

## MEMORIAL

The International Crisis Group (henceforward: ICG), a distinguished and influential non-governmental organisation, has prepared a report entitled: *Macedonia's Name: Why the Dispute Matters and How to Resolve It*<sup>1</sup> and presented it, under the number 122, on 10 December 2001 to the United Nations, to the Republic of Greece and the Republic of Macedonia, and to a wider circle of international bodies, as well as to certain scientists and scholars and politicians. In view of the fact that the Report is the first document in which this problem is analysed more extensively and legal and political modalities for its solution are proposed, the Macedonian Academy of Sciences and Arts has given it due attention and presents the following standpoints for public scrutiny.

### I INTRODUCTION

The Republic of Macedonia has entered upon the second decade of its existence as an independent and sovereign state. On this road it has encountered extremely serious problems and incurred many sufferings and sacrifices. Through its own example it has had to prove well-known truths of universal significance for all states in the contemporary world. In the struggle for the use of its historical name which the Republic of Macedonia has waged for more than a decade, it has also come face to face with a political absurdity: that which is to all modern states a right and a rule in the process of gaining of independence does not apply to it - and it has been treated as an exception. Such is the absurdity of the demand that it should alter the name of its own independent and sovereign state.

Throughout history, there have been exerted on the Macedonian people repression, national assimilation, discrimination, ethnic cleansing and population relocation - and this, to a greater or lesser extent, up to the present day. Bearing within it and in its historical memory the tragic awareness throughout its existence of the well-known Macedonian uprisings of 1876, 1878-79 and 1903 and more particularly of the constitution of the state at the First Session of the Antifascist National Liberation Assembly of Macedonia in 1944 and subsequently in all its various Constitutions up to

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<sup>1</sup> International Crisis Group, Balkans Report No. 122, 10 December 2001. *Macedonia's Name: Why the Dispute Matters and How to Resolve It*, Skopje/Bussels (henceforth ICG Balkans Report No. 122) pp. I-III and 1-24.

the latest one of 1991, it has not been by chance that inter-national equality has been their fundamental mainstay and principle. For precisely this reason the Republic of Macedonia was considered a successful state paradigm in the Balkans and in Europe because of the equality of all the various nationalities living in it.

In comparison with its previous reports, The ICG's Balkans Report No. 122 is characterised by a greater breadth of scope concerning the issues relating to the Republic of Macedonia and by a higher level of historical and international legal justification regarding the Macedonian national question, the Republic of Macedonia's statehood and of the dispute over its historical and constitutional name. The Report points out the complexity of the views and projections of the future of the Republic of Macedonia state, and the serious consequences for the peace and security of the Balkans and beyond in the wider region if the crisis of Macedonian identity arising from the Ohrid Framework Agreement and the constitutional changes is not overcome.<sup>2</sup> The ICG at the same time considers that the Ohrid Framework Agreement, with its basic shortcomings, has undermined the Macedonian sense of security, dramatically increased the Macedonian identity crisis and given rise to doubt among Macedonians of the good intentions of the international community.

The ICG Report attempts objectively to review the overall national and political situation in the Republic of Macedonia following the Ohrid Framework Agreement and endeavours to make proposals which it considers propitious to a way out of the existing crisis.<sup>3</sup>

Despite several inconsistencies and a lack of principle, the ICG Balkans Report No. 122 deserves attention as it actualises the key question which is of crucial importance to the Macedonian people and the Macedonian state, the question of the name of the state. The resolution of this years-long dispute imposed by Greece will, according to the ICG Report, be of great and positive influence on the problem of Macedonian identity.<sup>4</sup> Treating the dispute as a matter of regional stability and security

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<sup>2</sup> ICG Balkans Report No. 122 p. III.

<sup>3</sup> The Macedonian Academy, however, is extremely surprised that in its Report this distinguished group, in contradiction of the facts, mentions the Academy as a supporter of the idea and plan for an exchange of territories and population between Macedonia and Albania announced in the media even though the Academy in several of its statements has denied this insinuation and at a special meeting unanimously and unreservedly condemned such an idea. The fact of the matter is that in not a single one of the official bodies of the Macedonian Academy has such an idea been either discussed or mentioned. Individual opinions cannot be considered as the idea or the position of the Academy. ICG Balkans Report No. 122 pp. 3–4.

<sup>4</sup> Ibid. p. I.

and as an issue which deepens the Macedonian identity crisis, the ICG Report stresses that the international community has a binding strategic reason for recognising the constitutional name of the Republic of Macedonia.

Supporting the acceptance of Macedonia's historical and constitutional name, the ICG Report states decisively that Greece's demands for the alteration of the name of the Republic of Macedonia are invalid from the point of view of international law, that is to say that the Greek demand for the alteration of the name has no support in international law: "There appears to be no basis in international law or practice for Greece's position... While there is some support in international law for state discretion on recognition, and even imposition of conditions before granting recognition, such discretion is *'not a matter of arbitrary will or political concession, but is given or refused in accordance with legal principle'*. In the case of Greece and Macedonia, such principle is glaringly absent." Therefore the use of a 'provisional' name as a condition for membership of the UN constitutes an infringement of Article 4 of the UN Charter which, according to the International Court of Justice, strictly limits the demands that may be imposed as a condition for membership.<sup>5</sup>

Insisting on the initiative that the international community should assist the Republic of Macedonia in the matter of the recognition of its name, the ICG stresses the viewpoint that, if this is not in fact done, then the Macedonian identity crisis will further deepen, with fatal consequences for the Republic of Macedonia. With its positive participation in the resolution of the dispute over the name, the international community is making its own contribution to the further strengthening of Macedonia's confidence in it. With its support for Macedonia's constitutional name and the affirmation of its identity it will strengthen the Macedonian sense of security and confidence in the international community, achieve a more relaxed political atmosphere, and create the conditions necessary for constructive cooperation.<sup>6</sup> The resolution of the dispute over the name will assist the preservation of the territorial integrity of the Republic of Macedonia and will contribute to stability in the region. It will thereby assist in overcoming the greatest obstacle to a Macedonian sense of security.<sup>7</sup>

The Macedonian Academy supports the initiatives of the ICG concerning a swift resolution of the most vital issue, that of the name of the Republic of Macedonia. The

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<sup>5</sup> Ibid. pp. 16–17.

