Greek government sought to resolve the issue over nomenclature and support the existence of an independent neighbouring state rather than seek the dissolution of North Macedonia.³¹² Kotzias outlines the foreign policy strategy of the Greek government at the time as seeking to isolate the sole threats to Greece as those from an ever-assertive Turkey.³¹³ The resolution of the dispute with North Macedonia was part of a

³⁰⁵ 'The two states, Greece and North Macedonia, will change after the signing of the Prespa Agreement and in the process of its implementation. They will change in how they see each other': Κοτζιάς *Η Λογική της Λύσης* (n 297) 238.

³⁰⁶ Both SDSM in North Macedonia and SYRIZA in Greece are left-wing political parties. See Heraclides (n 7) 226; Κοτζιάς *Η Λογική της Λύσης* (n 297) 362.

³⁰⁷ Armakolas and Petkovski (n 4) 5.

³⁰⁸ *Prespa Agreement* (n 3) preamble.

³⁰⁹ Furthermore, the parties were required to enter into *bona fide* negotiations, and once an agreement was reached, bound to uphold their newly agreed obligations: *VCLT* (n 266) art 26.

³¹⁰ Armakolas and Petkovski (n 4) 4.

³¹¹ Nikos Kotzias was the Foreign Minister of Greece from 2015-2018 in the SYRIZA government. Kotzias led the negotiations on behalf of Greece and produced the first draft of the Prespa Agreement. Due to his instrumental role in reaching the agreement, his views are relied on throughout this dissertation as authoritative of the intentions of the Parties (or at the very least, of Greece). Kotzias has remained a close friend of his former Macedonian counterpart, Nikola Dimitrov.

³¹² Κοτζιάς *Η Λογική της Λύσης* (n 297) 371.

³¹³ *Ibid* 97, 672.

series of steps taken to pacify its neighbours leaving only its longstanding and multifaceted dispute with Turkey remaining.³¹⁴ Furthermore, ‘settlement [of the dispute] would establish Greece as a major stabilizing factor’³¹⁵ in the Balkans, reassuring European partners that the continent’s south-eastern flank was secure. Kotzias denies that overt external pressure from the EU and the United States of America (US) encouraged the parties to end their longstanding dispute.³¹⁶ However, in light of the growing influence of Russia in the Balkan region it is reasonable to believe that implicit pressures from likeminded partners was felt. Furthermore, it is likely that the Greek government felt pressure to alter Greece’s negative image amongst its European Union partners following the tumultuous and contentious experience of the economic crisis and subsequent period of enforced austerity measures.³¹⁷

On the Macedonian side, there was growing sentiment that the Macedonia Dispute had dragged-on long enough and was stifling the potential development of the state and its people.³¹⁸ Having signed the *Treaty of Friendship, Good Neighbourliness and Cooperation* (2017)³¹⁹ with Bulgaria some ‘months before the start of negotiations with Greece’,³²⁰ a resolution of the Macedonia Dispute was the next logical step ‘to do away with Macedonia’s bleak international isolation’³²¹ including by welcoming a brighter future in NATO and the EU,³²² and the Zaev government heralded the Prespa Agreement as a ‘diplomatic breakthrough’ that would deliver these goals.³²³ Successive governments had pursued (supported by strong public support) integration into the wider Euro-Atlantic framework, including the EU and NATO.³²⁴ The economic and security benefits enjoyed by neighbours, Greece and Bulgaria, as a result of EU and NATO membership were aspirational and strategic goals.³²⁵ Whilst historically Macedonian society had staunchly opposed any change of their state’s constitutional name in exchange for EU and NATO membership, after negotiations commenced with Greece, this sentiment had softened, providing political scope for a deal.³²⁶ The SDSM government also sought to underline its different outlook and ‘confront the political legacy’³²⁷ of the previous right-wing VMRO-DPMNE government which had antagonized Greece through the notorious “Skopje 2014” program. In this context, the governments in both

³¹⁴ See for example, negotiations with Albania, Italy and Egypt to delimit maritime boundaries.

³¹⁵ Heraclides (n 7) 227.

³¹⁶ Κοτζιάς *Η Λογική της Λύσης* (n 297) 85.

³¹⁷ From 2010 to 2017 the Greek Government imposed austerity measures to limit government fiscal expenditure in exchange for loans from the ‘troika’ of the European Commission, the European Central Bank and the International Monetary Fund.

³¹⁸ See Armakolas and Petkovski (n 4) 3.

³¹⁹ *Treaty of Friendship, Good Neighbourliness and Cooperation*, Bulgaria – the former Yugoslav Republic of Macedonia, signed 1 August 2017, I-55013 (entered into force 14 February 2018).

³²⁰ Ibid.

³²¹ Heraclides (n 7) 227.

³²² Armakolas and Petkovski (n 4) 3.

³²³ Graan (n 224) 174

³²⁴ See Marija Risteska, ‘The role of the EU in promoting good governance in Macedonia: towards efficiency and effectiveness or deliberative democracy?’ (2013) 41(3) *Nationalities Papers* 431, 434; Mojsoska (n 230) 561.

³²⁵ Heraclides (n 7) 227, 229.

³²⁶ Ioannis Armakolas, ‘The Promise of European Integration: Breathing New Life into the Settlement of Bilateral Disputes’ *IWM: Europe’s Futures* (30 October 2023).

³²⁷ Armakolas and Petkovski (n 4) 4.

states came together to reach a genuine compromise, both seeking to balance their widely held domestic nationalist sentiments against the political leadership they knew was required to benefit their citizens and the wider region into the future.³²⁸

Views of the Prespa Agreement in the wider region were varied. The European Commission was supportive of a resolution to the dispute as it had long sought to bring Western Balkan nations into its union and considered a peaceful agreement beneficial to regional stability.³²⁹ NATO welcomed the Agreement as it would belatedly permit the accession of North Macedonia into the Alliance.³³⁰ Russia was opposed to the Agreement as it considered it a tool to further NATO's eastward expansion and erode its influence in the Balkans.³³¹ Moscow had sought to undermine an agreement 'by attempting to buy off officials [in Greece] and otherwise intervening in Greece's internal affairs', leading to the expulsion of Russian diplomats.³³² Turkey had continually voiced its support for FYROM's right to choose its own name over the past twenty years and had sought to use this tactic to further its own influence in the Balkans and as leverage for its own political agenda *vis-a-vis* Greece.³³³ Officially Turkey welcomed the Prespa Agreement as the obstacle to EU and NATO accession.³³⁴ Bulgaria desired a solution to the dispute between FYROM and Greece but was concerned the Prespa Agreement was 'more stable and of greater depth'³³⁵ than the *Treaty of Friendship*³³⁶ it had with FYROM. This resentment ultimately led to the revival of the identity dispute with North Macedonia, with Bulgaria targeting the issues of 'the Macedonian language and identity' which had been red lines for Skopje's negotiations with Athens.³³⁷ Albania was supportive of the Prespa Agreement and hoped it would benefit the sizeable Albanian ethnic minority in North

³²⁸ See discussion between Nikola Dimitrov and Nikos Kotzias at the *International Conference for Peace and Sustainable Development* (Athens 17-18 June 2024) <<https://www.youtube.com/watch?v=xF9g5HwZ5qU&t=178s>>. The Conference was organised by the Alexis Tsipras Institute and the Zaeu Foundation and marked the six-year anniversary of the signing of the Prespa Agreement.

³²⁹ See also Matthew Nimetz, 'The Macedonian "Name" Dispute: The Macedonian Question Resolved?' (2020) 48(2) *Nationalities Papers* 205, 209; note whilst the European Commission has consistently supported North Macedonia's accession bid, the European Council (expressing the domestic concerns of member states) has repeatedly stalled this process.

³³⁰ Jens Stoltenberg, 'Secretary General in North Macedonia: We are ready to welcome you into the NATO family' (Press Release, 3 June 2019) <https://www.nato.int/cps/en/natohq/news_166418.htm?selectedLocale=en>.

³³¹ See Ioannis Prezas, 'A bilateral treaty developing legal effects erga omnes? Reflections on the Prespa Agreement between Greece and North Macedonia settling the name dispute', (2020) 65 *Questions of International Law* 21, 53-54; Armakolas and Petkovski (n 4) 5; Nimetz (n 329) 209.

³³² Christopher R Hill, 'Putin overplays his hand' (online, 20 August 2018) <<https://www.aspistrategist.org.au/putin-overplays-his-hand/>>.

³³³ Dimitar Bechev, *Turkey Under Erdogan: How a Country turned from Democracy and the West* (Yale University Press, 2022) 39-40.

³³⁴ See Hami Aksoy, 'Statement of the Spokesperson of the Ministry of Foreign Affairs in Response to a Question Regarding the Approval of the Prespa Agreement on the Name Issue between Macedonia and Greece in the Parliament of Greece' (Press Release, QA-2, 25 January 2019) <https://www.mfa.gov.tr/sc_-02_-prespa-anlasmasinin-yunanistan-parlamentosunda-onaylanmasi-hk-sc_en.en.mfa>.

³³⁵ Κοτζιάς *Η Λογική της Λύσης* (n 297) 105.

³³⁶ *Treaty of Friendship* (n 319).

³³⁷ Wouter Zweers et al, 'Unlocking decision-making in EU enlargement: Qualified Majority Voting as a way forward?', *Clingendael* (Policy Brief, June 2024) 4.

Macedonia as the country's integration into the EU framework was greenlighted.³³⁸ Finally, Serbia was generally less enthusiastic about the Agreement but was forced to accept the new reality.³³⁹

In both Greece and North Macedonia political gymnastics were needed to bring the Prespa Agreement into effect and the 'ratification process included some parliamentary moves that were highly questionable in terms of political legitimacy.'³⁴⁰ In North Macedonia, where the ratification process was coupled with constitutional changes, Prime Minister Zoran Zaev was forced to seek the support of 'several nationalist MPs' in a manner 'critics insisted [involved compromise] on valuable policy principles pertaining to the rule of law.'³⁴¹ Whilst not legally required, the question of accepting the agreement with Greece was put to a referendum on 30 September 2018.³⁴² The referendum failed to achieve the required turnout of 50 per cent for the vote to be valid,³⁴³ after the opposition VMRO-DPMNE party had called for a boycott of the vote, raising questions about public support for the Agreement and the government's mandate to proceed.³⁴⁴ In Greece, the political survival of the weak coalition government was paramount and 'Tsipras did not hesitate to "sacrifice" his Foreign Minister, Nikos Kotzias, in order to keep Panos Kammenos and his national-populist party, the Independent Greeks (ANEL), in government for a little longer'.³⁴⁵

It is notable that Zaev's SDSM government was able to attract more support for a deal than Tsipras' SYRIZA government, at least 'partly because the incentives for reaching an agreement were more tangible and obvious in North Macedonia than in Greece'.³⁴⁶ This was despite 'the Macedonians... [being] called upon to make greater sacrifices than the Greeks'.³⁴⁷ The SDSM government in North Macedonia was returned to office following elections in July 2020, reaffirming their mandate to uphold the Prespa Agreement and realise its promises. SDSM was only removed from office following the general elections in May 2024, won by the right-wing VMRO-DPMNE party. Contrast this with the near-immediate defeat of SYRIZA³⁴⁸ in the Greek elections of July 2019. The victorious New Democracy party,³⁴⁹ once staunch opponents of the Prespa Agreement, and ironically led by the son of the Greek Prime Minister who first

³³⁸ Κοτζιάς *Η Λογική της Λύσης* (n 297) 105.

³³⁹ Κοτζιάς *Η Λογική της Λύσης* (n 297) 105.

³⁴⁰ Armakolas and Petkovski (n 4) 3.

³⁴¹ Ibid 3; James Ker-Lindsay, 'Renaming Macedonia: A Job Well Done', *Horizons: Journal of International Relations and Sustainable Development* (2019) 13, 194 and 200.

³⁴² The question put to citizens in the referendum was somewhat misleading: 'Are you in favour of European Union and NATO membership by accepting the agreement between the Republic of Macedonia and the Republic of Greece?'.
³⁴³ Kole Casule and Ivana Sekularac, 'Macedonia name referendum fails to reach turnout threshold: election commission', *Reuters* (online, 1 October 2018) <<https://www.reuters.com/article/us-macedonia-referendum-turnout/macedonia-name-referendum-fails-to-reach-turnout-threshold-election-commission-idUSKCN1MA0X2/>>.

³⁴⁴ Of the approximately 37 per cent who did vote, approximately 94 per cent were in favour of the agreement.
³⁴⁵ Armakolas and Petkovski (n 4) 3-4.
³⁴⁶ Armakolas and Petkovski (n 4) 5.
³⁴⁷ Heraclides (n 7) 228.

³⁴⁸ Συνασπισμός Ριζοσπαστικής Αριστεράς – Προοδευτική Συμμαχία, Coalition of the Radical Left- Progressive Alliance.
³⁴⁹ Νέα Δημοκρατία, in Greek.

opposed use of the name Macedonia by Greece's northern neighbour, has maintained a general disdain for the Prespa Agreement whilst broadly upholding its obligations.

A) Charting the national identity provisions of the Prespa Agreement

The Agreement is divided into three Parts and contains twenty articles. Part 1 deals with the substantive matters of national identity in dispute, including use of the name *Macedonia*, historic patrimony and the use of symbols, and the classification of language. This part contains the most controversial and consequential provisions, including the national identity provisions, specifically articles 1, 3, 4, 7 and 8 which will be the focus of this Chapter. In essence, the function of these provisions is to protect the exclusive claim of Greece to specific historical periods, figures, and symbols by distinguishing the Parties' understandings of 'Macedonia' and 'Macedonian'. Part 2 contains provisions for the development of cooperation between the Parties and Part 3 contains provisions for the settlement of disputes arising between the Parties following the entry into force of the Agreement.

Only Greece is named in the Prespa Agreement, referred to as the 'First Party' throughout. North Macedonia, internationally fYROM at the date of signing, and constitutionally the *Republic of Macedonia*, is referred to as the 'Second Party' and defined as the country 'admitted to the United Nations in accordance with the United Nations General Assembly resolution 47/225 of 8 April 1993'. Kotzias states this anonymity resulted from the inability to reach a decision on which name should be used in the Prespa Agreement when referencing the Second Party, i.e. fYROM or the Republic of Macedonia.³⁵⁰ Similarly, in the Interim Accord, both Parties were nameless because Skopje had refused to permit the naming of the state in any form other than its constitutional name.³⁵¹

i) Article 1: the name, nationality and language

The disagreement over a new name for Greece's northern neighbour was the most visible element of the Macedonia Dispute. Various names had been considered and rejected over the 27 years of UN-led negotiations including, 'Republic of New Macedonia' and 'Republic of Macedonia-Skopje'.³⁵² The end result of negotiations is presented in article 1(3)(a) which states, the 'official name of the Second Party shall be the "Republic of North Macedonia", which shall be the constitutional name of the Second Party and shall be used *erga omnes*'.³⁵³

³⁵⁰ Κοτζιάς *Η Λογική της Λύσης* (n 297) 863.

³⁵¹ Ibid.

³⁵² Κοτζιάς *Η Λογική της Λύσης* (n 297) 354-355, 358-359; see also Heraclides (n 7) 226

³⁵³ *Erga omnes* is translated as 'towards all' and can be understood in its literal sense, that an action/interpretation be consistent and in all circumstances, or it can reference obligations which are owed to the entire international community, such as when a state is bound by customary international law or *jus cogens*. Article 1(3)(a) of the Prespa Agreement states the new constitutional name of the Republic of North Macedonia 'shall be used *erga omnes*'. This provision is reinforced by article 1(8) which states '...the Parties shall use the name and terminologies of Article 1(3) for all usages and all purposes *erga omnes*, that is, domestically, in all their bilateral relations, and in all regional and international Organizations and institutions.' Both of these provisions are supported by articles 1(5) and 1(9) which, whilst not using the term *erga omnes*, detail how and where the new name should be used internationally and domestically. A deeper analysis of the controversial

The provision further states that ‘the short name of the Second Party shall be “North Macedonia”.’

It had been the longstanding position of successive Greek governments that they would accept use of a qualifier preceding the name *Macedonia* by their northern neighbour.³⁵⁴ The Greek position also sought to retain their own use of *Macedonia* without a qualifier of their own. In this they succeeded. For the Macedonian side, inclusion of ‘Macedonia’ in the final name was non-negotiable, representative of the centrality of this appellation to Macedonian national identity.³⁵⁵ As has been accurately observed, whilst both Greece and North Macedonia claim the name and associated understandings as part of their national identity, and respective sentiment is strongly felt, ‘only the Macedonians depend on the name “Macedonia” as the designation of both their state and their people.’³⁵⁶ For Greece, Macedonia is only a part of their broader national identity ‘and of lesser importance than the culture, philosophy and democracy associated with ancient Athens’.³⁵⁷ Furthermore, use of the name *Macedonia* was already widely accepted by the international community and represented in the interim UN-approved name of FYROM. To cease use of *Macedonia* would have been perceived as a complete capitulation to Greece. Momentum had been on the side of the Macedonians and their negotiating position to retain use of ‘Macedonia’ was strong. Since its proclamation of independence in 1991, the constitutional name of ‘Republic of Macedonia’ had been slowly recognised by an increasing number of countries, despite the best efforts of Greece.³⁵⁸ Furthermore, the use of the name since 1944 as the Yugoslav *Socialist Republic of Macedonia*, bolstered the claim, representing past use and the lack of an obvious alternative.

From one perspective then, the acceptance of a geographic qualifier by the Macedonian Government was an unnecessary capitulation. This argument suggests that over time, the vast majority of countries would have recognised the constitutional name for the state and Greece would have succumbed to sufficient political pressure to relinquish its objections to membership of NATO and the EU. A counter argument would run that recognition of the constitutional name had reached its apogee and it was not possible for the then FYROM Government to gain any further leverage over the Greek side by continuing to demand acceptance of its constitutional name. A third perspective might argue that the Greek position against use of ‘Macedonia’ by its northern neighbour was so entrenched in the Greek domestic political landscape that there was no end to opposition in sight. Further, a prolonged dispute with Greece would only continue to cause detriment to the economic and political growth of

nature of this obligation will be considered in the Legal Effectiveness Section of Part V. For analysis of varying interpretations of *erga omnes* in the Prespa Agreement see Vassilis P Tzevelekos, ‘The meaning and effects of erga omnes within the Prespa Agreement of 17 June 2018 between Greece and North Macedonia. An introductory note’, (2020) 65 *Questions of International Law* 1; Prezas (n 331).

³⁵⁴ See Heraclides (n 7) 229.

³⁵⁵ Heraclides (n 7) 228.

³⁵⁶ International Crisis Group, ‘Macedonia’s Name: Why the dispute matters and how to resolve it’ (2001) *ICG Balkans Report* 122, i-ii.

³⁵⁷ Heraclides (n 7) 229.

³⁵⁸ Prior to the signing of the Prespa Agreement, over 130 countries recognised the Republic of Macedonia under its constitutional name.

the country and it was therefore in the nation's best interest to find a mutually acceptable solution.

The inherent implication of the geographic qualifier is that there exists at least one other 'Macedonia', that is, to the south, west and/or east of North Macedonia. This is a direct reference to the province of Macedonia in northern Greece and also to the greater historical region of Macedonia, of which North Macedonia is a part.³⁵⁹ In addition to this geographic implication of a divided whole, as we shall examine below, article 7 extends this division between North Macedonia and Greek Macedonia to represent a separation between two peoples whose histories, cultures, languages and understandings of *Macedonia* and *Macedonian* are asserted to be different. A delicate balance is pursued in which a core identifier, that is, the name 'Macedonia', is rendered to be the only similarity between the parties. In other words, the Prespa Agreement seeks to establish that if not for the geographic proximity of the two peoples, they would have nothing in common. The Prespa Agreement ignores the centuries of shared history by the peoples of Greece and North Macedonia and siloes their perspectives, inhibiting social reflection and cooperation.³⁶⁰ In permitting use of the name 'Macedonia' by both sides, the Prespa Agreement provides for the co-occupation of the same identification markers.³⁶¹ Rather than operating as a bridge between these peoples, however, the shared use of the name 'Macedonia' only encourages competition between the Greece and North Macedonia as they continue to strive for wider recognition of their distinct Macedonian identities by the international community.

Article 1(3)(b) states 'the nationality of the Second Party shall be Macedonian/citizen of the Republic of North Macedonia'. There exists much debate over the interpretation of this provision, reflecting the longstanding and dichotomous sentiments of the populations in both North Macedonia and Greece. On the one hand, and recalling Smith's *non-Western* conception of the nation, this provision could recognise the existence of a Macedonian nationality, in an ethnic sense. On the other hand, nationality could be understood in a civic sense only, as citizenship, where ethnicity is not to be read into the provision. From this secondary perspective, the provision is less controversial as it ignores the question of the existence of a Macedonian ethnicity altogether.³⁶²

Kotzias states the use of 'nationality' in article 1(3)(b) is in a civic sense, and is not to be read as *ethnicity*.³⁶³ This civic reading of 'nationality', that is, as citizenship, is consistent with the use of 'nationality' in article 15 of the *Universal Declaration of Human Rights*,³⁶⁴ and the

³⁵⁹ Recall that the wider region of Macedonia spans North Macedonia, and parts of Greece and Bulgaria.

³⁶⁰ For a detailed discussion of analogous naming disputes see Heraclides (n 7) 224-226.

³⁶¹ See earlier argument of sharing 'symbolic space' by Jane Cowan, *Macedonia: The Politics of Identity and Difference* (Pluto Press, 2000), 126.

³⁶² Kotzias argues the Prespa Agreement does not recognise a Macedonian nationality: Κοτζιάς *Η Λογική της Λύσης* (n 297) 759, 863.

³⁶³ Κοτζιάς *Η Λογική της Λύσης* (n 297) 759, 863.

³⁶⁴ *Universal Declaration of Human Rights*, adopted by A Res 217 A on 10 December 1948, UN Doc A/RES/217/III.

European Convention on Nationality.³⁶⁵ Kotzias points to the inclusion of the phrase ‘as it will be registered in all travel documents’ in article 3(b) as further evidence of the civic use of nationality in the provision,³⁶⁶ for travel documents present the citizenship of an individual, not their ethnicity. Elsewhere, elucidating his views on the matter, Kotzias has alleged that international agreements cannot create a national identity (in an ethnic sense), nor does there exist ‘such a thing in international law’.³⁶⁷ Furthermore, to read this provision as a statement of ethnic classification would be to ignore the significant (and constitutionally recognised) ethnic minority groups in North Macedonia,³⁶⁸ of which the largest is Albanian (approximately 25% of the population).³⁶⁹ This affront to the gentle balance between the various ethnic groups could lead to a repeat of the inter-ethnic conflict which erupted in 2001.³⁷⁰ In contrast to this potential turmoil, Kotzias argues the civic classification of citizens is inclusive of all ethnicities present in North Macedonia and importantly supports the unity of the state.³⁷¹

Vasiliki Neofotistos presents an alternative reading of this provision. She considers the forward slash in the provision, recall ‘Macedonian/citizen of the Republic of North Macedonia’, to indicate a choice between an ethnic and a civic reading of ‘nationality’.³⁷² She argues that citizens of North Macedonia can choose whether to identify as Macedonian (ethnically) or retain their existing ethnic identity and identify as Macedonian in a civic sense only.³⁷³ This argument lacks further evidence in support. An alternative and stronger argument against the civic reading of the provision might point to the incongruity in the use of ‘Macedonian’ nationality when the name for the state is North Macedonia. Logically, the citizens of North Macedonia should be referred to as ‘North Macedonians’,³⁷⁴ particularly when applying a civic reading of nationality. Continuing this argument, the retaining of Macedonian nationality, rather than creating the civic alternative of *North Macedonian*, was likely an explicit attempt to prevent severance with the existing national identity. Domestic political pressures likely influenced the desire to preserve and recognise the existing Macedonian nationality. The SDSM government in FYROM, facing strong domestic opposition to the Prespa Agreement, had argued sought to emphasise that the existing Macedonian national identity was being

³⁶⁵ *European Convention on Nationality*, opened for signature 6 November 1997, ETS 166 (entered into force 1 March 2020) 2(a); see also Marija Adela Gjorgjioska, ‘Ethnicity and Nationality in and around the Prespa Agreement on the Macedonia Name Issue’ (2020) 17(1) *European Yearbook of Minority Issues Online* 190, 202-203.

