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The Cultural Genocide that Resulted from the Agreement between Macedonia and Greece Concluded in Prespa Village ("Prespa Agreement", 2018) and the Process of Assimilation of the Macedonian Identity ("Bulgarization") as a Result of the Dismantling and Annihilation of the National Identity of Ethnic Macedonians

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Keywords: prespa agreement, UN, conditions, national identity, treaty, assimilation, personality.

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The Cultural Genocide that Resulted from the Agreement between Macedonia and Greece Concluded in Prespa Village ("Prespa Agreement", 2018) and the Process of Assimilation of the Macedonian Identity ("Bulgarization") as a Result of the Dismantling and Annihilation of the National Identity of Ethnic Macedonians

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Abstract- In this paper, we have shown how Macedonia, in its misperception that Security Council Resolutions 817 (1993) and 845 (1995) were legal UN acts, nonsensically negotiated for three decades over the legally impermissible sovereign matter of *national identity*, virtually not understanding that the *legal identity* is the basic element of sovereignty and the *juridical personality* of any state and at the same time an inviolable category of "national identity of a sovereign people" (which is an essence of the *cultural sovereignty*). In their apparent ignorance, all Macedonian governments didn't notice that the Macedonian state without the *legal identity* (as a *de facto*, even *de jure* nameless State) was admitted to the UN membership by an error and an omission (*delict of omission*) committed by the main political bodies of the UN when they admitted Macedonia under prohibited *additional conditions* extraneous to the legally defined scope of general UN membership conditions, prescribed by Article 4 (paragraph 1) of the UN Charter. One of the two illegal additional conditions that was imposed on the candidate state for admission to the UN was to negotiate with another state about its *sovereign legal identity*, that is, about its constitutional name (that obviously constitute essential internal matter within domestic jurisdiction), which was disputed by the UN organs (whereas the second additional condition of the UN membership was mandatory usage of the provisional reference (the FYROM). With the imposition of the reference, UN basically created a ban on using the proper constitutional name of the UN candidate and replaced that constitutional identity with a temporary vague reference-denomination (only for the needs of UN). Not noticing that UN had committed a *tort of omission* and that in the imposition of supplementary *additional* (and illegal) conditions, UN organs actually exceeded their powers (committing an *ultra vires* act), Macedonians continued baseless negotiations over its constitutional name. After UNSC resolutions of 1993, when Greece was unable to initiate a new UNSC resolution (since problem was not of the security nature, as was realized by more and even more UN members) Macedonia naively continued with negotiations, first with the conclusion of the legally controversial Interim Accord (1995) that in essence provided an expansion of the range of the sovereign identity issues on the table, and finally Macedonian ignorance resulted to the conclusion of the Prespa agreement (PA) as a complete and comprehensive re-definition of the (previous-original) Macedonian *national identity*. In the presented research, we herein have proved that this "identity agreement" is an illegal form of treaty from the point of view of imperative International Law (i.e. in violation of *jus cogens* norms). Hence, this conclusion related to the PA could be generalized for any case with respect to any and every "identity treaty" or "*identity contract*", because process of external "identification" always presumes unwanted imposition of compromised *revised national identity* on another nation (with its original sovereign culture and identity) that apparently and unavoidable violates the basic international *jus cogens* norms and the General principles of International public law.

Therefore, begging from the fact that to the Macedonians were indisputably denied the basic *right to national identity* by new ID-modifiers provided in the Prespa treaty including revised contractual identity definition(s), both internally and internationally (including a deprivation of the right previously guaranteed to Macedonian minorities in neighbouring countries, particularly by PA in Greece), we came to conclusion that the Prespa Agreement is an act of *ethnocide* (a cultural genocide in the broader and comprehensive sense, extended to the administrative sphere of bans, limits and national annulation(s)), that flagrantly violates basic collective (and individual) human rights, in addition to violations of basic rights of the state: the right to sovereignty, political independence and non-interference in the internal domestic jurisdiction of states (including interference to internal and external relations of the state). These violations, especially in area of *cultural sovereignty*, which were reflected in the complete contractual annihilation of the *national identity*, contributed to the further re-definition attempts (of the derogated identity) through the process of *assimilation* accepting under impositions Bulgarian interpretation of the Macedonian origin (as "Bulgarians"). The ignorance of the Macedonian diplomacy and the authorities in Skopje contributed to the Macedonian acceptance of Bulgarian-EU condition that requires the new identity (basically annulled by Prespa Agreement) to be "specified" and refined in accordance with the Bulgarian identity "inputs" in a new re-negotiations process. In the Bulgarian view, the Prespa Agreement in fact created the "North Macedonian(s)" as new "indeterminate identity" and according to the Bulgarian demands, as condition for EU membership of RNM candidate, such identity needs additionally to be re-defined reflecting "Bulgarian roots" i.e. "Bulgarian origin of Macedonian people". This blackmail was internationalized by the well-known EU

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"French proposal" (that was accepted by the authorities in Macedonia, in similar way and ignorant manner as was in the case of UN-conditioning before, from 1993) and thus the Bulgarian conditions become one of the EU's (pre)conditions for the admission of the ("new nation-state") of the Republic of North Macedonia to EU.

