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Review article

THE BERMUDA TRIANGLE OF MACEDONIAN STATEHOOD: OHRID, PRESPA AND BULGARIAN AGREEMENT

Abstract:

From the 1991 referendum on independence and the adoption of the Constitution up to date, Macedonian statehood has been going through several political transformations, of which, as key, we single out those of 2001, 2017 and 2018-19. All those turning points relate to the resolution of identity conflicts and disputes, both within the country and with neighbouring states. The purpose of this paper is to prove the hypothesis according to which the replacement of constitutionality as the foundation of the Macedonian state with contractual relations, which are later constitutionalized, leads to statehood erosion. In other words, instead of the Constitution representing a relatively permanent social contract of the citizens in the political community, the three contracts turned it into its opposite. Constitutional changes brought about through coercion and blackmail, that is, from a position of power, through international state building, have gradually created an increasingly weak and unsuccessful state, that is, a provisional state. Such an entity cannot hope to be incorporated into the European Union. More precisely, identity concessions accompanied by the dysfunctional state institutions result in effects contrary to the basic democratic imperatives and the principles contained in the Copenhagen criteria.

Keywords: macedonia, statehood, constitution, ohrid framework agreement, prespa agreement, bulgarian agreement

1. Introduction

The analysis presented in this paper takes as its basic premise the thesis that out of the thirty years of existence of the independent Macedonian state, the process of erosion of all statehood elements has taken as many as two decades. The essential reason for that is the relinquishment of the elementary social agreement incorporated in the Constitution of 1991, let alone the constitutional traditions of ASNOM 1944. The emphasis of this analysis is precisely on the process of replacing what is a fundamental postulate of every sovereign state, i.e., the constitutional foundation, with contractual relations with non-state entities and other states and alliances. The latter were expressed in the Ohrid Framework Agreement (OFA), the Prespa Agreement (PA) and the Bulgarian Treaty (BT).¹

The following sections analyse the procedure for adoption and the content of each of the three agreements, which not only overshadowed (and formally altered) the Macedonian Constitution, but also completely derogated from the basic principles of modern statehood (such as sovereignty, democratic source of government, rule of law, human rights). The agreement reached during a military conflict (2001), as well as the 'offspring' of open external blackmail (by neighbouring states and/or the so-called international community) from 2017 and 2018, create a constitutional, legal and political "Bermuda Triangle" in which all the elements of statehood sink. Therefore, the way out of this situation is sought in their questioning, critical analysis and challenging the mantra of existential necessity and wish to join EU. The aim is getting closer to a sustainable and foremost a democratic solution. In the recent past, the domestic and external power holders have created a kind of consensus that few, even from the academic community, are able or dare oppose with arguments. According to that alleged (and in essence, imposed) consensus, all agreements represent a salvation for Macedonia or the Macedonians, as well as an entry ticket to the heavenly courts of the West (NATO and the EU). The idea of this paper is simple: deconstruction of such a narrative and analysis of Macedonian statehood through the prism of what is inherent and characteristic of every sovereign state in the world system.

¹ The paper uses the colloquial names under which these three agreements are known in the public, that is, the names that have entered even the public and political discourse. On the other hand, their official names are long and complex, but correctly presented in the inventory of literature and sources. The names of the Ohrid and Prespa agreements are linked to the places where they were negotiated (in the first case) or signed (in the second case), while the name Bulgarian agreement (signed in Skopje) in a certain way illustrates the dominant position of Bulgaria in the asymmetric agreement. The official name of the Agreement with Bulgaria is the *Agreement on Friendship, Good Neighborliness and Cooperation signed by the Prime Ministers of the Republic of Macedonia and the Republic of Bulgaria* (2017). The proper name of the Prespa Agreement is the *Final Agreement for the Settlement of the Differences Described in United Nations Security Council Resolutions 817 (1993) and 845 (1993), on the Termination of the Interim Agreement of 1995 and for the establishment of a strategic partnership between the parties* (2018).

2. On the Constitution So Badly Needed

In its major part (45 years), the Macedonian constitutional history was connected with that of the former Yugoslavia. Despite all the limitations that are characteristic for a federal state, however, in the course of several decades, Macedonia was able to learn and apply the laws and techniques of creating a constitutional text, and finally establish and develop the academic discipline: constitutional law. Leaving aside the ideological elements as well as the federal principle, what is essentially significant is that generations of Macedonian citizens, together with their constitutional experts, have been self-aware and practiced the right to self-determination, both in a national and wider political and legal sense.

The Federation's disintegration, which actually began long before the dramatic events of the 90s of the 20th century, imposed a new imperative: the constitution-making for one's own independent and sovereign state. The turning to the practices and experiences of so-called old democracies and their constitutions was simultaneously a weakness and an advantage in that process. On the side-lines of the Faculty of Law in Skopje, one could hear the (self) proclaimed 'creators of the constitutional text' in 1991 speaking about the ease with which the draft of the constitutional text can be written. According to their immature reasoning, all that was needed was copying others' constitutional solutions, as well as the provisions of the European Convention on Human Rights; finally, this mix could be presented as a constitutional foundation of the newly independent state. On this occasion, we will not elaborate on the weaknesses of such a view of the 'prescribing' role of the so-called creators of the Constitution.

