

**MACEDONIA'S NAME:
WHY THE DISPUTE MATTERS
AND HOW TO RESOLVE IT**

10 December 2001



TABLE OF CONTENTS

EXECUTIVE SUMMARY AND RECOMMENDATIONS	i
I. INTRODUCTION	1
A. A GLINT OF OPTIMISM	1
B. THE ANTI-OHRID FACTION.....	3
1. Anti-Ohrid, Pro-Division?	3
2. A Setback, Not A Knockout	4
C. INTERNATIONAL HESITANCY	6
D. MACEDONIAN RESENTMENT	7
E. THE STRUCTURAL PROBLEM WITH OHRID.....	7
F. MACEDONIA’S LOSS OF ‘EQUIDISTANCE’	9
II. THE NAME DISPUTE	11
A. ORIGINS AND EVOLUTION.....	11
1. The ‘Macedonian Question’ and the historic challenge to Macedonian identity.....	11
2. Independent Macedonia and the dispute over the name	12
B. WHERE ATHENS STANDS.....	14
C. WHERE SKOPJE STANDS	15
D. COMPARING THE POSITIONS.....	16
E. THE INTERNATIONAL INTEREST.....	17
III. A NEW PROPOSAL: TRIANGULAR NOT BILATERAL	18
A. THE THREE KEY ELEMENTS.....	19
B. INTERNATIONAL COMMUNITY PROCEDURE.....	21
C. ANCILLARY ISSUES.....	21
1. Bulgaria, Serbia and Macedonian symbols.....	21
2. Albania, Bulgaria and Macedonian minorities.....	21
IV. CONCLUSION.....	22
APPENDICES	
A. MAP OF MACEDONIA.....	25
B. ABOUT THE INTERNATIONAL CRISIS GROUP	26
C. ICG REPORTS AND BRIEFING PAPERS	27
D. ICG BOARD MEMBERS.....	31



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EXECUTIVE SUMMARY AND RECOMMENDATIONS

On 16 November 2001, Macedonia's parliament passed a set of constitutional amendments that were agreed in August, when Macedonian and Albanian minority leaders signed the Ohrid Framework Agreement. Later that day, President Trajkovski clarified the terms of an amnesty for Albanian rebels, in line with international requests.

These positive moves have breathed new life into the Framework Agreement. But they do not put it beyond risk, or take Macedonia itself out of danger. A powerful faction in government still opposes the agreed reforms, and will resist their implementation. Ordinary Macedonians deeply resent the way the Framework Agreement was reached and remain suspicious of the international community's entire role. This provides a serious obstacle to the reform process, and a valid grievance for the anti-reform camp to exploit.

So far as Macedonians are concerned, the Agreement contains a double weakness. First, it redresses long-standing minority grievances mainly by reducing the privileges of the majority. Secondly, its purpose of turning Macedonia into a 'civic state' – while admirable and necessary – makes Macedonia an anomaly in a region of emphatically 'ethnic' states, three of which uphold fundamental challenges to the Macedonian identity. Greece vetoes international acceptance of Macedonia's name, Serbia denies the autonomy of its church, and Bulgaria (while accepting Macedonia as a state) denies the existence of a Macedonian language and a Macedonian nation.

Following its success at Ohrid, the international community has tended to underestimate the profound challenge that the Framework Agreement poses to Macedonia's already fragile sense of identity, and how this erodes the country's capacity to implement the agreed reforms. This in turn has led to a loss of influence. The NATO and OSCE missions have let themselves be outflanked by the anti-reformists. Parliamentary elections – due next April – are no guarantee that more amenable leaders will come to power.

The conflict with part of the Albanian minority has pushed Skopje to seek security help (both weapons and political support) from the very neighbours who challenge Macedonian identity. There is a real risk that the anti-reform camp in Skopje will be tempted by a military solution, even at the risk of national partition – a move that would be welcomed by Albanian extremists.

In sum, the conflict with Albanians and the perceived shortcomings of the Framework Agreement have abruptly increased the importance of Macedonia's identity crisis. The international community needs to reassure Macedonians on this issue in order to re-establish a more promising political environment for good faith implementation and constructive cooperation.

The most acute identity issue – and the one that if resolved would have most positive impact – is the long-running name dispute with Greece. While both countries claim the name and heritage, the Macedonian claim is not exclusive. However, only

the Macedonians depend on the name 'Macedonia' as the designation of both their state and their people.

Greece has a more direct interest than other European Union members in stabilising Macedonia, but is extremely unlikely to amend its position without a clear message from its partners that they sympathise with and will be helpful to its basic concerns. Greek statesmanship is crucial. The Greek offer of financial and security assistance, while helpful, cannot substitute for the need to secure the Macedonian identity.

Bilateral talks to resolve the dispute at the United Nations have not yielded a solution, nor – given the nature of the issue and the regional record on bilateral negotiations – are they likely to do so. The international community has a compelling strategic reason to acknowledge Macedonia's constitutional name as a matter of regional stability, and this can be done in a way that meets Greece's legitimate concerns.

ICG proposes a triangular solution with the following three elements coming into effect simultaneously:

- A bilateral treaty would be concluded between Skopje and Athens in which Macedonia would make important concessions, including declarations on treatment of the Greek cultural heritage in the Macedonian educational curriculum, agreement that Greece could use its own name for the state of Macedonia, and strict protection against any Macedonian exploitation of its constitutional name to disadvantage Greece commercially or legally.
- The member states of NATO and the European Union and others would formally welcome this bilateral treaty through exchange of diplomatic notes with the two parties, in which they would both acknowledge Macedonia's name as 'Republika Makedonija' and promise Greece that they would consult with it about appropriate measures if the assurances contained in the treaty were violated.
- The United Nations and other intergovernmental organisations would adopt

and use for all working purposes the Macedonian-language name 'Republika Makedonija'.

Before formally acknowledging the name 'Republika Makedonija' bilaterally and in intergovernmental organisations, it would be reasonable for the international community to require at least two up-front concessions by Macedonia relating to the implementation of the Framework Agreement reforms, namely:

- An invitation for NATO to extend its mission for at least six months beyond March 2002; and
- An invitation for OSCE to extend its mission for a full twelve months after December 2001, with a mandate to monitor the electoral process at all stages, including full access and authority to make inquiries and recommendations.

The most crucial benefit of this package is that it would consolidate the achievement at Ohrid by boosting the Macedonian sense of security and confidence in the international community. International recognition of the country by its own preferred name would supply the critical missing ingredient in the present situation – reassurance about Macedonian national identity.

The proposed package would also address critical Greek demands: that Macedonia's name should be changed, and that it should not monopolise the single name 'Macedonia'. Greece would retain the right in the United Nations and other intergovernmental organisations to use its own preferred name for Macedonia (such as 'Upper Macedonia'). There would be no bar on commercial use of the name 'Macedonia', or any variant of it, with respect to products or services from either Greece's province of Makedonia or Republika Makedonija.

Also to Greece's advantage would be the explicit reference to the proposed bilateral Athens-Skopje treaty in the proposed diplomatic notes acknowledging Macedonia's name. For the first time, Greece would not have to depend on Macedonian promises, but would be backed by leading powers that would make clear their endorsement of the total package.

This proposal is not a cure-all and it requires the international community to break with the habit of a decade. It will be difficult to negotiate, but – in ICG's judgement, after canvassing the proposal at length in Skopje, Athens and among some of the major international players – not impossible. The alternative – letting the name dispute fester – signals to Macedonians that the international community may not be fully committed to the Ohrid reforms, or to preserving Macedonia as an integral state. This is a message with dangerous implications.

RECOMMENDATIONS

1. In order to establish the psychological basis for achieving the crucial next steps toward securing sustainable peace in Macedonia, a major effort should now be made – led by European Union members and the United States – to resolve the dispute over Macedonia's name in a way that provides Macedonia vital reassurance about its own national identity but at the same time meets Greece's legitimate concerns.
2. The best prospects for agreement lie in a triangular solution with the following three elements coming into effect simultaneously:
 - a bilateral treaty between Skopje and Athens involving Macedonian concessions to Greek concerns, including allowing Greece to have its own name for Macedonia, and assurances as to future behaviour;
 - diplomatic notes from EU and NATO member states and others acknowledging Macedonia's name as 'Republika Makedonija' and the terms of the bilateral treaty, while promising to consult with Greece on appropriate measures if the treaty is broken; and
 - adoption and use for working purposes by the United Nations and other intergovernmental organisations of the Macedonian-language name 'Republika Makedonija'.
3. Before formally acknowledging the name 'Republika Makedonija' bilaterally and in intergovernmental organisations, at least two up-front concessions should be required of Macedonia relating to the implementation of the Framework Agreement reforms:
 - to invite NATO to extend its mission for at least six months beyond March 2002; and
 - to invite OSCE to extend its mission for a full twelve months after December 2001, with a mandate to monitor the electoral process at all stages, including full access and authority to make inquiries and recommendations.

Skopje/Brussels, 10 December 2001



MACEDONIA'S NAME:

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I. INTRODUCTION

A. A GLINT OF OPTIMISM

The signing of the Framework Agreement at Ohrid on 13 August 2001 was a notable success for the European, United States and NATO mediators who brokered the deal. It laid the basis for a lasting multiethnic solution to long-standing nationality problems in Macedonia. The first phase of implementation also went largely to plan: Albanians rebels handed part of their arsenal to NATO troops and formally disbanded in September.

Since then, progress in Macedonia has been elusive. Macedonians were angry that NATO had treated partial disarmament as if it were total. Their leaders delayed submitting the Ohrid reforms to Parliament. Tension in mixed areas of the country remained.

The first breakthrough came in mid November, as the unexpected sequel to a dramatic escalation of violence. On 11 November, the country seemed again on the verge of wider conflict after President Boris Trajkovski and Minister of Interior Ljube Boskovski ignored international warnings and sent armed police units into rebel areas,¹ ostensibly to

¹ This refers to areas controlled by the ethnic Albanian Nationals Liberation Army (NLA) when NATO troops arrived in late August. Although the NLA formally disbanded during NATO's Operation Essential Harvest (27 August to 26 September 2001), it may still control the areas where government forces have not yet fully redeployed.

secure a suspected mass gravesite near the village of Neprosteno.

The elite forces quickly arrested seven alleged rebel leaders and deployed into a village neighbouring the grave. Armed Albanians responded with rocket-propelled grenades, killing three police. Dozens of Macedonian civilians were rounded up and held as hostages for the seven Albanians detained.² Boskovski told journalists 'we've just started the second half of the match'.³

Five days later, on 16 November, in a surprise midnight session, Parliament easily mustered a two-thirds vote to pass a set of landmark constitutional amendments – the core of the Framework Agreement that was signed by Macedonian and Albanian minority leaders at Ohrid on 13 August 2001.⁴ The same day, President Trajkovski issued a letter to senior EU, OSCE and NATO officials accepting the strict international interpretation of the amnesty

² The self-styled 'Albanian National Army' took public responsibility for the attack and kidnappings. NLA leader Ali Ahmeti managed to secure release of the Macedonian kidnap victims.

³ Comments to journalists made on 11 November, according to Reuters.

⁴ The final vote tally was 94 for and 13 against. All present MPs from VMRO-DPMNE, SDSM, PDP and DPA voted for the amendments. MPs from the Liberal Party, New Democracy, Democratic Alternative and VMRO-VMRO voted against. On the Framework Agreement, see ICG Balkans Briefing, *Macedonia: War on Hold*, 15 August 2001.

declaration the President had published on 8 October 2001.⁵

Boskovski now declared himself 'a man of peace', who would take a 'cautious and relaxed' approach to returning his police to Albanian-majority areas and cooperate with the international community.⁶ Prime Minister Ljupco Georgievski also dropped his usually aloof stance, agreeing to meet and cooperate with international representatives.