In this case, the generally known rule was proven ones again: that after (or simultaneously with) the process of *annulment* of national identity, there is always, by the nature of that illegal process, parallel forceful or "conditional" *national assimilation*, as a process that violates the basic imperative International Law. On the basis of the Treaty of Prespa (PA), that annulled the original identity (of the former ethnic Macedonians), Bulgaria was given a chance (and skilfully used it) to start the process of "Bulgarization" of the people in Macedonia, which the Bulgarians themselves called "the process of self-re-awareness of the Macedonians as Bulgarians" and finally Bulgarian strategy planned for the formal (self-)recognition of those (Macedonians) by a treaty, that they are/were "the same people with the Bulgarians", actually identifying two cultures as one.

With the full support of the Albanian political factor(s) in Macedonia, who supports the Bulgarian initiatives for the supplementary redefinition of the "new artificial nation", analytical observation led us to a more general conclusion that in fact, the ultimate goal of the process of so-called "Bulgarization" (assimilation into Bulgarians) is in fact preparation for federalization of the territory of today's Macedonia (former Republic of Macedonia) and, in the mutual deal (where one party is Bulgaria) with the Albanian political factor(s) in the Balkans (i.e. the authorities in Kosovo and Metohija and the Republic of Albania). In conclusion, it appears that a mutual main goal of Albanians and Bulgarians was to achieve the final dismemberment or dissolution of Macedonian territory in favour of the formation/creation of the Greater Bulgaria and the Greater Albania. In this context, the old rule known from history is once again proved: territorial occupation or division is often preceded by forceful *national assimilation* and forceful *national (cultural) annulment.*

Keywords: prespa agreement, UN, conditions, national identity, treaty, assimilation, personality.

I. Introduction

By the agreement between Macedonia and Greece reached in Prespa village (Macedonia) in 2018, known also as the "Prespa Agreement" (Eng. full title: "Final Agreement for the settlement of the differences as described in the United Nations Security Council resolutions 817 (1993) and 845 (1993), the termination of the Interim Accord of 1995, and the establishment of a strategic partnership between the Parties.") for the first time in the history of the development of International Law, an attempt was made to redefine the *national identity* of a sovereign nation with an external international act-treaty. This attempt itself caused, in our opinion, justified doubts as to whether challenging the nation's sovereign identity placed in the negotiation process and imposing a solution on such a sensitive internal issue through an international (legal) act is legally admissible, i.e. a decision or an agreement (contract) or a treaty under International Law. Starting from the principles of cultural and general sovereignty (sovereign equality of UN members) and sovereign autonomy and political independence, including non-interference in domestic jurisdiction, norms contained in Article 2 of the UN Charter and other UN and UNESCO documents, bearing in mind especially the principles of self-determination of peoples (especially self-identification of nations), as well as Charter's norm in Article 2(7) banning UN and member-state to intervene in matters which are essentially within the domestic jurisdiction of states, we came to a conclusion that the Agreement between Macedonia and Greece signed in Prespa in 1918, is contrary to the basic norms, principles and rules of International Law. In accordance with Prespa Agreement (hereinafter: PA) the *national identity* of the Macedonian people was illegitimately and illegally changed, thus abolishing the *basic international right to national identity*, so that such treaty in fact constitute an act of ethnocide and cultural genocide that was committed against the people of Macedonia (that were subject of identity redefinition), and furthermore against the basic principles of self-identification, self-determination, sovereignty and political independence of state(s). In particular, this apparently illegal Prespa Agreement (using provisions of ID-modifiers) violated an inalienable and inviolable right of the people to their *national identity* (as the basic collective human right), and the self-determination and independent choice of it, as well as numerous other violations of basic rights of a sovereign people or a nation, such as the right to constitute and exercise its statehood and sovereign identify of its home state as the sovereign and independent subject of international law. This right on state's ID is obviously inviolable, having in mind that state's name constitute an essential element of the juridical personality of such an international subject. As a consequence of the blatant denial of the right to national ID and state self-identification, after the entry into force of the Prespa Agreement (signed in 2018, which entered into force in 2019) and consequent linked Constitutional changes (redefinitions of the Macedonian Constitution in accordance with the PA), the redefined “Macedonian people” became the subject of a new Bulgarian campaign for imposed assimilation on Macedonians (as the "newly re-defined people") into the Bulgarian identity, as they were a same nation or people. That was an action taken by the Bulgarian state only a few months after the PA entered into force (i.e. after registration of the PA in the UN Secretariat). The Bulgarian diplomacy nowadays, among other things, is seeking for new changes in the (already revised) Constitution of the "Republic of North Macedonia" in order to "reflect the Bulgarian origin of this people" who lives in "North Macedonian" territory. This policy towards aggressive "Bulgarianization" of the contested "Macedonian identity" (i.e. imposed assimilation into