In fact, the weaknesses, and doubts of the so-called transitional societies from the entire former socialist bloc in the constitution-making, but also the protection of the principles of constitutionality and legality, and primarily respect for the rule of law, are largely comparable to each other. The way out of the impasse of the collapse of the socialist system was sought in the West, through copying, artificial introduction of solutions, through constitutional engineering - because in reality there were very few elements that could have been constitutionalized on the ground of one's own experiences, knowledge and traditions. It took years, if not decades, for the imported democracy to revive - and the result was still not according to expectations.

Hence, the immanent weaknesses of the development of the constitutional and political system are not something specific only to the Republic of Macedonia. Mirroring the old democracies (without social preconditions necessary for a functional democracy) can, therefore, be seen as a necessary and even a positive step towards building a liberal state based on the corpus of human rights and freedoms for each and every one in society. On the road to civil democracy, a series of social benefits from the socialist system were abandoned, that is, the baby was thrown out with the bathwater, to paraphrase an old saying from the Marxist dictionary. Simultaneously with the advent

of political democracy, the biggest robbery of societal capital - privatization (Shajnoski 2015) was taking place, from which the new class of rich grew, which in the coming period will create a synergy between the political and business elites. It will hold all the power and wealth in the state a hostage of power elites. Finally, in the period of three decades, a society was made of mostly powerless and marginalized, but also impoverished and dependent citizens, who could/can easily be blackmailed and manipulated. The sedation 'pill' was found in the new ideology of "NATO and EU membership". It is a promise that everyone would live in prosperity and security (which became the paradoxical counterpart of the communist utopia) one day.

The making and adoption of the constitution is the initial and most significant step in the establishment of any political community in the form of a state (Škarić and Siljanovska 2009). As both the highest legal act and the most significant political charter, the constitution aims to answer the key question of who constitutes the given community and thereby regulates the power relations in their institutionalized form. However, unlike the so-called mature democracies in the West, which are usually proud of exporting their values and systemic models, new democracies often face constitutional revisions under the pressure of circumstances rather than as a result of deliberation and vision for future. They usually come about without much expert and public debates. The Macedonian case is very illustrative in this sense.

Generally speaking, the German sociologist Ralf Dahrendorf's thesis can be applied to the Macedonian case as well (1990). According to him, it takes no more than six months to make a brand-new constitution, it takes six years to change the economic system, but it takes sixty years to revolutionize the minds and hearts of the people. Although apparently Macedonia seems to fit into this forecast, it is necessary to emphasize that the seeds of future constitutional amendments had already planted in the original constitutional text in fall 1991. Even worse, constitutional reform is an ongoing and never-ending process. What definitely changed in the shortest period of time was the introduction of the new economic (capitalist) system. With respect to the changes in the citizens' "mind and heart", the halfway through the assumed (sixty-decade) period, the issue of internal cohesion and loyalty/attachment to common values (in other words, the social contract) is still under the shadow of the uncertainty due to the continuous process of nation-building in an alleged European (!) form. The ongoing changes are so fast and radical that it is impossible to predict what will be the political and value orientation and compass of the generations that will grow up in the next three decades.

From a legal point of view, a real curiosity is the fact that the Macedonian constitutional identity conceived and constitutionalized in 1991 can hardly be recognized, but it still rests on one (supposedly the same) Constitution. The changes take place in relatively short periods, and each of them does not reform, but rather deforms the constitutional character of the state. The political system has a *sui generis* form; it is of a special type, which de facto can only be found in

weak and semi-disintegrated states rather than in European ideal types, which are professed by the state elites.

By the end of 2022, a total of eight constitutional revisions have been carried out, that is, a total of 36 constitutional amendments have been inserted (see Majhoshev 2013). For this analysis, the 2001 and 2019 revisions are of essential significance. The constitutional text is already illegible due to the numerous amendments, but there are other far more fundamental inconsistencies. Yet few believe that it is realistic to expect a comprehensive constitutional reform that would result in a new consistent text.² The reason is to be sought in the deep political and ethnic polarization of society. There is neither strength to abandon the old dysfunctional system nor will for a new, better, and functional constitutional system. Thus, the country faces a paradox: although it needs a new constitution, it is a hostage to numerous constitutional amendments, to their arbitrary interpretation (mainly by politicians and the foreigners). Scholars and constitutional experts are marginalized and hardly heard. The new contractual relations have been established not only by neglecting the valid constitutional framework, but also by openly violating it.

2. The Ohrid Framework Agreement: abandoning the civil model of democracy

The Framework agreement, colloquially called the Ohrid Agreement (OFA), is a *de facto* outcome of direct external and internal (armed) pressure during the 2001 conflict. The participants in its creation can be divided into real actors and extras (visible and invisible). Furthermore, one could make additional distinction among the extras: of politicians and the so-called experts. Testimonies published in the memoirs of (now deceased) James Pardew (2018) *post festum* dispelled the fog that had settled over this momentous event, even though a part of the public had known it was a farce on many levels.

Namely, the alleged negotiations took place in the summer of 2001 at the insistence of the so-called facilitators, i.e., the US and EU representatives. They suggested creation of conditions for a peaceful resolution of the conflict (which was still ongoing) and for a lasting peace based on new rules of the game between the ethnic elites. A few actors had referred to the frozen and latent conflict since the adoption of the Constitution in November 1991 due to the fact that the Albanian MPs boycotted the vote due to the non-inclusion of their ethnic demands (Dokmanović 2021). Yet, the armed conflict followed the new regional constellation and militarization, which took place in the aftermath of the 1999 NATO intervention on the then SR Yugoslavia.

