

BILATERAL AGREEMENTS BETWEEN KOSOVO AND REPUBLIC OF NORTH MACEDONIA

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Abstract

The history of the last two centuries and the first decade of the XXI century, showed that the Balkans did not have lasting peace and stability, because there was no adequate justice in the treatment of its peoples [2]. Obviously, it can be easily proved that the Balkan countries have been in constant conflict, where as a result we have the creation of new states [3].

The relations between North Macedonia and Kosovo have not been developed only in recent years, respectively from the recognition that the Republic of North Macedonia has made to the Republic of Kosovo. It is important to note that these states were once the political entities of another state, the former Yugoslavia. The Republic of North Macedonia was one of the six republics within the Federation of Yugoslavia, while Kosovo held the position of province. The dissolution of the former Yugoslav Federation, beginning with the overthrow of the constitutional concept of Kosovo's position in 1989, the secession and international recognition of the four federal units, and the start of the war on the territory of the former Yugoslavia, opened new political processes that were characterized by the dissolution of the federal state and the creation of new sovereign and independent states.

The main purpose of this paper is to analyze the relations between the Republic of Kosovo and the Republic of North Macedonia. Nevertheless, we deliberately use the word "republic" to describe both countries, to indicate the time limit of the study. So, the analysis is at a high degree focused only on the period after the declaration of independence of Kosovo and not the period of their relations during the existence of the former Yugoslavia.

Meanwhile, interstate relations are multidimensional and usually include cross-cutting areas, and as matter of a fact in this study will be put a particular emphasis on political and economic relations. In the meantime, the study is divided into three main parts. First and foremost, the first part will address the historical aspects of these two countries. Since both were part of a common state structure, it is considered that there are a wide range of topics and issues to be addressed. In the second part it will be tackled the issues regarding the political and diplomatic relations between these two countries. So, from this part onwards the paper will be at a large extent concentrated on interstate relations.

Keywords: Bilateral agreement, Kosovo, North Macedonia

1. Introduction

There are several methodological approaches which have been used to carry out this paper. Due to the fact that the paper elaborates a wide range of topics, a multidimensional approach had to be used. In this regard, for the fulfillment of this paper were used some methodological approaches which are elaborated as follows:

- Comparative analysis: since the paper is mainly concerned with the interstate relations between Kosovo and North Macedonia. As matter of a fact the main method used is the comparative one.

- **Historical Method** - It is well known that in order to properly analyze political events in the context of international relations one should look through historical lens as such, it is of key importance to know and understand the historical context of events. In fact, the field of study of International Relations itself until after the Second World War was an integral part of the study of history.
- **Secondary resources** - for the fulfillment of the work, are used a wide range of secondary resources, taken from various analyzes performed by specialized institutions. These types of data will enrich the topic by adding a very important component related to statistical data.

2. Historical aspects of relations between Kosovo and North Macedonia

Within the framework of a brief historical outline, it is quite obvious that both of these states have been part of another state structure called Yugoslavia for almost half a century. Contrary to North Macedonia which had the status of a Republic within the federation, Kosovo had the status of autonomous province within Serbia, as another Republic. As a result of amendments in the Constitution of 1974, Kosovo gained some more prerogatives and enjoyed more rights, which advanced its status within the Federation which resembled the competencies that other republics had.

After the break-up of Yugoslavia, North Macedonia was declared an independent state, but Kosovo remained to be part of Serbia, but by the time the issue of Kosovo escalated resulting with loss of its autonomous status that it had with the 1974 Constitution. Kosovo succeeds to gain independence only after a long and troublesome event of the 1998/99 war, the UNMIK administration period, supervised independence until the declaration of independence.

Therefore, if we draw a comparison among these two political entities and analyze the process of their independence from the former Yugoslavia, Kosovo has undergone several and countless obstacles regarding political, economic, social and diplomatic levels. As a consequence, such a process had and still has consequences in both development and integration processes in international structures. In contrast to the Republic of North Macedonia which became a state without fighting at all but in a peaceful way, without destroying its infrastructure, without casualties and raping, without devastating its economy, in this perspective Kosovo was subject to all these atrocities.

After the end of the armed conflict between the constituent units of the Federation, the Republic of North Macedonia declared its independence on September 8, 1991, through a referendum.

The process related to Kosovo's declaration of independence was the result of a war between the Kosovo Albanian population and the Serbian army. With the intervention of the international community, and after the deployment of international civilian and military missions, Kosovo managed to declare independence on February 17 2008.