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Bulgarians) is fully supported by all Albanian political parties in Macedonia and certain Western powers, whose interest was/is a dissolution of the territory of present Macedonia and the creation of the Greater Albania, and even Greater Bulgaria, with an intention of weakening Serbia and so-called "Russian influence" in the Balkans.

I. The Origin of the "Prespa Agreement" Signed in 2018 in Nivici (Macedonia) in UN Resolutions

In order to understand the problem of the origin and consequences of the Prespa Agreement[1], it is necessary to refer to the specific additional admission conditions imposed to Macedonia (only) in the process of applying for membership in the United Nations in 1993. The Treaty of Prespa (or hereinafter: the Prespa Agreement or PA) on redefinition and changing of the *State name* has its *legal basis* in Security Council (UNSC) resolutions 817 (1993)[2] and later 845 (1993)[3]. Based on a request from Greece (and its close allies in UN), for the first time in the history of the United Nations, a state (which applied under its constitutional name as "Republic of Macedonia") was subjected under imposed *additional conditions* for admission to the UN (in *addition* to the general and exhaustive conditions legally prescribed in Article 4 of the UN Charter). With UN Security Council Resolution 817 delivered on April 7, 1993, after the *affirmative statement* in the preamble of that resolution (817) that the candidate state "meets the conditions" for admission to the United Nations, it was proposed in the text of resolution to the UN General Assembly (UNGA) that the candidate should be admitted to UN membership under with the *reference* the "*Former Yugoslav Republic of Macedonia*" (in the abbreviated version known as: the "FYROM"), with an implicit associated obligation *to negotiate* with Greece (which diplomatically did not recognize that state/ candidate as such subject, i.e. with that ID) about its own state Constitutional name (and in the meantime obliged bearing this mandatory provisional reference (the FYROM)). This Security Council resolution-recommendation of the UN Security Council (817) with specific "additional conditions" imposed to the recognized sovereign candidate was then accepted on April 8, 1993 by the UN General Assembly (by Assembly Resolution 47/225[4]), which "decided" to admit the sovereign candidate as a "Former Yugoslav Republic of Macedonia" (or FYROM provisionally referred) into the full membership of the United Nations. As was shown in later analyses of this precedent admission[5], the Security Council of the United Nations, as well as the UN General Assembly, were not allowed and authorized to accept any candidate for UN membership under "additional conditions of admission to the UN", since the International Court of Justice (ICJ) in 1948 prohibited voting for such conditions stating that otherwise they violate(s) basic rules enshrined in Article 4 (paragraph 1.) of the UN Charter, as was ruled out in an ICJ Advisory Opinion of the delivered on May 28, 1948, according to which additional conditions are/were not legal conditions for admission to the UN[6]. However, the Advisory Opinion of the ICJ (1948), in its negligence and recklessness, was completely forgotten and/or ignored or overlooked by the UN Security Council in the Macedonian case (1993), and then by the UN General Assembly, which in its ignorance committed in fact *delicto omissio* (delict of omission). Instead of unconditional admittance to UN membership, as only legal way to be admitted, UN organs invented the *de facto* "conditional admission" (actually non-existing in the UN order) or ungrounded admission with additional illegal conditions, contrary to the basic norm(s) of the UN Charter. For the first time in the UN history (not seen until the partially illegal case of admission of the "Republic of Macedonia"), one candidate-state was admitted to UN with a *denomination* given by the UN[7] (actually as *nameless subject*, although "sovereign" state, blatantly unlike all other sovereign candidate countries in the process of admission to full membership in the UN). That was the State which "name should not be mentioned" (not in UN and in accordance with the principle of "universality" preferably not even outside the UN, i.e. in bilateral relations).