In the first decade of independence, indeed there were outbreaks of discontent on ethnic grounds, but at the same time mechanisms were being

²Such views were expressed, among others, two esteemed participants of the scientific gathering of MANU, *The Modern Macedonian State - two stages in the process of its formation and development: 1941 - 1991 / 1991 - 2021*, which took place on September 27-28, 2021. They were professor of constitutional law Svetomir Škarić and academician and criminal lawyer Vlado Kambovski.

built to overcome them. In that respect, the Macedonian society, including the political centres, showed surprisingly great maturity for a country with no deeper democratic traditions. This was even more visible when compared to what was happening in other post-Yugoslav states. But the NATO intervention not only catalysed but also legitimized the violence as a means for achieving political goals. The lesson from the Kosovo crisis was: violence pays off. No wonder the Macedonian branch of the Kosovo UCK decided to speed up political processes in the direction of greater ethnic concessions in power relations. The events of 2001 proved that the use of violence for political purposes was beneficial. Albanian intellectuals spelled it out explicitly (Heinrich Böll Stiftung 2001).

The manner in which the Framework Agreement was adopted and its content have also been discussed a lot in the recent years (see for example FES 2008). What is symptomatic is the change of mind of some well-known constitutional lawyers (professors of constitutional law) who has forgotten the arguments they presented during the (alleged) public debate on the occasion of the change of the Constitution more than 20 years ago. In sum, those who have adapted to the 'new reality' actually reconciled with the following facts: constitutional revision was undertaken in an unconstitutional way, under the threat of violence and foreign pressures, while the essential idea of a civil/liberal order in the original text was abandoned. Furthermore, later on the same scholars have become advocates of subsequent constitutional amendments for the sake of the 'greater good' (see Škarić 2002; Express 2022). The opposite happened to those who remained consistent in their criticism: they have been gradually silenced as nationalists, backward, even anti-European and radical elements.

Pundits of consociational theory and comparative practice in divided societies (with a model of 'community of communities') clearly foreshadowed the political debacle of the 'solution' envisaged by the Framework Agreement as early as in September 2001.³ Such a forecast did not require much wisdom and knowledge, but rather a rational reasoning. A country divided into two ethnic 'segments' with an imbalance in terms of their size and power, and without points of contact and a cohesive core that would pull towards a united political community, was likely to end either in paralysis due to the policy of blackmail or in a dysfunctional system driven by the external factor that will resolve mutual clashes (Vankovska 2014). Losing the status of a constituent nation (i.e., the state-forming substrate and continuity from ASNOM 1944), the

³ An example of that was the statements of the participants of the big international conference that was held at the Alexander Palace Hotel on September 10, 2001, under the title "Implementation of the Framework Peace Agreement and Future of Macedonia". Professor Gjorge Ivanov, among others, participated in the conference organized by the Eurobalkan Institute and the Open Society Macedonia foundation. In his presentation, he analyzed Arend Liphart's consociational model, indicating why its application in Macedonia will not yield the desired results. Also see: Ivanov Gjorge 2002.

Macedonian representatives accepted a hybrid model and the answer to the question 'whose state it is'.

The 2001 preamble embodied neither the classic liberal view (*we, the people*) nor the national approach (state of the Macedonian people). It is something unprecedented in constitutional history and practice; it introduced an unknown terminology of "parts of nations" (in addition to the Macedonian people⁴). Two decades later, the perniciousness of such a terminology will be shown: not only the Macedonian people are reduced to one of (numerous) communities, but also the list of "parts of nations" expands into a wish list of all residents of ethnically different origins (see Andonovski 2018). The citizen has disappeared from the political scene; the redefined state Leviathan has become a monster with many ethnic heads (two of which are the strongest ones). Most importantly, there is no possibility for a non-ethnic definition of power holders in the political community. With that, all control mechanisms of government and power known from democratic theory and practice were lost.⁵

The government coalition is no longer formed on the basis of ideological similarities and political views, but rather on the principle of replacing the Macedonian partner, while retaining the dominant Albanian political party (i.e., DUI) as a king-maker on which the formation of any government. The fact that that for 20 years the key factor has been just one party does not change the conclusion that it is an ethnically motivated actor, which does not take into account the whole, but only one's own (personal and lucrative and then ethnic) privileges. In this way, not only has the citizen disappeared, but the ideology has been reduced to an inconvenience (or at best, a cosmetics) in the governance process. Such a division has not only been tolerated, but rather encouraged and blessed by the foreign factor (the USA primarily, and to a lesser extent the EU). External control of the European sub-periphery gets easier when any idea of authentic collective action and popular sovereignty is previously disabled; things get even smoother when coloured revolution is incited for the sake of regime change (Vankovska 2020). Quite often it happens that certain American senators or congressmen utter the truth that is quite unpleasant for the public: Macedonia is not a real country (META 2017). Indeed, she has been reduced to a territory in which the political market is shared between two ethnic elites, who are equally loyal to the external master who gives them legitimacy and support in case of need – all for the sake of stabilitocracy.

The Ohrid Framework Agreement is apparently an agreement for the rearrangement of the political order according to the ethnic principle. It actually

⁴ Apparently, the amended Preamble of 2001 was intended to create the appearance of a win - win situation, especially in the eyes of ethnic Macedonians, as even the misspelled attribute with a capital letter M, where a lowercase letter is usually used, speaks of.