The dramatic turn-around showed the pro-reform camp seizing its chance when the gravesite gambit backfired. Most Macedonians do not want a war. Rather than being applauded for defending Macedonian victims, Boskovski was excoriated by most Macedonian parties for recklessly creating three new ones. Trajkovski tried to walk away from his own enthusiastic approval for the mission, drawing sharp criticism in the media.⁷ And an

exhumation monitored by the International Criminal Tribunal for the former Yugoslavia (ICTY) has reportedly uncovered some human remains, but not the mass grave that had been alleged.

Passage of the reforms and the amnesty letter also allayed rising discontent among Albanian leaders. Reportedly, a few NLA commanders had been impatient with the process and with the pliant Albanian leadership.⁸ From this perspective, the Albanians had upheld their end of the Ohrid bargain, only to be rewarded by almost two months of delaying tactics in parliament over the constitutional reforms;⁹ the hoped-for amnesty law had been diluted into an ambiguous Presidential declaration;¹⁰ sporadic firefights on the ground and occasional interruptions to freedom of movement; arrests and court proceedings against former NLA members; and alarmist rhetoric from anti-Ohrid politicians and media.

In addition, the Albanian political cohesion evident since their leaders met on 22 May in Kosovo, at

⁵ President Trajkovski's letter to senior EU, OSCE and NATO officials confirms that immunity applies to all ex-NLA who disarmed by 26 September 2001, and the government will have the burden of proving that an individual had not disarmed, or otherwise was not a member of the NLA and thus does not enjoy immunity; that no new arrests or prosecutions will be made for related crimes; that, following receipt from the [currently ethnic Albanian] Minister of Justice, a Presidential Pardon will be issued for individuals held in pre-trial or post-conviction detention; and that the Macedonian government will cooperate with the ICTY (the Hague Tribunal) in respect of individuals suspected of having committed ICTY-covered crimes, and therefore not enjoying immunity. ICTY Prosecutor Carla Del Ponte held talks on 20 November 2001 with government leaders on this issue, and on the exhumation of a suspected mass grave. Trajkovski told the North Atlantic Council on 28 November that Justice Minister Idjet Mehmeti had submitted a list of 88 former NLA members in pre- or post-trial detention. The President continued: 'I am starting with the application of my amnesty decree. As is publicly known, we have reached a common understanding with the state authorities not to initiate any new cases or proceed with existing ones which are connected to the amnesty'. The President's Amnesty Commission is expected to complete its review of the 88 cases by 8 December.

⁶ ICG interview with Minister Boskovski, 22 November 2001. See also Boskovski interview on Macedonian Television (MTV), 21 November. This was by no means the first time that Boskovski has pledged cooperation.

⁷ President Trajkovski insists that his approval of Boskovski's plan was limited to the purpose of guarding the mass gravesite. ICG interview with Trajkovski, 14 November 2001.

⁸ Many Macedonians consider NATO Operation Essential Harvest to have been a sham. They believe that the NLA has far more weapons than the nearly 4,000 collected by NATO, and they believe that the organization has not disbanded. Independent experts consider the NATO number low and do not believe that the NLA has fully disbanded.

⁹ Passage of constitutional reforms had been linked to three phases in the weapons surrender process. That process was completed on 26 September – the date originally envisioned for final passage of the constitutional reforms.

¹⁰ The amnesty statement issued on 8 October 2001 stated, in part, the President's 'intention to grant amnesty to members of the so-called NLA who voluntarily surrendered weapons ... by 26 September.... [T]he amnesty does not refer to those who committed war crimes and crimes against humanity, torture and murder of civilians, ethnic cleansing, demolition of religious buildings and other acts for which the International Tribunal for former Yugoslavia is responsible'. Presidential statement, 'Amnesty to the members of the so-called NLA', 8 October 2001. The statement neither provided for the release of those held in pre-trial or post-trial confinement, nor explained how the exception for Hague-indictable offences would be administered. Trajkovski's letter of interpretation, discussed above, was intended to remove these ambiguities. Given the pervasive mistrust, swift release of those Albanians held on related charges will be critical. Equally, the Albanians arrested in the course of the 11 November incident, the 'Trebos Seven', must be given a fair trial.

Prizren,¹¹ threatened to unravel as the two leading Albanian parties split over the issue of the constitutional preamble.

While Albanians are waiting for the release of those former NLA members still detained (and the trial of the seven recently arrested), and Albanian politicians are anticipating the passage of the rest the laws agreed at Ohrid,¹² the achievement of 16 November certainly removed the immediate incentive for them to take up arms. Indeed, the situation on the ground suggests that Macedonia has moved perceptibly away from conflict since NATO deployed in August.

B. THE ANTI-OHRID FACTION

Yet, Macedonia's coalition government includes a powerful faction that has opposed the reforms agreed at Ohrid, and must be expected to continue to do so. Led by Prime Minister Georgievski and Minister of Interior Boskovski from the VMRO-DPMNE¹³ and Parliament Speaker Stojan Andov from the Liberal Party, this faction delayed the parliamentary passage of the reforms while mobilising resentment against the international community for compelling the government to accept the Framework Agreement.

These leaders have consistently expressed hostility to the Agreement. In the Prime Minister's words,

¹¹ On the so-called Prizren Declaration, see ICG Balkans Report No.113, *Macedonia: The Last Chance for Peace*, 20 June 2001, p. 10.

¹² A Law on Local Self-Government is already overdue. Laws on the Public Attorney and Municipal Boundaries are due by the end of the year. Six other laws are due by the end of the parliamentary term. Framework Agreement, Annex B, Legislative Modifications.

¹³ VMRO-DPMNE is the Internal Macedonian Revolutionary Organisation—Democratic Party for Macedonian National Unity. This party and the ethnic Albanian DPA (Democratic Party of Albanians) have governed Macedonia in a coalition (with two different partners) since the 1998 elections. A 'unity government' was formed under international pressure in May 2001 by bringing in the Social Democrats (SDSM) and the ethnic Albanian PDP, as well as VMRO—VMRO, the Socialist Party, the Liberals, and the Liberal Democratic Party. On 21 November, five days after parliament finally approved the Ohrid constitutional reforms, SDSM, the Liberal Democratic Party and the Socialist Party announced their intention to leave government. A new government was approved by parliament on 30 November 2001.

'we all know that these constitutional changes were imposed through terrorism, force and pressure'.¹⁴ Andov's view is that 'the international community imposed the Ohrid Agreement on the Macedonians and has taken the Albanian side.... The attempts to destroy Macedonia are backed by the U.S. and the West in order to push away the Russian interests in the Balkans'.¹⁵ Boskovski has echoed these sentiments, stating to ICG that the Ohrid Agreement is a 'disaster for Macedonia'.¹⁶ None of the three shows any belief in joint existence with Albanians as outlined in Ohrid.¹⁷

1. Anti-Ohrid, Pro-Division?

Consistent with their ideology or outlook, Georgievski and Andov have been notably ambiguous about the notion that Macedonia might pursue a limited territorial division along national lines. A proposal along these lines by members of the Macedonian Academy of Sciences and Arts (MANU) provoked acute controversy when it was publicised at the end of May 2001. 'I consider that their idea comes from the fact that Macedonia has been at war for three months. Actually, we have an armed rebellion by Albanians in Macedonia, and academicians have tried to find peaceful, short-term and strategic resolution of this crisis,' Georgievski said, adding, however, that he did not accept the idea.¹⁸

Andov's reaction was quoted as follows: '[T]he idea is civilised. The text of the proposal is very interesting and provocative and is not irritating. I would suggest that this idea be well examined because it includes all the civilisation principles that we have accepted as a country.'¹⁹ Public outcry over the proposal led almost all of its proponents to avoid further comment on the matter. In an interview with ICG on 6 June, Andov

¹⁴ Address by Prime Minister Ljubco Georgievski on the tenth anniversary of the adoption of the Macedonian Constitution, 17 November 2001.

¹⁵ *Utrinski vesnik*, 15 November 2001, reprinting an interview from the Yugoslav newspaper, *Dnevnik*.

¹⁶ Interview with ICG, 19 October 2001.

¹⁷ Separate ICG interviews with Georgievski, Andov and Boskovski.

¹⁸ Remarks quoted in MILS, 31 May 2001. See also ICG Balkans Report No. 113, *Macedonia: The Last Chance for Peace*, 20 June 2001.

¹⁹ *Dnevnik*, 31 May 2001.

said 'the MANU idea has no political substance, it is not a political fact'.²⁰

2. A Setback, Not A Knockout

However, the anti-Ohrid faction is unwilling to take full responsibility for defeating the Agreement. At the end of October, the government secured a change to the amendment of the constitutional preamble that had been agreed at Ohrid, and a minor adjustment to the provision on religious communities. This gave Georgievski and Parliament Speaker Stojan Andov the 'cover' to let the amendments and amnesty pass. Instead of doing so, they engineered the incident at Neprosteni. Only when that backfired did they discharge the commitments they had taken on three months earlier. They chose to do so, moreover, in a late-night, unannounced continuation session of parliament. As one pro-Ohrid politician told ICG, 'They were loud in criticism of Ohrid, but silent – even stealthy – in passing it'.

A similar pattern emerged the following week when, on 21 November, the moderate Social Democratic Union (SDSM) announced it was walking out of the VMRO-DPMNE-led government. Party leader Branko Crvenkovski lashed out at VMRO for exploiting the crisis for 'military profit, personal wealth, and promotion of party feudalism in Macedonia'.²¹ Georgievski at first accused the SDSM of 'stabbing Macedonia in the back', but then held out an offer for the Social Democrats to return to government. He eventually

indicated his readiness to schedule elections in late April 2002 – later than the January date agreed at Ohrid – but may be expected to call them whenever he believes his party can beat its rivals (and no earlier).

Georgievski has announced the formation of a new government that keeps both Albanian parties in government and brings back stalwarts Vlado Popovski (at Defence) and Dosta Dimovska (as Deputy Prime Minister) to replace the departed moderate SDSM minister and Deputy Prime Minister (and coordinating body chief) respectively.

The international community should resist the temptation to see recent setbacks for the anti-Ohrid camp as a turning point. While the new amendments and amnesty are undoubtedly major steps forward, and while Georgievski finds his margin of manoeuvre restricted, it would be mistaken to believe that he, Andov or Boskovski are without options. They remain unreconstructed in their views and largely undiminished in their authority.

Moreover, the passage of the Constitutional reforms has transformed Macedonians across the political spectrum from feeling beleaguered by international pressure to feeling entitled to international support. As President Trajkovski stated on the day the reforms were passed, 'we have fulfilled our share of commitments. Now [the international community has] to fulfil their share'.²²

What Trajkovski has in mind, however, goes far beyond the obligatory donors' conference now scheduled for 20 December 2001, and routine economic assistance. Macedonians of all opinion now expect full international backing for the equivalent of a 'zero tolerance' policy towards anything smacking of Albanian obstruction or violence. '[We expect] unreserved support and involvement from the international community for the return of security forces to the crisis regions [i.e. areas under NLA control]', said the

²⁰ Those who wish to contemplate a 'peaceful' or 'agreed' partition should note that the Academy's proposal was in fact not for partition (dividing the country between ethnic Albanians and Macedonians), but for the even more daunting and unrealistic option of a highly one-sided territorial and population swap involving Albania (the Mala Prespa area). As such, it suffers from several dangerous misconceptions: (a) that ethnic Albanians from Macedonia would be willing to be absorbed into Albania; (b) that they would be willing to acquiesce in the loss of Skopje; and (c) that they would, after the demonstrable prowess of the NLA, let Macedonians set the terms of partition. In sum, with this plan as with most such, reaching agreement on it would be just as problematic as agreeing the terms of joint existence in a multiethnic state, if not more so, with none of the other option's redeeming features. Further, it would provide no guarantee against later claims that the settlement was 'unjust' or 'imposed'.