As I was able to notice and discover in my research on the matter (especially in AJIL, Vol. 93, No. 1, 1999), Macedonia was admitted to the UN with two political *additional conditions* for membership, without which the admission could not be carried out (in a form: "take it or leave it"). Namely, in its application for membership, Macedonia requested for regular admission under its constitutional name "Republic of Macedonia", but in the recommendation of the Security Council 817 (1993) this requested Constitutional name of the state was completely ignored by the UN organs and on the other side the Greek request not to use that name including the alleged territorial claims stemming

[1] *Final Agreement for the settlement of the differences as described in the United Nations Security Council resolutions 817 (1993) and 845 (1993), the termination of the Interim Accord of 1995, and the establishment of a strategic partnership between the Parties* (2018) (hereinafter: PA)
[2] UNSC Resolution 817 (1993)
[3] UNSC Resolution 845 (1993)
[4] UNGA Resolution 47/225 (1993)

[5] Starting from article published in American Journal of International Law (AJIL), Vol. 93, No. 1, 1999.
[6] That ICJ Advisory Opinion (1948) was accepted by the UNGA Resolution 197/3(1948) as official interpretation of the norm of admission to the UN membership and Article 2 of the UN Charter.
[7] As was pointed out in the *Memorandum on legal aspects of the problem of representation in the UN*, UN Doc. S/1466 (1950), recognition of States may not be a legal function of UN (including their names). Provisional reference clearly do not constitute a *legal ID* or cannot be the substitute for the *juridical identity*.

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from that name of the candidate were accepted by UN, so that finally resolution-recommendation of the Council (817) excluded the "disputed" state name and replaced it with the (unwanted by Macedonians) *denomination* "Former Yugoslav Republic of Macedonia", as a proposal for the temporary designation (reference) of the candidate for the final resolution-decision of the UN General Assembly on the membership status. (Janev 2002) In their rashness, neither the legal service of the UN, nor any other UN body, succeeded to notice a simple fact that a *denomination* or a *temporary reference* (for the purposes of the UN and their agencies) is not a valid *legal identity*, and that a *sovereign member* state cannot be accepted as a full member of the UN without international legal (juridical) identity, as it is a basic element of its legal personality, and therefore its statehood. In the absence of knowledge about the legality of admission to the UN under supplementary "additional conditions", the UN General Assembly, retaining the non-standard illegal admission conditions contained in Security Council Resolution 817 (1993), by its decision (Resolution 47/225[8]) admitted Macedonia to the UN under the reference "Former Yugoslav Republic of Macedonia" (in fact pending *name resolution*, implying in fact *nameless state*), which flagrantly violates the rights of member states provided in the UN Charter (since UN is organization/association of sovereign states), and above all the principles of sovereignty (*sovereign equality of states*) and non-interference in internal affairs (or essential domestic jurisdiction, reserved for *states* only) contained in Article 2 of the UN Charter. In numerous analyses, it was concluded that Macedonia received (or rather was subjected to) special imposed additional conditions legally groundless for revised admission (constituting on indefinite basis illegal membership conditions for admission and therefore illegal membership status in the UN)(Janev 2021; Janev 2023): 1. the condition to carry and be represented with a UN-given reference the Former Yugoslav Republic of Macedonia, i.e. the "FYROM" (an indefinite in time *denomination*, limiting the right of the state to independently use, or even change its Constitutional name (universally denouncing its validity), limiting, as well, a free choice of its national or state name (subjecting it to political will of one UN member state), even though it is a sovereign fundamental right to have a legal ID (and in addition, there is not only a basic right of an international subject, but also an obligation to have a such legal ID as a legal necessity in any legal representation or any juridical valid conduct); 2nd condition was to negotiate with another UN member state (foreign country) on an indefinite basis with respect to its own state and Constitutional name (i.e. *juridical identity*) in order to change it (and if not, be condemned to carry shameful *denomination*, as long as necessary), ignoring the simple fact that *international legal identity* (of any state, particularly UN member) is an inviolable sovereign category from the list of essential strictly internal or domestic inviolable jurisdiction. Any interference in such domestic matters in particular, would limit essential *contractual* State capacity (juridical personality) and in addition an inviolable right to self-determination of the state and people with respect to national name, i.e. the right to self-identification and non-interference in strict internal jurisdiction, which is specifically protected by the UN Charter, and in addition a basic collective human right to choose its national name or national identity). The principles of the sovereign equality of states and the inviolability of their juridical personality lead to the conclusion that the choice of a name is an inalienable right of the state. Principles on Cultural sovereignty[9] and free expression on cultural believes and traditions[10] (or even myths) provides legal basis for inviolability of self-identification as a basic collective human right that may not be subject to foreign interference or any negotiations.