³⁶⁶ Κοτζιάς *Η Λογική της Λύσης* (n 297) 865.

³⁶⁷ Nikos Kotzias, ‘Why the Prespa Agreement is important’, *eKathimerini* (online, 20 May 2024) <<https://www.ekathimerini.com/opinion/1239136/why-the-prespa-agreement-is-important/>>.

³⁶⁸ Gjorgjioska (n 365) 208.

³⁶⁹ *Census of population, households and dwellings in the Republic of North Macedonia*, Republic of North Macedonia State Statistical Office (2021).

³⁷⁰ See (n 254); For Albanian grievances prior to the Ohrid Framework Agreement see Perry ‘Crisis in the Making’ (n 201) 35-36.

³⁷¹ Κοτζιάς *Η Λογική της Λύσης* (n 297) 252, see also 305.

³⁷² Vasiliki P Neofotistos, *Macedonia and Identity Politics after the Prespa Agreement* (Routledge 2021) 14.

³⁷³ *Ibid* 14.

³⁷⁴ Gjorgjioska (n 365) 204; see also Biljana Vankovska, ‘The Prespa Agreement, Ethnicity and Nationality’, (2019) 72 *Annuaire de la Facultie de Philosophie* 271, 278.

recognised, as opposed to an alteration of said identity to ‘North Macedonian’.³⁷⁵ Whilst a change to the state’s name could be accepted, perceived damage to national identity by virtue of adding a geographical qualifier to nationality would have been completely unacceptable.³⁷⁶

The above arguments highlight the confusion caused by article 1(3)(b). Furthermore, they are indicative of inevitable disagreements over ambiguity in the national identity provisions, caused by the inherent difficulties of using the law to ‘regulate’ national identity, discussed previously. Ioannis Armakolas has observed the practical effect of the ambiguity in article 1(3)(b) through distributed interpretive materials by both parties.³⁷⁷ He states that official media instructions

were supposed to explain the use of terms ostensibly settled by the Prespa Agreement. But each side focused on issues of its own concern, highlighting or overlooking different aspects accordingly. The side of North Macedonia insisted on demonstrating that the term ‘North Macedonian’ is incorrect and improper; it also adopted an expansive understanding of the adjective ‘Macedonian’ insisting that it was the appropriate term to describe all things associated to the newly named country, except its official organs and other public entities... On its part, the side of Greece cautioned against the use of the adjective ‘Macedonian’ and explained that the correct formulation is ‘of North Macedonia’... It was clear that the two sides had not fixed a joint understanding of the use of terms for all cases and instances... Instead, the instructions not only left issues unaddressed but even allowed readers to draw diverging conclusions about the use of controversial terms.³⁷⁸

As will be discussed further below, article 7 operates to clarify the scope of Macedonian national identity by stating that understandings of the same terms, that is, ‘Macedonia’ and ‘Macedonian’, differ between the Parties. Whilst workable, this does not resolve an additional problem of nomenclature, namely the use of ‘Macedonians’ or *Μακεδόνες* to refer to Greeks of the province of Macedonia or *Μακεδονία* in Greece. To avoid this confusion, and perhaps also in protest at the Prespa Agreement, ‘Slav-Macedonian’ or *Σλαβομακεδόνες* continues to be used in Greece to refer to the Macedonians of North Macedonia, as distinct from the *Μακεδόνες* of Greek Macedonia.

Article 1(3)(c) states ‘the official language of the Second Party shall be the “Macedonian language”’. Whilst controversial for the domestic audience in Greece due to the longstanding question over the alleged Macedonian minority in northern Greece,³⁷⁹ on a bilateral level this

³⁷⁵ Sinisa Jakov Marusic, ‘Nimetz Excludes “Identity” Issues from Talks’, *Balkan Insight* (online, 1 February 2018) <<https://balkaninsight.com/2018/02/01/identity-issues-not-part-of-macedonia-name-talks-nimetz-02-01-2018/>>.

³⁷⁶ See Heraclides (n 7) 228.

³⁷⁷ Government of the Republic of North Macedonia, ‘Prespa Agreement: Media Guidelines’ (23 February 2019) <<https://vlada.mk/node/16896?ln=en-gb>>; Government of the Republic of North Macedonia, ‘Q & A on Prespa Agreement’ (23 February 2019) <<https://vlada.mk/node/16897?ln=en-gb>>; Ministry of Foreign Affairs, ‘The Issue of the Name of North Macedonia’ <<https://www.mfa.gr/en/the-question-of-the-name-of-the-republic-of-north/>>.

³⁷⁸ Ioannis Armakolas, ‘Identity Provisions in Agreements: Medicine that Cures or Kills’, *IWM: Europe’s Futures* (28 July 2021).

³⁷⁹ See our earlier discussion on *Slavophone* community at n 11.

issue had been resolved in 1977 when the Greek government of the time had tacitly recognised the existence of a Macedonian language at the *Third UN Conference on the Standardization of Geographical Names* by agreeing to the resolution concerning the ‘Serbo-Croatian and Macedonian Cyrillic alphabets of Yugoslavia’.³⁸⁰ The express inclusion of this provision within the Prespa Agreement reaffirms the recognition of the Macedonian language by Greece, removing any ambiguity that could otherwise exist. This prior recognition is seemingly referenced in the provision to remind readers that this specific issue had been resolved many years ago.

Article 1(3)(c) appears difficult to reconcile with the demographic realities of North Macedonia. By virtue of amendment V which replaces article 7 of the Constitution of North Macedonia, *Macedonian* is the official language of the state alongside any other language which is spoken by at least 20% of the population.³⁸¹ Notably, alternative official languages may be used in addition to the Macedonian language in units of local self-government where the said language is spoken by at least 20% of the population, and also in communicating with offices of the central government. Accordingly, article 1(3)(c) of the Prespa Agreement must be read in the context of amendment V of the Constitution of North Macedonia and article 6.4 of the Ohrid Framework Agreement in which Macedonian is listed as the official language of international relations. Interpreting article 1(3)(c) with the above context ensures the protection of minority and co-official languages in North Macedonia.

Lastly, article 1(3)(g) states ‘the Second Party shall adopt “Republic of North Macedonia” as its official name and the terminologies referred to in Article 1(3) through its internal procedure that is both binding and irrevocable, entailing the amendment of the constitution as agreed in this Agreement’. This provision exemplifies the paranoia felt by Greece that its northern neighbour would seek to reach an agreement and then later (potentially following a change of government) revert its name to its original constitutional form, the *Republic of Macedonia*.³⁸² To overcome this potential future disruption, the relevant constitutional amendments required by the Prespa Agreement are entrenched in the Constitution of North Macedonia by a statement that these amendments ‘shall be an integral part of the constitution of the Republic of Macedonia’. This statement serves to render the necessary amendments³⁸³ as permanent features of the constitution, akin to its Basic Provisions, and appears to prevent their future repeal.

ii) Article 7: respective understandings of ‘Macedonia’ and ‘Macedonian’

Article 7 is made up of five sections and contains the primary national identity provisions of the Prespa Agreement. As has been foreshadowed, this article operates to distinguish respective

³⁸⁰ *Third United Nations Conference on the Standardization of Geographic Names*, Vol I Report of the Conference, E/CONF.69/4 (Athens, 17 August – 7 September 1977) 29.

³⁸¹ *Constitution* (n 290) amendment V; see also Stefan Rohdewald, ‘Citizenship, Ethnicity, History, Nation, Region, and the Prespa Agreement of June 2018 between Macedonia and Greece’, (2018) 66 *Sudosteuroopa* 577, 578.

³⁸² See earlier discussion on ratification in Part IV.

³⁸³ *Constitution* (n 290) amendments XXXIII, XXXIV, XXXV, and XXXVI.

understandings of the terms ‘Macedonia’ and ‘Macedonian’ and their associated identity markers of history, culture, heritage, and language, delimiting the broader parameters through which each Party’s fundamental national identity is to be understood. The article portrays two mutually exclusive understandings for the same terminology which is ambiguous and confusing.

In section (1), ‘[t]he Parties acknowledge their respective understanding of the terms “Macedonia” and “Macedonian” refers to a different historical context and cultural heritage.’ By this provision, the above terms are implicitly recognised as the subject of competing claims and it is accepted that both Parties will share use of the terms (in similar ways), albeit by demarcating their own distinctive interpretations of the same. This ‘understanding of the terms’ is not further defined. In this way, flexibility is read into the provision, allowing for the gradual evolution of the respective meanings attached to the terms as determined by both of the Parties, including the continuing development of respective national identities. This provision is, however, inherently flawed as by referring to the ‘different historical context’ attached to use of the terms it ignores the interconnected history of the region of Macedonia.

In negotiating the treaty, Kotzias adopted the position that all ethnicities of the region of Macedonia have a right to identify as ‘Macedonian’, yet this does not extend to the right to claim exclusivity of such an identity nor to claim a connection with the ancient Macedonians (who he argues were undeniably Greek).³⁸⁴ Therefore, whilst the shared use the terms ‘Macedonia’ and ‘Macedonian’ is seemingly reflective of the intertwined history of the peoples of Macedonia, in actuality only a modern understanding of Macedonian is available for sharing and not historical periods claimed by Greece. This interpretation is supported by use of ‘different historical context’ in this provision which implies the existence of exclusive association with specific historical periods for each of the Parties. For the Greek side, when considered in the context of the wider article (and remainder of the Prespa Agreement), the historical context imagined is the ancient kingdom of Macedon. For the Macedonian side, their particular historical context must be anything not considered a part of ‘Hellenic civilization’, and can be presumed to focus on the period of upheaval against the Ottoman Empire (c. 1878-1913). This division of understandings of the terms ‘Macedonia’ and ‘Macedonian’ will be considered further in what follows.

Sections (2) and (3) are complementary. Section (2) states ‘[w]hen reference is made to the First Party, these terms denote not only the area and people of the northern region of the First Party, but also their attributes, as well as the Hellenic civilization, history, culture, and heritage of that region from antiquity to present day.’ In similar fashion, section (3) outlines an independent understanding of the same terms stemming from the preceding section. It states ‘[w]hen reference is made to the Second Party, these terms denote its territory, language, people and their attributes, with their own history, culture, and heritage, distinctly different from those referred to under Article 7(2).’ This complementarity operates to distinguish understandings of the relevant terms by defining Macedonian national identity in reference to Greek and within

³⁸⁴ Κοτζιάς *Η Λογική της Λύσης* (n 297) 182.

the respective borders of both states. As the First Party to the Agreement, it is logical for Greek identity to be considered first in the article. However, the effect of this priority status, together with the framing of section (2), produces an image of preference for Greek identity markers. Greek identity and use of the terms is portrayed as primordial and homogenous, present in Greek Macedonia ‘from antiquity to present day’. In contrast to this conception, the identity of the people of North Macedonia, as described in section (3), appears constructed.³⁸⁵ In differentiating Hellenic civilization and its related history, culture and, heritage from the equivalent belonging to North Macedonia, the provisions appear to assign a national identity of whatever remains to North Macedonia.

Section (2) reflects the attempts by Greece to present an image of primordial national identity, of which the region of Macedonia is an integral part. The provision can be understood to state that Macedonia refers to the ‘area... of the northern region of the First Party’ and a Macedonian is someone from this same region, and continues by stating the same terms refer to the ‘attributes’ of people from this region ‘as well as the Hellenic civilization, history, culture, and heritage of that region’. Interpreting the provision in its wider context within the Agreement, and recalling the aims of the Greek side during the Macedonia Dispute, an obvious reading of this provision emphasises the Hellenic identity of the region of Greek Macedonia throughout history, together with the region and its people’s connection to the terms Macedonia and Macedonian. The ambiguous framing of the section serves to project uncertainty of what is to be included within ‘Hellenic civilization, history, culture, and heritage’ notably without temporal limitation. Reflecting upon the examination of key historical periods in Part III and the broader aims of the Greek side, it is unclear at which points in history section (2) draws a line of distinction between Hellenic and other (read Macedonian). Whilst it is reasonable to assume that the ancient Macedonians are captured within this framing in favour of Greece due to their centrality to the Macedonia Dispute, it is less certain that Byzantium is included or the centuries of Ottoman rule.

There is an inherent irony within this provision and more broadly article 7. This provision seeks to distinguish respective understandings of the same terms and identity markers so as to safeguard the identity, language and history of each of the Parties from misappropriation by the other. Yet, this distinction works to undermine the same shared history. The provision ignores the centuries of cohabitation of Greeks and Macedonians. It also ignores (or actively excludes) the diverse multitude of ethnic groups who are not considered a part of Hellenic civilization and who have inhabited the region at various stages of history and contributed to its rich cultural tapestry, including Turks, Albanians, Bulgarians, Vlachs and others. No mention is made of the shared cultural attributes and practices of these peoples, their shared religious beliefs and customs, nor their shared historical memories as part of the Ottoman and Byzantine empires.

Furthermore, in specifying the ‘Hellenic civilization, history, culture, and heritage... from antiquity to present day’ of ‘that region’ or Greek Macedonia, section (2) suggests that there

³⁸⁵ Gjorgjioska (n 365) 200.

does not exist nor has there existed a Hellenic presence outside of the current borders of the Greek state. Of course, this is plainly inaccurate from an historical perspective. In doing so, it elevates and affirms the primacy of the borders between the two states, implying their meta-temporal existence. Section (2) also ignores the ever-changing nature of national identity, implicitly asserting that individuals have consistently subscribed to a Greek national identity without change. Rather, as Stefan Rohdewald outlines, '[a]n individual with a declared identity as Slavic [or Greek] might very well be somebody whose ancestors possessed different self-definitions, be they Thracian, Hellenic or Roman.'³⁸⁶ The effect of this provision is the imposition of contemporary conceptions of homogenous national identity upon the past. It clumsily focuses on identifying a modern people with the ancient Macedonians to the disadvantage of the various layers of identity which followed this period.

Section (3) builds upon the preceding provision by collating a national identity of what remains for the Macedonians of North Macedonia. The provision states clearly that the identity markers belonging to North Macedonia, namely its 'territory, language, people and their attributes... history, culture, and heritage' are 'distinctly different' from those of Greece and Greek Macedonia. When read together, sections (2) and (3) work to definitively distinguish the peoples, history, culture and language of both North Macedonia and Greece, to the extent that they exist and have always existed *in vacuo*. Obviously, as we have examined in Part III, in a region such as Macedonia where different peoples have been residing and intermingling for centuries '[t]he claim to have a "culture, and heritage, distinctly different" from those of one's neighbours is as futile on historical grounds as it is fundamental for any national conception of history.'³⁸⁷ Clearly, for the Parties, the preservation and protection of respective national identities was prioritised over accepting historical accuracy. Furthermore, the effect of sections (1) and (2) is to direct Macedonian national identity construction towards historical periods not part of Greek national identity (for example Slavic history and culture in the region, the period of Ottoman domination, and so on). In doing so, these provisions reinforce the Prespa Agreement's attempts to steer Macedonian national identity towards Slavism and away from Macedonism. A consequence of this path is the squeezing of Macedonian national identity construction against that of Bulgaria which has instigated renewed vigour to this longstanding identity dispute.

Kotzias provides insight into the drafter's perspective by arguing that article 7 recognises and guarantees the Macedonians of North Macedonia have no connection to the ancient history of Greece or Macedonia.³⁸⁸ He reflects on this guarantee in transactional terms, arguing that in exchange Greece had to accept the wider region of Macedonia (i.e. in Greece, North Macedonia and Bulgaria) was divided and that a people who inhabit a portion of the region of Macedonia had the right to identify as Macedonian, in a geographic sense.³⁸⁹ This geographic understanding of Macedonian identity can be distinguished from the formerly prevailing view that only connection to specific periods of history granted the right for a people to identify as

³⁸⁶ Rohdewald (n 381) 580.

³⁸⁷ Ibid 582.

³⁸⁸ Κοτζιάς *Η Λογική της Λύσης* (n 297) 349.

³⁸⁹ Ibid.

Macedonian (i.e. only a connection to the ancient Macedonians and broader Hellenic civilization). Considering our earlier examination in Part III of the use of Macedonia as a name for various territories throughout history, this geographic understanding is more historically accurate than its alternative.

Recalling our previous examination of article 1, and noting the terms Macedonia and Macedonian are only defined by reference to the identity markers of both Parties, which are also vague and lacking further definition, the absence of greater context and a more fulsome definition of the terms in article 7 produces varying interpretations and understandings, and consequently, confusion. Sharing the terms Macedonia and Macedonian between the Parties can produce inaccurate and unclear results, as an individual from Greek Macedonia can validly be referred to as ‘Macedonian’ just as an individual from North Macedonia is identified in the same way. An unintended consequence of this classification is the addition of qualifiers when referencing the peoples of both states, contrary to article 1(3)(b); Macedonians from North Macedonia become ‘North Macedonians’ and Macedonians from Greek Macedonia become ‘Greek Macedonians’. Additionally, by requesting that ‘the name and terminologies referred to in Article 1(3)’³⁹⁰ of the Prespa Agreement be used in ‘all international, multilateral, and regional Organizations, institutions and fora’ of which North Macedonia is a member,³⁹¹ and that ‘all Member States of the United Nations... adopt and use the name and terminologies referred to in Article 1(3)’, the Prespa Agreement ‘internationalises’ the interpretation of its labyrinthine framework forcing third-party states and organisations to use the terminology appropriately, without misconstruing the Parties’ respective understandings of Macedonia and Macedonian.

The portrayal of two distinct national identities demarcated by the border between North Macedonia and Greece in article 7 raises historical, sociological, anthropological and linguistic questions, which the law is pained to answer, and therefore their presence within a bilateral treaty is unusual. The tendency and preference of the law to favour certainty, causation and precedent does not fit neatly with the inherent nature of national identity as a fluid and constructed concept. The ambiguity of meaning in the aforementioned provisions is evidence of this imprecise pairing of law and national identity and supports the assertion that a bilateral treaty is not the preferred nor perhaps most effective mechanism to resolve such issues.³⁹² Indeed, adapting an observation made by Associate Professor Jacqueline Mowbray regarding international law and language, the Prespa Agreement seeks to overcome this inherent tension by treating national identity as ‘having a fixed, stable content’³⁹³ through its attempt to demarcate specific understandings of Greek and Macedonian national identity, with the purpose that it may effectively act upon such conceptions. Furthermore, the importance of national identity to the Macedonia Dispute renders its inclusion in the Prespa Agreement reasonable and pragmatic in order that the dispute be conclusively and comprehensively

³⁹⁰ *Prespa Agreement* (n 3) art 1(6)(a), (b).

³⁹¹ *Ibid* 1(6)(a).

³⁹² Despite this argument, I acknowledge that many (if not all) treaties face some level of ambiguity surrounding the interpretation of their provisions.

³⁹³ Jacqueline Mowbray, *Linguistic Justice: International Law and Language Policy* (Oxford University Press, 2012) 203.

resolved. Nonetheless, behind this veil of comprehensiveness, the inclusion of national identity provisions within the Prespa Agreement raises questions of legal and political effectiveness and enforceability which shall be considered further in the following Chapter.

Section (4) states ‘[t]he Second Party notes that its official language, the Macedonian language, is within the group of South Slavic languages. The Parties note that the official language and other attributes of the Second Party are not related to the ancient Hellenic civilization, history, culture and heritage of the northern region of the First Party.’ This provision perpetuates the efforts of national identity distinction outlined elsewhere in article 7 and analysed above. Whereas the first three sections of article 7 consider this distinction of national identity in the context of the terms Macedonia and Macedonian, section (4) operates to focus on the Macedonian language and ‘other attributes of the Second Party’.³⁹⁴ Two clear objectives are considered by this provision. Firstly, it seeks to classify the Macedonian language as a member of the South Slavic language family. Secondly, the Macedonian language and ‘other attributes of the Second Party’ are distinguished from ‘the ancient Hellenic civilization, history, culture and heritage of the northern region’ of Greece. Both of these objectives will be considered further in what follows.

It is widely agreed that the Macedonian language is indeed part of the South Slavic family and is most closely related to Bulgarian.³⁹⁵ Furthermore, the provision accurately reflects that the Macedonian and Greek languages are mutually unintelligible. Therefore, as a declaratory statement of current academic standing, section (4) is both accurate and appropriate. Despite this, the classification of a people’s language in relation to other language families is a matter for linguistic analysis and not the purview of lawyers or politicians. Scientific methods of linguistic analysis, and not treaty interpretation, lead linguists to classify a language as distinct or related to another language.³⁹⁶ By including such matters within the provision, the Prespa Agreement confirms the politicisation of language classification in North Macedonia, a core tenet of the Macedonia Dispute, and allows the matter of language classification to be utilised by nationalist narratives. To be sure, the choice of name for a language is a political decision. This decision can, however, be distinguished from the classification of a language as a distinct language without connections to a specific history, region or cultural group. Furthermore, this politicisation of language classification ignores the fundamental phenomenon of the fluidity of language.³⁹⁷ In other words, languages evolve over time in response to various influences. To use a treaty to attempt to crystallize the classification of a language within a language family is to seek to inhibit natural linguistic evolution or shift. Additionally, even if the declaratory classification were accurate at the time of signing, it may not be over the lifespan of the Prespa Agreement.

³⁹⁴ Presumably, this refers to cultural attributes.

³⁹⁵ See Dakin (n 63) 17; Barker (n 85) 10; Zotiades (n 62) 34; Demetrius Andreas Floudas, ‘A Name for a Conflict or a Conflict for a Name? An Analysis of Greece’s Dispute with FYROM’ (1996) 24 *Journal of Political and Military Sociology* 285, 289; Κοτζιάς *Η Λογική της Λύσης* (n 297) 148; Vangelov (n 34) 206.

³⁹⁶ See for example discussion in chapter 6 of P.H. Matthews, *Linguistics: A Very Short Introduction* (Oxford, 2003).

³⁹⁷ See for example Joan Bybee, *Language Change* (Cambridge University Press, 2015).

