

THE FRIENDSHIP TREATY BETWEEN THE REPUBLIC OF NORTH MACEDONIA WITH BULGARIA : CHALLENGES OF CONSTITUTIONAL CHANGES IN THE PROCESS OF INTEGRATION WITH THE EUROPEAN UNION

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Abstract

Developments between two or more states that happened in the past should not always be a point of reference in the progress of relations in the future of these first. With the declaration of Macedonia's independence, Bulgaria was among the first to recognize it as a state and helped the "growth" of Macedonia in the international arena. As eastern neighbors in terms of geography, Macedonia and Bulgaria have had a good time without violating each other's sovereignty and without presenting difficulties to each other. In 2017, this friendship was crowned with the friendship treaty between them, but at the moment that Macedonia changed its constitutional name to the Republic of North Macedonia in the hope of avoiding the biggest problem before joining the European Union, it felt too comfortable. Unexpectedly, the veto was used by Bulgaria, which imposed the inclusion of Bulgarians in the constitution as a condition for Macedonia. In this research paper, it is intended to elaborate and analyze what is the best way to solve the problem without harming the cultural, historical and existential identity of the two states. The main objective of this paper will be to provide hypotheses that will serve to avoid disagreements and remove "pebbles" from the road to the European Union membership of the Republic of North Macedonia.

Keywords: Neighbors, European Union, Bilateral Agreements, Constitution, Challenges.

1. Introduction

After the declaration of Macedonia's independence in 1991, Bulgaria was among the first countries to recognize Macedonia in 1992 and later ratified the bilateral agreement for genuine neighborhood in 2017. The Republic of North Macedonia has been seeking EU association since 2004. But with many obstacles it has not been able to get the final date for the start of the talks which it officially reached in March 2020. In the same year Bulgaria offered a compromise model in which it asked the Macedonian government to accept that the Macedonian language and national identity to be accepted as having a common genesis and that they have the same roots. This proposal was rejected by North Macedonia as threatening. Acknowledging the Bulgarian influence in Macedonian history is very problematic for many Macedonians, because it contradicts the nation-building discourse of Macedonians after the Second World War, which was based on a deeply anti-Bulgarian attitude. Another revisionist opinion of Macedonian history is that their national history was stolen earlier from the Bulgarian national historiography (Degryter, 2023).

In the agreement on cooperation, friendship and good neighborliness between the Republic of North Macedonia and the Republic of Bulgaria, which is an international bilateral agreement ratified by both governments of the countries in question, several elements are taxally regulated in order to avoid obstacles in the future. Some of these issues regulated in this agreement are:

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- The necessity of strengthening security and peace, cooperation and trust in Southeast Europe;
- Supporting the aspiration of the Republic of Macedonia for integration in European and Euro-Atlantic organizations;
- The two Contracting Parties will develop comprehensive relations between them in accordance with the basic principles of international law and good neighborliness;
- None of the Contracting Parties will undertake, encourage and support actions, directed against the other country, which have a hostile character, etc (vlada.mk, 2023).

In the above-mentioned agreement, it is stated that RMV in its constitutional text will not interpret its constitution in any connotation to have any territorial claim or tendency to interfere in the internal affairs of the state of Bulgaria. But when we analyze in comparative terms the approach of both contracting parties to this agreement, we clearly see that Bulgaria has not fully respected all the articles of this agreement by placing a veto on the integration of the RMV into the Union European claiming that the Macedonian language is a dialect of the Bulgarian language and the culture together with the Macedonian historiography is stolen/copied from the Bulgarian one.

2. Relations and relations between the Republic of North Macedonia and the Republic of Bulgaria

On January 15, 1992, Bulgaria was the first country to recognize the independence of the then Republic of Macedonia. Bulgaria, however, has refused to recognize the existence of a Macedonian nation and a Macedonian language. This argues that Macedonians are a subgroup of the Bulgarian nation and that the Macedonian language is a dialect of Bulgarian. In the agreements between the two states signed at this stage, it is noted: "the official language of Bulgaria - Bulgarian, according to the Constitution of the Republic of Bulgaria and the Macedonian language, according to the Constitution of the Republic of North Macedonia". On the other hand, Skopje insists on the presence of a Macedonian community in Bulgaria, with some circles claiming 750,000 'ethnic Macedonians' there, and treating as "ethnic Macedonians" a number of figures from Bulgarian history from the region during the period from the 9th century to the end of World War II. North Macedonia has developed its relations with Bulgaria in the political, economic and military spheres. The governments of both countries have worked to improve business relations. Bulgaria has also donated tanks, artillery and other military technology to the North Macedonian Army. The rules governing the good neighborly relations agreed between Bulgaria and North Macedonia were laid down in the Joint Declaration of 22 February 1999, reaffirmed by a joint memorandum signed on 22 January 2008, in Sofia.