As I have shown in my previous research (Janev, 1999), both of the above-mentioned special (not general), not implying condition, added to the standard set of the Charter requirements, as rather arbitrary-additional, were in fact illegal political (apparently diplomatic, in nature) conditions imposed to the UN candidate. Therefore, as infinite requirements, these conditions were in sharp contradiction with normative ones described in an Advisory Opinion of the International Court of Justice (ICJ) issued on May 28 1948. In addition, these illegal conditions were in obvious conflict with UN General Assembly Resolution 197/III, 1948, that accepts the Advisory Opinion of the Court delivered on May 1948. UN General Assembly Resolution 197/III, 1948 establishes an interpretation of the limited *admission norm* embedded in Article 4(1) of the UN Charter. In response to the question raised by the UN General Assembly, by its Resolution 117/II of 1947, whether members of UNSC and UNGA were authorized to vote on additional conditions[11], the ICJ responded in 1948 with an Advisory Opinion answering that additional admission conditions are not permitted (i.e. general conditions in Article 4 represent a close set of conditions), nor that members of the UNSC and UNGA may be voted for such (diplomatically

[8] Op. cit. UNGA Res. 47/225 (1993)

[9] See *Mexico City Declaration on Cultural Policies*, UNESCO (1982), see also *Declaration of the Principles of International Cultural Co-operation*, UNESCO (1966).

[10] See *Declaration on the Rights of Indigenous Peoples*, UN (2007).

[11] UNGA in Resolution 117/2 (1947) placed the following question for an Advisory opinion of the ICJ: „Is a Member of the United Nations which is called upon, in virtue of Article 4 of the Charter, to pronounce itself by its vote, either in the Security Council or in the General Assembly, on the admission of a State to membership in the United Nations, juridically entitled to make its consent to the admission dependent on conditions not expressly provided by paragraph 1 of the said Article?"

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superimposed), otherwise Article 4 of the Charter would be violated (particularly its paragraph 1. with normative rules for admission to the UN). Political bodies of the UN must not exceed the scope of these powers and jurisdictional authority, since otherwise the UN Charter is violated (Article 4 (paragraph 1) of the UN Charter) and consequently UN organ commits an *ultra vires* act. (Janev, 2006) In accordance with UN Resolution 197/III, from 1948, Advisory Opinion is accepted as an interpretation of the UN Charter, i.e. it recognized the legal norm of admission to the UN Charter and possible breaches of the norm (*ultra vires* acts). Based on this position of Resolution 197/III and the ICJ from 1948 seven candidate states for membership previously blocked by the power of Security Council VETO (all for reason of absence of *diplomatic recognition*) were admitted to the UN membership. As proved in 1999 (AJIL, Vol. 93, No. 1, 1999), Macedonia was admitted to the UN membership with an illegal additional condition(s), were one is directly politically linked to the diplomatic recognition (were absence of *diplomatic recognition* by a one UN member clearly constitute an *additional condition*), especially in 1993 *recognition* of its *legal identity* (i.e. the basic element of *international legal personality*) of candidate for admission. The Greek demand, formulated as Macedonian (UN) conditions, in fact, has proven to have a political nature of misrecognition in the UN, that creates obligations for the not-recognized party (obligation to negotiate for recognition) essentially not depend on one party (i.e. Macedonia), but rather on the other one. In addition, as pointed above, as those special conditions (for one member only) formally transcend in time, the act of admission itself (i.e. they last even after the act of admission to UN is completed) and therefore one-sided conditions that were blackmailing the state to change its ID apparently could not explicitly or even otherwise implicitly be part of the general conditions set forth in Article 4 of the UN Charter (not to mention that according to the preamble of the UNSC Res. 817 candidate "satisfied conditions"). These additional conditions (of a diplomatic and arbitrary nature) obviously had to be added in the text of the resolution 817, because otherwise they would not be presumed in any possible context as related or included to the normal conditions of the Charter. Such blackmailing conditions against one future member apparently could not fit into any legal conditions of UN admission, particularly taking into consideration that UN was/is an universal organization open to any country, where any candidate have a *right to admission*, after minimum requirements enlisted in Article 4 (1) were/are met. Fulfilling an individual diplomatic (conditions) of recognition (in the case of "state name change") from Greece obviously does not depend on the country-candidate for admission, but solely on the political will of Greece and a Greek capacity to place political pressure on weaker party and even create an obligation to Macedonia (where fulfilment of the conditions depend on one (foreign) state, solely).