Interestingly, the classification of the Macedonian language is framed as a matter of self-identification. In other words, only the Second Party ‘notes that its official language... is within the group of South Slavic languages’, and not also the First Party. This construction implies the issue of classification is not something that has been imposed on North Macedonia but rather is a sovereign declaration by the Second Party. This provision is also evidently intended to buttress against the ability of a government in North Macedonia to unilaterally declare its language to be related, derived or classified as similar to the language spoken by the ancient Macedonians. In other words, it is intended to further distance the national identity of North Macedonia’s inhabitants from that of Greeks and members of the broader Hellenic civilization. This intention is evident in the second arm of the provision which states that the Macedonian language is ‘not related to the ancient Hellenic civilization, history, culture and heritage of the northern region of the First Party’. Notably, ‘ancient’ has been included in this provision which was not in preceding sections. As no definition for ‘ancient Hellenic civilization’ is provided, it can only be assumed that the ancient Macedonians are included within this classification.³⁹⁸

Similarly, recalling our historical examination in Part III, attempts to classify and distinguish the Parties’ respective attributes and cultures are misguided as these are formed and reformed over time.³⁹⁹ It is self-evident that long periods of time spent in cohabitation in a region inevitably encourages the adoption of shared traditions and attributes. Greeks and Macedonians have a shared history of centuries of cohabitation in the same region and a shared religious tradition of Eastern Orthodox Christianity. The various peoples of the region of Macedonia share cultural traditions, folklore, traditional dress, and culinary recipes, amongst other attributes, all informed by centuries of interaction.⁴⁰⁰ How then can a declaration of the unrelatedness of these two peoples, such as that made in section (4), render these people less similar or distinct as a matter of fact?

iii) Article 8: Historic patrimony, symbols, and the Joint Committee of Experts

Article 8 builds upon the divergent understandings of national identity presented in the preceding article. Article 8(1) introduces the concept of ‘historic or cultural patrimony’ over symbols and provides for a mechanism by which the Parties may safeguard exclusive use of these symbols by remedying unwarranted use by the other Party. The mechanism involves notification to the other Party and contains an obligation on both Parties to ‘address the issue and ensure respect for the said patrimony’. This mechanism generally mirrors article 7(3) of the Interim Accord though notably lacks the ability of the accused party to dispute the infringing use.

This concept of *historic or cultural patrimony* is not defined in the Prespa Agreement and it appears to be carried over from the Interim Accord.⁴⁰¹ It is an ambiguous concept which can be interpreted widely and whose respective limits are difficult to demarcate between

³⁹⁸ See earlier discussion of the classification of the ancient Macedonians in Part III.

³⁹⁹ Herzfeld (n 49) 1-2.

⁴⁰⁰ See for example Karakasidou *Fields of Wheat* (n 120).

⁴⁰¹ *Prespa Agreement* (n 3) art 7(3).

neighbouring states. Considering the background of the Macedonia Dispute and read within the wider context of the Prespa Agreement, historic or cultural patrimony can be understood to be a state's right to exclusive use of and association with a particular historic period or specific cultural attributes. The phrasing of this concept in the alternative suggested that patrimony may be cultural without being historic, and vice versa. Much like the endeavour in article 7 to distinguish the identities and histories of peoples who have cohabited the same region for centuries, the demarcation of one state's historic patrimony relative to another's is laden with nationalist connotation. As we have previously examined, a state's claim to exclusive patrimony over an historical period or specific cultural attributes ignores the intertwined history of the region of Macedonia. Such claims are artificial and tenuous.

While international law recognises the concept of 'cultural property',⁴⁰² and provides the basis for protecting tangible (and intangible) artefacts for historic preservation and contribution to the wider cultural heritage of mankind, it is unclear whether it recognises the concept of a particular state having patrimony over particular history and symbols.⁴⁰³ Of course, provisions regulating these issues can nonetheless be validly included in a treaty. This does, however, raise legitimate questions of legal effectiveness and enforceability of such provisions, in light of the novelty of such concepts within international law, which makes the task of interpreting and understanding such provisions more difficult. This is particularly the case given that the objective of provisions to protect patrimonial claims of particular groups over specific history or culture is at odds with the overall approach of international law to protecting culture as the common heritage of mankind.⁴⁰⁴

Article 8(2) stipulates the Second Party must review 'the status of monuments, public buildings and infrastructure' to ascertain whether any of the above 'refer in any way to ancient Hellenic history and civilization constituting an integral component of the historic or cultural patrimony of the First Party' and, if this review does find instances of relevance, the Second Party 'shall take appropriate corrective action to effectively address the issue and ensure respect for the said patrimony'. This provision is a clear and direct response to the Skopje 2014 program and appears to be concerned more with statues or images of figures rather than architectural style as neo-classical architecture has been imitated across the globe.⁴⁰⁵ In line with its obligations under this provision the government in North Macedonia added plaques to each of the numerous statues of ancient Greek individuals in Skopje which state: 'in honour of [insert relevant individual's name], a historic figure belonging to the ancient Hellenic history and civilization and to the world cultural and historic heritage', thereby invoking both the concept of historic patrimony present in the Prespa Agreement and the international law concept of

⁴⁰² See definition in *Convention for the Protection of Cultural Property in the Event of Armed Conflict*, opened for signature 14 May 1954, 249 UNTS 215 (entered into force 7 August 1956) art 1.

⁴⁰³ See general discussion in Ioannidis (n 153).

⁴⁰⁴ Luca Lixinski, 'Excavating the field of heritage law: support, renewal, and iconoclasm', (2023) 30 *International Journal of Cultural Property* 264, 268.

⁴⁰⁵ Regarding infrastructure, recall that the SDSM government in North Macedonia renamed Skopje's international airport and main north-south highway by removing references to Alexander the Great as a goodwill gesture prior to the signing of the Prespa Agreement. See Heraclides (n 7) 227.

‘common heritage of mankind’.⁴⁰⁶ This perspective is still contentious in North Macedonia. During a visit I made to Skopje in October 2022, I found that each of these numerous plaques had been defaced with graffiti rendering many of them illegible.⁴⁰⁷

Article 8(3) considers use of the *Sun of Vergina*⁴⁰⁸ symbol in North Macedonia. It states, ‘the Second Party shall not use again in any way and in all its forms the symbol formerly displayed on its former national flag’ and furthermore ‘shall proceed to the removal of the symbol displayed on its former national flag from all public sites and public usages on its territory.’ By prohibiting the official use of the Sun of Vergina symbol in North Macedonia, article 8(3) seeks to resolve the issue of competing claims to this symbol. The political impetus for including this concept within the Prespa Agreement appears to be yet another attempt by the Greek side to safeguard elements of ‘their’ national identity. Interestingly, in an apparent acknowledgement that the demarcating lines of national identity drawn by the Prespa Agreement do not correlate to precise historical boundaries, article 8(3) also provides that ‘[a]rchaeological artefacts do not fall within the scope of this provision’. As has been discussed previously, use of the Sun of Vergina symbol on the official flag of the newly declared Republic of Macedonia was a major point of contention as Greece regarded this symbol as representative of Hellenic civilization and considered Macedonian use of the symbol as yet another attempt at historic misappropriation.⁴⁰⁹ For many Macedonians, including the government of Nikola Gruevski (2006-2016), the Sun of Vergina symbol was the preeminent unifying symbol of the Macedonian nation, representing its direct connection with the ancient Macedonians.⁴¹⁰

The competing claims to the Sun of Vergina epitomise the power of symbols in the construction of national identity.⁴¹¹ Michael Ioannidis has observed, ‘[w]hen a state uses a symbol for its international representation, all other meanings lose, to a significant extent, their independence and are frequently understood as attributes of the particular state.’⁴¹² This regulation by the Prespa Agreement is yet another example of a novel concept as ‘there are neither special rules [in international law] regarding state symbols nor a single body dealing with claims or

⁴⁰⁶ For a discussion of the connection between cultural heritage and the common heritage of mankind see Fiona Macmillan, ‘The Protection of Cultural Heritage: Common Heritage of Humankind, National Cultural “Patrimony” or Private Property?’ (2013) 64(3) *Northern Ireland Legal Quarterly* 351.

⁴⁰⁷ See Appendix A.

⁴⁰⁸ The Sun of Vergina is a stylised sunburst (or star) with 16 rays. Whilst numerous artefacts have been discovered bearing this symbol, its adoption by nationalist forces took hold following the discovery of the ‘Royal tombs’ at Vergina, Greece by Manolis Andronikos in 1977 where the symbol was prominently located on a golden larnax believed to contain the remains of Phillip II. Prior to this discovery, the symbol was not contentious nor widely used. The direct connection of the symbol with the royal Argead family of Phillip II and Alexander the Great appears to have thrust this symbol into the national imagination.

⁴⁰⁹ Note Greece has registered the Vergina Sun as a national symbol with the World Intellectual Property Organisation (WIPO) under the *Paris Convention for the Protection of Industrial Property* TRT/WIPO/001 (adopted 20 March 1883) art 6ter. This prevents organisations from registering the Vergina Sun as a trademark (without authority) in jurisdictions of parties to the Paris Convention and also those states who are members of the World Trade Organisation (WTO). North Macedonia is both a party to the Paris Convention and WTO member.

⁴¹⁰ Vangeli (n 143) 17.

⁴¹¹ For a discussion of competing claims to national symbols see Ioannidis (n 153) 552-553.

⁴¹² Ioannidis (n 153) 511.

objections on the issue’.⁴¹³ Whilst the requirements under this provision appear to have been observed by the Government of North Macedonia, use by private citizens is not regulated by the Prespa Agreement. Given the widespread use of the symbol in North Macedonia prior to the Prespa Agreement, particularly on copies of the state’s former national flag, without additional government regulation prohibiting private use of the symbol, it is reasonable to expect that the symbol will continue to be used in North Macedonia for some time. Indeed, as imagery from protest rallies over the previous two-three years in North Macedonia highlight, the former national flag has become a symbol of national resistance against perceived government capitulation to ‘enemies of the nation’, i.e. Greece and Bulgaria.⁴¹⁴

Finally, article 8(5) states ‘the Parties shall establish... a Joint Inter-disciplinary Committee of Experts on historic, archaeological and educational matters, to consider the objective, scientific interpretation of historical events based on authentic, evidence-based and scientifically sound historical sources and archaeological findings.’ This committee ‘shall consider and, if it deems appropriate, revise any school textbooks and school auxiliary material such as maps, historical atlases, teaching guides, in use in each of the Parties... so as to ensure in each of the Parties that no school textbooks or school auxiliary material in use... contains any irredentist/revisionist references.’ On the one hand, the establishment of this Joint Inter-disciplinary Committee signifies the bona fide intentions of the Parties to move forward in their relationship.⁴¹⁵ The provision seeks to ensure the Joint Inter-disciplinary Committee works to ensure an objective, unbiased and impartial history is available for youth in both states. Similarly, the provision explicitly seeks to combat irredentist and revisionist sentiments in both states, thus directing focus on the future relations of the Parties rather than their more tumultuous modern histories. On the other hand, much like preceding provisions of the Prespa Agreement, the establishment of this Joint Inter-disciplinary Committee can be viewed as yet another attempt by the Parties to rewrite the shared history of the region of Macedonia and its peoples, seeking to portray this history from the position of two distinct peoples in two separate states.

This provision provides for a tangible mechanism to support the alteration of the Macedonian national identity in conformity with the agreed understandings of *Macedonia* and *Macedonian*. Without the establishment of such a Joint Inter-disciplinary Committee, the Prespa Agreement’s effectiveness would be limited as it would lack the ability to pierce the minds and hearts of broader society in both states. The Joint Inter-disciplinary Committee is the necessary link between the political intentions of governments and tangible outcomes, and is a prime example of state-led national identity construction. Whilst it is envisioned that such committees of experts be objective, in actuality, and as shall be considered further, they are susceptible to politicisation from their establishment through the choice of experts and pressure to conform

⁴¹³ Ibid 545.

⁴¹⁴ See for example, RFE/RL’s Balkan Service, ‘Thousands Protest in North Macedonia Against Compromise with Bulgaria’, *Radio Free Europe Radio Liberty* (online, 3 July 2022) <<https://www.rferl.org/a/thousands-protest-north-macedonia-bulgaria/31926735.html>>.

⁴¹⁵ This is reflected in section (6) which states the ‘abovementioned mutually accepted solutions which have derived from the negotiations will contribute to the definitive establishment of peaceful and good neighbourly relations in the region’.

with national narratives. As Anastasia Karakasidou has observed, ‘the “nation” (or those who exercise hegemony over it) imposes restrictions on the kinds of knowledge that should be produced’.⁴¹⁶ The very fact the Parties have agreed to examine and produce an agreed history that suits their national mythologies is of itself subjective and provides space for future disagreement. The undermining of the Joint Inter-disciplinary Committee and its failure to deliver will be considered in the next Chapter.

iv) Omissions from the Prespa Agreement

Despite its broad remit, the Agreement does not mention certain important and controversial topics. It is unclear whether these omissions are the result of conscious avoidance due to their controversial nature, a belief that these topics were not of direct significance to the Agreement’s substance and aims, or perhaps reflect the inability of the Parties to reach consensus on these issues. It is necessary to briefly consider three of these omitted topics as their absence sheds light on the scope and consequences of the Prespa Agreement.

Firstly, the Prespa Agreement does not mention the Slavophone community of Greece, nor any other minority groups in Greece and North Macedonia. Indeed, Kotzias claims the Prespa Agreement ends the Macedonian minority question in Greece, though he does little to explain how this is the case.⁴¹⁷ The existence of minorities in Greece and North Macedonia does not conform to the Agreement’s constructed paradigm of two independent states of distinct peoples, and therefore, their omission was necessary to preserve the national mythologies in both states. Given the broad range of matters considered by the Prespa Agreement, and the apparent desire of the parties to be wholistic in their resolution of the Macedonia Dispute, the absence of provisions considering minority groups, and particularly the Macedonian minority in Greece, is both striking and may also raise questions of effectiveness as it is disruptive to the comprehensive and positive vision of the Parties.

The likely reason for this omission is the political sensitivity of recognition of a Macedonian minority in Greece. Indeed, Alexis Heraclides has labelled the prospect of such recognition ‘a non-starter’ for Athens.⁴¹⁸ Recognition of a Macedonian minority (as opposed to Slavophone Greeks) would force the Greek government to recognise other ethnic minority groups, including Turkish and Pomak communities in Western Thrace (as opposed to Muslim Greeks), tarnishing the artificial image of Greece as an homogenous nation-state. To recognise this Macedonian minority is to hold up an unwanted magnifying glass to Greek Macedonia, examining the modern history and makeup of the region, which may present information unpalatable to much of conservative Greek society.

Secondly, no mention is made of the large diaspora communities of both parties. These diaspora communities have been instrumental in the construction of what Loring Danforth has termed ‘transnational national communities’ and extending the reach of national sentiments

⁴¹⁶ Karakasidou ‘Sacred Scholars’ (n 54) 37.

⁴¹⁷ Κοτζιάς *Η Λογική της Λύσης* (n 297) 767.

⁴¹⁸ Heraclides (n 7) 229.

and perpetuating the Macedonia Dispute abroad.⁴¹⁹ The absence of reference to diaspora in the Prespa Agreement is significant because of the Macedonian diaspora's instrumental role in the antiquization ideology of North Macedonia⁴²⁰ and because the diaspora communities of both Greece and North Macedonia have tended to be more conservative, advocating strong nationalist sentiments in opposition to one another.⁴²¹ The Prespa Agreement regulates the official conduct of both Parties' governments and therefore, as a matter of legal jurisdiction, the provisions of the Agreement have no effect on diaspora communities. Persistent conduct of members of diaspora communities contrary to the Prespa Agreement's provisions reflect the limitations of this treaty to authoritatively alter perceptions of national identity outside of its legal reach. In the years since the ratification of the Prespa Agreement, the Macedonia Dispute has continued in far-away lands; a battle between diaspora communities as they each use and claim the name, symbols and history at the heart of the Macedonia Dispute.⁴²² The Governments of Greece and North Macedonia have been powerless to regulate the behaviour of these diaspora community groups as the Prespa Agreement is not enforceable in third-party states. Consequently, any progress that has been made in Greece and North Macedonia towards reconciliation has been limited at best in the diaspora.

Finally, the Albanian minority of North Macedonia, which makes up approximately one-quarter of the total population,⁴²³ is not mentioned in the Prespa Agreement. Rather, the independent identity of this large demographic group is ignored and silently counted as part of the majority Macedonian nation.⁴²⁴ This omission is all the more shocking given the beneficial support offered by the Albanian community which allowed the Macedonian government to reach the Agreement with Greece.⁴²⁵ Additionally, recalling our earlier examination of the Macedonian language, and noting Macedonian is the official language of international relations for North Macedonia, the omission of Albanian from the Prespa Agreement appears inconsistent with the demographic reality in North Macedonia and the status of Albanian (as a language spoken by over 20% of the population) as an 'official language' according to the Constitution of North Macedonia⁴²⁶ and as prescribed in the *Ohrid Framework Agreement*.⁴²⁷ The absence of references to the Albanian minority of North Macedonia and the Albanian language appear to signify attempts to homogenise the image of the Macedonian nation by the government of North Macedonia. This is seemingly a desire shared across both states, as we have examined in our earlier discussion regarding the Slavophone community in Greece.

⁴¹⁹ Danforth 'Transnational Influences' (n 259) 22-23.

⁴²⁰ Vangeli (n 143) 16.

⁴²¹ See for example the World Macedonian Congress- Australia <<https://wmc-a.com>> and the Pan-Macedonian Association of NSW <<https://www.facebook.com/greekpanmacnsw/>>.

⁴²² See for example the continuing use of irredentist maps of 'Greater Macedonia' and the Sun of Vergina symbol by Macedonian-Australian community organisations including the Macedonian Orthodox Community of the City of Greater Wollongong "Saint Dimitrija Solunski" <<https://www.mocwstdimitrijasolunski.org.au/cms/pages/1/saint-dimitrija-solunski.html>>.

⁴²³ *Census of North Macedonia* (n 369).

⁴²⁴ See article 1(3)(b) which declares the nationality of citizens of the Republic of North Macedonia to be "Macedonian".

⁴²⁵ Heraclides (n 7) 227.

⁴²⁶ *Constitution* (n 290) amendment V.

⁴²⁷ *Ohrid Framework Agreement* (n 254) art 6.5.

B) The effectiveness of the Prespa Agreement and its national identity provisions

When considering the ‘effectiveness’ of the Prespa Agreement, it is important to bear in mind that there are different ways in which a treaty can be effective. This Chapter will consider four aspects of the effectiveness of the Prespa Agreement. Firstly, I will consider the *legal effectiveness* of the Agreement, and assess the ability of the Prespa Agreement’s national identity provisions to take legal effect and achieve their intended aims in light of the inherent difficulties associated with using a formal, rules-based system of law to regulate a fluid and evolving construct such as national identity. This section will also examine the ambiguity of the national identity provisions and briefly consider the effectiveness of the *erga omnes* requirement. Secondly, I shall examine the *enforceability* of the Prespa Agreement’s national identity provisions, whilst paying attention to the Agreement’s mechanism for dispute resolution and considering the form a potential breach of the provisions might take. Thirdly, I shall assess the *symbolic effectiveness* of the Prespa Agreement, considering the ways in which the signing of the Agreement positively influenced the relationship between Greece and North Macedonia and commenting on the impact of the stalled EU accession process. Finally, I shall analyse the *political effectiveness* of the national identity provisions. This section will examine the impact of political decisions on the effectiveness of the Prespa Agreement. It shall review specific instances of adherence and support and compare these with various government acts which undermined the Prespa Agreement and potentially breached its obligations.

i) *Legal effectiveness*

Questions of legal effectiveness regarding the Prespa Agreement’s national identity provisions stem from inherent difficulties associated with using law to regulate national identity. The Prespa Agreement was entered into by states but purports to act upon nations. The state-to-state paradigm in which treaties operate presumes the state to be fundamental and enduring, and limits the treaty’s scope to only bind states. This inherent limitation becomes particularly salient when a treaty seeks to resolve a dispute over national identity as the sentiments, behaviour, and culture of the peoples who inhabit states cannot be accounted for nor regulated. A treaty’s (and by extension the law’s) preference for certainty and formal rules cannot effectively appreciate the nuance and fluidity of national identity. As Mowbray has stated, the ‘concepts of state, identity and culture... are more complex than legal analysis allows.’⁴²⁸ Nevertheless, in recognition of the centrality of the national identity components of the Macedonia Dispute,⁴²⁹ the Prespa Agreement seeks to address such issues in the pursuit of comprehensiveness and finality. This pursuit of certainty leads to a reinterpretation of the interconnected history of the region of Macedonia, supporting a state-led construction of national identity. Not only is this morphology confusing, but a consequence of this desire to achieve the certainty of ‘safeguarding’ national identity is the undermining of the same through the stripping of identities of their long and rich, shared past.

⁴²⁸ Mowbray ‘Ethnic Minorities’ (n 5) 3.

⁴²⁹ Armakolas and Petkovski (n 4) 6; see also Demircioglu, Akcay and Denis (n 19) 381.

A treaty is a legal document purporting to establish clear and certain legal relations between state parties. National identity is amorphous, contested and evolving as a result of the interconnected actions of multiple actors. As a result, a treaty is unable to directly and substantively alter national identity, in and of itself. It is self-evident that the signing of a single agreement between governments, without any further supporting actions, will not have the required and lasting impact to alter the national identity of a people; that identity being understood and perceived by the people themselves. This is as much an observation of the inherent nature of national identity as it is of treaties. A treaty can, however, serve as the impetus for the construction of national identity. It can provide the framework and direction for a process of identity construction to be carried out by governments and gradually accepted by a populace. Key to this lasting change is government support and time. For as Smith has stated, national identity cannot ‘be easily or swiftly induced in a population by artificial means.’⁴³⁰ From generation to generation, a people must accept the changes brought about by a treaty, acting upon them until their origins are no longer easily recalled and they are viewed as an integral part of the national identity. In considering symbolic effectiveness, I shall comment on the ability of a treaty to influence national identity perception.

Another way in which the legal effectiveness of the Prespa Agreement has been called into question arises from its broad scope. Its text has been described as ‘explosive’ in so far as it attempts to ‘confirm and consolidate a radical “otherness” of the two parties involved’.⁴³¹ Its aim of holistically ending the historical dispute between the Parties, which covers a range of identity-related issues, aside from the name, and its intention to create a framework for increased cooperation between the Parties across various areas including education, environmental protection, defence, and agriculture,⁴³² has been criticised as an attempt to ‘achieve the impossible’ and its ‘main problem’.⁴³³ In other words, whilst a resolution to the Macedonia Dispute was welcomed, a simpler agreement regarding the name was preferred by some. On the other hand, there is a strong argument that the drafters had no choice but to render the Prespa Agreement as broad as it is. The range of issues covered reflects the breadth of the Macedonia Dispute. It was not possible to conclusively resolve the name issue without also resolving the surrounding national identity issues. To critique the Prespa Agreement as overly complex naively simplifies the nature of the dispute being resolved.

The functional malleability of the treaty mechanism provided the space for national identity provisions to be developed despite the inherent difficulty in rendering concepts of national identity in law. These national identity provisions have been drafted without specificity and detail and have ‘tackled the identity dimensions of the conflict... in a creative but ambiguous manner.’⁴³⁴ Strategically, this ambiguity of drafting encourages parties to compromise and satisfies their negotiating requirements⁴³⁵ whilst also allowing for the flexibility of applicability and interpretation over time. Some observers have considered the ‘creative ambiguity [utilised

⁴³⁰ Smith (n 21) 14.

⁴³¹ Rohdewald (n 381) 577.

⁴³² See *Prespa Agreement* (n 3) part 2, art 9(1).

⁴³³ Rohdewald (n 381) 578.

⁴³⁴ Armakolas and Petkovski (n 4) 3.

⁴³⁵ Armakolas ‘Identity Provisions in Agreements’ (n 378).

in the Prespa Agreement's national identity provisions to be] ...the central ingredient of the agreement'⁴³⁶ as it provided a means for a treaty to address matters of national identity. Indeed, it may be posited that without the ambiguity contained within the national identity provisions, their effectiveness to delimit the national identities of the Parties would be further undermined, due to the trap of ever-increasing detail and specificity. Such a drafting direction would render the provisions rigid and prevent the political flexibility required when dealing with such controversial issues.