²¹ 'Press conference with SDSM and LDP', Macedonian Information Agency, 21 November 2001.

²² Presidential statement on adoption of constitutional reforms, 16 November 2001. Among the key international 'debts' that Trajkovski cited are a donor's conference and recognition of Macedonia's constitutional name.

President.²³ 'I see no reasons why Macedonia shouldn't get completely reintegrated starting from tomorrow', said Georgievski.²⁴

Based on his overall record, it seems clear that for Minister of Interior Boskovski, whatever his recent 'conversion', the aim is not just to re-assert control over territory but to preserve tension and, perhaps, spark a renewed conflict.

Boskovski's clashes with the departing moderate Minister of Defence, Vlado Buckovski, revealed not only a hawkish approach to return of refugees and displaced persons, but a fundamentally different approach toward the concept of coexistence with Albanians in an integral, unified state. As SDSM's Buckovski stated just prior to leaving office, 'the main problem is the clash of two concepts in the Macedonian block, not about solving the crisis, but regarding the future of Macedonia. One concept is for maintaining the territorial integrity of the country, the other is based on starting the war for dividing Macedonia'.²⁵

The current danger is that the anti-Ohrid faction will use the re-entry of Macedonian security forces to Albanian-majority areas – due to be completed by mid January 2002 – as a springboard for heavy-handed counterinsurgency operations. In this respect, Boskovski's action on 11 November achieved one key objective: by provoking a concerted Albanian response, he demonstrated that Albanian armed groups retain not only firepower, but also the capacity to mount operations at short notice.²⁶ This could be cited to 'justify' further military action, on the ground that the Macedonians have fulfilled their part of the deal, in contrast to the Albanians (whose armed groups should have disarmed and disbanded) and NATO (which accepted Albanian rebel claims to have done this).

The anti-Ohrid sentiment has rested, in part, on a cherished and dangerously widespread illusion that international pressure stopped Macedonia from defeating the NLA by force of arms. This sentiment seems not to have been dented by the all too manifest inability of the Macedonian security forces to halt the NLA rebels during the spring and summer, let alone to drive them back.²⁷

Indeed, an increasing number of Macedonians appear to believe that victory is possible. Recent military procurement, recruitment and training have buoyed the confidence of 'hawks' who dream of a military solution. Believers in this scenario need a pretext for action: an obstruction to the return home by Macedonians displaced by the conflict, or some other incident, or 'evidence' of an Albanian threat.

This helps to explain why Georgievski predicted a 'pan-Albanian offensive' following the 17 November Kosovo elections,²⁸ and why he talks up the abiding 'terrorist' danger: 'There is no reason for the "tense security situation", but still we can all feel it and see it out there. The members of the Macedonian security forces know that best, as they are still in a way a target of terrorist activities'.²⁹ The Macedonian-language media have, in the days since the amendments were passed, duly reported an upsurge of incidents on the ground. One widely reported story, suggesting that OSCE monitors were being targeted by 'terrorists', verged on being an incendiary fabrication.³⁰

In sum, while the passage of constitutional reforms, tightening of the amnesty, and the shake-up in government have left the anti-reform camp off balance, there has been as yet no fundamental re-ordering of the forces allied against Ohrid.

²³ Ibid.

²⁴ Address by Prime Minister Georgievski on the tenth anniversary of the adoption of the Macedonian Constitution, 17 November.

²⁵ Buckovski statement in *Zum* magazine, 16 November 2001.

²⁶ Equally, it may have indicated that hawks in the government, after months of procurement, recruitment and training, have gained crucial confidence in Macedonia's military capability.

²⁷ See ICG Balkans Report No. 113, *Macedonia: The Last Chance for Peace*, 20 June 2001.

²⁸ See *Dnevnik* lead story on 14 November 2001.

²⁹ Address by Prime Minister Georgievski on the tenth anniversary of the adoption of the Macedonian Constitution, 17 November 2001.

³⁰ OSCE effectively denied the allegations and took the media to task for running a story about 'such a minor event'. OSCE Urgent Press Advisory, 18 November 2001.

C. INTERNATIONAL HESITANCY

Despite appearances to the contrary when the reforms were adopted by parliament, the international community is not strongly placed to overcome sustained anti-reform obstruction. Although Prime Minister Georgievski has softened his stance toward the international community, for example by signalling his government would accept a three-month NATO extension (up to March 2002), international influence has slipped markedly since the signing of the Framework Agreement.

In the first place, the international process of mediation that led to Ohrid has created a reservoir of resentment. In addition, there is a perception that the events of 11 September 2001 and the 'war on terrorism' have both distracted the major Western states and encouraged them to toughen their stance towards Albanian groups in Kosovo and Macedonia. In the words of Stojan Andov, the U.S. 'has other problems right now'.³¹ Politicians and the media continue to draw links between the terrorism in the U.S. and the NLA's actions in Macedonia.³² Thirdly, the Macedonian conviction that the onus is now on the international community to deliver, not to make demands, will make it harder to press for reform implementation.

To make matters worse, the relationship of the U.S. envoy, James Pardew, with leading figures in the Macedonian government, including the President, has deteriorated badly. Pardew's anticipated departure (along with the earlier exit of his EU counterpart, Francois Leotard, who has been replaced by a French foreign ministry official, Alain Le Roy) has created an impression of waning international engagement.

The international community's anxiety to avoid risks and to stick within the narrowest interpretation of its mandate has further advantaged the anti-reform camp. The incident over the mass gravesite illustrated the problem. The international community has an interest in such sites, and a duty to secure them, regardless of the Macedonians' own attitude. Instead of insisting, or even offering, to deploy OSCE monitors at the site under NATO protection, there was a debate about mandates. OSCE alternately claimed that it does not have a human rights mandate, only a 'human dimension' one, and that the location was not secure. NATO, meanwhile, stated that its presence at the site depended on OSCE, and that it could not provide security for monitors, but only 'extract them'.³³

Due to understandable suspicion of Ministry of Interior motives, negotiations over a joint deployment to a site possibly containing the victims of war crimes took on the colour of a 'concession' to be haggled over. Ironically, this vacillation ended up putting NATO troops in harm's way (as they ultimately rushed to the site to prevent escalation following the Albanian grenade attacks) while incurring the wrath of the Macedonian media for interposing in favour of the 'terrorists'.³⁴ Thus, neither of the international objectives – force protection and due deference to sovereignty – was attained.

The international community looks to new elections, as stipulated in Ohrid, to bring the country more amenable leadership. Prime Minister Georgievski has recently acquiesced to a late April 2002 date for the poll. But there is worry among moderates that, even if the elections are held at that time (and there is no guarantee that the government will actually hold them then), they will not be free or fair. The formation of elite police units like the 'Lions' in the Ministry of Interior, say moderates, may be intended as a means of electoral pressure

³¹ ICG interview with Speaker of Parliament Andov, 2 October 2001. In his 16 November statement, President Trajkovski also welcomed 'the position of the United States of America to characterise all future acts of armed provocations from Albanian groups in Macedonia as acts of terrorism'. Former Foreign Minister Mitreva (SDSM) also made the terrorism argument ('there is no difference between domestic and international terrorism'), in an address at the recent meeting of the UN General Assembly.

³² See ICG Balkans Report No. 119, *Bin Laden and the Balkans: The Politics of Anti-Terrorism*, 9 November 2001.

³³ ICG interviews with OSCE and NATO officials in Skopje after 11 November.

³⁴ 'They ... finally said that the foxes [i.e. NATO troops] do not have a mandate. The next day they suddenly got the mandate to ... deploy their forces with tanks and APCs ... to prevent incidents between the Macedonian security forces and the Albanian terrorists.' *Zum* magazine, 23 November 2001.

and intimidation against Macedonians even more than Albanians.³⁵

Macedonia's chequered electoral record – with credible allegations of massive voter fraud and violence at the polls – suggests that the will of the people may not be expressed in the final vote tally. OSCE has a modest 'election observation' and 'confidence-building' mandate under Ohrid. However, it has interpreted its confidence-building role narrowly so far, showing wide deference to the government. More to the point, it is unlikely that observation alone will ensure that elections are free and fair.

In sum, while the passage of constitutional reforms, tightening of the amnesty, and the shake-up in government have put the anti-reform camp off balance, there has been as yet no fundamental re-ordering of the forces allied against Ohrid. The Prime Minister, Minister of Interior and Speaker of Parliament have not changed their views, only their tactics.

D. MACEDONIAN RESENTMENT

If unscrupulous politicians, 'hawks' and the media were the only source of opposition to the Framework Agreement, the outlook would be less grave than it is. The foremost reason why the international community is not strongly placed to push the reforms through is, quite simply, that the great majority of Macedonians profoundly resents the way the Agreement was reached. It is generally believed that the international community helped the NLA or at least tolerated its cross-border activities from Kosovo, then expediently rehabilitated the organisation from 'terrorists' to 'peace partners'; constrained the Macedonian government from vanquishing the 'terrorist threat'; and, finally, forced it to accept the painful concessions at Ohrid.

These concessions are set to become more painful still. Implementing the Ohrid reforms will eventually entail ceding thousands of state sector jobs to Albanians, recruiting Albanian police, conducting a new census that will almost certainly

raise the official count of Albanian citizens, bringing more Albanian students into university, allowing far greater power and representation to minority representatives in the central government and at the local level, and permitting the wide, official use of the Albanian language and of sensitive symbols such as national flags. Moreover, these measures will have to be taken in the context of overall reductions in public service and state sector employment, in line with ongoing public sector and economic reforms.

Even pro-reform politicians tell ICG that where public support for the Agreement does exist, it is because the deal is seen as representing an interim solution until ever more extravagant Albanian demands trigger the next conflict, rather than from any affirmative belief in the necessity or the viability of the reforms.

The disgust with the international community is more than an image problem; it actively undermines belief in the international commitment to the project's lofty goals, and leads many to suspect that NATO will either stay as a permanent buffer force or leave and allow the next war to begin.³⁷

E. THE STRUCTURAL PROBLEM WITH OHRID

The international community's frustration with the Macedonians seems to have blinded it to the underlying structural problem in the Framework Agreement: namely, that it provided security to the Albanians at the direct cost of Macedonians' own sense of security, and so poses a unique challenge to the country's national majority.³⁸

Signed on 13 August 2001, the Framework Agreement represents a pact between the majority Macedonians and the largest national minority, the Albanians, on fundamental power-sharing

³⁵ ICG interviews with senior pro-Ohrid politicians and observers, Skopje.

³⁷ The persistence of the belief that NATO is in league with the NLA cannot be overstated.