<sup>6</sup> Ibid. p. I.

<sup>7</sup> Ibid. p. 17.

Academy is also convinced that the resolution of this problem will contribute to a strengthening of peace and good-neighbourly relations in the Balkans, to the affirmation of the national identity of the Macedonian people and to the international status of the Republic of Macedonia. All of this will be a significant impulse for the development and further deepening of political, economic and cultural relations between the Republic of Macedonia and the Republic of Greece, as well as to Macedonia's links with its other neighbours.

The Macedonian Academy considers the ICG's proposals for the recognition and securing of the rights of the Macedonian national minorities in Bulgaria and Albania entirely justified.<sup>8</sup> It is, however, completely incomprehensible why the ICG does not demand the same of the Republic of Greece, where there lives a numerous Macedonian national minority whose existence the Republic of Greece does not recognise.

While appreciating the initiatives and proposals of the ICG on the resolution of the dispute about Macedonia's name and on the overcoming of the Macedonian identity crisis, and supporting them, the Macedonian Academy wishes to concentrate on those inconsistencies and the lack of principle in the Report which are in contradiction to universally accepted norms of positive international law and established practice in international relations.

The Academy considers that in the settlement of every issue over which two parties are in dispute, the basic prerequisite for achieving agreement between them is their equal treatment. In this sense, in order to achieve agreement between the Republic of Macedonia and the Republic of Greece, the two parties should be treated as completely equal subjects in a legally equivalent position, and formulations which lead to the conclusion that one of the parties (the Republic of Greece) is in a privileged, while the other (the Republic of Macedonia) is in a subordinate position should be

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<sup>8</sup> The Macedonian Academy gives its wholehearted support to the ICG proposals relating to the Macedonian symbols and to the resolution of the status of the Macedonian national minorities in the neighbouring countries, particularly to the following concrete demands: "ICG also recommends that Bulgaria and Serbia take steps to affirm their recognition of Macedonian symbols. As a condition for consideration of membership in NATO, the EU, or other international organisations, Bulgaria in particular should demonstrate its full disavowal of any claim – express or implied – on the Macedonian language, nation or state." and that "Bulgaria and Albania should consult the OSCE High Commissioner on National Minorities to ensure that the position of their Macedonian minorities meets all European standards. (Such issues pertaining to Greece and Serbia should be dealt with separately, out of the context of this proposal.) Given that Albanians in Macedonia receive substantial concessions under Ohrid, Albania in particular should ensure that its Macedonian minority has appropriate rights in education, language use, and representation in local and central government and police." (pp. 21–22).

avoided. Such a conclusion is inevitably reached by the use of formulations according to which, in a bilateral treaty, "Macedonia would make important concessions" to Greece, that the bilateral treaty involves "Macedonian concessions to Greek concerns", that the treaty itself is designated as "a bilateral treaty between Skopje and Athens involving concessions to Greek concerns", that the treaty will be one "consisting largely of Macedonian concessions" and that "almost all the concessions made by Skopje would be unilateral and unreciprocated".<sup>9</sup> The Academy believes that a bilateral agreement cannot be achieved if one of the parties is compelled to accept clauses which are in the interest only of the other party. Such an agreement cannot contribute to the creation of an atmosphere favourable to mutual understanding or to lasting mutual relations between the Republic of Greece and the Republic of Macedonia.

## **II MATTERS RELATING TO THE NAME OF THE STATE**

### *1. Macedonia – the basic name of the state*

The name Macedonia is thousands of years old. In the course of its long history, the name Macedonia has covered areas of varying extent and a heterogeneous population has lived in them. Because of its central position in the Balkans the gaze of different peoples has been turned towards Macedonia. The propaganda of various nations has been disseminated within it and wars have been waged between neighbours on account of it.

The territory which was designated by the name Macedonia after the 1878 Congress of Berlin was not the same as that which was embraced by the name in ancient times. After the Balkan Wars it was partitioned by the Bucharest Peace Treaty of 10 August 1913 among the neighbouring states of Greece, Serbia, Bulgaria and Albania even although this last country did not take part in the work of the Bucharest Peace Treaty, in contravention of the principle of national affiliation. The partitioned territories continued to be regarded as parts of Macedonia; their populations struggled by different means for the creation of a single, independent and sovereign state. In order to crush these aspirations, and so that the name Macedonia should be consigned to historical oblivion, the part of Macedonia belonging to Greece was officially named Northern Greece, the part belonging to the Serbian kingdom (Yugoslavia) was called

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<sup>9</sup> Ibid. pp. II, III, 18, 19, 23.

Southern Serbia and the part belonging to Bulgaria South-western Bulgaria, while the part within Albania was treated as an integral part of that country.

During the Second World War, as a result of the People's National Liberation Struggle and thanks to its participation on the side of the anti-fascist coalition, the part of Macedonia within the framework of Yugoslavia was constituted under the name of Macedonia as an equal member-state with the other five federal units (Bosnia and Herzegovina, Slovenia, Serbia, Croatia and Montenegro).