There are, however, negative consequences to the integration of ambiguity in treaty provisions. The ambiguity of the national identity provisions can lead to inaccurate, misleading and contradictory interpretations, which may undermine the legal effectiveness of the agreement. Ioannis Armakolas states that

‘creative ambiguity typically works better when solutions are designed than when they are actually implemented. At the same time, these provisions will tend to be a source of friction in national constituencies, they will tend to offer ammunition to political and societal opponents to the agreements, and they will also potentially generate political tensions between the signatories’.⁴³⁷

Furthermore, national identity provisions may not conclusively resolve disputes over national identity as they are ‘too important politically and too ambiguous or elusive by nature to be... settled once and for all through the legal provisions of an international agreement’.⁴³⁸ As we have stated, such provisions require continuing political support to achieve their aims. Alone they are ineffective. Armakolas has offered advice for future agreements seeking to resolve matters of national identity. He states that

leaders negotiating agreements should ensure that these are comprehensive enough to contain a full-fledged positive and conciliatory agenda, comprising roadmaps, milestones, and well-thought-of strategies for the implementation of sensitive identity provisions. Relying on the work of government-appointed expert commissions will not suffice, as the experience of both the Greece-North Macedonia and the Bulgaria-North Macedonia commissions has shown.⁴³⁹

Finally, the legal effectiveness of the *erga omnes* requirement of the Prespa Agreement may be questioned as its practical adherence continues to be challenged by the current VMRO-DPMNE government in North Macedonia⁴⁴⁰ and third-party states.⁴⁴¹ This requirement and its adherence is of the utmost importance to the survival of the Prespa Agreement and the deepening of the relationship between Greece and North Macedonia. The inclusion of *erga*

⁴³⁶ Armakolas and Petkovski (n 4) 3.

⁴³⁷ Armakolas ‘Identity Provisions in Agreements’ (n 378).

⁴³⁸ Ibid.

⁴³⁹ Ibid.

⁴⁴⁰ Newsroom, ‘New North Macedonia PM describes country’s constitutional name as “shameful”’, *eKathimerini* (online, 24 June 2024) <<https://www.ekathimerini.com/politics/foreign-policy/1242301/new-north-macedonia-pm-describes-countrys-constitutional-name-as-shameful/>>.

⁴⁴¹ Newsroom, ‘SYRIZA urges government to condemn Turkey’s violation of Prespa Deal’, *eKathimerini* (online, 6 September 2024) <<https://www.ekathimerini.com/politics/foreign-policy/1247905/syriza-urges-government-to-condemn-turkeys-violation-of-prespa-deal/>>.

omnes obligations within the Prespa Agreement ‘had been a “red line” [for Greece] since the late 1990s’, which sought to prevent the adoption of one name for international and bilateral relations and a second name for internal domestic use.⁴⁴² Whilst there appears to have been some initial push-back from the Macedonian side, the *erga omnes* requirement was eventually accepted, likely following an understanding of its importance to Greece.⁴⁴³

Confusion surrounds this requirement stemming from contrasting interpretations which hold consequences for effectiveness and adherence. As has been discussed previously, the primary understanding of *erga omnes* in the Prespa Agreement is the creation of an obligation on North Macedonia and Greece to use the new name of ‘Republic of North Macedonia’ for all domestic and international purposes.⁴⁴⁴ This interpretation of *erga omnes* is supported by other provisions of the Prespa Agreement including article 20(7) which states ‘[t]his Agreement is not directed against any other State, entity or person.’ Furthermore, Kotzias outlines there was no intention to create obligations on third parties by use of this terminology.⁴⁴⁵ The use of *erga omnes* in the Prespa Agreement is a descriptive summation of the type of obligation owed by North Macedonia as concerns use of its new name.⁴⁴⁶ As part of a bilateral treaty, this obligation is enforceable between the parties only and cannot create rights or obligations for third parties without their consent.⁴⁴⁷ Even if the drafters had intended for the *erga omnes* requirement to create obligations on all members of the international community, third parties would still need to consent to be bound by the Prespa Agreement in order for use of the name to be enforceable by third parties.⁴⁴⁸ As one of, if not, the most visible obligations of the Prespa Agreement, the *erga omnes* requirement will continue to draw attention and reflect the overarching success or failure of the Prespa Agreement. This is a key element of the legal effectiveness of the Agreement.

ii) *Enforceability*

Further to questions of legal effectiveness, issues of enforceability of the national identity provisions also arise. Whilst the Prespa Agreement contains a robust dispute resolution mechanism to ensure the enforceability of its provisions, for some of the national identity provisions, it is unclear what breach would entail, jeopardising the effectiveness of the mechanism in place.

Article 19 of the Prespa Agreement outlines the mechanism for the settlement of disputes between the Parties. Firstly, per section 1, the Parties ‘shall settle any disputes exclusively by peaceful means’. Secondly, per section 2, should a Party consider the other to have breached the provisions of the Prespa Agreement, ‘this Party shall first notify the other Party of its

⁴⁴² Heraclides (n 7) 228. Ironically, Greece does not use a single name *erga omnes*. Its official name is the Hellenic Republic, its short name is *Ελλάδα* or *Ελλάς* in Greek.

⁴⁴³ Κοτζιάς *Η Λογική της Λύσης* (n 297) 793.

⁴⁴⁴ *Prespa Agreement* (n 3) art 1(8).

⁴⁴⁵ Κοτζιάς *Η Λογική της Λύσης* (n 297) 776-777.

⁴⁴⁶ Tzevelekos (n 353) 12.

⁴⁴⁷ Note the *VCLT* (n 266) ‘does not deal with *erga omnes* rights and obligations’: Aust (n 284) 228.

⁴⁴⁸ Prezas (n 331) 43; see also Aust (n 284) 227-231.

concerns and shall seek a solution by negotiation'. Should this fail, 'the Parties may agree to request the Secretary-General of the United Nations to use his good offices to resolve the matter.' In other words, the Parties will commence UN-brokered mediation. Finally, per section 3, should a dispute arise 'concerning the interpretation or implementation' of the Agreement, which cannot be resolved by negotiation or UN-brokered mediation, it 'may be submitted to the International Court of Justice' (ICJ). The section further outlines that this submission to the ICJ should be jointly agreed, however, it also provides for the possibility of unilateral submission 'if agreement is not reached within six months, or such longer period as the Parties shall mutually agree'. Article 19 of the Prespa Agreement is aligned with Article 60 of the VCLT which concerns the 'termination or suspension of the operation of a treaty as a consequence of its breach'. It provides for the valid termination of a treaty or 'suspension in whole or in part' following material breach by one of the parties.⁴⁴⁹ The provision defines *material breach* as consisting of '(a) a repudiation of the treaty not sanctioned by the present Convention; or (b) the violation of a provision essential to the accomplishment of the object or purpose of the treaty'.⁴⁵⁰

It is unclear what breach of the national identity provisions would entail or indeed whether these provisions are able to be breached at all. Consider for example, article 7(1), which provides the Parties 'acknowledge that their respective understanding of the terms "Macedonia" and "Macedonian" refers to a different historical context and cultural heritage'. Would a declaration by either of the Parties that they considered their understanding of *Macedonia* and *Macedonian* to be identical to the other Party constitute breach of article 7(1)? Or article 7(4), which stipulates that North Macedonia 'notes that its official language, the Macedonian language, is within the group of South Slavic languages' and that this language 'and other attributes' belonging to North Macedonia 'are not related to the ancient Hellenic civilization, history, culture and heritage of the northern region of the First Party'. Would new-found research by linguists regarding the relationship of the Macedonian language to other languages, and inconsistent with the statement in article 7(4), amount to breach? Presumably, the Government in North Macedonia would have to officially accept this research for a breach to occur. Or perhaps, the Macedonian language evolves over time, incorporating an extensive vocabulary of new words, or a nationalist government seeks to 'cleanse' the language of words similar to Bulgarian, drastically altering both the vocabulary and grammar of the language to the extent that it no longer can be scientifically classified as *South-Slavic*. Hypothetical as it may be, would this breach the Prespa Agreement?

A determination of breach inevitably involves an exercise in interpretation of the relevant treaty provisions. Article 31(1) of the VCLT prioritises the text of the treaty and states 'a treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose.' Article 31(3)(c) provides that 'any relevant rules of international law applicable in the relations between the parties' may also be 'taken into account, together with the context'. However, there is no general

⁴⁴⁹ VCLT (n 26) art 60(1).

⁴⁵⁰ Ibid art 60(3).

understanding of national identity in international law, in the sense considered in the Prespa Agreement. Rather, international law has tended to address the concept of national identity in the framework of protection of minority rights.⁴⁵¹ As a result, the Parties are limited to the treaty's text and supplementary context. Article 32 provides that 'recourse may be had to supplementary means of interpretation, including the preparatory work of the treaty and the circumstances of its conclusion' including where interpretation of the 'ordinary meaning' according to article 31 'leaves the meaning ambiguous or obscure'. This provision is important given the ambiguous and imprecise language used in the national identity provisions which render an exercise in interpretation challenging and likely to produce further questions.

Despite the above legitimate concerns over enforceability, the Prespa Agreement's national identity provisions need not be enforceable to be effective. Provided the provisions are respected and upheld by the governments in both states, they are practically effective and hold the potential to achieve their aims. Unfortunately, certain provisions of the Prespa Agreement have been challenged by the governments in both states, frequently the *erga omnes* requirement, and most recently following the May 2024 elections in North Macedonia from which a new President and Government were elected, both from the right-wing VMRO-DPMNE party.

President Gordana Siljanovska-Davkova has publicly referred to her country's name as 'Macedonia' (without the geographical prefix), including during the presidential swearing-in ceremony.⁴⁵² Similarly, newly-elected Prime Minister Hristijan Mickoski, whose right-wing VMRO-DPMNE party 'came to power totally rejecting the foreign policy of its predecessor and in particular its handling of relations with Greece and Bulgaria',⁴⁵³ has also refused to use the new constitutional name and instead refers to his country as 'Macedonia'.⁴⁵⁴ Expectedly, this caused an uproar in neighbouring Greece as the Greek Government, including Prime Minister Mitsotakis, alleged breaches of the *erga omnes* obligations of the Prespa Agreement.⁴⁵⁵ In response the President and Prime Minister of North Macedonia have claimed

⁴⁵¹ See for example the *United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities*, GA Res 47/135, UN Doc A/RES/47/135 (adopted 18 December 1992); and the *Framework Convention for the Protection of National Minorities*, opened for signature 1 February 1995, ETS No 157 (entered into force 1 February 1998), note Greece has not ratified this Convention.

⁴⁵² Nektaria Stamouli, 'North Macedonia President-elect sparks row with Greece at swearing-in', *Politico* (online, 12 May 2024) <<https://www.politico.eu/article/north-macedonia-president-elect-sparks-row-with-greece-swearing-in-ceremony/>>; Newsroom, 'North Macedonia election winner insists on calling country "Macedonia"', *eKathimerini* (online, 22 May 2024) <<https://www.ekathimerini.com/politics/foreign-policy/1239402/north-macedonia-election-winner-insists-on-calling-country-macedonia/>>.

⁴⁵³ Yorgos Christidis, 'The state of relations between Greece and North Macedonia - six years after the signing of the Prespa Agreement', *Friedrich Ebert Stiftung* (online, 1 July 2024) <<https://athens.fes.de/event/the-state-of-relations-between-greece-and-north-macedonia-six-years-after-the-signing-of-the-prespa-agreement.html>>.

⁴⁵⁴ See Newsroom, 'North Macedonia PM calls country "Macedonia" in NATO Summit speech', *eKathimerini* (online, 10 July 2024) <<https://www.ekathimerini.com/politics/foreign-policy/1243661/north-macedonia-pm-uses-macedonia-in-nato-summit-speech/>>.

⁴⁵⁵ Kyriakos Mitsotakis, 'Press Conference upon completion of the NATO Summit in Washington DC' (Press Conference, 12 July 2024) <<https://www.primeminister.gr/en/2024/07/12/34685>>.

they acted within their personal rights of expression and in conformity with their obligations under the Prespa Agreement.⁴⁵⁶

The latest flare-up between Greece and North Macedonia continues to develop and it remains to be seen whether either side will invoke the formal dispute resolution provisions of the Prespa Agreement. As we have examined and as provided for in the Prespa Agreement, should the Parties be unable to negotiate a solution themselves or with the mediation of the UN, then the Parties may elect to seek an ICJ determination. This potential course of action has already been expressed publicly by North Macedonia.⁴⁵⁷ Should the Greek Government not desire to refer the matter to the ICJ, the only other alternative for Greece is to terminate the Agreement due to material breach, relying on article 60 of the VCLT. As Angelos Syrigos points out, should this occur, ‘Skopje’s obligation to use the name North Macedonia will automatically end’ for due to article 1(1) of the Prespa Agreement, ‘upon its entry into force, the Interim Agreement of 1995 is terminated’ and there is no fall-back option available.⁴⁵⁸ This is potentially a worse outcome for Greece. Additionally, threats have been made by the Greek Government that should the Prespa Agreement not be complied with, North Macedonia’s hopes of EU accession would be further delayed, once again emphasising the political dimension to this dispute.⁴⁵⁹ While the national identity provisions may be unenforceable, a political option is retained by the Parties.

iii) Symbolic effectiveness

The Prespa Agreement is an aspirational document. When it was first signed it sent ‘a positive message of compromise, cooperation and strong desire for European integration’,⁴⁶⁰ which had been an influence upon both ‘elites and the broader populace’.⁴⁶¹ For all its failings, the Prespa Agreement is successful for the very fact that it was signed, not least by two Parties who maintained a state of hostility for 27 years. It proves that disputes of national identity, which inflame emotions and frequently lead to conflict, can be officially resolved peacefully (even if the legal effectiveness of specific provisions may be questioned). In a region like the Balkans, beset by conflict, such positive motivation offers a practical blueprint for resolution of similar disputes.

⁴⁵⁶ Newsroom, ‘North Macedonia President asserts right to use “Macedonia” term’, *eKathimerini* (online, 31 May 2024) <<https://www.ekathimerini.com/politics/foreign-policy/1240267/north-macedonia-president-asserts-right-to-use-macedonia-term/>>.

⁴⁵⁷ See ‘North Macedonia election winner’ (n 452).

⁴⁵⁸ Angelos Syrigos and Evanthis Hatzivassiliou, ‘Can the Prespa Agreement be changed or annulled?’, *eKathimerini* (online, 20 May 2024) <<https://www.ekathimerini.com/opinion/1239135/can-the-prespes-agreement-be-changed-or-annulled/>>.

⁴⁵⁹ Newsroom, ‘North Macedonia risks EU future by disregarding EU deal, says Mitsotakis’, *eKathimerini* (online, 28 June 2024) <<https://www.ekathimerini.com/politics/foreign-policy/1242669/north-macedonia-is-risking-eu-future-by-disregarding-prespa-deal-says-mitsotakis/>>; and Newsroom, ‘Greek PM reiterates warning to North Macedonia’ *eKathimerini* (online, 12 July 2024) <<https://www.ekathimerini.com/politics/foreign-policy/1243820/greek-pm-reiterates-warning-to-north-macedonia/>>.

⁴⁶⁰ Armakolas and Petkovski (n 4) 1

⁴⁶¹ James Dobbins, Seth G Jones, Keith Crane, Christopher Chivvis, et al, *Europe’s Role in Nation-Building: From the Balkans to the Congo* (Rand, 2008) 72.

A treaty is laden with symbolism and exerts significant influence upon the citizens of the states party to the agreement and to other governments watching from afar. This symbolism, which includes success, authority, and legitimacy is harnessed by governments and displayed prominently at signing ceremonies between representatives of the parties' governments. The same ceremony is generally attended by other stakeholders who played a role in the formation of the agreement or stand to benefit from its conclusion. The positive imagery presents a deal that is beneficial to both audiences watching on, assuring them that their political representatives have acted in their interests. The signing ceremony also serves to educate citizens on the agreement being reached including by the issuing of joint statements following the signing.

The Prespa Agreement demonstrates that a treaty can be symbolically effective to alter the perception of national identity (without substantively altering the same). The inclusion of national identity provisions within the Agreement and the visible changing of a state's name affect how Greece (and especially) North Macedonia presents itself and consequently, is viewed by other states. On a societal level, individuals are also influenced by the symbolic alteration to their officially presented national identity, even if such a declaration does little to influence their deeply held sentiments. Such influence will not always be positive and may provoke a negative reaction from individuals who disagree with the national identity being formulated and to which they are being asked to subscribe. Nonetheless, a treaty may instigate a trajectory of national identity alteration thereby becoming a part of the national identity construction process.

Recall the earlier discussion on legal effectiveness and the inability of a treaty to directly and substantively alter national identity. Should national identity be seen as a matter of both internal and external perception, to the first reflecting self-identification by a people and the second their perception by others, and accepting that the aforementioned ineffectiveness of a treaty to alter national identity refers to internal perceptions, it is nonetheless possible that a treaty may in fact have an immediate impact upon the externally perceived (symbolic) national identity of a people. In other words, a treaty may impact the way others perceive and understand the national identity of a people from the moment of signing. For example, the way a treaty is presented to the world and understood by third parties may influence the identification of a people. In the case of the Prespa Agreement, certain of the treaty's provisions, such as article 1 and the change of the state's name, produce this desired effect of impacting external perception of national identity. This change operates via implication, highlighting to all conscious observers a difference in the nature of the state and the use of a geographical qualifier signals that the region of Macedonia is divided (at least in a north-south dichotomy) and therefore any associated history, culture, ethnography, and so on may also be divided along the same line.

The EU's power of attraction over North Macedonia likely encouraged a shift in national identity perception towards the inclusion of a broader European identity, to be fully realised once North Macedonia acceded to the EU, and only after it resolved the Macedonia Dispute with Greece. The Prespa Agreement served to aid this integration of broader European identity

by acting as a symbol of progress and sacrifice which (it was perceived) inevitably led to North Macedonia's EU accession. The attraction of enlargement 'has been the EU's most successful foreign policy tool, creating stability, prosperity, and unity in the continent, but also expanding the Union's reach, influence, and economic power... Unfortunately, the beneficial effects of enlargement policy did not readily extend to the Western Balkans because of the slow and prolonged accession process'.⁴⁶² The price of EU accession was steep. By signing the Prespa Agreement 'North Macedonia made not only a compromise on its name, but effectively gave a veto right over its identity to a neighbouring country- for the sake of EU accession.'⁴⁶³

Unfortunately, the Prespa Agreement has come to symbolise broken promises and lost opportunities for North Macedonia. It is a symbol of sacrifice that is yet to return dividends. The lack of progress in fulfilling the EU accession promise made to North Macedonia has undone much of the initial positive inclination towards the Prespa Agreement felt by the Macedonian people, as it 'undermined their faith in the EU's merit-based accession process'.⁴⁶⁴ In December 2022, former President of North Macedonia, Stevo Pendarovski presented statistics showing a 25 per cent drop in approval for the EU amongst Macedonians over an 18-month period.⁴⁶⁵ A 2024 poll found 47 per cent of those surveyed from North Macedonia considered the EU was not serious in its intention to offer membership to Western Balkan countries.⁴⁶⁶ Despite this waning support, the same poll found that 68 per cent of respondents from North Macedonia would vote to join the EU if a referendum were held, highlighting the continuing desire for accession.⁴⁶⁷

Considering North Macedonia commenced its journey seeking EU accession in 2003 at the European Council summit in Thessaloniki, where it was first identified as a potential candidate country, it has indeed been a long and troubled road to nowhere;⁴⁶⁸ now seemingly at the expense of a core tenet of Macedonian national identity. The EU's 'consensus-based decision-making mechanism... with regard to enlargement' has enabled first Greece and now Bulgaria to stall North Macedonia's integration into the EU framework.⁴⁶⁹ The result of this stonewalling has affected the entire Western Balkans region as '[c]andidate countries cannot trust that reform efforts will be rewarded, as there is no certainty whether steps towards resolving bilateral issues

⁴⁶² Ioannis Armakolas et al, 'EU Enlargement to the Western Balkans: Where there is a will, there is a way', *Solution, Erster Stiftung, and IWM: Europe's Futures* (July 2024) 3; see also Katerina Kolozova, 'The danger of 'pro-EU' Euroscepticism in the Western Balkans', *Al Jazeera* (online, 31 August 2024) <<https://www.aljazeera.com/opinions/2024/8/31/the-danger-of-pro-eu-euroscepticism-in-the-western-balkans>>.

⁴⁶³ Beáta Huszka, 'The Power of Perspective: Why EU Membership Still Matters in the Western Balkans' (2020) *European Council on Foreign Relations*, 4.

⁴⁶⁴ Mojsovska (n 230) 564.

⁴⁶⁵ Al Mayadeen English, 'N. Macedonia's support for EU accession drops by 25%: President', *Al Mayadeen* (online, 7 December 2022) <<https://english.almayadeen.net/news/politics/n-macedonias-support-for-eu-accession-drops-by-25-president>>.

⁴⁶⁶ Western Balkans Regional Poll, *International Republican Institute: Center for Insights in Survey Research* (poll results, 16 April 2024) <<https://www.iri.org/resources/western-balkans-regional-poll-february-march-2024-mini/>>.

⁴⁶⁷ Ibid.

⁴⁶⁸ In 2005, FYROM was granted EU candidate country status. The European Commission first recommended accession negotiations commence in 2009. Accession negotiations with North Macedonia were finally commenced in July 2022. For a breakdown of the EU accession timeline see Mojsovska (n 230) 563.

⁴⁶⁹ Mojsovska (n 230) 566; Zweers et al (n 337) 5.

will be considered sufficient for Member States raising barriers.’⁴⁷⁰ Consequentially, ‘[e]nlargement fatigue arises, meaning a loss in trust and/or aspiration among citizens in candidate countries that their country will ever become an EU member, which negatively affects domestic political dynamics and increases citizens’ political apathy.’⁴⁷¹ Only significant, efficient and tangible progress on EU accession for North Macedonia can undo the negative symbolism caused. Macedonians need to feel the EU wants them to join the union and they need to see tangible economic benefits from such membership. Such progress will likely also aid the observance of provisions, as the Prespa Agreement’s worth is once again recognised.

iv) Political effectiveness

The lasting impact and effectiveness of the Prespa Agreement (and consequently national identity provisions) relies heavily upon political support, adherence and acceptance. If the political establishments in either Greece or North Macedonia do not desire for the Prespa Agreement to be effective, it will not be so. Indeed, by their actions they may undermine the Agreement’s effectiveness, passively or actively. Over the past six years, the Prespa Agreement has not received the requisite government support, in both North Macedonia and Greece, for the national identity provisions to be effective. Recalling the inherent tension within these provisions as they seek to act upon national identity, without sustained political support their impact is severely inhibited. The Prespa Agreement provides for the establishment of political mechanisms which can support the effectiveness of the national identity provisions. Yet, as political mechanisms (i.e. relying upon acquiescence from governments) these have been undermined, removing the tangible and structural support offered by the Prespa Agreement and leaving the national identity provisions exposed. In what follows I shall examine the level of government support offered over time and consider the ways in which the Prespa Agreement’s political support mechanisms have been undermined.

Article 12(2) provides for the establishment of a ‘High-Level Cooperation Council’ (the Council) made up of government representatives and ‘jointly headed by [the Parties’] Prime Ministers’. The Council was to convene annually and implement an agreed action plan.⁴⁷² It was to steward the ‘development and strengthening of people-to-people contacts’ which were considered ‘essential for building friendship, cooperation and good neighbourliness between the Parties and their peoples’.⁴⁷³ On 2 April 2019, the first meeting of the Council between Greece and North Macedonia took place in Skopje, where an Action Plan was signed.⁴⁷⁴ Since this time, and following the change in government in Greece (at the July 2019 general elections), no subsequent Council has been held. Indeed, the Greek Prime Minister has not met with any of the three Prime Ministers from North Macedonia who have served during his time in office. Leader-level engagement is integral to developing an effective and deepening

⁴⁷⁰ Zweers et al (n 337) 5.