2.1 Different, phases, reports : the essence of relations between Kosovo-North Macedonia

The relations between these states embark from 1989 and are divided in different phases which initiated immediately after the dissolution of the Federation began to occur. I consider that these developments can be divided into several stages:

- The first phase, 1989 -1999 - This phase includes many events that for practical reasons, will be mentioned only telegraphically;
- This includes the period after the removal of Kosovo's autonomy from Serbia, then the period of peaceful resistance of Kosovo by the Serbian regime. At this time the state of North Macedonia and Kosovo did not have any specific relations owing to the fact that Kosovo was not a state. North Macedonia had relations only with Serbia and, of course, Kosovo was part of it;
- Another period within this phase is the public emergence of the KLA and the commencement of the war with Serbian forces;
- Then, the phase of NATO bombing on Serbian targets in Kosovo and Serbia. It is worth emphasizing the refugee crisis in the territory of North Macedonia. In that period, North Macedonia was a destination and transit area for Kosovo refugees;
- All this culminates with the signing of the Kumanovo Agreement between the Serbian army and allied forces to stop the bombing and in the meantime the withdrawal of paramilitary and military troops from Kosovo, which resulted in the establishment of an international UN protectorate in Kosovo;
- The second phase is the one from 1999 - 2008, which differs in many aspects and incomparably from the first phase. This is a period in which the United Nations Mission to UNMIK was established in Kosovo. This is a delicate stage because on the one hand Serbia stressed that Kosovo is still part of Serbia. He supported this in Resolution 1244. On the other hand, on the ground, ie de facto, Serbia did not have any competence in governing Kosovo the international community did that. After a period of time, the international community came up with the proposal "standardized before status". This was a transitional phase where Kosovo had to prepare and consolidate its institutions and prepare for the coordinated declaration of independence that would follow.

The Republic of Kosovo was recognized by the Republic of North Macedonia on 09.10.2008, and was one of the first states to recognize Kosovo, although the Albanians are constituent population in the Republic of North Macedonia. Indeed this is also a consequence of the asymmetric position of its citizens on ethnic grounds.

The Republic of North Macedonia after the declaration of its independence and as a result of the unequal position and rights of the two main ethnicities, this led to an armed conflict in 2001 between Albanians and North Macedonians. Moreover, this conflict ended only after the intervention of international community. Thereafter, the involved parties in the conflict reached the Ohrid Agreement, which further increased the rights of Albanians.

Furthermore, Kosovo and North Macedonia, as two neighboring countries, are conditioned to have bilateral agreements between them. Therefore, in this paper will be provided an overview regarding the collaboration between these two countries.

3. Political and diplomatic relations between Kosovo and North Macedonia

The Republic of Kosovo and the Republic of North Macedonia in recent years have made progress in the process of strengthening and intensifying bilateral relations. The recognition of the independence and sovereignty of the Republic of Kosovo by the Republic of North Macedonia on October 9, 2008 and the subsequent establishment of diplomatic relations on October 17, 2009 between the two countries, have given a new dimension to the construction of bilateral relations. The relations between the two countries are comprehensive and extend to the political, economic, security, health, etc. issues.

The institutions of both countries have strengthened cooperation by negotiating and then signing bilateral agreements, memoranda and protocols[8]. The recognition of the state of Kosovo by North Macedonia has had a constitutive character, which has determined that the existence of the state of Kosovo will ensure peace and security in the Western Balkans.

In the preamble of the Constitution of the Republic of Kosovo, he pledged certainty that the state of Kosovo will contribute to the stability of the region and throughout Europe, establishing neighborly relations and good cooperation with all neighboring countries. Basically, the underlying aim of this definition was to create a constitutional mechanism for the state of Kosovo, as well as to determine that the state's goal is good neighborliness.

The Republic of Kosovo has no territorial claims against any state or part of any state and will not seek to join any state or part of any state[8]. The creation of new states also means the establishment of diplomatic relations. States usually have relations with each other, so with the introduction of the new state, the issue of establishing diplomatic relations is raised for other states [1].