This is the name that it has borne for virtually sixty years, to which was added the designation "People's" by the 1946 Constitution, which was altered to "Socialist" by the 1974 Constitution. By the Constitutional Amendment of June 1991 the designation "Socialist" was erased and from then until today its name has been the *Republic of Macedonia*.

Although it is the general rule and regular practice that states are accepted as members of the UN under the name which they themselves stipulate, because of Greece's resistance the Republic of Macedonia was accepted under a provisional name: The Former Yugoslav Republic of Macedonia (abbreviation: FYROM). Macedonia is the only one of the five member-states of the former Yugoslav Federation which has not been accepted into the UN under its constitutional name.

Despite this decision of the UN, a large number of states from the very beginning, on the establishment of diplomatic relations, have recognised the state of Macedonia under its own name: the Republic of Macedonia. The number of these states is constantly on the increase and today virtually half of the member-states of the UN do not accept or use the anachronistic meaningless 'name' FYROM. The use of the name *Republic of Macedonia* is even more frequent in various international organisations and forums and presentations by certain scientists, scholars and cultural and other public figures.

The Republic of Macedonia is the result of a centuries-long historical process and of the development of the national, state, political, economic, cultural and spiritual relations in this part of the Balkans. It is the work of centuries-long aspirations, of the people's national liberation struggles, the uprisings and revolutions of the Macedonian people.<sup>10</sup>

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<sup>10</sup> The assertion of certain authors mentioned in the Report that the Republic of Macedonia is the product of "Tito's ambitions" is absurd and does not correspond with historical fact. Nor does the

The disagreements over the justification for and the possibility of the Republic of Macedonia's bearing that name have been misplaced from the very start and are even more so today. Indeed, several of the conclusions of the ICG Report speak of their misplacedness. Namely, according to it: a) for the Macedonians the name *Macedonia(n)* serves as the only name for the state and the people; b) the state's name is indivisibly linked to the identity of the people; c) for Macedonians the name is not merely a question of their identity but also of their existence; and d) the Macedonians have no other 'native' or 'home' state to secure them their identity. The essence of the dispute lies in a clash over the geographical and historical region known as *Macedonia*, which is directly linked with the existence of a people and its state.<sup>11</sup> The use of the name the *Republic of Macedonia* cannot signify a taking-over or monopolisation of Greek property, as has been considered and propagated in Greece.

## 2. Concerning the ICG's proposal on the acceptance of the name **Republika Makedonija**

Realising the absurdity of a further retention and use of the anachronistic name "The Former Yugoslav Republic of Macedonia" (FYROM) and indicating the requirements and the positive results which the abandoning of this name would imply for both Greece and Macedonia, for the other states in the region and in relations with the wider international community, the ICG in its report makes a plea for the general acceptance (apart from by Greece) of the historical and constitutional name of the independent and sovereign state of Macedonia and proposes that the name be *The Republic of Macedonia*. With regard to this name, however, the ICG proposes special conditions for its pronunciation and its written form. Namely, the ICG proposes that in the UN and in working relations with its bodies the name should read *Republika Makedonija* as in Macedonian, only that it should be written in the Latin script, i.e. that it should not be translated into the official languages in use at the UN, or be transliterated into the alphabets used in those languages. This would mean that in the register of the official working acts of the UN the name of "Republika Makedonija" would not be written or pronounced in English as the Republic of Macedonia, in French

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assertion that "Tito contrived the entire Macedonian identity" and that "Macedonian identity is largely a Titoist contrivance", (pp. 12, 15).

The names *Macedonia* and the *Macedonian people* are far older than the figure of Tito, than the so-called 'Tito period' or linked, as some people associate it, with the Comintern.

<sup>11</sup> Ibid. pp. 15–16.

as la République Macédoine, in Spanish as la República de Macedonia or in Russian as Республика Македония and written in the Cyrillic alphabet. The basic shortcoming in this proposal is the condition that the name *Republika Makedonija* should be written only in the Latin alphabet.

In considering this condition the following problems should be borne in mind:

a) In the UN, its bodies and institutions, and in the international governmental organisations, only those languages which have been specifically established as working languages are used. Apart from these appointed languages, the name of no single state is registered in the language which is in official use in the state itself [insofar as that language is not an official language of the UN]. According to the ICG's proposal in this case the Macedonian language would be the one and only exception. Such a decision would be a precedent and a departure from the stated norms of the UN Charter.

b) Registration, and every other use in written form, of the name of the Republic of Macedonia as *Republika Makedonija*, in the Macedonian language but the Latin alphabet, is illogical and contrary to Article 7 point 1 of the Constitution of the Republic of Macedonia of 17 November 1991, as according to that constitutional regulation the written form of the official Macedonian language is the Cyrillic alphabet. The Latin alphabet is not the alphabet of the Macedonian language.

c) The writing of the name of the Republic of Macedonia (as *Republika Makedonija*) in the Latin alphabet without any translation into the languages that are in official use at the UN will cause particularly complicated problems in those states where the official language is written in the Cyrillic alphabet. In texts in official languages written in the Cyrillic script they will be obliged to write the name *Republika Makedonija* in the Latin alphabet.

The problem becomes even more complicated when it is a case of, for example, the Chinese or Arabic languages.

d) The problem of the pronunciation of the name *Makedonija* written in the Latin alphabet will also exist in countries where the Latin alphabet is in official use. There will be confusion and misunderstanding arising from the fact that the letter 'j' is pronounced in various different ways in those languages.

These and many other reasons, while supporting the abandonment of the meaningless 'name' FYROM as soon as possible, also support, in the final registration of the name of the Republic of Macedonia, the application of the rules and practice



which apply to all other member-states of the UN, so that the Republic of Macedonia should not in this respect be the single exception.