⁴⁷¹ Ibid.

⁴⁷² *Prespa Agreement* (n 3) art 12 (3).

⁴⁷³ Ibid art 12 (4).

⁴⁷⁴ Ministry of Foreign Affairs, ‘Political Relations’ (Media Release, 29 January 2024) <<https://www.mfa.gr/en/greece-bilateral-relations/north-macedonia/political-relations.html>>.

relationship between states. The consequence of this lack of leader-level engagement has been to stall the deepening of state-to-state and people-to-people relations, and the implementation of the Prespa Agreement, including its national identity provisions.

At the same first meeting in Skopje in 2019, two memoranda were signed by the Governments. The first was ‘a Memorandum of Cooperation on the Acceleration of the Integration Process of the Republic of North Macedonia into the European Union’ and the second was ‘a Memorandum of Understanding concerning the establishment of a Steering Committee for Economic Cooperation’.⁴⁷⁵ In addition, a third agreement had been struck by the SYRIZA government of Alexis Tsipras and signed by the New Democracy government of Kyriakos Mitsotakis in December 2019 entitled ‘Technical Arrangement between the Ministries of Defense of the two countries on the Air Policing of Skopje FIR’.⁴⁷⁶ To date, none of these three agreements have been ratified by the Greek Parliament. Yorgos Christidis assesses this to have been calculated to balance ‘the twin dynamics of a hostile domestic electorate on the one hand, and the realization of a highly supportive international setting for the [Prespa] Agreement’.⁴⁷⁷ He continues, ‘[i]nternally, [the Greek Government] maintained at large the narrative of a “bad agreement for Greek national interests”, meticulously avoiding any positive commentary for the agreement, but nevertheless calling upon North Macedonia to “strictly implement the agreement”’.⁴⁷⁸ In addition to this negative framing of the Prespa Agreement, the Mitsotakis Government’s reticence to ratify the memoranda signalled its displeasure and refusal to fully endorse the *bona fide* intentions of the Agreement. This negative messaging from the Greek Government has undoubtedly impacted the acceptance of the Prespa Agreement by the populations in both Greece and North Macedonia. Since election of the new VMRO-DPMNE government in North Macedonia, the Greek Mitsotakis-led government has sought to justify its reluctance to ratify these memoranda due to these latest breaches of the *erga omnes* requirements by the government in North Macedonia.⁴⁷⁹

At the first *International Conference for Peace and Sustainable Development*⁴⁸⁰ in Athens, former Prime Minister Zoran Zaev stated that despite the refusal of the current Greek Government to ratify the above memoranda, it has taken various actions to quietly observe their provisions. Additionally, both sides have sought to cautiously and quietly strengthen ties around core areas of cooperation. Christidis outlines examples including increased ‘energy cooperation and connectivity... [and] the growth of bilateral trade and Greek investments in North Macedonia: by the end of 2022 the value of bilateral trade had increased at 1.6 billion euro and the value of Greek investments at 620 million euro.’⁴⁸¹ Additional examples of positive steps taken include: road signs and plaques on government buildings in North

⁴⁷⁵ Christidis (n 453).

⁴⁷⁶ Ibid.

⁴⁷⁷ Ibid.

⁴⁷⁸ Ibid.

⁴⁷⁹ Newsroom, ‘PM: Greece will not ratify memorandums until Skopje complies with Prespa deal’, *eKathimerini* (online, 16 May 2024) <<https://www.ekathimerini.com/politics/foreign-policy/1238904/pm-greece-will-not-ratify-memorandums-until-skopje-complies-with-prespa-deal/>>.

⁴⁸⁰ See (n 328).

⁴⁸¹ Christidis (n 453).

Macedonia were changed to reflect the new state name;⁴⁸² the many statutes of important historical figures dotted across Skopje which were considered a part of Hellenic civilization had plaques installed next to them which stated that the relevant figure belonged to ‘the ancient Hellenic history and civilization and to the world cultural and historic heritage’;⁴⁸³ and lastly, use of the Sun of Vergina symbol was prohibited from all official government use in North Macedonia.

Article 8(5) of the Agreement provides for the establishment of a ‘Joint Inter-Disciplinary Committee of Experts on historic, archaeological and educational matters, to consider the objective, scientific interpretation of historical events based on authentic, evidence-based and scientifically sound historical sources and archaeological findings’. This Committee was designed to ‘consider, and, if it deems appropriate, revise any school textbooks and school auxiliary material such as maps, historical atlases, teaching guides, in use in each of the Parties’.⁴⁸⁴ The Committee was established under the Tsipras and Zaev governments as required by the Prespa Agreement. However, no significant progress has been made since, further hampering the Agreement’s aims, particularly concerning the effectiveness of the national identity provisions. Kotzias claims the Committee’s work was actively undermined by the Greek Mitsotakis Government stating,

[t]he committee completed its assignment with great success just before the 2019 general elections in Greece... the New Democracy government [then] tore the committee apart by replacing the experts – first and foremost its president, Spyridon Sfetas, a pre-eminent authority on the Balkans and on the Slav-Macedonian language, with no political affiliations... with its own so-called experts, who had the decided disadvantage of not speaking Slav-Macedonian. It should come as no surprise, therefore, that no progress has been made in the five years since.⁴⁸⁵

This position is supported by Christidis, who considers the Mitsotakis Government to have ‘effectively “turned its back” on the operation of bilateral committees that had been established based upon the agreement’.⁴⁸⁶ Other examples of actions detrimental to the effectiveness of the national identity provisions include: the neglect of ‘replacing road signs under the name “FYROM or Skopje” with that of “North Macedonia”’⁴⁸⁷ by the Greek Government. In Greece, Armakolas notes ‘the official name North Macedonia is not uniformly used in media and public discourse. As a matter of fact, quite the opposite is the case’.⁴⁸⁸ Furthermore, the Government in North Macedonia also fell behind in meeting some of its obligations under the Prespa Agreement, such as the amendment of passports to reflect the new name of the state, Republic

⁴⁸² See Appendix A.

⁴⁸³ See Appendix A.

⁴⁸⁴ *Prespa Agreement* (n 3) art 8(5).

⁴⁸⁵ Kotzias *eKathimerini* (n 367).

⁴⁸⁶ Christidis (n 453).

⁴⁸⁷ *Ibid.*

⁴⁸⁸ Armakolas ‘Identity Provisions in Agreements’ (n 378).

of North Macedonia. This obligation had a deadline of 21 February 2024 per article 1(10) but was not met and as a result caused much disruption to travellers.⁴⁸⁹

External political factors and repeated failures to deliver on promises have wounded the reputation of the Prespa Agreement as a positive step for the Macedonian and Greek societies. Such failures have principally been felt in North Macedonia where they have encouraged a reactionary response leading to a resurgence in support for Macedonism, in direct opposition to the Prespa Agreement's national identity provisions and further hindering their potential for success.⁴⁹⁰ First amongst these external factors is the roadblock to North Macedonia's EU accession process. Recall that a significant reason for accepting the Prespa Agreement, both by government and society, was accession to NATO and the EU, and the perceived belief that both of these would aid in the economic and political development of North Macedonia. Whilst NATO accession was achieved swiftly, EU accession was stalled, firstly during the European Council Leaders' Summit in October 2019 following French objections to opening accession talks with North Macedonia and Albania.⁴⁹¹ Subsequently, in June 2022, Bulgarian demands to amend the constitution of North Macedonia to recognise a Bulgarian minority in the country, and receive assurances that their approval to North Macedonia commencing EU accession negotiations did not amount to a recognition of a Macedonian language, were put to Skopje as the 'French Proposal'.⁴⁹² The left-wing SDSM government of the time, led by Prime Minister Dimitar Kovačevski, could not amass the requisite numbers in the Parliament of North Macedonia to amend the constitution and now the new Mickoski-led right-wing government has refused to bend to Bulgarian demands, including recently with the EU directly.⁴⁹³

International financial support for North Macedonia has been provided to assist the country meet its EU accession requirements both before and following the signing of the Prespa Agreement. The EU has supported 'socioeconomic development and fundamental reforms in North Macedonia with financial and technical assistance through the Instrument for Pre-accession Assistance (IPA)'.⁴⁹⁴ From 2021 to 2023, this funding amounted to '€265 million for North Macedonia' and 'since 1999, the EU has provided €1.2 billion in loans to North Macedonia through the European Investment Bank'.⁴⁹⁵ Furthermore, the EU's Economic and

⁴⁸⁹ Emilija Petreska, 'Passport delays wreak havoc in North Macedonia', *DW* (online, 19 June 2024) <<https://www.dw.com/en/vacations-and-job-opportunities-in-peril-as-macedonians-wait-for-new-passports/a-69416202>>.

⁴⁹⁰ The recent election of a right-wing VMRO-DPMNE government and president in May 2024, both of whom are opposed to the Prespa Agreement, is evidence of this reactionary sentiment.

⁴⁹¹ See David M Herszenhorn and Rym Momtaz, 'France outlines proposal to overhaul EU accession process' *Politico* (online, 17 November 2019) <<https://www.politico.eu/article/france-outlines-proposal-to-overhaul-eu-accession-process/>>; Armakolas 'The Promise of European Integration' (n 326).

⁴⁹² For an in-depth discussion of the national identity dispute with Bulgaria and the Bulgarian demands of North Macedonia see Ulf Brunnbauer, 'Side Effects of "Phantom Pains": How Bulgarian Historical Mythology Derails North Macedonia's EU Accession' (2002) 70(4) *Comparative Southeast European Studies* 722.

⁴⁹³ Sinisa Jakov Marusic, North Macedonia PM Voices Frustration over "Humiliating" EU Accession Demands', *Balkan Insight* (online, 20 September 2024) <<https://balkaninsight.com/2024/09/20/north-macedonia-pm-voices-frustration-over-humiliating-eu-accession-demands/>>.

⁴⁹⁴ See 'The EU and North Macedonia' placemat, *European Union* <https://neighbourhood-enlargement.ec.europa.eu/document/download/dde75c0b-408d-414c-b98a-1d59e979458d_en?filename=EU-MK%20FS.pdf>.

⁴⁹⁵ *Ibid.*

Investment Plan (EIP) for the Western Balkans seeks to mobilise up to €30 billion in investments to 2027.⁴⁹⁶ The US Government has also contributed financial assistance through the ‘Office of the Coordinator of U.S. Assistance to Europe, Eurasia, and Central Asia (ACE)’ which in the 2020 financial year alone, amounted to \$33.8 million.⁴⁹⁷ All of this support has assisted in maintaining high approval ratings for EU accession in the country, even if Macedonian society has become increasingly frustrated over delays. Furthermore, US President Joe Biden signed Executive Order 14033 in June 2021, authorizing sanctions against individuals who contribute to destabilising the Western Balkans, including by violating, obstructing or threatening the implementation of the Prespa Agreement.⁴⁹⁸

Finally, an assessment of the political effectiveness of the Prespa Agreement must also consider the influence it has had on encouraging the use of EU member veto power to achieve political ends. The EU enlargement process has been effectively hijacked by member states imposing their veto powers to achieve bilateral political triumphs, including on matters pertaining to national identity.⁴⁹⁹ Armakolas considers that ‘these previously peripheral questions in European integration, have been forced into the conditionality agenda’ by both Greece and Bulgaria’s blocking of the EU accession path to North Macedonia, and are likely to remain.⁵⁰⁰

Just as the allure of EU accession was a significant factor in leading North Macedonia to the negotiating table with Greece, so too is EU accession a live issue in the national identity disputes which afflict other hopeful member states of the Western Balkans, including Serbia, Kosovo, and Bosnia and Hercegovina. Naturally, accession to the EU will only remain alluring if the EU accession process can once again be considered as objective, without politicisation and the addition of new bilateral-related prerequisites. Armakolas has stated that ‘identity provisions are possibly an unavoidable feat for addressing the remaining complex and multifaceted disputes in Southeast Europe’.⁵⁰¹ The use of peaceful agreements which include such national identity provisions will always be preferable to the EU and likeminded partners rather than see the Balkans descend into conflict once more. However, without change to the EU accession process, many states may consider the sacrifices of compromise too great and the political cost too high for any resolution of national identity disputes to be reached. The Prespa Agreement’s lasting success or failure will influence future decisions of states wishing to accede to the EU as it serves as the litmus test for an entire region.

⁴⁹⁶ Ibid.

⁴⁹⁷ United States Department of State, ‘Foreign Assistance Fact Sheet’ (July 2021) <https://www.state.gov/wp-content/uploads/2021/09/North-Macedonia_FY-2020-Country-Assistance-Fact-Sheet.pdf>.

⁴⁹⁸ Joseph R Biden, ‘Blocking Property and Suspending Entry Into the United States of Certain Persons Contributing to the Destabilizing Situation in the Western Balkans’ (Executive Order, 14033, 8 June 2021) <<https://www.federalregister.gov/documents/2021/06/10/2021-12382/blocking-property-and-suspending-entry-into-the-united-states-of-certain-persons-contributing-to-the>>.

⁴⁹⁹ Armakolas et al (n 462) 9; Zweers et al (n 337) 3.

⁵⁰⁰ Armakolas ‘Identity Provisions in Agreements’ (n 378).

⁵⁰¹ Ibid.

VI. Conclusion

*Καὶ τώρα τί θὰ γένουμε χωρὶς βαρβάρους.
Οἱ ἄνθρωποι αὐτοὶ ἦσαν μιὰ κάποια λύσις.⁵⁰²*

This dissertation has examined the use of national identity provisions in the Prespa Agreement to directly address issues of history and national identity which were core elements of the Macedonia Dispute between Greece and North Macedonia. Seeking a comprehensive resolution to this longstanding dispute, the Parties creatively utilised national identity provisions to provide for shared use of the terms *Macedonia* and *Macedonian* whilst distinguishing understandings of the same. The Prespa Agreement prioritises the Greek understanding of these terms by differentiating the Macedonian equivalents, thereby directly inserting itself into the pre-existing domestic Macedonian debate over the nation's origins in favour of the Slavist ideology which holds that the Macedonians are a distinct South-Slavic people and not related to the ancient Macedonians who, in these national identity provisions, are classified as Greek.

The Prespa Agreement provides for an exchange of historical claim for contemporary advancement. North Macedonia was to accept a new name and forgo claims to historical periods and symbols, and in return Greece was to accept use of the same identity markers (albeit in reference to different understandings of identity) and support the accession of North Macedonia into the exclusive clubs of NATO and the EU. This was a very high price for North Macedonia to pay, highlighting the strong desire for integration into the broader European economic, political and security framework. Six years since the signing of the Prespa Agreement, in place of strong relations between Greece and North Macedonia and a national identity dispute relegated to the annals of history, we find a tense relationship in which the Prespa Agreement is frequently undermined and face the prospect of the return of the Macedonia Dispute. The promise of EU accession for North Macedonia is yet to be realised (and appears a long way off) and there is little appetite amongst the governments in both states for renewed dialogue and cooperation. Ironically, despite these new problems it is Bulgaria, and not Greece, that is proving the single biggest threat to the advancement of North Macedonia's EU aspirations. The Prespa Agreement has seemingly encouraged other states to seek the resolution of their own national identity disputes by exploiting the political powers available to them, including the EU member veto power over accession.

Ultimately, then, we might say that the Prespa Agreement has not been effective. However, this is too simplistic a conclusion to draw. The analysis offered in this dissertation shows that there are different dimensions to the effectiveness of a treaty, and that on some of these, in some ways, the Prespa Agreement has led to change of the Macedonian national identity, as was intended. In others, the Prespa Agreement has clearly been unsuccessful. Looking at the

⁵⁰² 'And now what will we be without barbarians? These people were a kind of solution.', Κ.Π Καβάφης, *Τα Ποιήματα* (Μεταίχμιο, 2013) 37.

Prespa Agreement as a whole, the Parties continue to acknowledge its binding nature and their obligations under it, even if they are both guilty of undermining these obligations at times.

The legal effectiveness of the treaty is in many ways fundamentally undermined by problems inherent in using the blunt instrument of law to regulate a complex, contested, evolving concept such as national identity. In particular, ambiguities introduced into the legal text to accommodate differences of opinion and difficulties associated with defining national identity have undermined the legal effectiveness of the treaty. In other respects, however, the treaty has been legally effective: it has, for example, allowed for a comprehensive conclusion to myriad of elements which formed part of the Macedonia Dispute and effectively changed the recognised name of North Macedonia and associated nomenclature. On enforceability, there remains significant questions over the form breach of national identity provisions may take. Nonetheless, it is noteworthy that both sides call each other out for breaches of the Agreement, suggesting that they consider it has at least some legal value. Whilst as yet the Prespa Agreement's robust dispute resolution mechanism has not been tested, the deteriorating political situation between the Parties may inevitably lead to such action.

The Prespa Agreement may also have an enduring symbolic effectiveness as a solemn statement of how each state understands the complex issues of national identity at work here, which may play a role in the ongoing process of construction of those national identities. It may also have influenced how citizens of North Macedonia understand their national identity within the broader context of possible EU membership, and has likely altered external perceptions of Macedonian national identity. At the same time, the political factors at work, both within Greece and North Macedonia, and within the broader region and internationally, generally seem to undermine the aims of the Prespa Agreement, calling into question its political effectiveness over time. The near outlook does not look positive for the Prespa Agreement, and when viewed within the current geopolitical context its potential failure is magnified as a victory for interests hostile to a peaceful, integrated Europe.

The Prespa Agreement has advanced the realm of possibilities for a treaty. It proves that it is possible to officially resolve disputes of national identity by directly addressing such issues within the treaty's provisions. For all its failures, it serves as a blueprint for the resolution of similar disputes over national identity, largely because it is a peaceful alternative to conflict. Its lasting success is critical for North Macedonia, Greece, and the Balkans. Yet for this success to occur the Prespa Agreement must (at last) receive essential political support.

APPENDIX A:

Photos taken by N A B Conomos in October 2022, the Republic of North Macedonia.



From top-left: welcome sign at the North Macedonia-Greece border near Gevgelija; statue of an ancient Greek historical figure in Skopje erected as part of the 'Skopje 2014' project displaying a descriptive plaque which states that the figure belongs to 'Hellenic history and civilization' and highlighting nationalistic graffiti; a close-up of more elaborate graffiti on another plaque; gigantic statue of Alexander the Great in central Skopje, part of 'Skopje 2014'.

APPENDIX B:

No. 55707*

**Greece
and
The former Yugoslav Republic of Macedonia**

Final Agreement for the settlement of the differences as described in the United Nations Security Council Resolutions 817 (1993) and 845 (1993), the termination of the Interim Accord of 1995, and the establishment of a strategic partnership between the Parties. Prespa, 17 June 2018

Entry into force: *12 February 2019 by notification, in accordance with article 20*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *North Macedonia, 14 February 2019*

Note: *See also annex A, No. 55707.*

**No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

**Grèce
et
Ex-République yougoslave de Macédoine**

Accord définitif pour le règlement des différences comme décrit dans les résolutions du Conseil de sécurité des Nations Unies 817 (1993) et 845 (1993), la résiliation de l'Accord intérimaire de 1995, et la mise en place d'un partenariat stratégique entre les Parties. Prespa, 17 juin 2018

Entrée en vigueur : *12 février 2019 par notification, conformément à l'article 20*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Macédoine du Nord, 14 février 2019*

Note : *Voir aussi annexe A, No. 55707.*

**Aucun numéro de volume n'a encore été attribué à ce dossier. Les textes disponibles qui sont reproduits ci-dessous sont les textes originaux de l'accord ou de l'action tels que soumis pour enregistrement. Par souci de clarté, leurs pages ont été numérotées. Les traductions qui accompagnent ces textes ne sont pas définitives et sont fournies uniquement à titre d'information.*

[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT

FINAL AGREEMENT FOR THE SETTLEMENT OF THE DIFFERENCES AS DESCRIBED IN THE UNITED NATIONS SECURITY COUNCIL RESOLUTIONS 817 (1993) AND 845 (1993), THE TERMINATION OF THE INTERIM ACCORD OF 1995, AND THE ESTABLISHMENT OF A STRATEGIC PARTNERSHIP BETWEEN THE PARTIES

PREAMBLE

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

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

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

-**Abiding** by the provisions of the Charter of the United Nations and in particular those referring to the obligation of the States to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State,

-**Emphasising** their full commitment to the principles of the inviolability of frontiers and the territorial integrity of States incorporated in the Helsinki Final Act of 1975,

-**Reaffirming** the existing frontier between them as an enduring international border,

-**In full accord** on the need to strengthen peace, stability, security and further promote cooperation in Southeastern Europe,

-**Desiring** to strengthen an atmosphere of trust and good-neighbourly relations in the region and to put to rest permanently any hostile attitudes that may persist and agreeing on the need to refrain from irredentism and revisionism in any form,

-**Recalling** their obligation, in accordance with the Charter of the United Nations and international law, not to interfere on any pretext or in any form in the internal affairs and jurisdiction of the other,

-**Underscoring** also the importance of the development of friendly relations among States and of resolving disputes by peaceful means in accordance with the Charter of the United Nations,

-**Resolving** the differences pursuant to Security Council resolutions 817 (1993) of 7 April 1993 and 845 (1993) of 18 June 1993, as well as Article 5 of the Interim Accord of 13 September 1995 in a dignified and sustainable manner, having in mind the importance of the issue and the sensitivities of each Party,

-**Taking into account** the General Assembly resolution 47/225 of 8 April 1993,

-**Taking into consideration** the Interim Accord, the Memorandum of 13 October 1995 on Practical Measures related to the Interim Accord, the Memorandum on the mutual establishment of Liaison Offices in Skopje and Athens of 20 October 1995 as well as the process of Confidence Building Measures ("CBMs"),

-**Underlining** their strong will for mutual friendship, good neighbourliness and cooperative partnership,

-Committing to strengthen, widen and deepen their bilateral relations and to lay firm foundations for the entrenchment and respect of good neighbourly relations and for the development of their comprehensive bilateral cooperation,

-Seeking to reinforce and broaden their bilateral cooperation and to upgrade it to the level of a strategic partnership in the sectors of agriculture, civil protection, defence, economy, energy, environment, industry, infrastructure, investments, political relations, tourism, trade, trans-border cooperation and transport, capitalizing also on the existing CBMs,

Have agreed as follows:

PART 1

SETTLEMENT OF THE DIFFERENCE ON THE NAME, THE PENDING ISSUES RELATED TO IT AND ENTRENCHMENT OF GOOD NEIGHBOURLY RELATIONS

ARTICLE 1

1. This Agreement is final and upon its entry into force terminates the Interim Accord between the Parties signed in New York on 13 September 1995.
2. The Parties recognize as binding the outcome of the negotiations that have taken place under the auspices of the United Nations, to which both Parties have been committed pursuant to the United Nations Security Council resolutions 817 (1993) and 845 (1993) as well as the Interim Accord of 1995.
3. Pursuant to those negotiations the following have been mutually accepted and agreed:
 - a) The official name of the Second Party shall be the "Republic of North Macedonia", which shall be the constitutional name of the Second Party and shall be used *erga omnes*, as provided for in this Agreement. The short name of the Second Party shall be "North Macedonia".
 - b) The nationality of the Second Party shall be Macedonian/citizen of the Republic of North Macedonia, as it will be registered in all travel documents.
 - c) The official language of the Second Party shall be the "Macedonian language", as recognised by the Third UN Conference on the Standardization of Geographical Names, held in Athens in 1977, and described in Article 7(3) and (4) of this Agreement.
 - d) The terms "Macedonia" and "Macedonian" have the meaning given under Article 7 of this Agreement.
 - e) The country codes for licence plates of the Second Party shall be NM or NMK. For all other purposes, country codes remain MK and MKD, as officially assigned by the International Organization for Standardization ("ISO").
 - f) The adjectival reference to the State, its official organs, and other public entities shall be in line with the official name of the Second Party or its short name, that is, "of the Republic of North Macedonia" or "of North Macedonia". Other adjectival usages, including those referring to private entities and actors, that are not related to the State and public entities, are not established by law and do not enjoy financial support from the State for activities abroad, may be in line with Article 7(3) and (4). The adjectival usage for activities may be in line with Article 7(3) and (4). This is without prejudice to the process established under Article 1 (3) (h) and compound names of cities that exist at the date of the signature of this Agreement.