³⁸ More immediately obvious, in August, was the risk that the scheduled departure of NATO forces after a mere month's deployment would create a security vacuum in the country. See ICG Balkans Briefing, *Macedonia: Filling the Security Vacuum*, 8 September 2001. Skopje's agreement to a follow-on force, Operation Amber Fox, averted this immediate danger.

arrangements. The goal was to move Macedonia away from a Dayton-style accommodation based purely on nationality and toward an advanced model of consociational democracy – in plain terms, a ‘civic state’.³⁹ The Agreement achieves this by dramatically scaling down Macedonian administrative authority (ceding central power to local municipalities) and legislative power (granting Albanians a quasi-veto over the choice of judges, laws on local government, culture, use of language, education, documentation and use of symbols). In addition, the Agreement surrenders Macedonian advantages in state hiring and admissions practices. Finally, the supremacy of Macedonian symbols is reduced by granting free use of Albanian (and other) symbols, such as the Albanian flag. Taken as a whole, the Framework Agreement requires the Macedonian majority to do what has been done in no other Balkan state. It has to cede its imprimatur on the character of the state without obtaining any reciprocal opportunity to shore up its identity in ways that other Balkan peoples take for granted, or to advance the cause of its own outlying minorities.⁴⁰

Indeed, what sparked outrage among Macedonians were not so much the *gains* made by Albanians in the Agreement (e.g. the language provisions or the virtual veto on many types of legislation), as the *losses* to Macedonian identity. For example, rather than scrutinise the broad legislative veto granted to Albanians by the Framework Agreement, parliamentary debate focused on the entirely symbolic language of the preamble. While VMRO-DPMNE and allied anti-Ohrid parties certainly hyped the issue of the preamble, there is no question that the histrionics resonated with a public that interpreted the new, ‘civic’ text (excising the phrase, ‘the national state of the Macedonian people’ and their ‘struggle for national freedom’)

as a literal erasure of the Macedonian people. The pro-Ohrid SDSM party also demanded that the proposed preamble be changed. Had international mediators not relented and brokered a compromise at the end of October, it is unlikely that the reforms would have come to a vote on 16 November.⁴¹

A second and related problem is that Ohrid proposes to turn Macedonia into an anomaly: a ‘civic state’ in a region where statehood is understood and structured in emphatically ethnic terms. Furthermore, three of Macedonia’s neighbours – Greece, Bulgaria and Serbia – retain long-standing challenges to the Macedonian identity. While Greece vetoes Macedonia’s name, Serbia continues to deny the autonomy of Macedonia’s Church,⁴² and Bulgaria denies the existence of both a Macedonian language and a Macedonian nation. In the case of Bulgaria, Sofia’s stated policy of ‘one nation, two states’ may sound relatively reassuring, but is not, for it subverts the essential Macedonian claim to statehood: that they, as Macedonians, are a different and unique nation. Most Macedonians chafe at the remark of a former Bulgarian President that ‘Macedonia is the most romantic part of Bulgarian history’,⁴³ and the comment of

³⁹ For more on the contradictions of the Dayton Peace Agreement for Bosnia and Herzegovina, see ICG Balkans Report No. 108, *After Milosevic: A Practical Agenda for Lasting Balkans Peace*, 26 April 2001, pp. 133-165.

⁴⁰ Neither Croatia nor Serbia, for example, has adopted formal and symbolic measures to equalise their substantial minorities, such as those in the Framework Agreement. Numerical minorities in Bosnia’s two entities – even though they are not legal minorities, but constituent peoples – enjoy few of the practical entitlements accorded the Albanians by the Framework Agreement. And even the protections nominally enjoyed by the Serbs in Kosovo do not equal those of the Albanians in Macedonia.

⁴¹ The preamble change restored mention of ‘the Macedonian people’ along with similar mentions of ‘part of the Albanian people’, ‘Turkish people’, et al. Notably, the only other change to the Framework Agreement was a slight modification to the amendment on religious communities. The change made (including the words, ‘as well as’ after mention of the Macedonian Orthodox Church) was seen by Macedonians as protective of this institution.

⁴² Although the autocephalous Macedonian Orthodox Church has not been recognised by any Orthodox hierarchy, it is widely believed the main obstacle to recognition lies with the Serbian Orthodox hierarchy.

⁴³ Statement by Bulgarian President Petar Stoyanov at a Council of Europe Parliamentary Assembly session in response to a question on the language-issue posed by Macedonian representative Atanas Vangelov. A1 TV, 24 April 1997. A1 TV reports that Stoyanov told the subsequent press conference that there was no Macedonian minority within Bulgaria. Recent changes to Bulgarian law that facilitate citizenship for those who claim ‘Bulgarian origin’ have caused offence in Macedonia. The criteria for establishing such origin are subjective and can be determined not only by the state, but by ‘organisations of Bulgarians living abroad’ or the Bulgarian Orthodox Church. Some Macedonians see the Law on Bulgarians Living Abroad as a bid to ‘recruit’ Macedonians into

Bulgaria's ambassador to Skopje that 'Bulgaria will not insist on changing the current borders ... but the Bulgarians across the border [i.e. Macedonians] should [not] be afraid of being Bulgarians'.⁴⁴

Taken together, these persistent, mutually reinforcing⁴⁵ challenges to the Macedonian identity suggest that centuries old claims to Macedonian territory and its people are not extinct.⁴⁶ Returning Minister of Defence Vlado Popovski has summed up this widely felt Macedonian concern: '[P]ressure on the part of Macedonia's three neighbours continues to exist. [Greece, Bulgaria, and Serbia] apply pressure to the [public] psyche ... maintaining the feeling of being actively endangered one moment or insecure the next.'⁴⁷

In sum, the Framework Agreement has undermined the Macedonians' sense of security – internal supremacy – without guaranteeing an end

ceding their independent identity. See Citizenship Law, Art. 15 and Law on Bulgarians Living Abroad, Art. 2.

⁴⁴ This remark was made by the current Bulgarian Ambassador to Macedonia, Aleksandar Yordanov, in Blagoevgrad in 1993 on the occasion of the centenary of VMRO. Yordanov was further quoted as stating 'Bulgaria will not insist on changing the current borders and will not participate in our neighbour's conflicts, but the Bulgarians across the border should recognise and be proud of his history without fear of being Bulgarian.' *Start* weekly, 2 November 2001.

⁴⁵ The names, 'Slav Macedonians' or 'Bulgarians', both favoured by Greeks, reinforce the Bulgarian position that Macedonians are merely a subset of the larger Slav or Bulgarian people in the region. The Serb claim on Macedonians as 'South Serbians' is defunct, thanks to Tito's federalist policy. The claims against the Macedonian identity not only reinforce each other, but sometimes actively conspire: 'It appears that the Bulgarians ... have united with Greece in denying the existence of a Macedonian nation as espoused by Yugoslavs'. Hugh Poulton, *Who Are the Macedonians?* (Bloomington, Indiana University Press, 2000), pp. 168-69.

⁴⁶ As for contemporary territorial pretensions on Macedonia, 'It is widely believed that discussions took place in 1992 and 1993 between the Yugoslav and Greek foreign ministers on a possible territorial division of FYROM'. James Pettifer, 'Former Yugoslav Macedonia – The Shades of Night?', Conflict Studies Research Centre, Surrey, UK, July 2001, p. 9.

⁴⁷ Vlado Popovski, 'Why do the citizens of the Republic of Macedonia feel secure or insecure?', in *Inventory Macedonia 1989-99*, Open Society Institute Macedonia, 2001, p. 271.

either to Albanian aspirations or to the challenges mounted by Macedonia's Orthodox neighbours.

Aggravating matters further, the Macedonian minorities in Bulgaria, Greece and Albania nurse valid grievances of their own, none of which were considered by the international community as it wrested a host of concessions from Macedonians to *their* chief minority group, the Albanians. In this situation, it is a simple matter for the anti-Ohrid faction to exploit legitimate Macedonian grievances for illegitimate ends. The scope for such exploitation will increase even further when the Ohrid reforms lead to the recruitment of thousands of Albanians to public sector employment and the likely dismissal of many Macedonians.

F. MACEDONIA'S LOSS OF 'EQUIDISTANCE'

The armed conflict with Albanians that began in February 2001 not only upset the basis of inter-ethnic relations in Macedonia. It has also skewed the country's relations with its more powerful neighbours.

During the 1990s, under President Kiro Gligorov and governments led by Branko Crvenkovski, independent Macedonia pursued a regional policy of 'equidistance' from its neighbours. This stabilising policy was born of necessity, given the twin threats to Macedonia from Albanian nationalism and traditional Orthodox pretensions. Regional and internal developments tested the policy several times over the decade, most notably during the NATO operation against the FRY in 1999.⁴⁸

After taking office in 1998, Prime Minister Georgievski dropped the notion of 'equidistance'

⁴⁸ Besides the Kosovo refugee crisis in 1999, the so-called 'arms plot' of 1993 and ethnic violence in Tetovo and Gostivar in 1994 and 1997 also shook Albanian politics and inter-ethnic relations. See discussion in Pettifer, 'Shades of Night?'. Pettifer points out that from its inception, independent Macedonia relied on ambiguity for survival – even the 1991 referendum on independence allowed for the return of Macedonia to a new Yugoslav federation.

in favour of a new 'principle of positive energy'.⁴⁹ This has had implications for Macedonian identity. Georgievski is widely regarded as cleaving to the pro-Bulgarian wing of Macedonian nationalism,⁵⁰ and there was public consternation in February 1999 when he accepted a drafting device to permit Bulgaria to avoid formally recognising the Macedonian language.⁵¹ Two years later, he reportedly accepted Greece's demand for a compound name for Macedonia.⁵²

Yet on the critical question of relations with the predominantly Muslim Albanians, Macedonia maintained a largely independent policy until spring 2001, when the conflict with the NLA exposed the weaknesses of the Macedonian military. Desperate to build up its capabilities, Skopje turned east – to Ukraine and Russia and also to Orthodox neighbours Serbia and Bulgaria, who are now its number two and three suppliers of munitions.⁵³ Greece has provided helicopters.

Meanwhile Macedonia has aligned itself closely with Serbia against Albanians. The two have closed their sharp differences over Kosovo and forged a virtual condominium against independence for the province. Presidents Kostunica and Trajkovski recently signed agreements for a joint security policy against the 'threat of Albanian Muslim terrorism throughout the southern Balkans'.⁵⁴ Serbia's deputy premier, Nebojsa Covic, who holds special responsibility for Kosovo and southern Serbia, has become a frequent visitor to Skopje. And armed units under the Serbian Ministry of Interior are reportedly deployed in northern Macedonia to 'protect' Serb villages.⁵⁵

While the trend toward cultivating strong relations with the East – even to the point of subordinating the Macedonian identity – is strongest among anti-Ohrid leaders, even pro-Ohrid politicians like former Defence Minister Buckovski have also cultivated the defence relationships with Sofia and Belgrade.

For the international community, the situation is precisely the opposite of what is desired. By increasing Skopje's military confidence while doing nothing to ease its deeper sense of national insecurity, Macedonia's Orthodox neighbours are making conflict with Albanians more likely.

Little wonder, then, that Albanians have vigorously supported calls for Macedonia's name to be acknowledged internationally.⁵⁶ They realise that the greater the external challenge to Macedonian identity, the more Macedonians will press for internal supremacy. And the greater the military support from Orthodox neighbours, the more

⁴⁹ Ljubco Georgievski, 'The Challenges and Problems on the Road of Reform Implementation', in *Inventory: Macedonia 1989-1999*, Open Society Institute, Skopje 2001, p. 113.

⁵⁰ See Georgievski's article, 'If Goce Delcev was alive in 1945 he would have finished up in Idrizovo', *Puls*, 7-14 July 1995, where he attacked Andov for suggesting that Bulgaria was Macedonia's main enemy. (Idrizovo is Skopje's main prison.)

⁵¹ The 'Mutual Declaration of the President of the Government of the Republic of Macedonia and the President of the Government of the Republic of Bulgaria' ends with the ambiguous signature phrase: 'Signed in Sofia on 22 February 1999, in two original copies, each of them in the official languages of the two countries, the Macedonian language in accordance with the Constitution of the Republic of Macedonia and the Bulgarian language in accordance with the Constitution of the Republic of Bulgaria.' Standard practice in international agreements would be to state, 'in the Macedonian and Bulgarian languages'. Thus, the Declaration preserves the Bulgarian challenge to the Macedonian language.