### *3. Concerning the short name of the Republic of Macedonia*

In UN documents, as in the work of its various bodies, and particularly in the register of members, states are listed with two forms of their names: a) *Formal Name* and b) *Short Name*.<sup>12</sup> The *Formal Name*, in addition to the country's own name, most frequently includes certain of its features and characteristics, such as: the form of the state system (republic, kingdom, principality, duchy); the form of the state organisation (federation, union or other form of unification); the nature of the social and political system (democratic, socialist, people's); the nature of the dominant religion in the state (Islamic) or of any other specific features. Most frequently the short form does not contain any designations other than its own name.<sup>13</sup>

In the case of a certain number of the states the Short Name is also the Formal Name, e.g.: Australia, Burkino Faso, Canada, Eritrea, Jamaica, Japan, Malaysia, Mongolia, New Zealand, Romania, Turkmenistan, Ukraine.

On the other hand, although more rarely, there are cases where the more complicated formal name of the state is also used as its short name, i.e. the relevant country does not have a separate short name.<sup>14</sup>

In the register of the names of UN member-states there are four states with the name Guinea: 1) Republic of Guinea (formal name), or simply Guinea (short name); 2) Republic of Equatorial Guinea (formal name), or simply Equatorial Guinea (short

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<sup>12</sup> The formal and short names of the states listed as examples here are quoted from: Country Names, Terminology Bulletin No. 347, United Nations, New York, 1995; list of Member States, UN Press Release ORG/1317, updated 18 December 2000.

<sup>13</sup> Thus, for example, the short names of states with the formal names Republic of Albania, Republic of Angola, Republic of Argentina, Republic of Armenia, or Kingdom of Belgium are simply Albania, Angola, Argentina, Armenia, Belgium. Similarly in the cases of People's Republic of Bangladesh, Federal Republic of Brazil, People's Republic of China, Arab Republic of Egypt, Federal Republic of Germany, State of Israel, Hashemite Kingdom of Jordan, Islamic Republic of Mauritania, United States of Mexico, Islamic Republic of Pakistan, Independent State of Western Samoa, Democratic Socialist Republic of Sri Lanka, Eastern Republic of Uruguay, Socialist Republic of Viet Nam, their short names are simply: Bangladesh, Brazil, China, Egypt, Germany, Israel, Jordan, Mauritania, Mexico, Pakistan, Western Samoa, Sri Lanka, Uruguay and Viet Nam.

<sup>14</sup> For example: Central African Republic, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of Congo, Dominican Republic, Iran (Islamic Republic), Lao People's Democratic Republic, Libyan Arabic Jamahiriya, Republic of Korea, Micronesia (Federated States of), Republic of Moldova, Russian Federation, United Arab Emirates, United Republic of Tasmania, United States of America.

name); Republic of Guinea-Bissau (formal name), or simply Guinea-Bissau (short name), and 4) Papua New Guinea (formal and short name).

Finally, there is the single distinctive case of the name of the state the Ivory Coast which was a French colony which, on its gaining of independence in 1960, was accepted into the UN, but under various different names. Later, at its own request, the name Côte d'Ivoire was accepted as its sole name in the UN. In the UN and all its bodies, and in international governmental organisations today, this name is used and only it can be used. Thus, for example, it is in English the Republic of Côte d'Ivoire (formerly Ivory Coast), in French la République de Côte d'Ivoire, in Spanish la República de Côte d'Ivoire and in Russian Республика Кот-д-Ивуар, as it is, with the same pronunciation, in Chinese and Arabic. The formal and short names are written in the alphabet of the relevant official language in use in the UN.

In the register of the names of UN member-states these names of states are listed with both their full formal names and also their short names. The names of all the UN member-states are listed in the register in English, then in French, Russian, Chinese and Arabic. In the register their names are listed according to the alphabetical order of the English language.

In the ICG Balkans Report No. 122 it is proposed that there should be no short form of the name *Republika Makedonija* and that the full name should also be used as the short name.

Examining the names of the UN member-states in the register, if the independent and sovereign state of Macedonia were to be generally accepted as the Republic of Macedonia, in accordance with the rules and regulations that apply to all member-states, namely with a name that is written and pronounced according to the rules of the languages that are recognised as official languages at the UN and in the alphabets of those languages, the ICG proposal that the full (formal) name of the Republic of Macedonia also be used as the short name should not present any serious or insoluble problem.

#### *4. Concerning a dual name for the state and the separate name "Upper Macedonia"*

Recently, albeit with a number of objections and a certain amount of resistance, the idea has been increasingly disseminated of a dual name, the one for the UN and

international organisations and relations, and the other only for Greece, which has long been proposed by the Macedonian side too as a solution.

The greatest and most straightforward contribution to a further comprehensive development and strengthening of international relations between the Republic of Macedonia and the Republic of Greece would be made by the acceptance at the UN and in all inter-state relations of the single name the Republic of Macedonia (as its formal, constitutional name) and Macedonia (as its short name). Any other solution might cause a disruption of good-neighbourly relations and lead to periodical conflicts of various sorts between the two states. Only such a solution can be of a lasting character. In the interest of current and future relations in the region and in the wider international community the ICG should insist on its acceptance by all the subjects of the international community, including the Republic of Greece.

Bearing in mind the existing differences, and the reasons for them, it is obvious that this issue will not be swiftly or easily resolved in such a manner. Therefore, in order to alleviate the reaction to the current provisional (and anachronistic and meaningless) name – the abbreviation FYROM – the ICG proposes that the existing difference over the name be resolved by the adoption of a dual name. One, the general name, which would be in use at the UN and in international relations and the other, a separate one, agreed and accepted by the Republic of Greece and the Republic of Macedonia and which would only be used by the Republic of Greece in its relations with the Republic of Macedonia, with the UN and its various bodies and with international governmental organisations. This name could not be decided upon by the Republic of Greece unilaterally, nor, once it had been agreed upon by the two states, could it change it unilaterally. This agreed, determined name could under no circumstances be used by other states, by international governmental organisations or at international conferences or meetings, even when these are held in the Republic of Greece.