⁵ Even the members of parliament, at the beginning of their mandate, have the obligation to define themselves not as people's representatives (elected by the citizens for political and ideological reasons), but as representatives of ethnic groups.

moved the political system to another track, which has hardly any contact point with democratic governance. In essence, it is the result of the will of the external factor (not the popular will), and of its geopolitical interests and considerations. Emphasizing the strong position of the Albanian factor in Macedonia stems from the fact that in the eyes of Washington it is an integral part of the (potential) Albanian nation in its entirety in the Balkans.

Now, twenty-two years later, Macedonia has never been further from the democratic model that politicians, domestic and foreign, regularly preach about. The system rests on a *partitocracy* of ethnically defined parties (Siljanovska-Davkova 2005). The fact that the two major parties from the Macedonian ethnic bloc occasionally co-opt members of other ethnicities and/or form satellite-parties in their inter-party and intra-party coalitions does not change the essence. The most rotten part of the state structure is the public administration and the state/public services, which, even at the cost of the total collapse of the system, employ party 'soldiers' with neither expertise nor professional integrity (Risteska 2013). A cross-party agreement on shared governance suits foreigners who primarily seek stability rather than democratic governance. The original 'framework' in the Agreement has been changed, expanded and creatively interpreted over the years so that now the core of that (alleged) peace agreement is subject to bargaining between two elites who do not care even though the outcome resembles Titanic rather than an orderly country.

During the 2018/2019 constitutional revision, the Albanian political factor managed to impose a demand for the FA to be included into the Preamble. Seen not only from the content and normative aspect, but also through the prism of elementary *nomotechnics*, it now seems as if in 1991 the members of parliament had anticipated both the conflict and the document that ended it ten years before the event. The OFA, and consequently the military violence, became an immanent historical achievement and value of the Macedonian state. At the same time, it is important to emphasize that the Macedonian state and society have never opened the process of transitional justice and dealing with the past. For instance, no one even mentions the missing civilians since 2001 (Stanoeski 2012; Vankovska 2021).

What is even worse is that the Constitution has become petrified, immutable, because the so-called *Badinter majority* (i.e., the consent of the non-majority communities) is required to open a regular procedure for the adoption of a new Constitution. The charter of Macedonian statehood was *de facto* and *de jure* 'hung' on the ethnic noose. Indeed, it is a vicious circle in which is caught the completely ethnicized state structure. Hypothetically speaking, one would expect that its elites would have become so far-sighted and able overcome their short-sighted ethnic principles in order a new Constitution with the citizens (*demos*) getting primacy over the ethnic groups. Unfortunately, this is a mission impossible as the political elites are unwilling to give up the mechanisms that keep them on power. The real (societal) effects of the 'framework democracy' are devastating for children and youngsters who grow up with prejudices and

stereotypes. Divisions go along all grounds, and there is segregation from the youngest to the oldest age (Kenig et al 2017; Petkovska et al 2017).

Due to the flexibility in the understanding of the so-called “spirit of the Ohrid Agreement”, the constitutional norms became ‘rubber norms’. Institutionally, this is reflected the best in the creation of a new Ministry for Political System. But politically (and to some extent legally) it is also visible in the process of the so-called “Tirana Platform 1.0 and 2.0” (Netpres 2017; Daskalovski and Trajkovski 2017; Mitrovski 2023). The list of ethnic demands expressed in 2017 and 2023 by the Albanian political parties, under the patronage of the Albanian Prime Minister Edi Rama, show that the Ohrid saga has no end. Even though elements of federalization existed in the original consociational model from 2001, yet the process is ongoing with more intensity. Hence the key question arises: does Macedonia have a centre of gravity, something that would hold it together?

Membership in NATO has shown that this strategic goal does not have the power to resolve internal contradictions, and EU membership is so unattainable that it is difficult to predict whether and to what extent this second strategic goal will have the power to unite the state and society.

3. The name came first: the Prespa saga

The trajectory of Macedonian statehood has been burdened by many paradoxes. One of them is the overlapping of some time periods from the past and the future without any order. Therefore, a chronological approach to analysis is sometimes impractical or useless, because it may lead to losing sense of causality. For those reasons, the discussion of the Prespa Agreement and the constitutional changes that followed (2018/2019) precede the so-called Bulgarian treaty of 2017. One of the key reasons is the fact that the so-called the “problem (dispute) over the name” with neighbouring Greece has dominated the public agenda since independence (see more: Škarić et al 2008; MIC 2012; Heraclides 2021). Throughout that period, Bulgaria wisely chose the position of a bystander, waiting for the convenient moment to get on the scene and impose its nationalist demands. On the other hand, Greek politics had the power to insist on its demands both as a member of NATO and the EU; Bulgaria gained that advantage much later. Hiding behind the Greek nationalist demands was a way to acquire more, and with a smaller exposure and energy. Also, in that way Bulgaria concealed the two-century long desire for Greater Bulgaria, which will include Macedonia (if not in its entirety, then at least a part of it) (Marinov 2020).

The Prespa saga actually had begun before the head of Albanian nationalism appeared within independent Macedonia. Undoubtedly, its roots are to be sought in Greek politics (Proeva 2010), but Greece was almost never a singular actor in the endeavour of achieving its major political ambitions (Nikovski 2014). At the onset, few believed that the Macedonian independent state could have survived outside of the Yugoslav context. The other currents

in the ex-Yugoslav space were far more dramatic and significant for the international community, or more precisely for the West. Macedonia was not even worth thinking about. Yet, the UN Charter was violated in its case during its accession process to the organization (Janev 1999). That fact, however, speaks volumes of the low awareness among world power centres of the potential importance of Macedonia, which used to be known as “powder keg” or “apple of discord” in the past.