⁵² Citing 'always well informed Greek journalists', *Start* reports that 'an agreement about a compound name (Northern or Upper Macedonia) was reached between Macedonian authorities and Greece. It was only up to the Macedonian parliamentary opposition whether this solution would be approved and whether the whole dispute could be resolved by the termination of the Interim Accord in October 2002.' *Start* weekly, 2 November 2001. Government sources tell ICG that Georgievski accepted the name at a meeting in Greece in February 2001.

⁵³ ICG interview at the Macedonian Ministry of Defence, 2 November 2001.

⁵⁴ 'Macedonia will benefit greatly from Yugoslav military technology ... Overall, [Macedonia is] woefully short of the necessary means to pursue and defeat a determined Muslim insurgency'. *Armed Forces Intelligence Research*, November 2001.

⁵⁵ ICG interviews with senior officials, Belgrade, November 2001.

⁵⁶ DPA leader Arben Xhaferi has written Secretary of State Colin Powell urging a change in U.S. policy and use of the name, 'Republic of Macedonia'. ICG interview with Xhaferi, 2 October 2001. Dr. Xhaferi rejected the use of an adjectival solution to the name dispute like 'Macedonian Republic' as offensive to the Albanian people of Macedonia in that it would suggest that the state belonged only to the Macedonian majority.

inclined Skopje will be to keep open the military option.

II. THE NAME DISPUTE

While the Bulgarian and Serbian challenges to Macedonian identity are painfully felt by many Macedonians, there is no question that Greece's veto is the most acute problem. The denial of international legitimacy to the country's constitutional name poses a profound challenge to both national and state identity. During its first decade of independence, Skopje learned to accommodate this denial without accepting it. Now, the conflict with the Albanians has changed the name dispute by giving it a strategic security dimension for Macedonia and its neighbours.

A. ORIGINS AND EVOLUTION

1. The 'Macedonian Question' and the historic challenge to Macedonian identity

After the Congress of Berlin (1878), Greece, Serbia and Bulgaria contended for the largest remaining, nationally undetermined portion of the Ottoman Empire in Europe. The tripartite split of the region that emerged after the Second Balkan War (1913) more or less survived two World Wars up to the present day: Aegean Macedonia went to Greece; Pirin Macedonia went to Bulgaria; Vardar Macedonia went to Serbia (succeeded by Yugoslavia, then by the Republic of Macedonia). Despite the apparent durability of the territorial split, the Macedonian Question remained 'open' through much of the twentieth century, with Bulgaria in particular mounting efforts to reverse the 'unfair' settlement and gain, principally, Serb-controlled Vardar Macedonia.

During the interwar period, Serbs, Greeks and Bulgarians were united in denial of the Macedonian identity. Serbia designated them 'South Serbians', while Bulgaria claimed them as their own. Greece called them 'Slavophone Greeks' before also settling on the term Bulgarians.⁵⁷ Policies on language, education, and even surnames followed suit, with the dominant ideology imposing its forms. Thus, suppression of the Macedonian identity was from the outset a

⁵⁷ Andrew Rossos, 'The British Foreign Office and Macedonian National Identity, 1918-41', *Slavic Review*, vol. 53, number 2, Summer 1994, p. 9.

critical element in consolidating territorial control (for Serbs and Greeks) and challenging it (for revanchist Bulgarians).

The Greek civil war, which drew Partisan-backed 'Slavo-Macedonians' (in Greek parlance) into a bitter fratricidal conflict, eventually – with steadfast Allied support – closed the Aegean part of the question.⁵⁸ Macedonians and other Slavs in Greece paid a heavy price for Tito's ambitions, presented under the guise of a 'united Macedonia' which would have brought together the Greek and Bulgarian slices under a pro-Tito government. Thousands fled during the war, and many more emigrated afterwards in the face of forceful Greek efforts to assimilate them into the mainstream Greek population. Greece today still refuses to recognise Macedonians or 'Slavo-Macedonians' as an ethnic minority.⁵⁹

Under Tito's communist rule, Serb domination over Vardar Macedonia was replaced by a new Macedonian republic inside federal Yugoslavia. The republic strengthened the Macedonian identity independent of the Bulgarian challenge, giving Macedonians the first official sanction of their language and existence. For its part, Greece saw and still sees Titoist Macedonia as an artificial creation – a 'mutation' of the underlying, 'true' Bulgarian identity of the Slav peoples in all Vardar and Pirin regions.⁶⁰ Over time, as Greek-Yugoslav

relations improved, Athens began to look to Belgrade to restrain irredentist tendencies (toward Pirin or Aegean Macedonia) on the part of the Socialist Republic of Macedonia.

2. Independent Macedonia and the dispute over the name

When the former Yugoslavia disintegrated a decade ago, five successor states emerged. The international community soon recognised three of these (Slovenia, Croatia, Bosnia and Herzegovina), and accepted the fourth under its self-proclaimed name, the Federal Republic of Yugoslavia, comprising Serbia and Montenegro. The one successor state that was not accepted under its own name was Macedonia.

The decision not to recognise Macedonia in January 1992, along with Slovenia and Croatia, contradicted the finding of the European Union's own advisory body on legal issues arising from the Yugoslav conflict. The Arbitration Commission, under Robert Badinter, found that Macedonia, having amended its constitution to renounce all territorial claims and any hostile propaganda, had 'satisfied the tests in the [EC] guidelines' for recognition.⁶¹

The EC's reasoning had nothing to do with nationality relations inside Macedonia or with its neighbours. At that time, Macedonia had the smallest potential for conflict of any successor state except Slovenia. Rather, its southern neighbour, Greece, objected to Macedonia's

⁵⁸ See Evangelos Kofos, 'The Impact of the Macedonian Question on Civil Conflict in Greece (1943-1949)', Hellenic Foundation for Defence and Foreign Policy: Occasional Papers No. 3 (Athens 1989). Kofos states (p. 3), 'Hardly one single issue had such diverse and longstanding repercussions on the inception, planning, conduct and perceptions of the Greek Civil War as the Macedonian question'. Tito's concept for a united, autonomous socialist Macedonia was also Comintern policy for much of the interwar period. Tito's continued pursuit of the policy after 1945 brought him into conflict with Stalin.

⁵⁹ Poulton (see footnote 44 supra), p. 171.

⁶⁰ Professor Kofos, for example, argues that Tito contrived the entire Macedonian identity, including the state, language, Church, and history. See Evangelos Kofos, 'The Macedonian Question: The Politics of Mutation', Institute for Balkan Studies (Thessaloniki, 1987), pp. 3-4. Elsewhere, Kofos has stated that Greece, unlike Bulgaria, recognises a 'separate Slavic people' in Macedonia, but merely objects to their use of the name 'Macedonians'. In practice, it is hard to see that the distinction makes a difference. There is no alternative name to 'Macedonian' that would fend off the persistent Bulgarian challenge to

ethnic Macedonian existence. Compound, regional names like 'Upper Macedonian' or 'Vardar Macedonian' simply reinforce the Bulgarian position that Macedonians are 'Bulgarians' of the 'Macedonian region'. See Kofos, 'Greece's Macedonian Adventure: The Controversy over FYROM's Independence and Recognition', in *Greece and the New Balkans: Challenges and Opportunities*, edited by Van Coufoudakis, Harry J. Psomiades, Andre Gerolymatos, (New York, The Center for Byzantine and Modern Greek Studies, Queens College of the City University of New York, and Pella Publishing Company, N.Y., 1999), p. 363.

⁶¹ Conference on Yugoslavia: Arbitration Commission Opinion No. 6 on the recognition of the Socialist Republic of Macedonia by the European Community and its member states. Paragraph 5. The term "EC" refers to the European Communities, which became the European Union (EU) with ratification of the Maastricht Treaty in 1993.

'appropriation' of a name and symbols that it deemed exclusively Hellenic.

In Macedonia as in Yugoslavia's other republics, the end of the one-party system in 1990 brought a revival of both national and nationalist euphoria. The VMRO-DPMNE – the leading anti-communist party – pledged to work for the 'ideal of all free Macedonians united' in a Macedonian state.⁶² Maps were sold showing 'Solun' (the Macedonian name for Thessaloniki) in a 'greater Macedonia'. Symbolic links to Alexander the Great were claimed and publicised.

In these ways, independent Macedonia trod on the most neuralgic Greek taboos: irredentism towards northern Greece and the appropriation of the ancient Macedonian legacy. Greek politicians, academics and journalists sensationalised both the threat that the new state posed, and the exclusivity of the Greek claim. Huge demonstrations were staged, with the participants declaring that 'Macedonia is Greek'. Both leading political parties encouraged the trend and the Greek government mobilised to block recognition of Macedonia unless it changed its name and dropped the use of the 'Star of Vergina' on its flag.

On the name, a consensus formed around the position, 'no use of Macedonia – or any of its derivatives', denying Skopje the option of employing the name 'Macedonia' in any form, even with a prefatory adjective like 'Upper', 'New' or 'Vardar'.⁶³

Athens used its membership in the European Community, and then the EU to thwart Macedonian hopes of recognition. The Union accommodated the Greeks, granting them an effective veto on any name and expressly prohibiting one that would include Macedonia. To Athens's chagrin, Macedonia was admitted to the United Nations in April 1993, albeit under the 'provisional name' of 'the former Yugoslav Republic of Macedonia' (FYROM).⁶⁴ Nevertheless, most countries, including the U.S.,

declined to recognise Skopje out of deference to Greece.

The following month, the co-chairmen of the International Conference on Former Yugoslavia, Cyrus Vance and Lord Owen, took over the issue. Reviving early compromise efforts, Vance proposed the name 'Nova Makedonija' (New Macedonia). Both parties rejected it, with Greece hewing to its maximalist position and Macedonia continuing to insist on its constitutional name.

The dispute hit bottom in February 1994, when Greece under Prime Minister Andreas Papandreou imposed a total embargo on FYROM except for food and pharmaceuticals. Vance's mediation went nowhere until September 1995 when he split off the name issue from the question of the flag, with its motif of the ancient Macedonian 'Star of Vergina'. On the eve of the Dayton negotiations, and with the involvement of U.S. envoy Richard Holbrooke, Athens and Skopje finally signed Vance's proposal (the 'Interim Accord') for lifting the embargo and recognising Skopje in exchange for the latter relinquishing the flag.⁶⁵ The U.S. and other major countries soon established full diplomatic relations – four years after Macedonia had declared independence.

Pursuant to the Interim Accord, talks have continued under Vance's successor, Matthew Nimetz, with only modest movement in each side's positions. Athens has dropped its demand that Skopje not use the name 'Macedonia' in any form, in favour of a compound name like 'Upper Macedonia'. For its part, Skopje is ready to accept a compound name in its relations with Greece, but continues to demand recognition of its constitutional name in both multilateral and other bilateral relations.

⁶² *Oslobodjenje*, Sarajevo, 23 June 1990, cited in Poulton (see footnote 44 supra), p. 173.

⁶³ See discussion in Kofos, 'Greece's Macedonian Adventure' (see footnote 59 supra).

⁶⁴ Although 'former' is formally in lower-case, this paper follows common usage and abbreviates the name as FYROM, not FYROM.