- g) The Second Party shall adopt "Republic of North Macedonia" as its official name and the terminologies referred to in Article 1(3) through its internal procedure that is both binding and irrevocable, entailing the amendment of the Constitution as agreed in this Agreement.
 - h) In relation to the abovementioned name and terminologies in commercial names, trademarks and brand names, the Parties agree to support and encourage their business communities to institutionalise a sincere, structured and in good faith dialogue, in the context of which will seek and reach mutually accepted solutions on the issues deriving from the commercial names, the trademarks, the brand names and all relevant matters at bilateral and international level. For the implementation of the abovementioned provisions, an international group of experts will be established consisting of representatives of the two States in the context of the European Union ("EU") with the appropriate contribution of the United Nations and ISO. This group of experts shall be established within 2019 and conclude its work within three years. Nothing in Article 1 (3) (h) shall affect present commercial usage until mutual agreement is reached as provided in this subsection.
4. Upon signing this Agreement, the Parties shall take the following steps:
- a) The Second Party shall, without delay, submit the Agreement to its Parliament for ratification.
 - b) Following ratification of this Agreement by the Parliament of the Second Party, the Second Party shall notify the First Party that its Parliament has ratified the Agreement.
 - c) The Second Party, if it decides so, will hold a referendum.
 - d) The Second Party shall commence the process of constitutional amendments as provided for in this Agreement.
 - e) The Second Party shall conclude *in toto* the constitutional amendments by the end of 2018.
 - f) Upon notification by the Second Party of the completion of the abovementioned constitutional amendments and of all its internal legal procedures for the entry into force of this Agreement, the First Party shall promptly ratify this Agreement.
5. Upon entry into force of this Agreement, the Parties shall use the name and terminologies of Article 1(3) in all relevant international, multilateral and regional Organizations, institutions and fora, including all meetings and correspondence, and in all their bilateral relations with all Member States of the United Nations.
6. In particular, immediately upon entry into force of this Agreement, the Second Party shall:
- a) Notify all international, multilateral, and regional Organizations, institutions and fora of which it is a member of the entry into force of this Agreement, and request that all those Organizations, institutions and fora thereafter shall adopt and use the name and terminologies referred to in Article 1(3) of this Agreement for all usages and purposes. Both Parties shall also refer to the Second Party in accordance with Article 1(3) in all communications to, with, and in those Organizations, institutions and fora.
 - b) Notify all Member States of the United Nations of the entry into force of this Agreement and shall request them to adopt and use the name and terminologies referred to in Article 1(3) of this Agreement for all usages and purposes, including in all their bilateral relations and communications.
7. Upon entry into force of this Agreement, and subject to provisions under Articles 1(9) and (10), the terms "Macedonia", "Republic of Macedonia", "FYR of Macedonia", "FYR Macedonia" in a translated or untranslated form, as well as the provisional name "the former Yugoslav Republic of Macedonia" and the acronym "FYROM" shall cease to be used to refer to the Second Party in any official context.

8. Upon entry into force of this Agreement and taking into account its Article 1(9) and (10), the Parties shall use the name and terminologies of Article 1 (3) for all usages and all purposes *erga omnes*, that is, domestically, in all their bilateral relations, and in all regional and international Organizations and institutions.
9. Upon entry into force of this Agreement, the Second Party shall promptly in accordance with sound administrative practice take all necessary measures so as the country's competent Authorities henceforth use internally the name and terminologies of Article 1(3) of this Agreement in all new official documentation, correspondence and relevant materials.
10. As regards the validity of already existing documents and materials issued by the Authorities of the Second Party, the Parties agree that there shall be two transitional periods, one "technical" and one "political":
 - a) The "technical" transitional period shall relate to all official documents and materials of the Public Administration of the Second Party for international usage and to those for internal usage that may be used externally. These documents and materials shall be renewed in accordance with the name and terminologies as referred to in Article 1(3) of this Agreement within five years from the entry into force of this Agreement, at the latest.
 - b) The "political" transitional period shall relate to all documents and materials exclusively for internal usage in the Second Party. The issuance of the documents and materials falling under this category in accordance with Article 1 (3) shall commence at the opening of each EU negotiation chapter in the relevant field, and shall be finalised within five years thereof.
11. Procedures for the prompt amendment of the Constitution of the Second Party, in order to fully implement the provisions of this Agreement, shall commence upon ratification of this Agreement by its Parliament or following a referendum, if the Second Party decides to hold one.
12. The name and terminologies as referred to in Article 1 of this Agreement shall be incorporated in the Constitution of the Second Party. This change shall take place *en bloc* with one amendment. Pursuant to this amendment, the name and terminologies will change accordingly in all articles of the Constitution. Furthermore, the Second Party shall proceed to the appropriate amendments of its Preamble, Article 3 and Article 49, during the procedure of the revision of the Constitution.
13. In the event of mistakes, errors, omissions in the proper reference of the name and terminologies referred to in Article 1(3) of this Agreement in the context of international, multilateral and regional Organizations, institutions, correspondence, meetings and fora, as well as in all bilateral relations of the Second Party with third States and entities, either of the Parties may request their immediate rectification and the avoidance of similar mistakes in the future.

ARTICLE 2

1. The First Party agrees not to object to the application by or the membership of the Second Party under the name and terminologies of Article 1 (3) of this Agreement in international, multilateral and regional Organizations and institutions of which the First Party is a member.
2. The Second Party shall seek admission to International, multilateral and regional Organizations and Institutions under the name and terminologies of Article 1 (3) of this Agreement.
3. Upon entry into force of this Agreement pursuant to its Article 1, the First Party shall ratify any of the Second Party's accession agreement to International Organizations, of which the First Party is a member.

4. In particular with respect to the Second Party's EU and North Atlantic Treaty Organization ("NATO") integration processes, the following shall apply:
 - a. The Second Party shall seek admission to NATO and the EU under the name and terminologies of Article 1 of this Agreement. Accession to NATO and the EU will be under that same name and terminologies.
 - b. Upon receiving the notice of the ratification of this Agreement by the Parliament of the Second Party, the First Party shall promptly:
 - (i) notify the President of the Council of the EU that it supports the opening of the EU accession negotiations of the Second Party under the name and terminologies of Article 1 of this Agreement.
 - (ii) notify the Secretary General of NATO that it supports the extension of an accession invitation by NATO to the Second Party. Such support of the First Party is conditional, first, to an outcome of referendum, if the Second Party decides to hold one, consistent with this Agreement, and, second, to the completion of the constitutional amendments provided for in this Agreement. Upon receipt of notification by the Second Party concerning the completion of all its internal legal procedures for the entry into force of this Agreement, including a possible national referendum with an outcome consistent with this Agreement, and upon conclusion of the amendments in the Constitution of the Second Party, the First Party shall ratify the Second Party's NATO Accession Protocol. This ratification procedure shall be concluded together with the ratification procedure of this Agreement.

ARTICLE 3

1. The Parties hereby confirm their common existing frontier as an enduring and inviolable international border. Neither Party shall assert or support any claims to any part of the territory of the other Party or claims for a change to their common existing frontier. In addition, neither Party shall support any such claims that may be raised by any third party.
2. Each Party commits to respect the sovereignty, the territorial integrity and the political independence of the other Party. Neither Party shall support any actions of any third party directed against the sovereignty, the territorial integrity or the political independence of the other Party.
3. The Parties shall refrain, in accordance with the purposes and principles of the Charter of the United Nations, from the threat or use of force, including the threat or use of force intended to violate their common existing frontier.
4. The Parties commit not to undertake, instigate, support and/or tolerate any actions or activities of a non-friendly character directed against the other Party. Neither Party shall allow its territory to be used against the other Party by any third country, Organization, group or individual carrying out or attempting to carry out subversive, secessionist actions, or actions or activities which threaten in any manner the peace, stability or security of the other Party. Each Party shall communicate without delay to the other Party any information in its possession regarding any such actions or intentions.

ARTICLE 4

1. Each Party hereby commits and solemnly declares that nothing in its Constitution, as it is in force or will be amended in the future, can or should be interpreted as constituting or will ever constitute the basis for any claim to any area that is not included in its existing international borders,
2. Each Party undertakes not to make or to authorize any irredentist statements, and shall not endorse any such statements by those who purport to act on behalf of, or in the interest of, the Party.
3. Each Party hereby commits and solemnly declares that nothing in its Constitution as it is in force or will be amended in the future can or should be interpreted as constituting or will ever constitute the basis for interference with the internal affairs of the other Party in any form and for any reason, including for the protection of the status and rights of any persons that are not its citizens.

ARTICLE 5

1. In the conduct of their affairs the Parties shall be guided by the spirit and principles of democracy, fundamental freedoms, respect for human rights and dignity, and the rule of law, in accordance with the Charter of the United Nations, the Universal Declaration of Human Rights,¹ the European Convention for the Protection of Human Rights and Fundamental Freedoms,² the International Convention on the Elimination of all Forms of Racial Discrimination,³ the Convention on the Rights of the Child,⁴ the Helsinki Final Act, the document of the Copenhagen Meeting of the Conference on the Human Dimension of the Conference on Security and Cooperation in Europe and the Charter of Paris for a New Europe, and other international agreements and instruments to which both Parties are party.
2. No provision of any of the instruments referred to in paragraph 1 above shall be interpreted to give any right to either Party to take any action contrary to the aims and principles of the Charter of the United Nations, or of the Helsinki Final Act, including the principle of the territorial integrity of States.

ARTICLE 6

1. Aiming at strengthening friendly bilateral relations each Party shall promptly take effective measures to prohibit any hostile activities, actions or propaganda by State agencies or agencies directly or indirectly controlled by the State and to prevent activities likely to incite chauvinism, hostility, irredentism, and revisionism against the other Party. Should such activities occur, the Parties shall take all necessary measures.
2. Each Party shall promptly take effective measures to discourage and prevent any acts by private entities likely to incite violence, hatred or hostility against the other Party. If a private entity in the territory of a Party engages in such activities without that Party's knowledge, that Party shall, upon such acts coming to its attention, promptly take all necessary measures as provided by law.
3. Each Party shall prevent and discourage acts, including acts of propaganda, by private entities likely to incite chauvinism, hostility, irredentism and revisionism against the other Party.

¹ United Nations, *Official Records of the General Assembly, Third Session, Part I*, p. 71.

² United Nations, *Treaty Series*, vol. 213, p. 221.

³ *Ibid.*, vol. 660, p. 195.

⁴ *Ibid.*, vol. 1577, No. 1-27531.

ARTICLE 7

1. The Parties acknowledge that their respective understanding of the terms “Macedonia” and “Macedonian” refers to a different historical context and cultural heritage.
2. When reference is made to the First Party, these terms denote not only the area and people of the northern region of the First Party, but also their attributes, as well as the Hellenic civilization, history, culture, and heritage of that region from antiquity to present day.
3. When reference is made to the Second Party, these terms denote its territory, language, people and their attributes, with their own history, culture, and heritage, distinctly different from those referred to under Article 7(2).
4. The Second Party notes that its official language, the Macedonian language, is within the group of South Slavic languages. The Parties note that the official language and other attributes of the Second Party are not related to the ancient Hellenic civilization, history, culture and heritage of the northern region of the First Party.
5. Nothing in this Agreement is intended to denigrate in any way, or to alter or affect, the usage by the citizens of either Party.

ARTICLE 8

1. If either Party believes one or more symbols constituting part of its historic or cultural patrimony is being used by the other Party, it shall bring such alleged use to the attention of the other Party, and the other Party shall take appropriate corrective action to effectively address the issue and ensure respect for the said patrimony.
2. Within six months following the entry into force of this Agreement, the Second Party shall review the status of monuments, public buildings and infrastructures on its territory, and insofar as they refer in any way to ancient Hellenic history and civilization constituting an integral component of the historic or cultural patrimony of the First Party, shall take appropriate corrective action to effectively address the issue and ensure respect for the said patrimony.
3. The Second Party shall not use again in any way and in all its forms the symbol formerly displayed on its former national flag. Within six months of the entry into force of this Agreement, the Second Party shall proceed to the removal of the symbol displayed on its former national flag from all public sites and public usages on its territory. Archaeological artefacts do not fall within the scope of this provision.
4. Each Party shall abide by the recommendations of the United Nations Conference on the Standardization of Geographical Names in relation to the use of the official geographical names and toponyms in the territory of the other Party thus giving priority to the use of endonyms over exonyms.
5. Within one month of the signing of this Agreement, the Parties shall establish by exchange of diplomatic notes, on a parity basis, a Joint Inter-Disciplinary Committee of Experts on historic, archaeological and educational matters, to consider the objective, scientific interpretation of historical events based on authentic, evidence-based and scientifically sound historical sources and archaeological findings. The Committee’s work shall be supervised by the Ministries of Foreign Affairs of the Parties in cooperation with other competent national authorities. It shall consider and, if it deems appropriate, revise any school textbooks and school auxiliary material such as maps, historical atlases, teaching guides, in use in

each of the Parties, in accordance with the principles and aims of UNESCO and the Council of Europe. To that effect, the Committee shall set specific timetables so as to ensure in each of the Parties that no school textbooks or school auxiliary material in use the year after the signing of this Agreement contains any irredentist/revisionist references. The Committee shall also study any new editions of school textbooks and school auxiliary material as provided for under this Article. The Committee shall convene regularly, at least twice a year, and shall submit an Annual Report on its activities and recommendations to be approved by the High-Level Cooperation Council, as to be established pursuant to Article 12.

6. The Parties acknowledge that the abovementioned mutually accepted solutions which have derived from the negotiations will contribute to the definitive establishment of peaceful and good neighbourly relations in the region, in accordance with the United Nations Security Council resolutions 817 (1993) and 845 (1993).

PART 2

INTENSIFICATION AND ENRICHMENT OF COOPERATION BETWEEN THE TWO PARTIES

ARTICLE 9

1. The Parties agree that their strategic cooperation shall extend to all sectors, such as agriculture, civil protection, defence, economy, energy, environment, industry, infrastructure, investments, political relations, tourism, trade, trans-border cooperation and transport. This strategic cooperation shall apply not only to the sectors included in this Agreement but also to those that in the future may be deemed beneficial to both countries and indispensable. All these sectors should be incorporated into a comprehensive Action Plan during the course of the development of bilateral relations.
2. The existing CBMs shall be incorporated into the abovementioned Action Plan. The latter shall aim at the implementation of the provisions of this Part of this Agreement. The Action Plan shall be enriched and developed continuously.

DIPLOMATIC RELATIONS

ARTICLE 10

Upon the entry into force of this Agreement:

1. the First Party shall promptly upgrade:
 - a) its existing Liaison Office in the capital of the Second Party to an Embassy; and
 - b) its existing Office for Consular, Economic and Commercial Affairs in the town of Bitola in the Second Party to a General Consulate; and
2. the Second Party shall promptly upgrade:
 - a) its existing Liaison Office in the capital of the First Party to an Embassy; and
 - b) its existing Office for Consular, Economic and Commercial Affairs in the town of Thessaloniki in the First Party to a General Consulate.

**COOPERATION IN THE CONTEXT OF
INTERNATIONAL AND REGIONAL ORGANIZATIONS AND FORA**

ARTICLE 11

The Parties shall cooperate closely, bilaterally, and within regional Organizations and initiatives with a view to ensuring that Southeastern Europe becomes a region of peace, growth and prosperity for its peoples. They shall promote and collaborate on shaping cooperation at regional level as well as, *inter alia*, on mutual support of candidacies in the context of international, multilateral and regional Organizations and institutions, such as the United Nations, the OSCE and the Council of Europe.

POLITICAL AND SOCIETAL COOPERATION

ARTICLE 12

1. The Parties agree to reinforce and further develop their bilateral political relations through regular visits, meetings and consultations at high political and diplomatic levels.
2. The Parties shall establish a High-Level Cooperation Council ("HLCC") of their Governments, jointly headed by their Prime Ministers.
3. The HLCC shall convene at least annually and shall be the competent body as regards the proper and effective implementation of this Agreement and the ensuing Action Plan. The HLCC shall take decisions and promote actions and measures for the improvement and upgrading of bilateral cooperation between the Parties and shall address any issues that may arise during the implementation of this Agreement and the ensuing Action Plan, with a view to their resolution.
4. The Parties are convinced that the development and strengthening of people-to-people contacts are essential for building friendship, cooperation and good neighbourliness between the Parties and their peoples. They shall support and encourage contacts and meetings between their citizens at all appropriate levels.
5. The Parties shall support and encourage contacts between their civil societies, as well as their institutions and local authorities, including youth and student cooperation activities and exchanges, with a view to developing better understanding and cooperation between their peoples.

ECONOMIC COOPERATION

ARTICLE 13

Having regard to the fact that the Second Party is a landlocked State, the Parties shall be guided by the relevant provisions of the United Nations Convention on the Law of the Sea as far as applicable both in practice and when concluding agreements referred to in Article 18 of this Agreement.

ARTICLE 14

1. The Parties shall further develop their economic cooperation in all areas. Particular emphasis shall be placed on the strengthening, enhancement and deepening of their bilateral cooperation on agriculture, energy, environment, industry, infrastructures, investments, tourism, trade, and transport. To achieve this objective, the Parties shall capitalize on and utilize the existing CBMs, constituting a mutually beneficial cooperative platform, which will evolve into an Action Plan.
2. The Parties shall encourage mutual investments and shall take all necessary measures for their effective protection, including measures against excessive bureaucracy and for overcoming institutional,

administrative and tax barriers. The Parties shall place particular emphasis on the cooperation between companies, businesses, and industries of each Party.

3. The Parties shall refrain from imposing any impediment to the movement of people or goods between their territories or through the territory of either Party to the territory of the other. The Parties shall cooperate to facilitate such movements in accordance with international law.
4. The Parties shall develop and boost their cooperation, with regard to energy, notably through the construction, maintenance and utilization of interconnecting natural gas and oil pipelines (existing, under construction and projected) and with regard to renewable energy resources, including photovoltaic, wind and hydro-electric. Possible pending matters will be addressed promptly by reaching mutually beneficial settlements taking into serious consideration the European Policy on Energy and the *acquis communautaire*. The First Party shall assist the Second Party with appropriate transfer of know-how and expertise.
5. The Parties shall promote, extend and improve cooperative synergies in the areas of infrastructures and transport as well as on a reciprocal basis, road, rail, maritime and air transport and communication connections, using the best available technologies and practices. They shall also facilitate the transit between them of goods, cargos and merchandises via the infrastructures, including ports and airports, in the territory of each Party. The Parties shall adhere to international rules and regulations with respect to transit, telecommunications, signs and codes. The First Party shall do so insofar as, and in a manner compliant with, its obligations deriving from its membership in the EU and other international instruments. The Second Party shall do so insofar as, and in a manner compliant with, its obligations deriving from its memberships in international, multilateral or regional institutions or Organizations in which it is a member on the entry into force of this Agreement, as well as its membership of the EU, following its proposed accession thereto.
6. The Parties shall seek to improve and modernize existing border crossings as required by the flow of traffic and to construct new border crossings with a view to boosting touristic and commercial flows between them.
7. The Parties shall take measures to ensure the protection of the environment and the preservation of the natural habitat in the trans-border waters and the surrounding space, and shall cooperate in seeking to reduce and eliminate all forms of pollution. The Parties shall strive to develop and harmonize strategies and programmes for regional and international cooperation for the protection of the environment.
8. The Parties shall support the broadening of tourist exchanges, and the development of their cooperation in the fields of alternative tourism, including cultural, religious, educational, medical, and athletic tourism and shall cooperate in improving and promoting business and tourist travel between them.
9. The Parties shall establish a Joint Ministerial Committee ("JMC") in order to attain the best possible cooperation in the abovementioned sectors of economic partnership, including through the organization of joint business fora. Convening at least once a year, the JMC will steer the course of bilateral economic cooperation, the comprehensive implementation of the relevant sectoral actions, agreements, protocols and contractual frameworks as well as all future relevant agreements. The Parties encourage the closest possible interaction between their Chambers of Commerce.

**COOPERATION ON THE FIELDS OF EDUCATION, SCIENCE, CULTURE, RESEARCH, TECHNOLOGY,
HEALTH AND SPORTS**

ARTICLE 15

In the age of the new industrial revolution and second age of machines, the deepening of cooperation amongst States and societies is necessary now more than ever, in particular with respect to social activities, technologies and culture, both in a narrow and a broad sense. In furtherance thereof:

1. The Parties shall develop and improve their scientific, technological and technical cooperation as well as their collaboration in the area of education. They shall intensify their exchanges of information and of scientific and technical documentation and shall strive to improve mutual access to scientific and research institutions, archives, libraries and similar institutions. The Parties shall support initiatives by scientific and educational institutions as well as by individuals aimed at improving cooperation and exchanges in the areas of sciences, technology and education.
2. The Parties shall encourage and support events as well as scientific and educational programmes in which members of their scientific and academic communities shall participate. They shall also encourage and support the convening of bilateral and international conferences in these areas.
3. The Parties attach great significance to the development of research into, and the implementation and utilization of new technologies, including digital technology and nanotechnology, in a manner that is environmentally friendly and upgrades the skills, capacities and overall well-being of their citizens. To that end they shall develop the cooperation amongst their research centres, researchers and academic institutional systems.
4. The Parties shall place special emphasis on the development of cultural relations between the two States, their societies and their social groups, having particular regard to arts, dance, cinematography, music and theatre. In this regard, particular importance shall be given to sports. Bilateral collaboration on the domain of health, including health care, shall be promoted.

POLICE AND CIVIL PROTECTION COOPERATION

ARTICLE 16

1. The Parties shall cooperate closely in the fight against organized and trans-border crime, terrorism, economic crimes, having regard in particular to crime related to the illicit trafficking and/or exploitation of human beings; to crimes related to the production, trafficking and/or trade of narcotic drugs and psychotropic substances; to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition; to the illicit import, export and transfer of ownership of cultural property; to offences against civil air transport; and to crime related to counterfeiting and/or smuggling of cigarettes, alcohol or fuels.
2. The Parties shall cooperate closely in the civil protection sector, placing particular emphasis on preventing and dealing with natural and manmade disasters and on disaster relief. Each Party may utilize the special education and expertise of the other Party, and whenever needed and possible each Party shall provide to the other its special infrastructure, particularly in fire-fighting. The Parties may examine the establishment of a relevant mechanism to assist in the implementation of this Article.

DEFENCE COOPERATION

ARTICLE 17

The Parties shall reinforce and expand their cooperation in the area of defence, including through frequent visits and contacts between the political and military leadership of their armed forces, the appropriate transfer of know-how and capacity-building, the cooperation in the areas of production, information and joint military exercises. Special emphasis shall be placed on personnel training which the Parties could provide to each other.