At the time when Greece launched its hostile policy towards its smaller and poorer neighbour, which culminated with an economic blockade, the West had already taken its side. Macedonia had no allies. Even though there were great powers that recognized it under the constitutional name (Russia and China, primarily), in the 90s they were on their knees. Also, this part of the world was not a priority for them. In other words, it was the unipolar moment in international relations when the West (primarily the United States) dominated the world stage (Krauthammer 1991).

From a constitutional and legal point of view, Macedonia capitulated already at the first step of its independent political history. The ink had not yet dried from the Constitution promulgation act, but the first two constitutional amendments were already at the table to satisfy the Greek demands - and thus to achieve international recognition. The constitution went through the fastest change in the history of constitutional law: it was adopted on November 17, 1991, the debate on the addition of the first two amendments ended and they were adopted by January 6, 1992. And foreign experts admit that it was the result of external pressure, and against the political will of the internal actors. Thus, Topfer concludes: “The first two amendments to the very young Macedonian Constitution were caused by external influences. They were implemented by political actors who were not entirely willing to do so, but were forced to initiate an amendment process to enable external recognition of the new state. The results were ambivalent, so that Macedonia was finally recognized as a sovereign state, but only after considerable delay and without recognition of its constitutional name in international organizations” (Töpfer 2016, 314). Indeed, the shadow of the ‘unsolved name issue’ remained hanging like Damocles’ sword of over the fate of the state.

Thus, the newly proclaimed state began with impaired sovereignty when it comes to its constitutional arrangement, and even identity elements (such as the name), and already in the first two months it lost the “democratic capacity of the Constitution” (Karakamiseva - Jovanovska 2019, 6). The most bizarre aspect was that such a crippled state had to demonstrate to its neighbours and international factors again and again that it is peaceful and that it had no irredentist intentions, nor would interfere in the internal affairs of other states. The reasons for such humility very quickly crystallized in the official narrative that the two strategic goals (membership in NATO and the EU) are actually a matter of survival and that without that international framework, Macedonian independence is impossible. For this purpose, not only was the just-acquired (at

least formal) sovereignty sacrificed, but also the issue of constitutional changes became an issue from the sphere of national security and survival (something that in theory is called securitization) (Vankovska 2022).

The name change operation was a protracted undertaking with ups and downs. But the issue was also misused for other purposes, such as in the occasion of the alleged recognition by the United States in November 2004, in the wake of the referendum on municipal boundaries (which was a part of the implementation process of OFA). In other words, the 'name' became the trump card in the Ohrid saga, i.e., was used to achieve goals that had to do with internal inter-ethnic relations rather than with international relations. The public euphoria was unfounded, as just a day later, Washington clarified that it would accept any name agreed upon by the two sides. The rule of Prime Minister Gruevski coincided with certain dramatic international developments, and primarily the great 2008 financial crisis as well as the strengthening of multipolar elements (which meant abandoning the unipolar triumph of the United States). But Macedonia was already seen as "their territory", so the Western powers resorted to disciplining the domestic political elite that had shown some self-initiative with respect to the other parts of the world. The coloured revolution was an already well-tested instrument in the foreign policy of the West, tried from Serbia in the 2000s to Euromaidan in Ukraine (2014) (see more on template revolutions in Sussman and Krader 2008). Apart from the elimination of stubborn ruling structures that were quite flexible with regard to foreign partnerships, through a classic-coloured revolution (or more precisely, regime change imposed from the outside), the newly established elite pledged to do whatever was asked. Zoran Zaev was an excellent candidate because of his intellectual and political insufficiency, as well as his corruptibility and susceptibility to for fame and financial power.

The coming to power of Social democratic Union of Macedonia (SDSM) in a coalition with DUI was preceded by 2016 elections in which the nominal winner was the conservative part of Gruevski (Internal Macedonian Revolutionary Organization-Democratic Party for Macedonian National Unity, VMRO-DPMNE). The party was immediately (politically) 'castrated' and placed between a hard and though place: demands from Albania and demands for rapid integration into NATO (from the West). With respect to the former, the Tirana platform from January 2017 spelled out more demands apparently deriving from OFA, but also ones that went beyond the original framework). After the scandalous constitution of the new government of SDSM and DUI, along with the events of 27 April, any popular resistance was subdued for a long time. It was a perfect time for realization of the geopolitical Western agenda. In contrast to all (empty) slogans of the Colourful Revolution and cries for justice, fair judiciary, education and social protection, the fight against corruption, etc., Zaev's government set out to fulfil the promises made to those who enthroned him on power. As already said, the Bulgarian agreement was first in line, but the real goal was 'solving the name dispute'.