⁶⁵ The 'Interim Accord' also includes a number of practical measures to facilitate normal trade and commerce in spite of the difference on the name. For example, Greek immigration officials do not stamp Macedonian passports (which would imply recognition of the name) at the border; they stamp a separate visa paper instead. The agreement is noteworthy as well for awkwardly avoiding naming either country – instead using the legalistic formulation 'party of the first and second part'. In 2002, either party has the right to withdraw from the agreement, such withdrawal taking effect a year later.

The Nimetz talks have permitted the two governments to explore various solutions to the problem in a confidential diplomatic channel. The special representative has also met separately with the two sides, including at the plenary session of the UN General Assembly in the autumn of 2001. The Secretary-General himself has also discussed the issue with the parties. These persistent efforts have not yielded a solution, nor – given the nature of the issue at stake, and the regional record on bilateral negotiations – are they likely to do so in future.

B. WHERE ATHENS STANDS

Greek hypersensitivity on Macedonia has multiple sources: the Greek civil war in which Slavs played an active part; the long-standing vulnerability of Greece's northern borders to irredentism; fears of destabilising traditional, internal divisions between Athens and its northern provinces; and, periodically, the irksome challenge to modern Greece's own lineage to classical Greece and Byzantium.

Today, these considerations are less incendiary than they were even a decade ago. The eminent Greek scholar Evangelos Kofos argues that as Greece has stabilised and matured since the Second World War, the Macedonian issue has evolved from a true 'national security issue' for Greeks to one of identity, and finally – in the wake of Greece's recent emergence as a secure, prosperous EU and NATO member – to a matter of human rights: the Greeks' right to their cultural heritage.⁶⁶

Boiled down to its essence, however, the Greek position is still that the mere use of the name, 'Republic of Macedonia' or 'Macedonia' is, in and of itself, a denial of the Greek identity and an expression of irredentist intent. Official Greek policy on the issue is to find a 'compromise' around a compound name such as 'Upper Macedonia'. As an inducement to break the stalemate over the name, Greece offers its pledge to 'safeguard FYROM's stability and development'. ICG discussions with Greek

officials suggest that this could be expanded to include increased investment, security assistance, and guidance on moving Macedonia to EU membership.⁶⁷ Greece rejects any linkage of the name dispute to Macedonia's recent internal crisis with Albanians; indeed, it blames Skopje's 'nationalistic' intransigence for its problems.

Several views, not necessarily held as official policy, inform the Greek position:

- The belief that, despite the Framework Agreement, Macedonia's partition is just a matter of time. Under this thinking, it makes no sense for a Greek government to take the political risk to stabilise a country that has a limited future. Furthermore, some Greek analysts simply do not believe that the name issue contributes significantly to Macedonia's instability, and hence doubt that ceding the name would assist its stabilisation.⁶⁸
- The conviction that Macedonia needs Greece much more than Greece needs Macedonia. While Greece is Macedonia's third biggest trading partner, Macedonia ranks only in the second dozen of Greece's trading partners.⁶⁹ Further, as an EU member, Greece wields enormous influence on Macedonia's aspiration to membership. The Stabilisation and Association Agreement (SAA) with the EU, which Skopje signed in April 2001 as the foundation for the accession process, will not come into full effect until ratified by all EU member states, including Greece.
- A suspicion that stubbornness, rather than intrinsic sensitivity, is the reason why Skopje has not yet yielded to Greek terms. The impression that Prime Minister Georgievski has indicated willingness to accept a compound name ('Gorna Makedonija', Upper Macedonia) reinforces this suspicion.

⁶⁶ ICG interview with Professor Kofos, on 4 October 2001. See also discussion in Kofos, 'Greece's Macedonian Adventure', op. cit., pp. 361-394.

⁶⁷ Greece is already the main foreign investor in Macedonia, reporting investments through 2000 of over U.S.\$300 million. *The Economist Intelligence Unit*, East European Investment Prospects 2001.

⁶⁸ ICG discussions at the Hellenic Foundation for European and Foreign Policy, Athens.

⁶⁹ Source: Greek Liaison Office, Skopje.

- A feeling that Greek sensitivities are utterly misunderstood and unappreciated. The tendency of many diplomats to slight the Greek position infuriates the Greeks and reinforces their view that Macedonia's monopolisation of the name has blinded the world to the existence and identity of Greek Macedonia.
- The anxiety that ceding on the name would not only be an indignity for the Greek people and a political risk for the government, but would also open a Pandora's Box of claims and complications. Under this view, it is feared that Skopje would flaunt acceptance of its name to mount legal challenges to Greek use of the name Macedonia, and institute legal and other claims concerning the current and exiled ethnic Macedonian population. In other words, 'irredentism' for the Greeks is manifested less by a potential land-grab than by steadily increasing legal and commercial usurpation. (This also partly explains why the repeated Macedonian promises about having no territorial claims, some codified as constitutional amendments, do not satisfy.)
- The belief that there is not such thing as a (non-Greek) Macedonian. The notion that Slav Macedonians are 'really' Bulgarian (or something else) underlies the Greek attitude toward the name issue. In support of this view, intellectuals have lent their weight to the view that Macedonian identity is largely a Titoist contrivance.
- The conviction that the mere use of the name denies the existence of the Greek Macedonian identity. This is the crux of the problem. For all the foregoing reasons, many Greeks see the mere use of the name not simply as an insult, but as a denial of their own identity. These views coalesce around the bottom-line demand that Skopje accept, at most, use of a compound name instead of its constitutional name.⁷²

C. WHERE SKOPJE STANDS

For Macedonians, 'Macedonia' serves as the sole name of both the state and the people. This distinction is crucial: the name of the state, Republic of Macedonia, is inextricably tied to the Macedonian people's identity. Denying Macedonians the full use of their name necessarily exposes them to the charge that they, their state and their language are an 'artificial creation' (as some Greeks and Bulgarians argue) and exist only as part of the Bulgarian nation (as Bulgaria implies).

In short, for Macedonians the name issue is a question not only of identity, but of existence. This view is reinforced by three considerations:

- that the name at once identifies the state and the people, and Macedonians have no other 'kin' or 'matrix' state to secure their identity;
- that their identity is persistently challenged by Bulgaria, which maintains that they are a sub-set of the same nation;
- that the provisional name 'former Yugoslav Republic of Macedonia' is not only a humiliation, but implies a provisional acceptance of the state, as if its present form were merely a precursor to a final status to be decided later.

Nevertheless, for the past two years Skopje has been ready to accept a separate, negotiated name (e.g. Upper Macedonia) for use by Greece alone, in order to distinguish the state from Greece's own northern province of Macedonia.⁷³ The fourth consideration is this:

- that, after the painful concessions at Ohrid, including those on identity, there is no more scope for concessions on issues of identity, whether to Greece, Bulgaria or Serbia.

This accounts for the deepening of Macedonian conviction on the name issue during 2001. Former President Kiro Gligorov, Macedonia's most respected political figure, spoke for the political and popular majority (though not necessarily for Prime Minister Georgievski) earlier this year: 'I am convinced that there is no statesman in the

⁷² Greece cites the UN precedent for countries like France to use a form other than their constitutional name, République Française.

⁷³ In Greek, 'Peripheria Makedonias', the Department (or Province) of Macedonia.

Republic of Macedonia who is ready and authorised to give consent for the change of the constitutional name of the state. Also, not one state or international organisation is allowed to require us to change our constitution or to impose a name that does not belong to us'.⁷⁴ More recently still, Boris Trajkovski, Gligorov's successor, has 'renew[ed] our call on the international community for the recognition of our constitutional name – the Republic of Macedonia. This would represent a true support to our sovereignty, our identity, and a huge contribution to lasting stability in the region'.⁷⁵

The new Deputy Prime Minister, Dosta Dimovska, has told ICG that, 'in terms of importance to Macedonia, the name issue is a "ten" on a scale of one to ten'.⁷⁶ In interviews with ICG, other leading figures in government and opposition, including Georgievski himself and former prime minister and SDSM leader Branko Crvenkovski, share this sentiment.

D. COMPARING THE POSITIONS

The crux of the Macedonian question today is that the clash over the geographic and historic region known as 'Macedonia' has fused with the controversy over the existence of a people and their state. Consequently, affirming the Greek (or Bulgarian) position means not only denying the Macedonian one, but denying Macedonian existence.

- The basic problems with Athens' position do *not* stem from the quest for human and cultural rights per se. The Greek position implies a *superior* – often *exclusive* – right to the contemporary appellation as well as the ancient heritage of Macedonia. From the Greek perspective, Skopje's use of the name 'Republic of Macedonia' is the 'appropriation' and 'monopolisation' of Greek property. Skopje's use of the name inherently 'denies' the existence of Greek

Macedonia and 'deprives' Greeks of their heritage. In short, the Greek position is that Macedonia's *mere use* of the name poses a threat to its heritage and identity.

- The historical region of Macedonia indeed forms an important part of the Greek identity. But however important ancient Macedonia may be to Greeks, there is an objective difference: Greece does not depend on the name Macedonia as the exclusive signifier of the Greek identity.
- As a matter of law, the Greek claim fails.
 - The Greek demand that the Republic of Macedonia change its name at all finds weak if any support in international law.⁷⁸ The Badinter Commission disposed of the issue in its Advisory Opinion, stating 'that the Republic of Macedonia has ... renounced all territorial claims of any kind in unambiguous statements binding in international law; [therefore], the use of the name 'Macedonia' cannot ... imply any territorial claims against another State'.⁷⁹ Whatever the legitimacy of the Hellenic claim to the legacy of Alexander, history and cultural heritage do not grant a copyright on place names.

⁷⁴ Kiro Gligorov, 'The Struggle for the International Recognition of Macedonia', in *Inventory: Macedonia 1989-1999* (Skopje, Open Society Institute, 2001), p. 79.

⁷⁵ Presidential Statement of 16 November 2001.

⁷⁶ ICG interview with VMRO-DPMNE party vice-president Dosta Dimovska, 14 September 2001.

⁷⁸ 'There appears to be no basis in international law or practice for Greece's position [that recognition of Macedonia be withheld until it changes its name]'. Henkin, Pugh, Schacter, Smit, *International Law, Cases and Materials*, Third Edition (Minnesota 1993), p. 253. 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 instant case of Greece and Macedonia, such principle is glaringly absent. See Oppenheim's *International Law*, London, Ninth Edition, Volume I, Chapter 2, 'Recognition of States and Governments', Sections 39 and 34, emphasis added.

⁷⁹ Conference on Yugoslavia Arbitration Commission Opinions on Questions Arising from the Dissolution of Yugoslavia, Opinion No. 6 on the recognition of the Socialist Republic of Macedonia by the European Community and its Member States.

- The use of a 'provisional name' as a condition for membership in the UN is very likely in contravention of Article 4 of the Charter which, according to the International Court of Justice, strictly limits the conditions that can be imposed on membership.⁸⁰ The Security Council's rationale for departing from UN provisions and practice – the 'interest [in] maintenance of peaceful and good-neighbourly relations in the region' – would now, in light of Macedonia's clear instability, militate in the opposite direction: permitting Macedonia the swiftest possible use of its constitutional name.
- Fairness requires examining the record to see what steps have been taken to resolve the dispute. However culpable Macedonia may have been for its nationalist euphoria around 1990, the Greek decision to impose a total embargo was unconscionable.⁸¹ At Greek behest, Macedonia has already once changed its Constitution, inserting three amendments to the effect that the Republic of Macedonia has no territorial claims against neighbouring states, will not interfere in their internal

⁸⁰ See 'Admission of a State to the United Nations', Advisory Opinion, 1948 ICJ Rep. 57, 61.