TREATY RELATIONS

ARTICLE 18

1. Upon entry into force of this Agreement, the Parties shall in their relations be directed by the provisions of the following bilateral agreements that had been concluded between the former Socialist Federal Republic of Yugoslavia and the First Party on 18 June 1959:
 - a) The convention concerning mutual legal relations,
 - b) The agreement concerning the reciprocal recognition and the enforcement of judicial decisions, and
 - c) The agreement concerning hydro-economic questions.
2. The Parties agree that, upon entry into force of the present Agreement, all international documents binding on the Parties bilaterally shall remain in force, unless specifically terminated by this Agreement.
3. The Parties shall consult with each other in order to identify other agreements concluded between the former Socialist Federal Republic of Yugoslavia and the First Party that will be deemed suitable for application in their mutual relations.
4. The Parties commit to explore all possibilities to conclude additional bilateral agreements needed with regard to areas of mutual interest.

PART 3

SETTLEMENT OF DISPUTES

ARTICLE 19

1. The Parties shall settle any disputes exclusively by peaceful means in accordance with the Charter of the United Nations.
2. In the event that a Party considers that the other Party is not acting in accordance with the provisions of this Agreement, this Party shall first notify the other Party of its concerns and shall seek a solution by negotiation. If the Parties are unable to resolve the matter bilaterally, the Parties may agree to request the Secretary-General of the United Nations to use his good offices to resolve the matter.
3. Any dispute that arises between the Parties concerning the interpretation or implementation of this Agreement and not resolved according to the procedures referred to under Article 19(2), may be submitted to the International Court of Justice. The Parties should first seek to agree upon a joint submission to said Court regarding any such dispute. However, if agreement is not reached within

six months, or such longer period as the Parties shall mutually agree, then any such dispute may be submitted by either Party individually.

FINAL CLAUSES

ARTICLE 20

1. This Agreement shall be signed by the Ministers of Foreign Affairs of the two Parties.
2. This Agreement is subject to ratification, according to the sequencing procedure set out in Article 1(4).
3. Upon completion of the necessary internal legal procedures for the entry into force of this Agreement as set out in Article 1, the Parties shall, within two weeks and in writing, notify each other. This Agreement shall enter into force on the date of receipt of the last notification by the Party concerned.
4. Article 8(5) shall apply provisionally, pending the entry into force of this Agreement. If this Agreement does not enter into force, this Agreement, in its entirety and each of its provisions individually, shall have no further effect or application, provisional or otherwise, and shall not bind either of the Parties in any way.
5. The difference and the remaining issues referred to in Security Council resolutions 817 (1993) and 845 (1993) shall be considered as having been resolved upon entry into force of this Agreement.
6. As soon as possible upon entry into force of this Agreement, the Parties or one of the Parties shall inform the Secretary-General of the United Nations of the entry into force of this Agreement, including the date of its entry into force, for its implementation at the United Nations.
7. This Agreement is not directed against any other State, entity or person. It does not infringe on the rights and duties resulting from bilateral and multilateral agreements already in force that the Parties have concluded with other States or international Organizations.
8. The First Party shall apply this Agreement in accordance with its obligations deriving from its membership in the European Union and its membership in other international, multilateral or regional institutions or Organizations, as well as other international instruments. Similarly, the Second Party shall apply this Agreement in accordance with its obligations deriving from its membership in international, multilateral or regional institutions or Organizations, including the EU, following its proposed accession thereto.
9. The provisions of this Agreement shall remain in force for an indefinite period of time and are irrevocable. No modification to this Agreement contained in Article 1(3) and Article 1(4) is permitted.
10. This Agreement shall be registered with the Secretariat of the United Nations pursuant to Article 102 of the Charter of the United Nations as soon as it has entered into force.

IN WITNESS WHEREOF the Parties have, through their authorized representatives, signed three copies of this Final Agreement in the English language.

Representative of the First Party



Nikos Kotzias
Minister for Foreign Affairs

Representative of the Second Party



Nikola Dimitrov
Minister for Foreign Affairs

**WITNESSED, in accordance with the
Security Council resolutions 817 (1993) and 845 (1993), by :**



Matthew Nimetz
Personal Envoy of the Secretary General of the United Nations

DONE at Prespes, on the 17th of June 2018

I do hereby confirm that this copy is identical with the original text in English language of the Final Agreement for the Settlement of the Differences as described in the United Nations Security Council Resolutions 817 (1993) and 845 (1993), the Termination of the Interim Accord of 1995, and the establishment of a Strategic Partnership between the Parties, signed on 17 June 2018 at Prespa.

Natasha Deskoska

Director
International Law Directorate
Ministry of Foreign Affairs
of the Republic of North Macedonia



[TRANSLATION – TRADUCTION]

ACCORD ACCORD DÉFINITIF POUR LE RÈGLEMENT DES DIFFÉRENCES
COMME DÉCRIT DANS LES RÉSOLUTIONS DU CONSEIL DE SÉCURITÉ
DES NATIONS UNIES 817 (1993) ET 845 (1993), LA RÉSILIATION DE
L'ACCORD INTÉrimAIRE DE 1995 ET LA MISE EN PLACE D'UN
PARTENARIAT STRATÉGIQUE ENTRE LES PARTIES

PRÉAMBULE

La première Partie, la République hellénique (la « première Partie ») et la deuxième Partie, qui a été admise à l'Organisation des Nations Unies conformément à la résolution 47/225 de l'Assemblée générale du 8 avril 1993 (la « deuxième Partie »), dénommées collectivement « les Parties »,

- Rappelant les buts et principes énoncés dans la Charte des Nations Unies, l'Acte final d'Helsinki de 1975, les actes de l'Organisation pour la sécurité et la coopération en Europe (« OSCE ») ainsi que les valeurs et les principes du Conseil de l'Europe,

- Guidées par l'esprit et les principes de la démocratie, du respect des droits de l'homme et des libertés fondamentales et de la dignité humaine,

- Respectant les dispositions de la Charte des Nations Unies, en particulier celle énonçant que tous les États doivent s'abstenir, dans leurs relations internationales, de recourir à la menace ou à l'emploi de la force contre l'intégrité territoriale ou l'indépendance politique de tout État,

- Soulignant leur plein attachement aux principes de l'inviolabilité des frontières et de l'intégrité territoriale des États consacrés dans l'Acte final d'Helsinki de 1975,

- Réaffirmant que la frontière existante entre eux est une frontière internationale durable,

- S'accordant pleinement sur la nécessité de renforcer la paix, la stabilité, la sécurité et de promouvoir davantage la coopération en Europe du Sud-Est,

- Souhaitant renforcer un climat de confiance et les relations de bon voisinage dans la région et mettre un terme définitivement à tous comportements hostiles qui pourraient subsister et convenant de la nécessité de s'abstenir de l'irréductionnisme et du révisionnisme sous quelque forme que ce soit,

- Rappelant l'obligation qui incombe à chacune, en vertu de la Charte des Nations Unies et du droit international, de ne pas s'ingérer sous quelque prétexte ou de quelque manière que ce soit dans les affaires intérieures et dans les domaines relevant de la juridiction de l'autre,

- Soulignant également qu'il importe de développer des relations amicales entre les États et de régler les différends par des moyens pacifiques conformément à la Charte des Nations Unies,

- Régulant les différences en application des résolutions 817 (1993) et 845 (1993) du Conseil de sécurité, respectivement du 7 avril et du 18 juin 1993, ainsi que de l'article 5 de l'Accord intérimaire du 13 septembre 1995 dans la dignité et durablement, conscientes de l'importance de la question et des sensibilités de chaque Partie,

- Tenant compte de la résolution 47/225 de l'Assemblée générale, en date du 8 avril 1993,

- Prenant en considération l'Accord intérimaire, le Mémoire du 13 octobre 1995 sur les mesures pratiques liées audit Accord, le Mémoire sur l'ouverture réciproque de bureaux de liaison à Skopje et à Athènes du 20 octobre 1995, ainsi que le processus relatif aux mesures de confiance,

- Soulignant leur ferme volonté d'amitié, de bon voisinage et de partenariat de coopération,

- S'engageant à renforcer, à élargir et à approfondir leurs relations bilatérales et à jeter des bases solides pour la pérennisation et le respect de leurs relations de bon voisinage et pour le développement de leur coopération bilatérale globale,

- Cherchant à consolider et à élargir leur coopération bilatérale et à la porter au niveau d'un partenariat stratégique dans les secteurs de l'agriculture, de la protection civile, de la défense, de l'économie, de l'énergie, de l'environnement, de l'industrie, de l'infrastructure, des investissements, des relations politiques, du tourisme, du commerce, de la coopération transfrontière et des transports, en tirant parti également des mesures de confiance existantes,

Sont convenues de ce qui suit :

PARTIE 1. RÈGLEMENT DE LA DIFFÉRENCE SUR LE NOM, LES QUESTIONS QUI RESTAIENT À RÉGLER EN RAPPORT AVEC CELLE-CI ET LE RENFORCEMENT DES RELATIONS DE BON VOISINAGE

ARTICLE PREMIER

1. Le présent Accord est un accord définitif, qui dès son entrée en vigueur résilie l'Accord intérimaire signé par les Parties le 13 septembre 1995 à New York.

2. Les Parties reconnaissent le caractère contraignant du résultat des négociations qui ont eu lieu sous les auspices de l'Organisation des Nations Unies et auxquelles les deux Parties ont participé en application des résolutions 817 (1993) et 845 (1993) du Conseil de sécurité de l'ONU ainsi que de l'Accord intérimaire de 1995.

3. En application de ces négociations, ce qui suit a été accepté et convenu par les Parties :

a) Le nom officiel de la deuxième Partie est « République de Macédoine du Nord », qui est son nom constitutionnel et est utilisé erga omnes, comme prévu par le présent Accord. La forme courte du nom de la deuxième Partie est « Macédoine du Nord » ;

b) Les termes employés pour les nationaux de la deuxième Partie sont « Macédonien(ne)/citoyen(ne) de la République de Macédoine du Nord », comme indiqué sur tous les documents de voyage ;

c) La langue officielle de la deuxième Partie est la « langue macédonienne », comme cela a été reconnu par la troisième Conférence des Nations Unies sur la normalisation des noms géographiques, tenue à Athènes en 1977, et est décrit aux paragraphes 3 et 4 de l'article 7 du présent Accord ;

d) Les termes « Macédoine » et « macédonien » ont la signification qui est la leur en vertu de l'article 7 du présent Accord ;

e) Les codes du nom du pays pour les plaques d'immatriculation de la deuxième Partie sont NM ou NMK. Pour toutes les autres fins, les codes du nom du pays demeurent MK et MKD, tels qu'assignés par l'Organisation internationale de normalisation (ISO) ;

f) La forme utilisée lorsqu'il est question de l'État, de ses organes officiels et des autres entités publiques doit correspondre au nom officiel de la deuxième Partie ou à sa forme courte et se lit

« de la République de Macédoine du Nord » ou « de Macédoine du Nord ». Dans les autres cas, notamment lorsqu'il est fait référence à des instances et entités privées sans lien avec l'État ou les entités publiques, qui ne sont pas établies par la loi et ne reçoivent pas de soutien financier de l'État pour des activités à l'étranger, il est possible d'utiliser l'adjectif « macédonien » conformément aux paragraphes 3 et 4 de l'article 7. L'adjectif peut également être utilisé pour qualifier des activités conformes aux paragraphes 3 et 4 de l'article 7. Ces dispositions s'entendent sans préjudice des mesures prévues à l'alinéa h) du paragraphe 3 de l'article premier et des noms composés de villes qui existent à la date de la signature du présent Accord ;

g) La deuxième Partie adopte « République de Macédoine du Nord » comme son nom officiel et les autres termes visés au paragraphe 3 de l'article premier en suivant ses procédures internes, de façon à la fois contraignante et irrévocable, ce qui porte modification de la Constitution conformément aux dispositions du présent Accord ;

h) En ce qui concerne le nom et les termes susmentionnés utilisés pour les noms commerciaux, les appellations déposées et les marques de commerce, les Parties conviennent d'aider et d'encourager leurs milieux d'affaires à institutionnaliser un dialogue structuré et sincère mené de bonne foi, dans le cadre duquel ils s'efforcent de parvenir à des solutions mutuellement acceptées pour les problèmes que posent les noms commerciaux, les appellations déposées et les marques de commerce et pour toutes les questions connexes au niveau bilatéral et international. Aux fins de l'application des dispositions susmentionnées, un groupe international d'experts sera constitué, composé de représentants des deux États dans le cadre de l'Union européenne, avec une contribution appropriée de l'Organisation des Nations Unies et de l'ISO. Ce groupe d'experts sera constitué en 2019 et achèvera ses travaux dans un délai de trois ans. Aucune disposition de l'alinéa h) du paragraphe 3 de l'article premier n'aura une incidence sur les usages commerciaux actuels jusqu'à ce que les Parties parviennent à un accord comme prévu dans le présent alinéa.

4. À la signature du présent Accord, les Parties prennent les mesures ci-après :

a) La deuxième Partie doit, sans tarder, soumettre l'Accord au Parlement pour ratification ;

b) À la suite de la ratification du présent Accord par le Parlement de la deuxième Partie, celle-ci en informe la première Partie ;

c) La deuxième Partie organise un référendum si elle décide de le faire ;

d) La deuxième Partie engage le processus de révision de la Constitution comme prévu dans le présent Accord ;

e) La deuxième Partie achève dans sa totalité la procédure de révision de la Constitution d'ici à la fin de 2018 ;

f) Dès que la deuxième Partie lui a notifié l'achèvement des procédures de révision constitutionnelle susmentionnées et de toutes les procédures juridiques internes pour l'entrée en vigueur du présent Accord, la première Partie ratifie le présent Accord sans tarder.

5. Dès l'entrée en vigueur du présent Accord, les Parties utilisent le nom et les termes visés au paragraphe 3 de l'article premier dans toutes les organisations, institutions et instances internationales, multilatérales et régionales, y compris toutes les réunions et la correspondance, et dans leurs relations bilatérales avec tous les États Membres de l'Organisation des Nations Unies.

6. En particulier, immédiatement après l'entrée en vigueur du présent Accord, la deuxième Partie :

a) Notifie à toutes les organisations, institutions et instances internationales, multilatérales et régionales dont elle est membre l'entrée en vigueur du présent Accord et demande à toutes ces organisations, institutions et instances d'adopter et d'utiliser le nom et les termes visés au paragraphe 3 de l'article premier du présent Accord pour tous les usages et à toutes fins. Les deux Parties se réfèrent également à la deuxième Partie conformément au paragraphe 3 de l'article

premier dans toutes les communications adressées aux organisations, institutions et instances ou au sein de celles-ci ;

b) Notifie à tous les États Membres de l'Organisation des Nations Unies l'entrée en vigueur du présent Accord et les invite à adopter et à utiliser le nom et les termes visés au paragraphe 3 de l'article premier du présent Accord pour tous les usages et à toutes fins, y compris dans toutes leurs relations et communications bilatérales.

7. Dès l'entrée en vigueur du présent Accord et sous réserve des dispositions des paragraphes 9 et 10 de l'article premier, les termes « Macédoine » ou « République de Macédoine » (ou les traductions correspondant aux termes anglais « Macedonia », « Republic of Macedonia », « FYR of Macedonia », « FYR Macedonia »), ainsi que le nom provisoire « ex-République yougoslave de Macédoine » et l'acronyme « ARYM » cessent d'être utilisés pour désigner la deuxième Partie dans tout cadre officiel.

8. Dès l'entrée en vigueur du présent Accord et compte tenu des paragraphes 9 et 10 de son article premier, les Parties utilisent le nom et les termes visés au paragraphe 3 de l'article premier pour tous les usages et à toutes fins erga omnes, c'est-à-dire sur le plan intérieur, dans toutes leurs relations bilatérales et dans toutes les organisations et institutions régionales et internationales.

9. Dès l'entrée en vigueur du présent Accord, la deuxième Partie doit, conformément à la bonne pratique administrative, prendre rapidement toutes les mesures nécessaires de sorte que les autorités compétentes du pays, au niveau interne, utilisent désormais le nom et les termes visés au paragraphe 3 de l'article premier du présent Accord dans tous les nouveaux documents officiels et l'ensemble de la correspondance et des matériels pertinents.

10. En ce qui concerne la validité des documents et matériels existants déjà délivrés par les autorités de la deuxième Partie, les Parties conviennent qu'il y aura deux périodes de transition, l'une « technique », l'autre « politique » :

a) La période de transition « technique » concerne tous les documents et matériels officiels de l'Administration publique de la deuxième Partie destinés à un usage international et ceux à usage interne qui peuvent être utilisés à l'étranger. Ces documents et matériels seront remplacés conformément au nom et aux termes visés au paragraphe 3 de l'article premier du présent Accord, au plus tard dans un délai de cinq ans à compter de l'entrée en vigueur du présent Accord ;

b) La période de transition « politique » concerne tous les documents et matériels qui sont exclusivement à usage interne dans la deuxième Partie. La délivrance des documents et matériels relevant de cette catégorie conformément au paragraphe 3 de l'article premier commencera lors de l'ouverture des négociations de l'Union européenne de chaque chapitre concerné et sera menée à bien dans un délai de cinq ans.

11. La procédure visant à procéder à une révision rapide de la Constitution de la deuxième Partie pour appliquer dans leur intégralité les dispositions du présent Accord commence dès la ratification du présent Accord par son Parlement ou à l'issue d'un référendum si la deuxième Partie décide d'en organiser un.

12. Le nom et les termes visés à l'article premier du présent Accord seront incorporés dans la Constitution de la deuxième Partie. Ce changement sera opéré au moyen d'une seule modification. En vertu de cette modification, le nom et les termes changeront dans tous les articles de la Constitution. De plus, la deuxième Partie apporte les modifications appropriées au préambule, à l'article 3 et à l'article 49 de la Constitution au cours de la procédure de révision constitutionnelle.

13. En cas de fautes, d'erreurs ou d'omissions dans l'utilisation du nom et des termes visés au paragraphe 3 de l'article premier du présent Accord dans le cadre des organisations, des institutions, de la correspondance, des réunions et des instances au niveau international,

multilatéral et régional et dans l'ensemble des relations bilatérales de la deuxième Partie avec des États et des entités tiers, l'une des Parties peut demander qu'une rectification soit immédiatement apportée et que les mêmes fautes soient évitées à l'avenir.

ARTICLE 2

1. La première Partie s'engage à ne pas s'opposer à la demande d'admission ou à l'admission de la deuxième Partie sous le nom et les termes visés au paragraphe 3 de l'article premier du présent Accord dans des organisations et institutions internationales, multilatérales et régionales dont la première Partie est membre.

2. La deuxième Partie présente une demande d'admission aux organisations et institutions internationales, multilatérales et régionales sous le nom et les termes visés au paragraphe 3 de l'article premier du présent Accord.

3. Dès l'entrée en vigueur du présent Accord conformément à son article premier, la première Partie ratifie l'accord d'accession de la deuxième Partie à des organisations internationales dont la première Partie est membre.

4. En particulier, s'agissant des processus d'intégration de la deuxième Partie dans l'Union européenne et l'Organisation du Traité de l'Atlantique Nord (OTAN), les dispositions suivantes s'appliquent :

- a. La deuxième Partie demande son admission à l'OTAN et à l'Union européenne sous le nom et les termes visés à l'article premier du présent Accord. L'adhésion à l'OTAN et à l'Union européenne s'effectue sous ces mêmes nom et termes ;
- b. Dès réception de la notification de la ratification du présent Accord par le Parlement de la deuxième Partie, la première Partie, sans tarder :

- i) Notifie au Président du Conseil de l'Union européenne qu'elle appuie l'ouverture des négociations d'adhésion de la deuxième Partie à l'Union européenne sous le nom et les termes de l'article premier du présent Accord ;
- ii) Notifie au Secrétaire général de l'OTAN qu'elle est favorable à ce que l'Alliance adresse à la deuxième Partie une invitation à adhérer. Cet appui de la première Partie est subordonné, en premier lieu, au résultat du référendum, si la deuxième Partie a décidé d'en organiser un, qui valide le présent Accord, et, deuxièmement, à l'achèvement des révisions constitutionnelles prévues dans le présent Accord. À la réception de la notification par la deuxième Partie concernant l'achèvement de toutes les procédures juridiques internes pour l'entrée en vigueur du présent Accord, y compris l'organisation éventuelle d'un référendum national qui valide le présent Accord, et une fois les modifications apportées à la Constitution de la deuxième Partie, la première Partie ratifie le protocole d'adhésion de la deuxième Partie à l'OTAN. Cette procédure de ratification s'effectue en même temps que la procédure de ratification du présent Accord.

ARTICLE 3

1. Les Parties confirment par le présent Accord que leur frontière commune existante constitue une frontière internationale durable et inviolable. Aucune Partie ne formule ni ne soutient des revendications portant sur une partie quelconque du territoire de l'autre Partie ou des

prétentions visant à modifier leur frontière commune existante. En outre, aucune Partie ne soutient des revendications de ce type susceptibles d'être formulées par une tierce partie.

2. Chaque Partie réaffirme son attachement au respect de la souveraineté, de l'intégrité territoriale et de l'indépendance politique de l'autre Partie. Aucune Partie ne soutient des actions menées par toute tierce partie contre la souveraineté, l'intégrité territoriale ou l'indépendance politique de l'autre Partie.

3. Les Parties s'abstiennent, conformément aux buts et principes énoncés dans la Charte des Nations Unies, de recourir à la menace ou à l'emploi de la force, notamment en vue de violer leur frontière commune existante.

4. Les Parties s'engagent à ne pas entreprendre, fomenter, soutenir ou tolérer des actes ou des activités ayant un caractère inamical à l'égard de l'autre Partie. Aucune Partie ne permet que son territoire soit utilisé contre l'autre Partie par un pays tiers, une organisation, un groupe ou un individu qui mène ou tente de mener des activités subversives sécessionnistes ou des actes ou des activités qui menacent la paix, la stabilité ou la sécurité de l'autre Partie. Chaque Partie communique sans délai à l'autre Partie toute information dont elle dispose concernant toutes actions ou intentions de ce type.

ARTICLE 4

1. Chaque Partie s'engage, par le présent Accord, et déclare solennellement que rien dans sa Constitution, telle qu'elle est en vigueur ou sera modifiée à l'avenir, ne saurait ou ne devrait être interprété comme constituant ni ne constituera jamais le fondement de toute revendication portant sur toute zone qui ne se situe pas à l'intérieur de ses frontières internationales.

2. Chaque Partie s'engage à ne pas faire de déclarations à caractère irrédentiste ou à ne pas autoriser ou approuver toutes déclarations de ce type par des personnes prétendant agir en son nom ou dans son intérêt.

3. Chaque Partie s'engage, par le présent Accord, et déclare solennellement que rien dans sa Constitution, telle qu'elle est en vigueur ou sera modifiée à l'avenir, ne saurait ou ne devrait être interprété comme constituant ni ne constituera jamais le fondement d'une ingérence dans les affaires intérieures de l'autre Partie sous quelque forme ou pour quelque raison que ce soit, y compris aux fins de la protection du statut et des droits de toutes personnes qui ne sont pas ses citoyens.

ARTICLE 5

1. Dans la conduite de leurs affaires, les Parties sont guidées par l'esprit et les principes de la démocratie, des libertés fondamentales, du respect des droits de l'homme et de la dignité et de l'état de droit, conformément à la Charte des Nations Unies, à la Déclaration universelle des droits de l'homme, à la Convention européenne de sauvegarde des droits de l'homme et des libertés fondamentales, à la Convention internationale sur l'élimination de toutes les formes de discrimination raciale, à la Convention relative aux droits de l'enfant, à l'Acte final d'Helsinki, au Document de la Réunion de Copenhague de la Conférence sur la dimension humaine de la CSCE et à la Charte de Paris pour une nouvelle Europe et à d'autres accords et instruments internationaux auxquels les deux Parties sont parties.