The period from autumn 2017 to June 2018 was entirely devoted to the dispute with Greece. The incomplete information came only from the Greek media or from the pitiable interviews of the then Prime Minister Zaev. The message was clear: Macedonia has no red line and is ready to accept everything that is asked of it. Paradoxically, the mediators (not only Matthew Nimetz who performed that function nominally, but also the American and Brussels administrations) invested more efforts in convincing the more powerful Greek side than the side that had to give in (Nimetz 2020). The reasons were clear: Greek demands and political trenches were deeply dug, and behind the political caste stood unanimously the entire public (Armakolas et al 2021). A way had to be found for an 'honourable exit' from the trenches and presenting the agreement as a victory. The paradox is that the agreement is obviously asymmetric with demands only towards the Macedonian side, and its provisions are extensive and completely in favour of Greece. But the radicalized public opinion (created in the 90's) and the position of some kind of regional hegemon demanded from the Greek government a triumphalist position rather than a partner in reaching a compromise. On the other hand, the actual drafters of the PA knew that the defeated side would still badly need an opportunity to boast of achieving a historic success (or at least, a compromise) in negotiations with the powerful neighbour. Hence, they tried to assist it in finding a way to publicly present the act as an expression of genuine friendship and the outcome with no clear winner (or loser).

The veil in which the 'solution' was wrapped had to be creative and rich. After all, the PA itself is quite extensive and detailed, including an alleged strategic partnership. In the 'forest' of provisions of the 20 pages-long rather ambivalent and non-legally legible text, more than one 'tree' (detail) is hidden. The devil, they say, is in the details (see more: Siljanovska-Davkova 2018). The crux is in the Article 8, in which historical, geographical and cultural boundaries are set for the Macedonian identity (or better, identities), especially with regard to ancient history. Only later it will become clear that Athens and Sofia had cooperated in the meantime so that the remaining part of Macedonian history would be taken over by the Bulgarians, who would reduce Macedonian history, people and nation to an artificial creation of Tito (or the Serbs) - something that used to be and still remains the position of the two neighbouring governments. The absurdity is that Macedonia, accused of nationalism, actually issued a 'proof' for the nationalist Greek continuity myth; the Greek nation is to be seen (according to the PA) as a continuous entity from the times of Alexander the Great, even before him, up to date - something that is rightly considered nonsense in the social sciences. The public advocates of PA in the Macedonian society, contrary to that position, present themselves as postmodernists and non-nationalists. According to them, every nation/state is an "imagined community" and therefore an "artificial creation" (Derala et al., 2018). Of course, Greece's official position rests on the opposite (primordial) concept but the fact should not be spelled out overtly in order to preserve friendly neighbourly relations.

Undoubtedly, the Macedonian public overwhelmingly rejected the PA despite all pressures and persuasions. However, the (media, political and academic) propaganda machinery worked with domestic and foreign financial and other means in order to swallow the 'frog' in the name of the higher good - membership in NATO, which eventually happened in March 2020. All clichés for faster EU membership have fallen into the water, and politicians no longer even try to claim something different from the obvious: PA had to be embraced for merely geopolitical reasons! Behind the agreement, both as the drafter and implementer, stands Washington, although the European Commission also tried to present it as its work and success (Vankovska 2020).

In the context of state attributes and constitutionality, PA was just one more wedge in the coffin of Macedonia/Macedonianness. Under overt external pressure (and collaborationism from within), with bribery and against the law, PA got included in the Constitution through four amendments. The most scandalous event, even for external observers, was the criminal procedure for changing it with a mixture of European and Balkan methods (as recommended and blessed by the European commissioner for enlargement) (*Nova Macedonia* 2018).

The speed of its implementation is entirely the work of domestic puppets. Thus, even against the provisions of the PA, they approached the complete deletion of everything that refers to Macedonia/Macedonian/Macedonian: renaming institutions, changing personal documents, seals, etc. In the shadows and far from the public eye, the commission for historical and educational issues still works (which, truth be told, causes far less interest and anxiety than the Bulgarian counterpart). By accepting the PA, the Macedonian political elite *de facto* precluded all the benefits gained in the process of international recognition since 1991. Thus, in the eyes of the world public, Macedonia voluntarily requested a renaming, that is, it renounced recognition under the constitutional name the "Republic of Macedonia" by more than two-thirds of the recognized countries in the world.

Unlike the Bulgarian agreement, the PA provides for a more complex procedure for termination. Quite wisely, the Greek side sought and received strong guarantees that the agreement would stay permanent. One of them was the request to change the Macedonian Constitution as an initial step, before the ratification of the PA in the Greek Parliament. In that way, the Macedonian side accepted a subordinate and humiliating position, but also a position in which no one would accuse the Greek side of imposing its will by force. Hypothetically, it was possible to imagine a situation in which the Macedonian parliament changed the Constitution, but the Greek side still did not ratify the PA. The American administration, as well as the domestic puppet - Alexis Tsipras, made sure that this did not happen. Eventually Macedonia renounced its constitutional sovereignty and placed itself in a subordinate position to another state/states (which is a criminal act according to the law). The amendments to the Constitution did not go bypass the Preamble, and even worse – they caused

enormous damage to the historical (ASNOM) foundations of Macedonian statehood. In other words, it was three in one endeavour: relativizing the importance of ASNOM, constitutionalization of OFA, in addition to the constitutionalization of Greek political blackmail.