As a matter of principle, although the solution of the "difference about the name" of the Republic of Macedonia with a "dual name" – one for the Republic of Greece alone, and the other, the general name, accepted by the UN – gives rise to serious resistance, nevertheless in the current circumstances its adoption by both sides would be a certain advance, since it would mean abandoning the present provisional name the Former Yugoslav Republic of Macedonia (FYROM) and would establish for

the UN and for all international relations (except for those with Greece) the single name: the Republic of Macedonia.

In the efforts to date to resolve the matter of the difference over the name of the Macedonian state several variants have been proposed but no single one of them has been acceptable to both sides. In the ICG Balkans Report No. 122 the name *Upper Macedonia* is mentioned as the name by which the Republic of Greece would refer to the Republic of Macedonia.<sup>15</sup> But regarding this proposal, as was the case with the previous ones, there are a large number of observations.

The designation *upper*, or *lower*, is above all linked to certain geographical regions. Such a designation has been given to certain colonial regions and its use was inherited to begin with after their proclamation as independent states.

The ancient division of Macedonia into *upper* and *lower* was an indication of the territorial division of one region, or province, and not of independent states. They were the names of parts of *one state*, and not the names of separate states.

The designations *Upper* and *Lower* Macedonia which were used in ancient times were not used at a later date. There are no justifiable reasons, after such a long period of history, for reintroducing such a name as a division, least of all as the name of a separate state.

As has already been pointed out, in the period between the World Wars that part of geographical Macedonia which falls within Greece was administratively named "Northern Greece". Only in 1986 was the name "Macedonia" brought back into use by a governmental decree, but now relating also to Thrace.

The fact that in the antique period the Greek city states for a certain period fell within the structure of the Macedonian state does not confer upon Greece property rights over Macedonia. Nor can the ancient classical Greek cultural domination in antique Macedonia be a basis for the pre-emption of the name Macedonia. The fact that in the Greek state today there are three administrative districts which in recent times have once more been designated by the names Macedonia and Thrace cannot be a basis or a reason for another part of Macedonia to surrender its right to constitute itself as a separate, independent state and for it too to bear the name Macedonia. The existence of a local, administrative unit (a region, or province) in one state is not incompatible with the existence of an independent state with the same name as the administrative unit in

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<sup>15</sup> Ibid. pp. II, 14, 15, 19.

the other state. And *vice versa*: the existence of a state is not and cannot be an obstacle to the existence of an internal, local administrative unit with the same name in another state. In support of this assertion it is possible, for example, to cite the fact that, apart from the state of Luxembourg, in the south-eastern part of the neighbouring state of Belgium there is a province also named Luxembourg which borders on the state of Luxembourg.

*5. The designation of the citizenship or nationality of the people inhabiting a state called "Upper Macedonia"*

The ICG Balkans Report No. 122 suggests an untenable and irrational proposal for the citizenship and the nationality or ethnicity of the population of the Republic of Macedonia – which might be designated by the Greek side as "*Upper Macedonia*" – namely that the term "*Upper Macedonians*" be introduced.

When it is a question of the national or ethnic affiliation of a population, these can never be separated. The nation is a single historical entity. Regardless of the country in which (s)he lives a Macedonian always remains a *Macedonian* by nationality and by his/her national origin, his/her mother tongue is *Macedonian* his/her cultural heritage is *Macedonian*. The ultimate effect of this proposal would be completely illogical: namely, in the Republic of Macedonia which, according to the ICG proposal, would bear the name *Upper Macedonia* there would live the *Upper Macedonian* people, while in the Republic of Greece, in parts of the province of Macedonia, there would live the *Macedonian* people. In states which have the same basic name, regardless of the different designations that these states may have, there lives one people. On the territory covered by the historical name *Macedonia* and divided among the neighbouring states there lives one people, the *Macedonian people*.

Acceptance of the proposal of the name *Upper Macedonian people* would in fact mean the dispossession of the national character of the people which for centuries has lived in Macedonia, the denial of Macedonian identity.

*6. The timetable according to which the Republic of Macedonia should be inscribed in the register of the names of UN member-states*

In the register of the names of the UN member-states, the Republic of Macedonia, on its acceptance into the UN, was inscribed with its provisional name, the Former Yugoslav Republic of Macedonia (FYROM) and that not in the groups of states whose names begin with the letters F or M. Although the formal names in the English language of all UN member-states begin with the article *the*, they are not written in the register under the letter *T*. A single exception has been made in the case of Macedonia, whose formal and short names are entered under the letter *T* in order to avoid drawing attention to the name Macedonia.

In the ICG Balkans Report No. 122 it is proposed that the name of the state (as Republika Makedonija) be written in the UN register in the group of states whose names begin with the letter *R*. Although the formal name of the majority of the states begins with *The Republic of..*, they are not entered in the register either under the letter *T* or the letter *R*. Exceptions are made in the case of two states: namely, *Republic of Korea. (The)* and *Republic of Moldova (The)*. The reasons for this are not stated, nor is there any explanation of why the Republic of Macedonia should be listed under the letter *R* and not under the letter *M*. Such a proposal on the part of the ICG provides grounds for conjecture of a continued existence of elements of discrimination towards Macedonia.