In addition, as pointed above, conditions for Macedonia were not "exhaustive" (i.e., „necessary and sufficient", as they should be as elements of the *legal norm*. Namely, the assessment of the candidate should be made before, and not after the UN admission. These conditions (independently on Greece demands) fundamentally contradict(ed) the legal nature of Article 4 of the Charter as an *exhaustive* legal *norm* (where by definition the normative conditions are "necessary and sufficient", according to an Advisory opinion of the ICJ (1948)). According to the definition of the Advisory Opinion from 1948, the conditions of admission must have a time-bound character (which in Macedonian admission is not the case), because the "eligibility of a candidate for admission to the UN" is assessed on the basis of them (limited in time to the beginning of membership), and those that continue even after an admission are obviously not of such nature. In this respect, I may draw conclusion that in addition to the violation related to Article 4 (1), with two illegal conditions, from the moment of entering into membership and *after the admission* corresponding illegal obligations were created (in addition to the breaches of procedures specified in Article 4 of the UN Charter), namely Article 2 of the Charter were violated in paragraphs 1 (legal and *sovereign equality* of states), 4 (*independence* of states) and 7 (*non-interference* in strictly *essential* internal jurisdiction). That conclusion is almost self-evident because the newly admitted state FYROM with such special admission conditions acquired two more identical obligations (illegal, as well). Therefore, the *new illegal status* of member called by a reference "the FYROM" (in relation to other UN members and their status) defined legally discriminated and *unequal position-status* in apparent violation of the first principle of Article 2 *sovereign equality* of states.

However, in connection with the described illegal UN precedent from 1993 (that refers to the introduction of the binding unwanted reference "the FYROM" in the UN), it should be noted that in the political arena more and more of UN member states in bilateral relations steadily in time continued to recognize the official state name "Republic of Macedonia" and every year more and more UN members use(d) that Constitutional name ("Republic of Macedonia") for all purposes, despite protests from the Greece government. Process of recognition of the Constitutional name "Republic of Macedonia" continued progressively until the moment of signing the Prespa agreement 2018, and stopped after the entering into force of that agreement. Macedonia under the constitutional name "Republic of Macedonia" was recognized by more than two-thirds of the UN members (about 136 UN member states). Then in 2018, the process was interrupted and

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finally stopped in 2019, and on the basis of the Prespa agreement (2018) with respect of the change of its state identity, all UN member states recognized the *new state name* in 2019, as: "Republic of North Macedonia". That moment and particularly registration of the treaty in UN Secretariat actually represented the final diplomatic victory of Greece over week Macedonia in long-term diplomatic war (characterized with essentially inexperienced Macedonian diplomacy and new Government headed by political party SDSM (with PM Z. Zaev) without priority to preserve an identity)(Balkans Aljazeera News. 2017).

It should be pointed out, that during the process of admission of Macedonia to the UN, the Macedonian diplomacy (similarly as negligent services/lawyers in the UN Secretariat) did not grasp the illegality of special admission situation or even linked their case with the previous case of the Advisory Opinion of the ICJ from 1948 with respect to *additional conditions*, despite Macedonian apparently non-standard (political) admission requirements to the UN[12]. The Macedonian diplomacy in 1993 (and later) did not know at least three basic rules of international law: 1. States *do not have exclusive rights over state names* (Henkin 1993), and therefore Constitutional names are subject to the independent *sovereign choice* of each state or nation and in addition such names are basic inviolable elements of juridical personality and represent a UN membership rights (national name and national flag are elements of representation in the UN) for any member state in the UN (i.e. Member only inform UN organs on such matter, without any political decision for their endorsement); 2. Changes of the state name do not affect any territorial rights and obligations of their own countries, as well as right or obligations of any other or third states, and hence changing of the state legal identity does not endanger legal rights of other member states of the international community, i.e. members of the UN; 3. Consequently, the state name, as an internationally public legal category and *sovereign juridical* ID, cannot: a. be subject of theft, be deprived or appropriated, b. be imposed, shared, or be subject to any negotiation, discussion or contracting process (or a treaty), as well as, any valid denial on whatever grounds. Finally, the Macedonian diplomacy apparently didn't understood that the changes of the state name, as inviolable independent category, may not affect any historical interpretation, and by virtue of international public law principles, the *state name*, *per se*, could not have any relevant legal consequences in relation to historical interpretations, nor such interpretations may have any effect on the rules for membership in the UN defined by the Article 4 of the UN Charter. Greece's objections that Macedonia, by its very name ("Republic of Macedonia"), "steals the ancient history of Greece" and thus represents a "security" threat to Greece, seem unconvincing, ungrounded and even ridiculous from today's perspective (and even then in 1993) and from the point of International Law. Unfortunately, the Macedonian diplomacy and political elite at the time of country's admission to the UN in 1993 didn't have or obtain enough knowledge on basics in International Law and did not cope with the situation when country was supposed to be admitted to the UN without additional conditions.