Kosovo and North Macedonia, after mutual recognition and the establishment of diplomatic missions, have managed to sign the following cooperation agreements:

1. CEFTA Agreement, 19 December 2006;
2. Memorandum of Cooperation in the field of accreditation, May 14, 2009;
3. Joint Declaration on the Establishment of Diplomatic Relations, October 17, 2009;
4. Agreement on the physical demarcation of the border, October 16, 2009;
5. Agreement on Police Cooperation, December 30, 2009;
6. Agreement on Economic Cooperation, 16 December 2009;
7. Memorandum of Cooperation in the field of security, February 14, 2010;
8. Memorandum of cooperation in the field of archiving, February 15, 2010;
9. Agreement on cooperation in the field of health and medicine, May 6, 2010;
10. Protocol of cooperation between the Ministries of Foreign Affairs, 22 June 2010;
11. Memorandum of Cooperation in the field of energy, 5 July 2010;
12. Memorandum of Cooperation in the field of industrial property rights, 4 August 2010;
13. Cooperation Agreement between National University Libraries, 22 September 2010;
14. Agreement on Mutual Assistance and Cooperation in Customs Matters, 11 February 2011;
15. Protocol on Cooperation in the Field of Agriculture, March 24, 2011;
16. Joint Police Patrol Protocol, 1 March 2011;
17. Agreement on "Avoidance of Double Taxation and Prevention of Fiscal Evasion in Relation to Income and Capital Taxes, 6 April 2011;
18. Agreement on mutual legal assistance in criminal matters, April 8, 2011;

19. Agreement on the transfer of convicted persons, April 8, 2011;
20. Extradition Agreement, 8 April 2011;
21. Agreement on International Rail Transport, 15 September 2011;
22. Protocol on the establishment and functioning of the Joint Contact Center for Police Cooperation, October 3, 2011;
23. Memorandum of cooperation in the field of standardization, October 14, 2011;
24. Memorandum of cooperation in the field of environmental protection, March 9, 2012;
25. Cross-border cooperation agreement, October 22, 2012,
26. Declaration of cooperation with crisis in case of natural disasters, December 11, 2012;
27. Statement of cooperation between D.M.DH.P. of RM and protection of personal data of RKS;
28. Agreement for confirmation of insurance periods regarding the pension rights, February 7, 2013;
29. Cooperation agreement in the field of culture, February 8, 2013;
30. Agreement on the opening of a new border crossing point dedicated to international road traffic in Stancic-Bellanovc, June 24, 2013;
31. Cooperation agreement in the field of tourism, June 24, 2013[8].

The number of these agreements is a clear proof of the good political, diplomatic and economic relations between these neighboring countries. Indeed, the greatest support that North Macedonia has given to Kosovo is the recognition of citizenship, surpassing the great influence that the Serbian state has in North Macedonia through its political exponents, but also the secret services and broader.

It is important to note that, in whatever period they occurred, the events in Kosovo have had and will have great importance to the North Macedonian State and its Foreign Policy, as the main institution responsible for the establishment and conduct of interstate relations. . In this regard, Kosovo has been the center of international attention for many years and since North Macedonia is a neighboring country it has been included intentionally or unintentionally.

Consequently, an important factor is the fact that in North Macedonia live a very large number of North Macedonian citizens but who are ethnically Albanian. Their role and influence in the political and public life in North Macedonia is often crucial. Undoubtedly, the vast majority of North Macedonian parties which aimed to govern properly, have inevitably included Albanians in government. Indeed, this implies an all-embraced involvement wherein these parties enjoy equal rights and not just merely meet the international criteria arising from the Ohrid Agreement.

4. Conclusion

Kosovo and North Macedonia have succeeded to sign a number of mutual agreements, through which the lives of the citizens of both countries will be facilitated and as matter of fact they avail from various opportunities. Based on these countries, political stability in the Balkans and broader, primarily relies on the geopolitical importance of these countries. As a result, it is of key importance to foster this collaboration in the field of education, culture, cultural heritage, joint projects, cross-border collaboration and even in municipality level.

Therefore, there have been also witnessed numerous difficulties in the implementation of these agreements, owing to the fact that it depends a lot on the political entities that hold the position in the respective state. In addition, it is worth noting that in North Macedonia, as well as in Kosovo, there is interest in extending Russian influence, which would place the region in the 50s of USSR influence. Due to fact that United States and the European Union, have a crucial role in establishing and maintaining peace in the Balkans, as the largest investors in building sustainable institutions in these countries, the influence of these countries will be highly important in the development of these countries, in particular integration into EURO-ATLANTIC mechanisms.

Furthermore, it is essential to know that interstate relations, day-to-day, also depend on the strategic orientations of these countries and the involvement of Albanians in these processes, especially the Albanian community living in North Macedonia. The last was the Referendum on the name that will be held at the end of September, 2018 and which is considered vital for the Euro-Atlantic future of North Macedonia and, why not, the entire region. In this referendum, the Albanian element is indispensable. Moreover, Albanians will once again contribute from strategical prospect, to orient the North Macedonian state to the west and thus finally remove the prolonged influence of Russia and Serbia which are aiming to destabilize the entire region and as a consequence breach the North Macedonia's relations not only with Kosovo, but also with Albania and other neighbor countries.

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