#### *7. A bilateral or trilateral solution*

Because of the resistance of the Republic of Greece in the matter of the resolution of membership of the UN, the Republic of Macedonia has not been accepted under its own name. With the Security Council Resolution No. 817 of 7 April 1993 it was proposed to the General Assembly that the state, whose request for membership was the subject under discussion, should be received into membership of the UN and that it should be styled by all UN members as The Former Yugoslav Republic of Macedonia (FYROM) provisionally until such time as agreement be reached on the difference over the name. The Secretary General was entrusted with informing the Security Council about the resolution of the difference. The General Assembly is the body authorised to accept a Security Council proposal.

Because the bilateral discussions that have been held at the UN have not produced a solution, and neither, in the view of the ICG – considering the nature of the issue and of the discussions to date, are they likely to lead to a solution – and because the ICG considers that the achievement of a bilateral compromise is a futile hope, in the

ICG Balkans Report No. 122 it is proposed that the resolution of the disputed question should move on to a "trilateral formula", by which the international community (meaning the USA, members of the EU and NATO and other not previously defined states), as a third party, should formally welcome the bilateral agreement achieved through an exchange of diplomatic notes with the other two parties. In these diplomatic notes they would acknowledge the name *Republika Makedonija* and at the same time recognise the conditions set out in the bilateral Athens-Skopje agreement. Likewise "they promise that they would consult Greece about appropriate measures if the assurances contained in the treaty were violated".<sup>16</sup>

In connection with this proposal, it can justifiably be questioned whether it is really trilateral, since the procedure involves a large number of NATO and EU member-states and other, not precisely specified, states. This proposal in fact transforms a bilateral agreement, or treaty, into a multi-lateral one.

With the provision according to which each of these states should despatch a diplomatic note to Athens and Skopje, the procedure for the resolution of the dispute about the name becomes exceptionally complicated. It might well go on for a very long time and each one of the states might well, for specific reasons of its own, not agree with certain of the clauses which the two parties in question have already agreed upon, while some of them could impose various new measures to be applied if the agreement or treaty were to be violated.

The report works on the one-sided supposition that the treaty is likely to be violated only by Macedonia, and over the taking of measures it envisages agreement with only one of the parties, namely Greece. A suggestion that the treaty might be violated by either of the two parties is beyond consideration. If the clause about violation of the treaty is to stand, then, if there is a violation of the treaty, consultations should be envisaged with both parties, and not only with Greece.

Finally, the resolution of the difference about the name, in the UN Resolution, foresees that it should be resolved within the framework of the UN and its Security Council and therefore the resolution of any disputes about the implementation of the treaty should also take place within this same framework. The inclusion of organisations or institutions outwith the UN is not in accordance with the UN Resolution on the resolution of the difference about the name of the Republic of Macedonia.

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<sup>16</sup> Ibid. pp. II, 18.

### III ADDITIONAL QUESTIONS

Apart from the questions which are directly related to the name of the Republic of Macedonia and the resolution of the existing differences between the Republic of Greece and the Republic of Macedonia over the name, the ICG Balkans Report No. 122 includes several questions which are relatively independent of this problem but are, nevertheless, of importance to relations between the Republic of Macedonia and its neighbouring states.

**First.** *Respect for and preservation of the historical and cultural heritage.*

The ICG Balkans Report No. 122 envisages that the Republic of Macedonia will secure "a formal Parliamentary Declaration on cultural and historical issues which affirms, pursuant to its obligations as a member of UNESCO and as signatory to relevant international conventions, Macedonia's solemn obligation to respect, preserve and honour the legacy of Hellenic tradition within the territory of the Republic of Macedonia and the cultural heritage rights of all the peoples inhabiting the geographical region of Macedonia." This declaration also commits Macedonia "to pledge to encourage the fullest and highest professional cooperation, in a spirit of scholarship and a pursuit of truth, in regional and international academic forums to advance common understanding of the history (ancient, mediaeval and modern) of this geographical region of Macedonia and all its peoples".<sup>17</sup>

The Report also envisages a commitment to "inviting UNESCO, the Council of Europe or another agreed third party (e.g. an independent panel of experts) to examine the Macedonian educational curriculum, particularly in the subjects of history and geography, to ensure that it conforms to international standards and norms and is within the letter and spirit of Article 7 of the Interim Accord." <sup>18</sup>

In connection with this parliamentary declaration, it should be borne in mind that Macedonia is a central Balkan state not only in a geographical but also in a cultural and a linguistic sense. It belongs as much to the East as to the West, as much to South as to North. As a central Balkan country, Macedonia can play an important cohesive and peace-making role. Although a small country, with limited economic possibilities, it is

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<sup>17</sup> Ibid. p. 19.

<sup>18</sup> Ibid. p. 20.



rich in the great cultural heritage left on its territory by several great world civilisations: antique, Roman, Byzantine, Slavonic-Christian and Islamic. In that sense, the issue of the cultural heritage of the Balkans, which is a unique, multi-cultural, multi-confessional and multi-civilisational region, should not be looked upon unilaterally, as the heritage of one country in another, nor only bilaterally, but rather multilaterally, as the UNESCO Convention does, i.e. as a heritage of universal significance.<sup>19</sup> In all this it should be borne in mind that, together with the values of those civilisations, in Macedonia there was created the Slavonic Christian civilisation of Ss. Clement and Nahum of Ohrid, two distinguished disciples of the pan-Slavonic educators, Ss. Cyril and Methodius. Thanks to their activities, Macedonia was a major centre of Slavonic Christian culture in the 9th and 10th centuries. After Constantinople and Rome, Ohrid was the third Christian centre in Europe. For a period of eight centuries the Archbishopric of Ohrid was the single ecclesiastical organisation with an extensive diocese (from the Ionian Sea to Moldavia, and in certain periods to Russia) which united, ruled and protected the faithful regardless of their ethnicity.