Despite numerous indications and provided information to the Macedonian government that there was an illegal and harmful admission to Macedonia (1993) with very serious consequences, the Macedonian authorities did not dare to turn problem to the ICJ for an Advisory Opinion, and did not even initiate a more massive campaign of international recognitions under the constitutional name ("Republic of Macedonia"), but remained calm, showing a high degree of immaturity and absence of diplomatic and political knowledge and wisdom. When it became blatantly clear in 1999 that it was completely illegal to tolerate an imposed non-ID reference (which is not a legal identity of the state) and in this connection that negotiating the state name is an illegal and even a shameful request, the Macedonian authorities and diplomacy did not took any action at all to address this hot question. The so-called *name negotiation* process (as second additional condition, after illegal *denomination* (the FYROM)) was not stopped at the UN, but continued! After a discovery of the UN flagrant negligence (that is, the *delict of omission*), where UN itself had no any arguments to explain an increasingly obvious discrimination in respect to the meaningless supplementary additional conditions imposed to Macedonia, instead of weakening positions, the pressure from the Western powers on Macedonia to change, in agreement with Greece, its constitutional name was growing up. Thereby, Western powers and UN organs in fact wanted to "wash away" and obliterate an increasingly visible UN "mistake" (i.e. *maleficium omissionis*) of the UN Organization.

When Zoran Zaev (party SDSM) came to power in Macedonia becoming a new Prime Minister (2017), the Western powers and Greece have finally got a chance for „identity solution" and managed to force the Macedonian authorities headed by Zaev even to effectively expand the number of „negotiating" conditions from two (conditions, and allegedly only "name problem") to a very large number of (illegal) national demands, covering in fact an entire sphere of *national identity*. In addition to changes with respect to the state name (*legal state identity*), Greece also demanded for a change of the name of the people and nation, i.e. the national name revisions in every aspect, as well as numerous national systemic changes in the

[12] *Admission of a State to the United Nations (Charter, Art. 4*), Advisory Opinion, 1948 ICJ (May 28).

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Constitution of Macedonia, as well as cultural and administrative legal changes that extends to personal documents, passports, identity cards, driver's and other licenses, etc. In addition, the range of changes and solutions reached comprehensive national bans and mandatory revisions of local identity, and furthermore all-encompassing national changes has been extended to UN and organizations even outside the UN system, as well as to countries that are not members of the UN (i.e., to all countries according to the principle embedded in the Prespa agreement: *Erga Omnes*[13]). The problem of Macedonian diplomacy (and of basically all the authorities in Macedonia) was primarily that they didn't understood the gravity of the situation, especially that national identity (as a category) cannot and must not be negotiated, because as a result of a compromise-treaty on "identity revision" always conflict arises, since for the people, forceful, imposed and illegitimate quasi-identity is unacceptable. The people perceive such imposed new identity that denies the original one as an alienated and foreign identity, that is, an artificial identity, not theirs, but rather represents form of violence against the people and against the nation. After the new UN Security Council Resolution 845 from 1993, where both sides (the FYROM and the Greece) were requested to continue with "talks" (as later "talks" were formulated as "negotiations" in 1995) in order to overcome the "difference(s)" between them ("described in Resolution 817 (1993)" as a "difference"), when to the majority of UN members became aware that "difference" was actually not a "security dispute", Greece place additional pressure to the FYROM for concluding a treaty on mutual relations. As a result of increasing Western pressure in 1995 both states have signed an "Interim accord"[14] on mutual relations, by which Macedonia (here: the FYROM) has committed to continue "negotiations" about its name, and that this ID issue (related to the name of the state mentioned in Resolution 817 (1993)) would/may not be presented before the International Court of Justice for any Court's action or decision.(Janev, Petrovic, 2010) In this sense, due to the ignorance of the Macedonian authorities, this document-agreement was created in 1995, which, in the absence of Security Council resolutions, continued to force the illegitimate negotiation process on an internal *sovereign issue* (in fact avoiding ICJ), and Greece only waited so long for an opportune moment in time (future) when the most flexible government would emerge in Skopje and most suitable identity solution could be reached in accordance with their interests, and be framed as the "final agreement" (i.e. a treaty on an identity of neighbouring country).

II. Prespa Agreement (2018) as a Restriction and Redefinition of National Identity, by Introducing a Mandatory Denominator (Prefix: "North") before the Original Identity (Macedonia), and with the use of an Id-Modifiers Imposing or Establishing an Artificial "North Macedonian Nation" as a Substitute for the Original Macedonian Identity