⁸¹ The European Commission in April 1994 challenged the legality of the embargo before the European Court of Justice as a matter of European Union law. The court's Advocate General supported the Greek view that its subjective decision to take 'countermeasures' against Macedonia could not be challenged (on the grounds that national security is a matter of subjective perception), and the court elected not to hear the case on its merits. See Szasz, 'Greece-the Former Yugoslav Republic of Macedonia: Interim Accord and Practical Measures Related to the Interim Accord', International Legal Materials, November 1995, p. 1,464. Nevertheless, if asked by a court to support with evidence its position that the 'threat' posed by Macedonians justified the 'countermeasures' imposed (i.e. the embargo), it is hard to see how Athens could satisfy any reasonable standard. As noted above, the Badinter Commission had specifically stated that Macedonia had renounced all territorial claims, and denied that its name implied any territorial claim against another state. Moreover, the withdrawal of the Serbian-dominated Yugoslav People's Army (JNA) had decimated Macedonian military capabilities, making the prospect of a cross-border strike against Greece thoroughly implausible. See Badinter Arbitration Commission, Opinion No. 6, paragraph 5.

affairs, and will only change its borders in accordance with international norms.⁸²

E. THE INTERNATIONAL INTEREST

The international community wants to stabilise Macedonia and ensure that the far-reaching reforms agreed at Ohrid are adopted and implemented. This, in turn, gives the international community a compelling strategic reason to work with Greece to find a way to acknowledge Macedonia's constitutional name as *a matter of regional stability*.⁸³ The challenge is to break the zero-sum dynamic and find a way to affirm the Macedonian identity without denying the Greek one, and while addressing bedrock Greek concerns.

International community observers consulted by ICG agree that a fair mechanism for permitting international use of the name of their country preferred by Macedonians would help significantly to:

- relieve some of the bitterness and frustration felt by Macedonians over the concessions to the Albanians, and the role of the international community;
- increase the influence of the international community;
- strengthen the hand of moderates and build a critical mass of support for the Ohrid reforms as more than a device to postpone the next war;
- slow the centrifugal forces that are tearing at the country's fabric;

⁸² Constitution of the Republic of Macedonia, Article 49, paragraph 1. Amendments enacted 6 January 1992.

⁸³ This would not be the first time that strategic interests guided the decision on the Macedonian question. Greek scholar Evangelos Kofos has pointed out that 'the State Department took the view [after the Second World War] that the crux of the Macedonian problem was the maintenance of the territorial integrity of Greece itself.' The fight against Communism ensured that this imperative could not be challenged during the Cold War. With Macedonia's preservation now at issue, and the Cold War over a decade ago, the crux has moved back to Skopje. Kofos, 'The Impact of the Macedonian Question on Civil Conflict in Greece (1943-1949)', Hellenic Foundation for Defence and Foreign Policy: Occasional Papers No. 3, Athens 1989, p. 24.

- stymie those in Macedonia intent on war as well as those outside Macedonia who have designs on the country; and
- re-establish equilibrium in Macedonia's relations with its neighbours.

By contrast, to persist in imposing an idealistic accord like Ohrid without addressing the name issue suggests to Macedonians that the international community is either not serious about the project or refuses to understand Macedonian security concerns. In short, it is hard to see how a permanent compromise like Ohrid can work in a country with a provisional name.

III. A NEW PROPOSAL: TRIANGULAR NOT BILATERAL

To be worth pursuing, any proposed solution to the name dispute should meet three criteria:

- It must help preserve Macedonia as an integral state and contribute to regional stability. It must not allay Macedonian fears at the expense of Greek ones, and it must address Skopje's relations with its other neighbours – not only Athens, but also Sofia and Belgrade.
- It must contribute significantly to Ohrid implementation, by helping to overcome the most significant obstacle – Macedonians' sense of insecurity – without playing into the hands of the anti-reform camp. It must provide the international community with some leverage should Skopje continue to backslide on its commitments.
- It must be practicable to achieve and implement. It should not require a heroic diversion of international diplomacy or the creation of an unwieldy framework or structure. Further, it must be consistent with the overall objective to minimise international deployment in the Balkans.

The solution proposed here -- which has been the subject of wide-ranging consultations in Skopje, Athens and with several of the major international players – has novel elements designed to meet these criteria. It replaces the vain hope of striking a bilateral compromise over a subject – identity and cultural heritage – that defies compromise, with a trilateral formula that makes the international community⁸⁴ an active participant in achieving a solution.

The ICG proposal has three main elements which would come into effect simultaneously:

- a bilateral treaty between Skopje and Athens involving concessions to Greek concerns.

⁸⁴ The term 'international community' is invoked to mean, in the first place, the United States and the members of the European Union and NATO (except Greece) as the third-party states with the strongest interest in resolving the name dispute, plus the capacity to implement the solution described in this report.

- diplomatic notes from EU and NATO member states and others acknowledging both Macedonia's name as 'Republika Makedonija' and the terms of the bilateral treaty, while promising to consult with Greece on appropriate measures if the treaty is broken.
- adoption and use for all working purposes by the United Nations and other intergovernmental organisations of the Macedonian-language name 'Republika Makedonija'.

Before acknowledging the name 'Republika Makedonija', it would be reasonable for the international community to require at least two up-front concessions by Macedonia relating to the Framework Agreement reforms:

- Skopje would invite NATO to extend its mission for six months beyond March 2002; and
- Skopje would invite OSCE to extend its mission by twelve months after December 2001 and substantially increase its election role.

The proposal follows in full detail.

A. THE THREE KEY ELEMENTS

Element One: Bilateral Treaty of concessions to Athens

After receiving a signal from the international community that it is prepared to move on the issue, Athens and Skopje would conclude a treaty consisting largely of Macedonian concessions:

1. accepting the use by the Hellenic Republic in all its relations with Macedonia, including in multilateral organisations, of the names 'Upper Macedonia' and 'Upper Macedonians' (or similar agreed formulation) for the state and people of the Republic of Macedonia;
2. binding both parties not to challenge, in any forum, the use of the name 'Macedonia' or 'Macedonian' in a commercial context for reference to products or services emanating from either the Hellenic Republic or the

Republic of Macedonia/Republika Makedonija;

3. committing Macedonia to securing 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/Republika Makedonija and the cultural heritage rights of all peoples inhabiting the geographic region of Macedonia⁸⁵; and,

- pledges to encourage the fullest and highest professional cooperation, in a spirit of scholarship and pursuit of truth, in regional and international academic forums to advance common understanding of the history (ancient, medieval, and modern), of the geographic region of Macedonia and all its peoples;

4. affirming provisions of the Interim Accord, including

- the continuing obligation on the part of both parties, pursuant to paragraph 1 of Article 7 of the Interim Accord, to prohibit state-controlled propaganda and discourage acts by private entities likely to incite violence, hatred or hostility;

- the obligations that apply to each party pertaining to use of symbols constituting part of the historic or cultural patrimony, pursuant to paragraphs 2 and 3 of Article 7 of the Interim Accord; and,

- all other provisions of the Interim Accord, except those that the parties

⁸⁵ Greece's reciprocal obligation as a UNESCO member to respect the ethnic Macedonian heritage in Greece would continue unaffected by this provision.

agree are no longer applicable. This means that practical measures over vehicles and passports would remain in effect.

5. 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 on the subjects of history and geography, to ensure that it conforms to international standards and is within the letter and spirit of Article 7 of the Interim Accord.
6. Committing Macedonia to securing a formal Parliamentary Declaration further clarifying Article 49 of the Constitution (which provides for Macedonia to 'take care of the status and rights of ... Macedonians living in neighbouring countries'), and Article 6 of the Interim Accord. The clarification would state that attending to such status and rights would be pursued strictly in accordance with international law and with the cooperation of relevant international organisations.⁸⁶
7. Stating that while reserving all its rights under international law concerning possible claims of its citizens or of the state, the Republic of Macedonia/Republika Makedonija acknowledges that the existence of this Treaty, or any of its provisions, or the acceptance of its constitutional name by third-parties, shall not be construed as giving the Republic a unique or enhanced platform to bring such claims.

Element Two: Acknowledgement of the constitutional name by the international community

The member states of NATO and the European Union and others would formally welcome this bilateral treaty through exchange of diplomatic notes with the two parties. These diplomatic notes would both acknowledge Macedonia's name as 'Republika Makedonija' and simultaneously

acknowledge the terms of the bilateral Skopje-Athens treaty. They would also promise to consult with Greece about appropriate measures if the assurances contained in the Skopje-Athens treaty were violated.

Element Three: The United Nations and other intergovernmental organisations would adopt and use for all working purposes the Macedonian-language name 'Republika Makedonija'.

- *Formal name:* The formal name at the UN and other intergovernmental organisations would be the constitutional name, Republika Makedonija, written in the Macedonian language and the Roman alphabet.
- *Short name:* the short name (or informal name) would remain Republika Makedonija – not 'Macedonia' or 'Makedonija' – and be listed under 'r', not 'm' in the alphabetical directory.
- *Greek usage:* Greece shall have the right in the United Nations to use 'Upper Macedonia' for the state and 'Upper Macedonian' for the people (or similar formulation as agreed with Macedonia in the bilateral treaty).
- *Adjectival:* all others shall use the adjectival form 'of Republika Makedonija' except when referring to the language or the people, in which case the adjectival forms shall be the 'Macedonian people' and 'the Macedonian language'.

Examples: 'The Security Council welcomes the representative of Republika Makedonija and congratulates the Macedonian people on their national day.'

'Greece, too, wishes to congratulate the representative of Upper Macedonia and the Upper Macedonian people on their national day.'

Before formally acknowledging the name 'Republika Makedonija' bilaterally and in intergovernmental organisations, it would be reasonable for the international community to require at least two up-front concessions by

⁸⁶ As noted above, Article 49 of the Constitution has been amended. The instant provision would amplify those amendments to address the specific issue of advancing the cause of ethnic kin.

Macedonia relating to the implementation of the Framework Agreement reforms, namely:

- Authorising and inviting NATO to extend its mission up to six months beyond its likely expiry date (March 2002). In return, the international community would use its good offices to explore a further increase in cooperation under Partnership for Peace, and to study all means of accelerating the process for NATO membership.
- Authorising and inviting OSCE to extend its mission by twelve months beyond December 2001 and assume an active, participatory role in the organisation of elections, beyond that envisioned in the Framework Agreement.⁸⁹ While OSCE would not be permitted to direct or veto decisions of the government or election bodies, it would have full access to and participation in such bodies from the beginning of the electoral process. Further, it would be permitted to recommend steps and furnish advice and material assistance. Particular attention would be paid to the development of accurate voter registers and procedures to avoid double-voting or other fraud.

B. INTERNATIONAL COMMUNITY PROCEDURE

The U.S. and members of the European Union should assume the role as facilitators for the proposal. They would signal to Athens and Skopje their support for this solution, and request that both capitals approach the UN Special Representative to convene special negotiations on the bilateral treaty. Should the Special Representative report that Macedonia was failing to accommodate legitimate Greek concerns, then the U.S. and the European Union states would not change their policy on using the name 'former Yugoslav Republic of Macedonia'. Should he state that Athens was insisting on overly onerous terms, then the U.S. and European Union states could signal their

readiness to move forward without the bilateral agreement.

The proposal is proof against possible attempts by Skopje to exploit it for more foot-dragging on the Framework Agreement. If Skopje tried to insist that it would not implement the Agreement unless its name was recognised, the answer could be straightforward: 'no change on the name, even under the suggested proposal, until you uphold your obligations'.

This proposal creates no new structures, nor – once the process was agreed to in principle – would it require extraordinary diplomatic efforts or attention at the highest levels. The issues that are the subject of this proposal – the dispute over Macedonian identity and the choice it poses for Macedonians – exist regardless of this proposal. Failure to address them will have a serious impact on the rest of the international community's agenda in Macedonia and the region.