Just as nothing is eternal and given once and for all, neither is PA set in stone. It can be unilaterally terminated (or disrespected in practice), after which the dispute resolution mechanism through the UN would be activated. However, bearing in mind the experience of the Interim Accord and the Hague judgment from 2011 in favour of Macedonia (Deskoski and Brsakoska Bazerkoska 2018), that is, their non-respect by the Greek side, one of the options would be: Macedonia becomes 'Greece' and does not respect the provisions, especially referring to the Vienna Convention, which provides a legal basis for terminating agreements made outside the legal regulation (Nikodinovska 2018). There is a large amount of evidence for that in the Macedonian case (starting from the signing by a non-competent authority and the criminal procedure in the Parliament ⁶ to publication in the Official Gazette without the co-signature of the decree by the President of the Republic). Yet, so far political will and reason dominate over the law. The biggest trap on that road is the (assumed, but very likely) Badinter blockade by the Albanian political factor in the parliament. Albanians' consent is necessary for the change of the Constitution, including the decision to return the old constitutional name. Without such a change to the Constitution, the laws will remain in line with the "Northernization" of the entire institutional and public structure. This clearly speaks of the interaction between the two corners of the Bermuda Triangle. It remains to consider the third one, which completes the picture.

4. Then came the seed and the tribe: the Bulgarian (constitutional) engineering

After the name change, with which the state gave up the inherent right of self-identification, i.e., a part of its international sovereignty, the more essential thing appeared on the agenda. Time will tell if the Bulgarian side acted carelessly by signing a short and relatively simple contract in 2017 or if it was a premeditated way to induce the Macedonian side to give in over a longer period, and in a gradual process. But from today's perspective, it is quite clear how well-founded all the warnings were that pointed to the fact that the dispute with the name is only a facade and a seemingly more painful problem for Macedonia, that Bulgaria is waiting around the corner to deliver its demands, and that finally they will be a blow in the core of existence not only of the state but also of the nation.

⁶ President Pendarovski spoke openly about these events in a TV interview. Among other things, he admitted that the American ambassador convinced deputies to vote for the constitutional amendments, and that on that occasion the law on 'reconciliation' and exemption from criminal prosecution of the deputies who they voted to change the Constitution was also discussed. (24 hours 2022)

Although Bulgarian politics never hid sentiments and aspirations towards Macedonia/Macedonians, the state policy, especially after the fall of the Berlin Wall, took into account the relative weakness in international relations. Thus, the policy towards the Macedonian neighbour was “hot – cold”: i.e., the quick recognition of statehood was immediately followed by continuous questioning and non-recognition of the Macedonian national identity, language, history and the minority rights of the Macedonians in Bulgaria. At the time when the Bulgarian state was facing its own problems and was focused on European integrations, it indirectly realized its interests by silently supporting the Greek policy towards Macedonia. This was also the case at the time of the first amendment to the Macedonian Constitution: the declaration that the state would not interfere in the internal affairs of other states and that this would also apply to minorities was an equally significant concession for Bulgaria as well as Greece.

The Bulgarian saga is not about the (first) name, but about the ‘family name’ - or to use a refrain of a popular song: about the tribe and the seed (Dzambazov 2019). In short, it refers to the national roots and identity. Protected by the Greek (and later on also by the European, or more precisely the French) shield, the nationalist demands of Bulgaria, in a period of only four years (2017-2022), explode in the form of new constitutional blackmail. From a point of view of one’s identity and history, this issue is complex enough and requires a longer explanation. A lot has already been written about it (see more: Marolov 2022; Jovanovski 2022; *Zbornik* 2022), but the constitutional legal aspect is something that hangs like Damocles’ sword of over the state as such, and which the constitutional lawyers have not yet analysed in a more elaborate way.

Using the defect incorporated by the OFA in the Preamble, which actually devalues the citizens as bearers of sovereignty, and promotes (parts of) nations, Sofia is now looking for a place for Bulgarians within the constitutional and political system. The pretext is not related to the slightly more than 3,000 citizens who declared themselves Bulgarian by origin in the 2021 census (State Statistics Office 2021). Sofia may refer to the much larger number of Macedonians, who for (mainly) economic reasons, have acquired citizenship especially after Bulgaria became a member of the EU (*EPI and Institute for Democracy* 2022; *Factor* 2020). The Bulgarian demands, which are broadly supported by the Western factors, are complementary to the Albanian ones: within the framework of the announced constitutional revision for the inclusion of the Bulgarians in the Preamble, the Albanian political factor sees an opportunity to refine the constitutive position of its community - now in terms of the constitutionalization of the Albanian language as the official and official language of the state (thereby revising the OFA) (MKD 2022). Such an amendment to the Preamble will entail changes in the composition of the Commission for Relations between Communities, and the Bulgarian ethnic group will become equal with the rest in terms of demands from the state, especially ‘equitable representation’ in the institutions.

The analysis of the success of the Bulgarian policy towards Macedonia shows that it is a question of a patient and persistent effort to achieve the nationalist goals (expressed clearly enough in the fact that the biggest public holiday is 3 March, the day of the creation of the so-called San Stefano Bulgaria). The wisdom is in the realistic assessment of one's opportunities and weaknesses, as well as the coordination with Greece's neighbourhood policy. In fact, Bulgarian appetites predate Greek demands for a name change. That's why they needed a strategy for realization through a longer process at multiple levels and with different means.