The cultural and historical monuments in Macedonia have for more than a hundred and fifty years been a subject of research by historians of literacy and the art of the ancient, mediaeval and late mediaeval periods from several centres of learning throughout the world. It is a well-known fact that the Republic of Macedonia is completely open to research. The cultural heritage of the countries of the greater Balkan area should be researched by joint forces, and not in a confrontational manner.<sup>20</sup>

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<sup>19</sup> Thus, for example, Article 4 of the Convention reads: "Each member-state of this convention recognises that the priority in its responsibility is the discovery, protection, popularisation and presentation to future generations of the cultural and national heritage to be found on its territory." In Article 6 Section 1 stands: "Respecting to the full the sovereignty of the states on whose territory the cultural heritage is to be found, and not infringing property rights, the member-states of this Convention recognise that this heritage is a universal heritage in the protection of which the whole international community should cooperate." In the same Article of the Convention in Section 3 it is stated: "Every member-state of this Convention undertakes that it will not intentionally undertake any measures which might, directly or indirectly, damage the cultural and historical heritage to be found in the territories of other member-states of this Convention." (*Convention on the Protection of the World's Cultural and Natural Heritage*).

<sup>20</sup> Apropos of this, the fact is pointed out that, within the framework of inter-academy cooperation with the Serbian Academy of Sciences and Arts and with the Berlin-Brandenburg Academy of Sciences on the project *Epigraphical Sources on the History of Macedonia*, the Macedonian Academy has invested financial means for more than twenty years in the publication of Greek inscriptions from the Republic of Macedonia. The results of this research, the *Inscriptiones Graecae* (Vol. X, Pars II, Fasc. II) was published in Berlin in 1999. Apart from this the Macedonian Academy has published two volumes of the Archaeological Map of Macedonia in which antique Greek sites are recorded. The international journal of classical studies *Živa Antika* (Antiquité vivante) has been published by the Ss. Cyril and Methodius University in Skopje for 50 years now, giving a comprehensive study of the ancient cultural

Issues relating to the cultural heritage of the peoples of the Balkans should be resolved on a bilateral and multilateral level, without any form or elements of national or cultural discrimination whatsoever. The proposal of concessions from only one of the two parties towards the other – in the concrete instance, with only concessions on the part of the Republic of Macedonia to the Republic of Greece – should be superseded and should be bilaterally formulated in order to stimulate both parties to a complete cooperation at the highest level in the spirit of science and scholarship and the search for truth. In the same way the demand that "the Macedonian educational curriculum, particularly in the subjects of history and geography, should be examined" should be reworked as it can only really be solved as a reciprocal undertaking and commitment on the part of both parties. The ICG, however, consistent with its attitude of unequal treatment of the parties in the dispute, in this case too, firmly states that, in connection with the general proposal on an examination of the Macedonian educational curriculum, particularly in the subjects of history and geography, and does not envisage any review of Greek textbooks, concerning ethnic Macedonian toponyms in the territory of modern Greece or indeed a declaration about the Macedonian heritage, or the ethnic Macedonian minority, which Greece does not recognise, in Greece.<sup>21</sup>

**Second.** *Interpretation of Article 49 of the Constitution of the Republic of Macedonia*

The Report demands the passing of yet another formal parliamentary declaration on the part of the Republic of Macedonia by which it will clarify Article 49 of its Constitution (which provides for Macedonia "to take care of the status and rights of Macedonians living in the neighbouring countries") and Article 6 of the Interim Accord and the "clarification would state attending to such status and rights would be pursued strictly in accordance with international law and with the cooperation of the relevant international organisations."<sup>22</sup> In this instance too the passing of such a parliamentary declaration is envisaged for only one party, the Republic of Macedonia, and not for the Republic of Greece.

With reference to the Constitutional regulation quoted, it should be borne in mind that it is amplified by the Constitutional Amendment II, passed on 6 January 1992,

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heritage. Numerous scholarly papers by Greek philologists and historians have been published in it.

<sup>21</sup> Ibid. p. 20.

<sup>22</sup> Ibid. pp. 19, 20.

whereby, in implementing its concern for the status and rights of Macedonians in the neighbouring countries, the Republic of Macedonia "will not interfere in the sovereign rights of other states or in their internal affairs." There is, therefore, no need whatsoever for the mentioned constitutional norms to be amplified or clarified. Apart from that, it is a general constitutional principle in every legal state that the constitutional norms cannot be amplified or clarified by means of declarations or other similar acts. Such an act would be unconstitutional.

**Third.** *The Interim Agreement of 1995 between Greece and Macedonia*

It is proposed that in the bilateral treaty with Greece the Republic of Macedonia should accept the obligations from the 1995 Interim Accord between the Republic of Greece and the Republic of Macedonia.<sup>23</sup> In contrast to the Republic of Greece, the Republic of Macedonia to this day strictly adheres to the obligations from the Interim Agreement. Therefore the justification for the further continuance of certain of its clauses which are not in the interest of current and future good-neighbourly relations should be very carefully re-examined.

#### **IV SUMMARY**

This is not the first time that the International Crisis Group (ICG) has made a pronouncement on the complex political problems in Macedonia or come out with its own analyses and proposals on the solution of the critical situations in Macedonia. In its document of 5<sup>th</sup> April 2001, the ICG declared its opposition to federalisation of the state and to any sort of bi-national state structure in Macedonia, upholding the concept of a modern civil Macedonian state. This time, however – as the group itself emphasises – it is a question of a *key issue*, something of *crucial significance* for the Macedonian people and their state, that is the *name* of the state.