2.1 Agreement for cooperation, good neighbourhood and friendship: Although the relations between these two neighboring states such as Bulgaria and Macedonia during their history of their existence today have encountered ebbs and flows. These differences in relations have not always been directly influenced by each other's actions, but by global circumstances in most cases. With these global circumstances, we mean the crises they have been forced to face together with the very fact that they are geographically very close to each other and the territory in which they are located is the arena of transitions, i.e. one of the main routes chosen by immigrants who emigrate from Middle Eastern countries mainly affected by armed conflicts in these territories in the recent past.

The main purpose of concluding such an agreement was to avoid disputes in the future and to regulate in detail the cooperation between the RMV and the Republic of Bulgaria. If we analyze this international legal act, it is a bilateral convention between the Republic of

Moldova and the Republic of Bulgaria ratified on August 1, 2017. In its content, issues of various spheres are regulated, but the most important for our topic are legal issues of international interest. Some of these can be counted: strengthening security and peace, cooperation and trust in the territory of South-Eastern Europe, supporting the aspirations of the Republic of Macedonia for integration and association in European and Euro-Atlantic organizations, developing comprehensive relations between them in accordance with the basic principles of international law and good neighborliness, the agreement between them that they will not undertake, instigate and support actions, directed against the other country, which have a hostile character, etc. The convention in question has 14 articles and 5 pages in which the agreed issues are defined in detail, however, perhaps not all the points of this agreement have been strictly implemented, but it should be noted that the most serious was for RMV as a party to this convention to use the right of veto on the part of Bulgaria to prevent the integration of Macedonia in the EU.

In the final analysis, we see that the violation of the contract and the agreement was largely committed by Bulgaria, making it impossible to realize a main existential aspiration and capital goal such as the association of the Republic of Macedonia in the European Union.

2.2 Constitutional changes as a condition for the association of RMV : After avoiding the dispute with Greece regarding its constitutional name, the Republic of North Macedonia in a way felt a little relieved with the ratification of the Prespa Agreement because at that time the only obstacle before its integration into the EU was the veto here is Greece, which had decided as early as 1993 by contesting its constitutional name on the grounds that Greece said that under the name "Republic of Macedonia" Macedonia has territorial claims to state sovereignty. The year 2020 had a surprise for Macedonia as Bulgaria unexpectedly vetoed the integration of the Republic of Moldova into the European Union by placing the condition of inclusion of Bulgarians in the Macedonian constitution as a state-forming people.

Another revisionist opinion of Macedonian history is that their national history was stolen earlier from the Bulgarian national historiography.

If Macedonians are forced to give up their identity and dignity in order to move towards European integration, then there can be no talk of European integration. These two values, who the Macedonian people are and where they want to go, can never be a matter of resolution, at least not in 21st century Europe. The intensified dialogue between the governments of the two countries imposes the need to perceive the red lines, that is, concrete principles and solutions and not a declarative solution, which policy must respect them in order to offer a stable and real solution with Bulgaria. The Macedonian state should never support a negotiation process with the EU, which will do so on the basis of the annihilation of our citizenship, threatening internal and regional stability with unpredictable consequences (“БУГАРСКОТО ВЕТО НА МАКЕДОНСКИТЕ ЕВРОИНТЕГРАЦИИ: КАКВО ЈАБОЛКО МОЖЕ ДА ЗАГРИЗЕ МАКЕДОНИЈА?”, 2022). The obligations that Macedonia will take will irreversibly determine our future and role in the EU. We must be aware that by accepting the Bulgarian demands, they become part of the state's membership agreement with the EU. The accession process and membership in the EU are not a goal in itself for North Macedonia, but are a means of reforms where Macedonia will become a strong democratic state with opportunities for prosperity in which the law rules (mfa.gov.mk, 2023).