C. ANCILLARY ISSUES

1. Bulgaria, Serbia and Macedonian symbols

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.

2. Albania, Bulgaria and Macedonian minorities

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

⁸⁹ Framework Agreement, Annex C, Paragraph 2.2: 'Parliamentary elections will be held by 27 January 2002. International organisations, including the OSCE, will be invited to observe these elections'.

education, language use, and representation in local and central government and police.⁹⁰

IV. CONCLUSION

While international use of the name 'Republika Makedonija' is not how Greece would prefer the dispute to end, this proposal goes a long way to addressing Athens' bedrock concerns:

- Its primary demand for associating some distinguishing feature with the name 'Republic of Macedonia' is met in two ways:
 - by the accepted international name being in the Macedonian language;
 - by the short name 'Macedonia' not being used in the UN and other intergovernmental organisations.

- Athens' concern over Skopje's cultural and historical pretensions is addressed by the Parliamentary Declaration discussed in paragraph 3 of Element One above (describing the bilateral treaty), and in the educational curriculum provision in paragraph 5.

- Its worry that Skopje would hypothetically be able to challenge Greek use of the name Macedonia is addressed in paragraph 2;

- Its worry that Skopje will exploit the Treaty or the name to press territorial claims, or the property or human rights claims of ethnic Macedonians living or formerly living in Greece, is addressed by the proscription in paragraph 7;

- Its concern that the bifurcated 'Ireland solution'⁹¹ would expose Greece to isolation and ridicule in the international community is addressed by the proposal that the bilateral notes acknowledge specifically the terms of the Athens-Skopje Treaty. Rather than exposing Greece on the issue, this would bring other countries into alignment with Athens to the extent of endorsing the legitimacy of Greece's use of the name 'Upper Macedonia'.

⁹⁰ Constitutional reform in Albania should not be ruled out. As is stated in the Basic Principles of the Framework Agreement: 'a modern democratic state in its natural course of development and maturation must continually ensure that its Constitution fully meets the needs of all its citizens ...'. Framework Agreement, paragraph 1.4. Macedonian minorities should not have to mount violent insurrections to win attention to their grievances in Albania or elsewhere.

⁹¹ Great Britain almost exclusively refers to Ireland as the 'Republic of Ireland' to reinforce the distinction between Dublin and Belfast, i.e. 'Northern Ireland'.

Almost all the concessions made by Skopje would be unilateral and unreciprocated. For example, the proposal does not provide for the review of Greek textbooks, for ethnic Macedonian place names in Greece, or for a declaration about Macedonian heritage or an ethnic Macedonian minority that Greece does not acknowledge.

There are several reasons why this moment is opportune to approach Greece on the question of the name:

- The deployment of NATO troops and a major OSCE mission in Macedonia are proof that the Albanian conflict has internationalised the Macedonian situation. This constrains the options available to Athens in its dispute with Skopje over the name.
- Athens has its own interest in seeing the missions in Macedonia succeed. A resumption of conflict could endanger its investments and expose it to refugee flows.⁹² Any substantial influx of Macedonians and/or Albanians would threaten to reopen the Macedonian question in Greece itself and again expose Greece to human rights scrutiny concerning its minorities.
- Over time, the name 'Macedonia' is gaining in currency and customary use.⁹³ This could encourage Skopje to become more inflexible on concessions. Thus, now may be the optimal time to strike a deal.
- The Interim Accord expires next year (with expiration taking effect in 2003, should one side elect to end the accord.) While the agreement need not go automatically out of

force, it will inevitably throw the issue back onto the agenda, giving Skopje a platform to push the issue.

- The PASOK government is not due to face elections until April 2004. Prime Minister Simitis is at full strength after the recent party congress. The crisis in Macedonia, and its potential impact on Greece, gives the government 'cover' to change policy.
- Greece has sought, constructively, to act as a regional leader. Resolution of the name dispute would display Greek statesmanship in the best light.

If the Macedonian anxiety over national identity is not addressed, the Framework Agreement might still 'muddle through' its present difficulties. More likely, however, it would buckle under the various stresses analysed in this report. While the present proposal to resolve the name dispute is not without its difficulties, they are outweighed by the far more serious risks involved in letting Macedonia slouch toward violence.

This proposal is not a panacea but it would provide Macedonia with its long-sought assurance of identity, and give not only the international community but also Macedonian moderates significant leverage to gain Skopje's lasting commitment to the Ohrid reforms.

The choice for the international community is whether it will commit itself fully to Macedonia's preservation. It is for this reason, rather than for abstract 'justice' or 'fairness', that a way should be found to acknowledge Macedonia's constitutional name and the Greek Macedonian identity. Acknowledging the name will not in itself guarantee Macedonia's survival but continuing to use the anachronistic substitute, FYROM, or adopting a compound name, will only aid those internal and external forces that prefer confrontation and division. In short, a permanent compromise like Ohrid cannot be expected to work in a state with a provisional name like FYROM.

The choice for Macedonia is whether to seek security with the Albanian minority in a multiethnic state, or risk an escalation of violence that could threaten the survival of the state. In exchange for the decision on the name, Macedonians would be expected to commit

⁹² Cognisant of the risk of refugee flows, a Greek general in August 2001 urged the creation of a 'cordon sanitaire' in Macedonia to keep refugees from crossing the border into Greece. (Information from Tomislav Ivanovski, editor-in-chief of *Start* weekly.)

⁹³ The Framework Agreement itself used the name 'Macedonia', not 'FYROM'. (The Greek position is that, although it was brokered and witnessed by U.S. and European envoys, the Agreement is an internal document and hence not a precedent for the use of the name.) Even Greek journalism is beginning to use 'Macedonia' in unqualified conjunction with FYROM. See the September/October issue of *Odyssey* magazine, p. 10.

themselves fully to the Ohrid project of a shared existence with Albanians in a multiethnic state. In other words, true ethnic security – the protection of the ethnic Macedonian identity against its persistent, historic challenges – can only be guaranteed by the international community in so far as Macedonians make a good faith effort to build a common state.

While the present proposal affirms the Greek right to claim its Macedonian heritage in every way except the denial of Macedonian use of the name, Greece too faces a choice. Will it continue to advance claims that have little support in international law⁹⁴ and, in so doing, jeopardise regional stability and its own larger interests? Or will it demonstrate that it is fully ready to accept the responsibilities that attend its role as the leading power in south-eastern Europe?

Skopje / Brussels, 6 December 2001

⁹⁴ See Henkin, et al. at p. 253 and Badinter Commission, Opinion No. 6, paragraph 5. ICG has consulted other eminent international legal scholars who have backed the Henkin and Badinter view.

APPENDIX A

MAP OF MACEDONIA



APPENDIX B

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (ICG) is a private, multinational organisation committed to strengthening the capacity of the international community to anticipate, understand and act to prevent and contain conflict.

Ice's approach is grounded in field research. Teams of political analysts, based on the ground in countries at risk of conflict, gather information from a wide range of sources, assess local conditions and produce regular analytical reports containing practical recommendations targeted at key international decision-takers.

Ice's reports are distributed widely to officials in foreign ministries and international organisations and made generally available at the same time via the organisation's Internet site, www.crisisweb.org. ICG works closely with governments and those who influence them, including the media, to highlight its crisis analysis and to generate support for its policy prescriptions. The ICG Board - which includes prominent figures from the fields of politics, diplomacy, business and the media - is directly involved in helping to bring ICG reports and recommendations to the attention of senior policy-makers around the world. ICG is chaired by former Finnish President Martti Ahtisaari; former Australian Foreign Minister Gareth Evans has been President and Chief Executive since January 2000.

ICG's international headquarters are at Brussels, with advocacy offices in Washington DC, New York and Paris. The organisation currently operates field projects in nineteen crisis-affected

countries and regions across four continents: Algeria, Burundi, Rwanda, the Democratic Republic of Congo, Sierra Leone, Sudan and Zimbabwe in Africa; Myanmar, Indonesia, Kyrgyzstan, Tajikistan, and Uzbekistan in Asia; Albania, Bosnia, Kosovo, Macedonia, Montenegro and Serbia in Europe; and Colombia in Latin America.

ICG also undertakes and publishes original research on general issues related to conflict prevention and management. After the attacks against the United States on 11 September 2001, ICG launched a major new project on global terrorism, designed both to bring together ICG's work in existing program areas and establish a new geographical focus on the Middle East (with a regional field office planned for Amman) and Pakistan/Afghanistan (with a field office planned for Islamabad).

ICG raises funds from governments, charitable foundations, companies and individual donors. The following governments currently provide funding: Australia, Canada, Denmark, Finland, France, Germany, Ireland, Japan, Luxembourg, the Netherlands, Norway, the Republic of China (Taiwan), Sweden, Switzerland and the United Kingdom. Foundation and private sector donors include the Ansary Foundation, the Carnegie Corporation of New York, the Ford Foundation, the William and Flora Hewlett Foundation, the Charles Stewart Mott Foundation, the Open Society Institute, the Ploughshares Fund and the Sasakawa Peace Foundation.

December 2001

APPENDIX C

ICG REPORTS AND BRIEFING PAPERS

AFRICA

ALGERIA

The Algerian Crisis: Not Over Yet, Africa Report N°24, 20 October 2000 (also available in French)

The Civil Concord: A Peace Initiative Wasted, Africa Report N°31, 9 July 2001 (also available in French)

Algeria's Economy: A Vicious Circle of Oil and Violence, Africa Report N° 36, 26 October 2001

BURUNDI

The Mandela Effect: Evaluation and Perspectives of the Peace Process in Burundi, Africa Report N°20, 18 April 2000 (also available in French)

Unblocking Burundi's Peace Process: Political Parties, Political Prisoners, and Freedom of the Press, Africa Briefing, 22 June 2000

Burundi: The Issues at Stake. Political Parties, Freedom of the Press and Political Prisoners, Africa Report N°23, 12 July 2000 (also available in French)

Burundi Peace Process: Tough Challenges Ahead, Africa Briefing, 27 August 2000

Burundi: Neither War, nor Peace, Africa Report N°25, 1 December 2000 (also available in French)

Burundi: Breaking the Deadlock, The Urgent Need for a New Negotiating Framework, Africa Report N°29, 14 May 2001 (also available in French)

Burundi: 100 Days to put the Peace Process back on Track, Africa Report N°33, 14 August 2001 (also available in French)

DEMOCRATIC REPUBLIC OF CONGO

Scramble for the Congo: Anatomy of an Ugly War, Africa Report N°26, 20 December 2000 (also available in French)

From Kabila to Kabila: Prospects for Peace in the Congo, Africa Report N°27, 16 March 2001

Disarmament in the Congo: Investing in Conflict Prevention, Africa Briefing, 12 June 2001

Le dialogue intercongolais: Poker menteur ou négociation politique ? Africa Report N° 37, 16 November 2001

RWANDA

Uganda and Rwanda: Friends or Enemies? Africa Report N°15, 4 May 2000

International Criminal Tribunal for Rwanda: Justice Delayed, Africa report N°30, 7 June 2001 (also available in French)

"Consensual Democracy" in Post Genocide Rwanda: Evaluating the March 2001 District Elections, Africa Report N°34, 9 October 2001

SIERRA LEONE

Sierra Leone: Time for a New Military and Political Strategy, Africa Report N°28, 11 April 2001

Sierra Leone: Managing Uncertainty, Africa Report N°35, 24 October 2001

ZIMBABWE

Zimbabwe: At the Crossroads, Africa Report N°22, 10 July 2000

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