In comparison with its previous reports, ICG Report No. 122 is characterised by a greater breadth of scope concerning the issues relating to the Republic of Macedonia and by a higher level of historical and international legal justification regarding the Macedonian national question, the Republic of Macedonia's statehood and the dispute over its historical and constitutional name. This Report, despite several inconsistencies and a lack of principle, deserves attention as it actualises the question of the name of the state. Pointing out the great and positive influence which the solution of this problem

will have on the threatened Macedonian identity and treating the dispute as an issue of regional stability and security, the Report stresses that the international community has a binding strategic reason for recognising the constitutional name of the Republic of Macedonia.

The Report states decisively that Greece's demands for the alteration of the name of the Republic of Macedonia are invalid from the point of view of international law, that is to say that the Greek demand for the alteration of the name has no support in international law. The use of a 'provisional' name as a condition for membership of the UN constitutes an infringement of Article 4 of the UN Charter which, according to the International Court of Justice, strictly limits the demands that may be imposed as a condition for membership.

The Macedonian Academy considers the ICG's proposals on the recognition and securing of the rights of the Macedonian national minorities in Bulgaria and Albania as justified. It is incomprehensible, however, why the ICG does not demand the same of the Republic of Greece where, as it is well known, there lives a numerous Macedonian national minority whose existence the Republic of Greece does not recognise.

While appreciating the ICG's initiatives and proposals on the resolution of the issue of the Republic of Macedonia's name and on the overcoming of the Macedonian identity crisis, the Macedonian Academy wishes to point out those inconsistencies and a lack of principle in the Report which are in contradiction to the universally accepted norms of positive international law and established practice in the UN.

In order to achieve agreement between the Republic of Macedonia and the Republic of Greece, the Academy considers that the two parties should be treated as subjects in a legally equivalent position and that formulations according to which one of the parties (the Republic of Greece) is in a privileged position, while the other (the Republic of Macedonia) is in a subordinate one should be avoided. The Academy is firmly convinced that a bilateral agreement on a lasting basis cannot be achieved if one of the parties is compelled to accept clauses which are in the interest only of the other party.

Although it is the general rule and regular practice that states are accepted as members of the UN under the name which they themselves stipulate, because of Greece's resistance the Republic of Macedonia is the only one of the five member-states

of the former Yugoslav Federation which has not been accepted into the UN under its constitutional name.

The Republic of Macedonia is a result of a centuries-long historical process and of the development of the national, state, political, economic, cultural and spiritual relations in this part of the Balkans. It is the work of centuries-long aspirations of the people's national liberation struggles, the uprisings and revolutions of the Macedonian people. The disagreements over the justification for and the possibility of the Republic of Macedonia's bearing that name have been misplaced from the very start and are even more so today, as is testified to by certain conclusions in the ICG Report itself, according to which a) for the Macedonians the name 'Macedonia(n)' serves as the only name for the state and the people; b) the state's name is indivisibly linked to the identity of the Macedonian people; and c) for Macedonians the problem of the name is not only a question of their identity but also of their existence.

However, the practical modalities which the ICG proposes for resolving the issue of the name are both unprincipled and inconsistent. Its declared aims and intentions are in direct opposition to the concrete solutions proposed. Thus, declaring itself in favour of the acceptance of the historical and constitutional name of the Republic of Macedonia it proposes that its name be *Republika Makedonija*, pronounced as in the Macedonian language but written in the Latin alphabet, and that this name be not translated into any of the official languages in use at the UN. Apart from this, it proposes that *Republika Makedonija* should not have a short name. The proposal that *Republika Makedonija* be entered in the register of the member states of the UN under the initial letter 'R' would appear to be an attempt to suppress the name Macedonia, which is a clear instance of discrimination against the Republic of Macedonia.

The proposals that the state, the Republic of Macedonia, should be styled *The Republic of Upper Macedonia* by Greece, and that for the citizenship and nationality or ethnicity of its inhabitants the term *Upper Macedonians* should be used, is also unacceptable to the Macedonian Academy. These proposals in effect threaten the Macedonian national identity whose defence the ICG pledges itself to in its Report. When it is a question of the national or ethnic affiliation of a population these can never be separated. The nation is a single historical entity. Regardless of the country in which (s)he lives, a Macedonian always remains a Macedonian by nationality and by her/his national origin, her/his mother tongue is Macedonian and her/his cultural heritage is

Macedonian. With such proposals the issue of the name will not be permanently resolved; in fact it is only a case of replacing one provisional term by another.

The questions relating to the historical and cultural heritage of the peoples of the Balkans should be solved in a uniform fashion, and not with concessions made by one party to another – in the concrete instance with concessions only on the part of the Republic of Macedonia. Such an approach must be superseded not merely by obligations on the part of the two parties but by the stimulation of all the countries of the Balkans to overall cooperation on joint research into the history and the culture of the Balkans.

The ICG Report also proposes that the resolution of the issue of the name should be achieved by means of not a bilateral but rather a trilateral formula, whereby a number of NATO and EU member-states and other, not precisely specified, states should be included in the procedure. This proposal in fact transforms a bilateral into a multilateral formula, which would only serve to excessively complicate the possibilities of achieving agreement.

The greatest contribution to a more comprehensive development and a strengthening of mutual relations between the Republic of Macedonia and the Republic of Greece would be the acceptance in the UN and in all inter-state relations of the single name *The Republic of Macedonia* (as the formal name) and *Macedonia* (as the short name) in accordance with the regulations and practice which hold good for all member-states of the UN. Only such a solution can be of a permanent character. Any other "solution" will only create problems in the good-neighbourly relations between these two states and will lead to periodical conflicts of various sorts.

Skopje, 30 May 2002

*Macedonian academy of sciences and arts*

Memorial of The Macedonian Academy of Sciences and Arts

Relating to the dispute about the name of The Republic of Macedonia