As for the red lines that the Macedonian opinion and policy makers have in the RMV, there are several points that are worth mentioning such as: Do not allow the introduction of a mechanism for monitoring or implementing the Agreement in the negotiations, Bulgaria must guarantee not to open of new issues that will contest and hinder the negotiations, the Macedonian language without any additions before or behind it that tarnish its originality, the

amendment of the Constitution should not be accepted as a condition for the start and progress of the negotiations. The Bulgarian side must explicitly recognize the Macedonian identity, prevent hate speech from both sides and guarantee freedom of expression, etc (Degryter, 2023).

If we try to make a brief analysis of the relations between the Macedonian and Bulgarian states, the demands of both states are slightly exaggerated by both sides separately. The Macedonian side asserts that Bulgaria's demands are excessive and cannot be as irreversible conditions that cannot be negotiated and discussed, while on the other hand, the Bulgarian side asserts that the positions held by the Macedonian state officials are hyperbolized, for because according to them, the Bulgarian side wants a framework agreement which contains the inclusion of the Bulgarian people in the constitution of the Republic of Macedonia, which would not be too much in the constitution of a multi-ethnic state such as Macedonia, the inclusion of the peoples who live and are citizens of RMV. Regarding this issue, if the constitution is opened to be amended/added, it would not be right to add only Bulgarians as a people, but it would be more than necessary to include Albanians at the top of the list of state-forming peoples in the Republic of Moldova and beyond then also the other existing peoples in this state that would be evident in the constitution because these peoples such as Albanians, Turks, Roma, perhaps Serbs or Bosnians, are more numerous than the Bulgarian minority in RMV. Summa summarum, in order to have a genuine agreement, there must be a compromise from both sides of the dispute, not being damaged and crossing the red lines of both, that is, the Macedonians' existing identity, such as language and national identity, should not be harmed, and on the other hand Bulgarians should be included in the constitution of the Republic of Moldova and not be considered as second-class citizens either by the official institutions or by the general population. In general, the political compromise between the governments would be the most logical step that can be taken in order not to strain the relations between the peoples of these two countries, since these two peoples claim to coexist and be part of the big EU family.

3. Conclusion

The relations between these two neighboring states like Bulgaria and Macedonia during their history of their existence today have encountered ebbs and flows. These differences in relations have not always been directly influenced by each other's actions, but by global circumstances in most cases. The main purpose of concluding such an agreement was to avoid disputes in the future and to regulate in detail the cooperation between the RMV and the Republic of Bulgaria. If we analyze this international legal act, it is a bilateral convention between the Republic of Moldova and the Republic of Bulgaria ratified on August 1, 2017. In its content, issues of various spheres are regulated, but the most important for our topic are legal issues of international interest. Some of these can be counted: strengthening security and peace, cooperation and trust in the territory of South-Eastern Europe, supporting the aspirations of the Republic of Macedonia for integration and association in European and Euro-Atlantic organizations, developing comprehensive relations between them in accordance with the basic principles of international law and good neighborliness, the agreement between them that they will not undertake, instigate and support actions, directed against the other country, which have a hostile character, etc. The year 2020 had a surprise for Macedonia as Bulgaria unexpectedly vetoed the integration of the Republic of Moldova into the European Union, placing the condition of inclusion of Bulgarians in the Macedonian constitution as a state-forming people. The obligations that Macedonia will take will irreversibly determine our future and role in the EU. As for the red lines that the Macedonian opinion and policy makers have in the RMV, there are several points that are worth mentioning such as: Do not allow the

introduction of a mechanism for monitoring or implementing the Agreement in the negotiations, Bulgaria must guarantee not to open of new issues that will contest and hinder the negotiations, the Macedonian language without any additions before or behind it that tarnish its originality, the amendment of the Constitution should not be accepted as a condition for the start and progress of the negotiations. The Bulgarian side must explicitly recognize Macedonian identity, prevent hate speech from both sides and guarantee freedom of expression, etc.

Summa sumarum, in order to have a genuine agreement, there must be a compromise from both sides of the dispute, not being damaged and crossing the red lines of both, that is, the Macedonians' existing identity, such as language and national identity, should not be harmed, and on the other hand Bulgarians should be included in the constitution of the Republic of Moldova and not be considered as second-class citizens either by the official institutions or by the general population.

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