But once the Macedonian politics was decapitated by a coloured revolution (instigated by the USA), when a favourable climate was created for a completely subservient domestic leadership headed by Zoran Zaev, and Greece managed to achieve what the American ambassador in Skopje dubbed "the unthinkable" (MKD 2022a), then things became realistic for Sofia. By applying the so-called "salami tactics" within the framework of the work of the so-called Historical commission⁷, the Macedonian history and identity are gradually being decomposed. There is no balance of power within the state decision-making bodies, because the opposition is more interested in becoming the government than in protecting state-building principles and values. Those who persist in the national, Macedonian position (which becomes the position of the inferior, of the weaker) are demonized as nationalists, populists, and even fascists. To make the paradox even greater, bowing down to a series of Bulgarian demands leads directly to the glorification of fascism, but Brussels does not want to see that because geopolitical reasons (in light of the events in Ukraine) are more important than the European (mainly phantasmagorical) substrate and narrative. The pressure aimed at renouncing "communism" and its identification with fascism is tearing the umbilical cord of Macedonian statehood with its source - ASNOM and the partisan movement from the Second World War (see *Minutes of the second meeting* 2022). Without ASNOM, the narrative of artificial fabrication of Tito and the Comintern becomes tenable.

The Bulgarian veto for the start of EU membership negotiations was (only apparently) lifted after the French presidency accepted to include part of the Bulgarian demands in the general negotiating framework (and the Macedonian side agreed even before the content of the demands was made known to the public). Thus, after accepting the so-called French proposal, Macedonia committed itself to a series of identity concessions in the sphere of history and education, but also in other areas (such as, for example, monitoring hate speech in the public sphere), but most importantly of all undertook to

⁷ According to the Agreement on Friendship, Good Neighborliness and Cooperation from 2017, the official name of this body is the Joint Multidisciplinary Expert Commission on Historical and Educational Issues between the Republic of Bulgaria and the Republic of Macedonia. However, under the influence of the Prespa agreement, the name of the second party was changed, with which the members of the Commission and the public refer to "North Macedonia".

strictly respect the Prespa and Bulgarian agreements (the so-called French proposal, i.e., the general negotiating framework for EU membership can be seen at: *Government*, 2022). In addition, the change of the Constitution in the direction the inclusion of the Bulgarians in the Preamble became a condition *sine qua non* to start negotiations at all. Thus, Macedonia allowed another external intervention in its basic and highest legal act, without opening a debate in society about the causes and consequences of such a change (*Nezavisen* 2023; Jovanovska 2023).

Thus, in the name of European values, Macedonia gradually gave up not only a possible democratic context, but also other elements of statehood. Macedonia is in an almost hopeless situation, entangled in a kind of Gordian knot of identity appetites, all of which are at the expense of the dominant Macedonian people. All that effort is possible only because of the fatal love for the European Union, and it - for the first time and only in the Macedonian case - expanded the Copenhagen criteria with identity requirements, neighbour blackmail and changing the Constitution of a sovereign state even before it became its member.

5. Conclusion

In the absence of firm statehood attributes, including a decent (self-made) Constitution, the Macedonian people are in fluctuant contractual relations with the neighbours and compatriots. What makes other states - states is the internal social contract among citizens who have politically self-determined themselves and expressed a will to live together. It is exactly what constitutions are all about. Indeed, the social contract may be subject to changes, but every act of revision by default results from internal debate in a strictly defined procedure and univocal consent. The three contracts that we elaborated in this article do the opposite: they have dismantled the social contract from 1991 and pushed it into obligatory (contractual) relations with entities that are not necessarily a part of the Macedonian demos. Neither OFA, nor PA and BT were the result of an internal debate, a voluntarily expressed popular will and a respected procedure for changing the Constitution. All of them complement each other in a most bizarre way, simultaneously creating a synergy in the direction of paralysis of every civil (democratic) idea.

Is there a way out of the Bermuda Triangle? The way out is in facing the facts that indicate that in reality there is nothing diabolical or mysterious. As explained, in this text the term Bermuda Triangle is used only as a metaphor. In fact, the analysis of external interventions in the form of state-and/or democracy building in Macedonia prove Susan Woodward's thesis that external interventions fail to produce democratic outcomes. (Woodward 2017). Contractual (non)democracy is the result of two tendencies to break up Macedonianess and the state: one is internal and the other external. The link between them is currently found in the Constitution. If this is so, then the 'remedy' is to change the Constitution, i.e., the adoption of a new social

contract in which Macedonia will be placed on sound foundations, and will become a normal/standard state rather than *sui generis* entity. According to the current constitutional and (geo)political constellation, this undertaking seems impossible, but that does not mean that the current balance of forces, which is unfavourable for Macedonia as a state, and for the Macedonians as its constituent people, are unalterable. It should be borne in mind that the realization of the dream of the Ilindenians was paid dearly and was realized at a time when the geopolitical circumstances were favourable for it (during the Second World War).

At the moment, the world is at a huge crossroads and in the phase that Antonio Gramsci named the time of monsters, a time when the old order is collapsing and the new one is not fully established. The unipolar agony, i.e., the desire of the West to be the only and unchallenged hegemon, is approaching its end. The final appearance of the multipolar system is not yet known, but it is in the making. In this interim period, the Macedonian academic and intellectual community should work on analysing the changes, instead of despairing or sticking to dogmas imposed by other centres of power. What can be safely expected is that the illusion of a postmodern age in which nations (and nationalism) will be overcome and humanity will step into a bright future like the one of "Star Trek" is just an illusion.⁸

⁸ See a deep elaboration of this thesis in: Malešević (2019). And the American professor of international relations John Mearsheimer takes a similar position, which he repeats on several occasions, especially after the start of the war in Ukraine. Namely, according to him, nationalism is a powerful force, which coexists with liberalism as an idea. See, for example, Sayers (2022).

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