2. Aucune disposition de l'un quelconque des instruments visés au paragraphe 1 ci-dessus ne peut être interprétée comme conférant le droit à l'une des Parties de prendre toute mesure contraire aux buts et principes énoncés dans la Charte des Nations Unies ou l'Acte final d'Helsinki, y compris au principe de l'intégrité territoriale des États.

ARTICLE 6

1. Afin de renforcer les relations bilatérales amicales, chaque Partie prend rapidement des mesures efficaces pour interdire toutes activités, actions ou propagande hostiles menées par des organismes de l'État ou des organismes directement ou indirectement contrôlés par l'État et pour prévenir les activités propres à inciter au chauvinisme, à l'hostilité, à l'irrédentisme et au révisionnisme à l'égard de l'autre Partie. Si de telles activités se déroulent, les Parties prennent toutes les mesures nécessaires.

2. Chaque Partie prend rapidement des mesures propres à décourager et à prévenir la commission par des entités privées de tous actes susceptibles d'inciter à la violence, à la haine ou à l'hostilité à l'égard de l'autre Partie. Si une entité privée sise sur le territoire d'une Partie se livre à des activités de ce type à l'insu de ladite Partie, celle-ci doit, dès qu'elle en a pris connaissance, prendre rapidement toutes les mesures nécessaires, conformément à la loi.

3. Chaque Partie empêche et décourage les actes, y compris les actes de propagande, commis par des entités privées qui sont de nature à inciter au chauvinisme, à l'hostilité, à l'irrédentisme et au révisionnisme à l'égard de l'autre Partie.

ARTICLE 7

1. Les Parties reconnaissent que la compréhension que chacune d'elles a des termes « Macédoine » et « macédonien »
2. Lorsqu'il s'agit de la première Partie, ces termes désignent non seulement la zone et la population de la région septentrionale de la première Partie, mais aussi leurs caractéristiques, ainsi que la civilisation, l'histoire, la culture et le patrimoine helléniques de cette région, de l'antiquité à nos jours.
3. Lorsqu'il s'agit de la deuxième Partie, ces termes désignent son territoire, sa langue, sa population et ses caractéristiques, ainsi que leur histoire, leur culture et leur patrimoine, nettement différents de ceux qui sont visés au paragraphe 2 de l'article 7.
4. La deuxième Partie prend acte du fait que sa langue officielle, la langue macédonienne, fait partie du groupe des langues slaves méridionales. Les Parties prennent acte du fait que la langue officielle et les autres caractéristiques de la deuxième Partie ne sont pas liées à l'ancienne civilisation hellénique ni à l'histoire, à la culture et au patrimoine helléniques de la région septentrionale de la première Partie.
5. Aucune disposition du présent Accord ne vise en aucune façon à dénigrer, à modifier ou à affecter les usages des ressortissants de l'une ou l'autre Partie.

ARTICLE 8

1. Si l'une des Parties estime qu'un ou plusieurs symboles faisant partie de son patrimoine historique ou culturel sont utilisés par l'autre Partie, elle porte ces allégations d'utilisation à

l'attention de l'autre Partie, laquelle prend les mesures correctives appropriées pour traiter efficacement la question et garantir le respect de ce patrimoine.

2. Dans les six mois suivant l'entrée en vigueur du présent Accord, la deuxième Partie examine les monuments, les bâtiments publics et les infrastructures sur son territoire, et, dans la mesure où ils se réfèrent à l'histoire et à la civilisation helléniques antiques qui font partie intégrante du patrimoine historique ou culturel de la première Partie, prend les mesures correctives appropriées pour traiter efficacement la question et garantir le respect de ce patrimoine.

3. La deuxième Partie ne doit pas utiliser de nouveau de quelque manière et sous quelque forme que ce soit le symbole qui figurait auparavant sur son précédent drapeau national. Dans un délai de six mois à compter de l'entrée en vigueur du présent Accord, la deuxième Partie procédera à l'enlèvement du symbole figurant sur son précédent drapeau national sur tous les sites publics et pour tous les autres usages publics sur son territoire. Les objets archéologiques n'entrent pas dans le champ d'application de la présente disposition.

4. Chaque Partie respecte les recommandations de la Conférence des Nations Unies sur la normalisation des noms géographiques en ce qui concerne l'utilisation des noms géographiques et des toponymes officiels sur le territoire de l'autre Partie, en utilisant les endonymes de préférence aux exonymes.

5. Dans le mois qui suit la signature du présent Accord, les Parties établissent, par échange de notes diplomatiques, un comité paritaire interdisciplinaire de spécialistes des questions historiques, archéologiques et éducatives, chargé d'examiner l'interprétation objective scientifique des faits historiques fondée sur des sources factuelles historiques authentiques et scientifiquement rationnelles et les découvertes archéologiques. Les travaux du Comité sont supervisés par les ministères des affaires étrangères respectifs des Parties en coopération avec les autres autorités nationales compétentes. Le Comité examine et, s'il le juge approprié, modifie les manuels scolaires et les matériels didactiques tels que cartes, atlas historiques et guides pédagogiques utilisés dans chacune des Parties, conformément aux principes et buts de l'UNESCO et du Conseil de l'Europe. À cet effet, le Comité fixe des échéances précises afin de garantir que dans chacune des Parties aucun manuel scolaire ou matériel didactique utilisés durant l'année qui suit la signature du présent Accord ne contienne des références irrédentistes ou révisionnistes. Le Comité étudie également les nouvelles éditions de manuels scolaires et de matériels didactiques comme prévu dans le présent article. Le Comité se réunit périodiquement, au moins deux fois par an, et soumet un rapport annuel sur ses activités et ses recommandations, qui doivent être approuvées par le Conseil de coopération de haut niveau, qui sera créé en application de l'article 12.

6. Les Parties reconnaissent que les solutions mutuellement acceptées susmentionnées qui découlent des négociations contribueront à l'instauration définitive de relations pacifiques et de bon voisinage dans la région, conformément aux résolutions 817 (1993) et 845 (1993) du Conseil de sécurité.

PARTIE 2. INTENSIFICATION ET ENRICHISSEMENT DE LA COOPÉRATION ENTRE LES DEUX PARTIES

ARTICLE 9

1. Les Parties conviennent que leur coopération stratégique doit s'étendre à tous les secteurs, tels que l'agriculture, la protection civile, la défense, l'économie, l'énergie, l'environnement, l'industrie, les infrastructures, les investissements, les relations politiques, le tourisme, le

commerce, la coopération transfrontière et les transports. Cette coopération stratégique s'applique non seulement aux secteurs couverts par le présent Accord, mais aussi à ceux qui, à l'avenir, peuvent être considérés comme bénéfiques pour les deux pays et indispensables. Tous ces secteurs doivent être intégrés au Plan d'action global au cours du développement des relations bilatérales.

2. Les mesures de confiance existantes sont intégrées au Plan d'action susmentionné. Ce dernier vise à mettre en œuvre les dispositions de cette partie du présent Accord. Le Plan d'action est enrichi et développé en permanence.

RELATIONS DIPLOMATIQUES

ARTICLE 10

Dès l'entrée en vigueur du présent Accord :

1. La première Partie élève sans tarder :

- a) Son bureau de liaison dans la capitale de la deuxième Partie au rang d'ambassade ;
- b) Son bureau des affaires consulaires, économiques et commerciales existant dans la ville de Bitola, dans la deuxième Partie, au rang de consulat général ;

2. La deuxième Partie élève sans tarder :

- a) Son bureau de liaison dans la capitale de la première Partie au rang d'ambassade ;
- b) Son bureau des affaires consulaires, économiques et commerciales existant dans la ville de Thessalonique, dans la première Partie, au rang de consulat général.

COOPÉRATION DANS LE CADRE DES ORGANISATIONS ET INSTANCES INTERNATIONALES ET RÉGIONALES

ARTICLE 11

Les Parties coopèrent étroitement, sur le plan bilatéral et au sein des organisations et des initiatives régionales, pour faire en sorte que l'Europe du Sud-Est devienne une région de paix, de croissance et de prospérité pour ses peuples. Elles s'emploient à promouvoir, en collaborant, l'élaboration de la coopération au niveau régional, notamment la fourniture d'un soutien mutuel aux candidatures présentées dans le cadre des organisations et des institutions internationales, multilatérales et régionales telles que l'ONU, l'OSCE et le Conseil de l'Europe.

COOPÉRATION POLITIQUE ET SOCIÉTALE

ARTICLE 12

1. Les Parties s'engagent à renforcer et à développer leurs relations politiques bilatérales au moyen de visites, réunions et consultations périodiques à un niveau élevé sur les plans politique et diplomatique.

2. Les Parties constituent un Conseil de coopération de haut niveau représentant leurs gouvernements respectifs, dirigé conjointement par les Premiers Ministres.

3. Le Conseil se réunit au moins une fois par an ; il est l'organe compétent chargé de garantir la qualité et l'efficacité de la mise en œuvre du présent Accord et du Plan d'action qui en découle. Il prend des décisions et facilite des actions et des mesures visant à améliorer et à renforcer la coopération bilatérale entre les Parties et traite toutes questions qui peuvent se poser lors de la mise en œuvre du présent Accord et du Plan d'action qui en découle, en vue de leur règlement.

4. Les Parties sont convaincues que le développement et le renforcement des contacts personnels sont essentiels à l'établissement de relations d'amitié, de coopération et de bon voisinage entre les Parties et entre leurs peuples. Elles appuient et encouragent les contacts et les réunions entre leurs citoyens à tous les niveaux appropriés.

5. Les Parties appuient et encouragent les contacts entre leurs sociétés civiles, ainsi qu'entre leurs institutions et entre leurs autorités locales, y compris les activités de coopération et les échanges de jeunes et d'étudiants, l'objectif étant d'améliorer la compréhension et la coopération entre leurs peuples.

COOPÉRATION ÉCONOMIQUE

ARTICLE 13

Compte tenu du fait que la deuxième Partie est un État sans littoral, les Parties sont guidées par les dispositions pertinentes de la Convention des Nations Unies sur le droit de la mer, dans la mesure du possible, tant dans la pratique que lorsqu'elles concluent les accords mentionnés à l'article 18 du présent Accord.

ARTICLE 14

1. Les Parties développent leur coopération économique dans tous les domaines. Un accent particulier est mis sur le renforcement, l'amélioration et l'approfondissement de leur coopération bilatérale dans les domaines de l'agriculture, de l'énergie, de l'environnement, de l'industrie, des infrastructures, des investissements, du tourisme, du commerce et des transports. Pour atteindre cet objectif, les Parties mettent à profit et utilisent les mesures de confiance existantes, constituant une plateforme de coopération mutuellement bénéfique qui deviendra un plan d'action.

2. Les Parties encouragent les investissements mutuels et prennent toutes les mesures nécessaires à leur protection effective, y compris des mesures pour combattre l'excès de bureaucratie et surmonter les obstacles institutionnels, administratifs et fiscaux. Les Parties mettent particulièrement l'accent sur la coopération entre les sociétés, les entreprises et les industries de chaque Partie.

3. Les Parties s'abstiennent d'imposer toute entrave à la circulation des personnes ou des marchandises entre leurs territoires respectifs ou par le territoire de l'une des Parties vers le territoire de l'autre. Les Parties coopèrent pour faciliter cette circulation conformément au droit international.

4. Les Parties développent et renforcent leur coopération dans le domaine de l'énergie, notamment au moyen de la construction, de l'entretien et de l'utilisation d'oléoducs interconnectés et de gazoducs interconnectés (existants, en construction et prévus) et dans le domaine des ressources énergétiques renouvelables, notamment l'énergie photovoltaïque, éolienne et hydroélectrique. Si des questions restent à résoudre, elles le seront sans tarder en leur trouvant des

solutions mutuellement bénéfiques qui tiennent largement compte de la politique énergétique européenne et de l'acquis communautaire. La première Partie aide la deuxième Partie à procéder au transfert approprié de savoir-faire et de connaissances spécialisées.

5. Les Parties encouragent, étendent et améliorent les synergies de coopération dans les domaines des infrastructures et des transports et, sur la base de la réciprocité, dans les domaines du transport routier, ferroviaire, maritime et aérien et des connexions de communication, en utilisant les meilleures technologies et pratiques disponibles en la matière. Elles facilitent également le transit entre elles des biens, des cargaisons et des marchandises, en empruntant les infrastructures, y compris les ports et les aéroports, sur le territoire de chaque Partie. Les Parties se conforment aux règles et réglementations internationales applicables au transit, aux télécommunications, aux signalisations et aux codes. La première Partie le fait conformément aux obligations qui lui incombent en tant que membre de l'Union européenne et que partie à d'autres instruments internationaux. La deuxième Partie le fait conformément aux obligations qui lui incombent du fait de son appartenance à des institutions ou organisations internationales, multilatérales ou régionales au moment de l'entrée en vigueur du présent Accord et, après son adhésion proposée à l'Union européenne, en tant que membre de celle-ci.

6. Les Parties s'emploient à améliorer et à moderniser les points de passage de la frontière qui existent, pour assurer la fluidité du trafic, et à construire de nouveaux points de passage en vue de stimuler les flux touristiques et les échanges commerciaux entre elles.

7. Les Parties prennent les mesures nécessaires pour garantir la protection de l'environnement et la préservation de l'habitat naturel dans les eaux transfrontières et les espaces environnants et elles coopèrent en vue de réduire et d'éliminer toutes les formes de pollution. Elles s'efforcent d'élaborer et d'harmoniser des stratégies et des programmes de coopération régionale et internationale pour la protection de l'environnement.

8. Les Parties appuient l'élargissement des échanges touristiques et le développement de leur coopération dans les domaines du tourisme alternatif, y compris le tourisme culturel, religieux, éducatif, médical et sportif et elles coopèrent aux fins de l'amélioration et de la promotion des voyages professionnels et touristiques entre eux.

9. Les Parties créent un Comité ministériel conjoint afin de parvenir à la meilleure coopération possible dans les secteurs de partenariat économique susmentionnés, y compris en organisant des forums conjoints des entreprises. Le Comité ministériel, qui se réunit au moins une fois par an, oriente la coopération économique bilatérale, la mise en œuvre complète des mesures, des accords, des protocoles et des cadres contractuels sectoriels ainsi que tous les futurs accords pertinents. Les Parties encouragent les relations les plus étroites possibles entre leurs chambres de commerce.

COOPÉRATION DANS LES DOMAINES DE L'ÉDUCATION, DE LA SCIENCE, DE LA CULTURE, DE LA RECHERCHE, DE LA TECHNOLOGIE, DE LA SANTÉ ET DES SPORTS

ARTICLE 15

À l'ère de la nouvelle révolution industrielle et du deuxième âge de la machine, l'approfondissement de la coopération entre les États et entre les sociétés est plus que jamais nécessaire, notamment en ce qui concerne les activités sociales, les technologies et la culture, que ce soit au sens large ou restreint. Pour cela :

1. Les Parties développent et améliorent leur coopération scientifique, technologique et technique ainsi que leur collaboration dans le domaine de l'éducation. Elles intensifient leurs échanges d'information et de documentation scientifique et technique et s'efforcent d'améliorer l'accès mutuel aux institutions, aux archives et aux bibliothèques scientifiques et de recherche et aux institutions similaires. Elles appuient les initiatives des institutions scientifiques et éducatives et des particuliers visant à améliorer la coopération et les échanges dans les domaines des sciences, de la technologie et de l'éducation.

2. Les Parties encouragent et appuient des manifestations ainsi que des programmes scientifiques et éducatifs auxquels des membres de leurs communautés scientifiques et universitaires participent. Elles encouragent et appuient également la convocation de conférences bilatérales et internationales dans ces domaines.

3. Les Parties accordent une grande importance au développement de la recherche dans les nouvelles technologies et à la mise en œuvre et à l'utilisation de ces technologies, notamment les technologies numériques et la nanotechnologie, dans le respect de l'environnement et en améliorant les compétences, les capacités et la condition générale de leurs citoyens. À cette fin, elles développent la coopération entre leurs centres de recherche, chercheurs universitaires et systèmes universitaires institutionnels.

4. Les Parties mettent un accent particulier sur le développement des relations culturelles entre les deux États, leurs sociétés et leurs groupes sociaux, principalement dans les domaines des arts, de la danse, du cinéma, de la musique et du théâtre. À cet égard, une importance particulière est accordée aux activités sportives. La collaboration bilatérale dans le domaine de la santé, y compris les soins de santé, est encouragée.

COOPÉRATION EN MATIÈRE DE POLICE ET DE PROTECTION CIVILE

ARTICLE 16

1. Les Parties coopèrent étroitement dans la lutte contre la criminalité organisée transfrontière, le terrorisme, les crimes et délits économiques, concernant en particulier la criminalité liée au trafic illicite et/ou à l'exploitation des êtres humains ; les infractions liées à la production, au trafic ou au commerce de stupéfiants et de substances psychotropes ; la fabrication et le trafic illicites d'armes à feu, de leurs pièces, éléments et munitions ; l'importation, l'exportation et le transfert de propriété illicites des biens culturels ; les infractions commises contre les transports aériens civils ; et la criminalité liée à la contrefaçon et/ou à la contrebande de cigarettes, d'alcool ou de combustibles.

2. Les Parties coopèrent étroitement dans le secteur de la protection civile, en mettant particulièrement l'accent sur la prévention et la réponse aux catastrophes naturelles et d'origine humaine et sur les secours en cas de catastrophe. Chaque Partie peut utiliser l'éducation spécialisée et les compétences techniques de l'autre Partie, et chaque fois que cela est nécessaire et possible, chaque Partie met à la disposition de l'autre ses moyens spécialisés, en particulier dans la lutte contre les incendies. Les Parties peuvent étudier la mise en place d'un mécanisme approprié pour faciliter l'application du présent article.

COOPÉRATION EN MATIÈRE DE DÉFENSE

ARTICLE 17

Les Parties renforcent et étendent leur coopération dans le domaine de la défense, notamment par des visites et des contacts fréquents des responsables politiques et militaires de leurs forces armées, le transfert de savoir-faire et le renforcement des capacités, la coopération dans les domaines de la production et de l'information et des exercices militaires conjoints. Un accent particulier est mis sur la formation du personnel que les Parties pourraient se fournir l'une à l'autre.

RELATIONS CONVENTIONNELLES

ARTICLE 18

1. Dès l'entrée en vigueur du présent Accord, les Parties sont guidées, dans leurs relations, par les dispositions des accords bilatéraux ci-après, qui ont été conclus entre l'ex-République fédérative socialiste de Yougoslavie et la première Partie le 18 juin 1959 :

- a) La convention sur les relations juridiques mutuelles ;
- b) L'accord relatif à la reconnaissance réciproque et à l'exécution des décisions judiciaires ;
- c) L'accord sur les questions hydro-économiques.

2. Les Parties conviennent que, lors de l'entrée en vigueur du présent Accord, tous les documents internationaux ayant force obligatoire pour les Parties sur le plan bilatéral resteront en vigueur, à moins que le présent Accord n'y mette fin expressément

3. Les Parties se consultent pour recenser les autres accords conclus entre l'ex-République fédérative socialiste de Yougoslavie et la première Partie dont ils considèrent que l'application dans leurs relations mutuelles est appropriée.

4. Les Parties s'engagent à étudier toutes les possibilités de conclure des accords bilatéraux supplémentaires nécessaires concernant les domaines d'intérêt commun.

PARTIE 3. RÈGLEMENT DES DIFFÉRENDS

ARTICLE 19

1. Les Parties règlent tout différend exclusivement par des moyens pacifiques, conformément à la Charte des Nations Unies.

2. Si une Partie estime que l'autre Partie n'agit pas conformément aux dispositions du présent Accord, cette Partie doit avant tout notifier à l'autre Partie ses préoccupations et rechercher la solution par voie de négociation. Si les Parties ne parviennent pas à régler la question au niveau bilatéral, elles peuvent décider de demander au Secrétaire général de l'Organisation des Nations Unies d'user de ses bons offices pour résoudre la question.

3. Tout différend qui surgit entre les Parties concernant l'interprétation ou l'application du présent Accord et qui n'est pas réglé conformément aux procédures visées au paragraphe 2 du présent article peut être soumis à la Cour internationale de Justice. Les Parties devraient d'abord chercher à s'entendre sur une requête conjointe présentée à ladite Cour concernant ce différend, quel qu'il soit. Toutefois, si un accord n'est pas conclu dans un délai de six mois, ou dans un délai

plus long si les Parties en conviennent mutuellement, le différend peut être soumis par l'une des Parties à titre individuel.

CLAUSES FINALES

ARTICLE 20

1. Le présent Accord est signé par les ministres des affaires étrangères des deux Parties.

2. Le présent Accord est soumis à ratification, selon la chronologie de la procédure énoncée au paragraphe 4 de l'article premier.

3. Une fois que les procédures juridiques internes requises pour l'entrée en vigueur du présent Accord, telles qu'énoncées à l'article premier, sont achevées, les Parties se notifient par écrit leur achèvement dans un délai de deux semaines. Le présent Accord entre en vigueur à la date de réception de la dernière notification par la Partie concernée.

4. Le paragraphe 5 de l'article 8 s'applique à titre provisoire, en attendant l'entrée en vigueur du présent Accord. Si celui-ci n'entre pas en vigueur, sa totalité et chacune de ses dispositions considérée individuellement n'ont pas d'effet et ne sont pas appliquées, que ce soit à titre provisoire ou autrement, et ne lie aucune des Parties de quelque façon que ce soit.

5. La différence et les questions qui restaient à résoudre visées dans les résolutions 817 (1993) et 845 (1993) du Conseil de sécurité sont considérées comme ayant été réglées lors de l'entrée en vigueur du présent Accord.

6. Dès que possible après l'entrée en vigueur du présent Accord, les Parties ou l'une des Parties informe le Secrétaire général de l'Organisation des Nations Unies de l'entrée en vigueur du présent Accord, y compris de la date de son entrée en vigueur, aux fins de sa mise en œuvre à l'Organisation des Nations Unies.

7. Le présent Accord n'est pas dirigé contre un autre État, une entité ou une personne. Il ne porte pas atteinte aux droits et obligations résultant d'accords bilatéraux et multilatéraux déjà en vigueur que les Parties ont conclus avec d'autres États ou des organisations internationales.

8. La première Partie applique le présent Accord conformément à ses obligations découlant de son adhésion à l'Union européenne et de son appartenance à d'autres institutions ou organisations internationales, multilatérales ou régionales, ainsi que de son statut de partie à d'autres instruments internationaux. De même, la deuxième Partie applique le présent Accord conformément aux obligations qui lui incombent du fait de son appartenance à des institutions ou organisations internationales, multilatérales ou régionales, dont l'Union européenne, après son adhésion proposée à celle-ci.

9. Les dispositions du présent Accord restent en vigueur indéfiniment et sont irrévocables. Aucune modification ne peut être apportée aux dispositions du présent Accord figurant aux paragraphes 3 et 4 de l'article premier.

10. Le présent Accord est enregistré auprès du Secrétariat de l'Organisation des Nations Unies conformément à l'Article 102 de la Charte des Nations Unies.

EN FOI DE QUOI, les Parties, par l'intermédiaire de leurs représentants habilités, ont signé trois exemplaires du présent Accord définitif en langue anglaise.

Le représentant de la première Partie :

NIKOS KOTZIAS

Ministre des affaires étrangères

Le représentant de la deuxième Partie :

NIKOLA DIMITROV

Ministère des affaires étrangères

Conformément aux résolutions 817 (1993) et 845 (1993) du Conseil de sécurité, EN

PRÉSENCE DE :

MATTHEW NIMETZ

Envoyé personnel du Secrétaire général

de l'Organisation des Nations Unies

FAIT à Prespa, le 17 juin 2018

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