After growing pressure from the Western countries, especially from EU, USA and NATO to solve the so-called „name issue", the most „cooperative" government headed by the new Prime Minister Z. Zaev in the interest of "Euro-Atlantic integration" accepted the signing/conclusion of the Prespa agreement (or shortly "PA" or "Prespa Treaty") in the village Nivici in 2018, which ended the so-called "difference over the name" with Greece. This agreement (PA) replaced the previous "Interim accord" on mutual relations (from 1995), as an act-agreement on permanent relations between the two states based on the re-definition of the *state name* and identity (Macedonians). With this treaty, the Western countries covered up and devalued the UN *delict of omission* (which was an *ultra vires* act(s) of the UN) and at the same time secured strategically important membership for Macedonia in NATO, with the vague and dubious EU promise(s) for speedy membership of this "redefined nation" in the European Union (EU). The Prespa Agreement was already dubious from the point of view of several clearly illegal aspects and elements with respect to it, which cast doubts on its validity and legality. Namely, contrary to the Macedonian Constitution, nowhere in that treaty (PA) is mentioned the constitutional name of the country, i.e. a name of the *subject* concluding the treaty, or even a clear reference to "FYROM", and instead of ID only the UN "reference" is mentioned only implicitly "as defined in resolution 817" of the UN Security Council from 1993 (which, according to facts discovered meanwhile was dubious with respects to *additional conditions* and UN omission of the proper ID. From aspects of Macedonian Constitutional law such ID for a treaty was illegal and unconstitutional, since treaties can only be concluded with "Republic of Macedonia" (that is Constitutional name of the state). In addition, reference "as defined in resolution 817" was apparently dubious from the point of International law, since according to the provisions of resolution 817 itself, the FYROM is not a "legal identity" for enacting or concluding acts outside the UN, particularly those that could have an effects outside the UN, i.e. the PA should not produce any legal effects on third countries (plus the Prespa Agreement is in fact classified as "bilateral treaty"). Another aspect, which has been observed by the domestic professional lawyers, was that such a treaty as an act of "strategic political treaty" (i.e., this is the case with any act that implies changes to the

[13] See Prespa Agreement (claimed to be „bilateral agreement" (contract), i.e. not binding on other parties)

[14] *Interim Accord (with related letters and translations of the Interim Accord in the languages of the Contracting Parties). Signed at New York on 13 September 1995.*

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Macedonian Constitution) can only be concluded or signed in "accordance with the Constitution of the Republic of Macedonia" by the President of the State, and not by the Minister of Foreign Affairs, as was done in the case with the Prespa Agreement (PA). Namely, the Prespa Agreement was signed by the Minister of Foreign Affairs Nikola Dimitrov instead of the President of the Republic. With respect to this, President of the Republic of Macedonia G. Ivanov claimed in a separate statement that "he was not informed" about the course and content of the negotiations on the PA. The President strongly rejected Prespa Agreement, claiming Constitutional breach and later he had refused to sign the act of ratification of the PA, since according to him "a treaty is unconstitutional", and particularly "an international treaty cannot prevail over the Constitutional norms". President Ivanov argued that by the PA provisions illegally "the Constitution adapts to the treaty", and not the other way around, as should be. Therefore, President have refused to sign an act of ratification of PA (*executive act* by the President, so that treaty may become the law of the land), because in his words "a treaty needs to be in accordance with the Constitution" of the state. After the resolute refusal of the President Ivanov to sign an *executive act* of ratification, that *executive act* has been unconstitutionally signed by the President of the Macedonian Assembly Talat Xhaferi (a Speaker of the parliament), hence creating top illegality in a series of previous illegalities (that preceded this brutal violation of the Constitutional order). Needless to say, that was done forcibly and illegally (so that Constitution was changed) under endorsement EU and NATO and visible Western pressure.

The Prespa Treaty (PA) in its provisions provided holding a referendum or alternatively another form of decision(s) in the National Assembly. However, in accordance with PA, if the referendum option was chosen as form of decision on the matter, such a referendum becomes an inevitable obligatory part of the procedure for the starting of the implementation of the provisions of the agreement and accordingly beginning of the changes or amendment's procedures of the Constitution of Republic. In 2018, however, the referendum decision making have failed due to insufficient response of the population (below the 40%) and thus the process of enactment of treaty and pending Constitutional revisions, according to the PA, needed to be ended. Surprisingly, completely against any legal logic, in blatantly illegal and unconstitutional way, the Prime Minister Z. Zaev and his government continued with the process of changing the Constitution (in violation of the basic norms of law) in the Macedonian parliament. In order to achieve the necessary two-thirds majority of 80 votes in the Macedonian Assembly, former Member of the Assembly Krsto Mukoski was released from the prison in Skopje (again illegally, since Krsto Mukoski was convicted for the crime of "terrorism" and send to serve sentence), and voted as MP, thus he secured the last (80th) vote by which the Constitution of Macedonia and the name of the country (Macedonia) were changed, in violation of all legal norms and standards known to civilized people. An octroyed constitution was born, which by using imposed ID-modifiers provided in PA forcibly changed the national identity of ethnic Macedonians, in brutally illegal manner. A small number of protesting demonstrators against an illegal constitutional changes that gathered in front of the National Assembly were mostly arrested or imprisoned. The people were frightened and most of them stayed at their homes. President G. Ivanov himself received a series of threats from the Albanian radical elements close to the Albanian party DUI, that were in government coalition with PM Z. Zaev (i.e. Albanian party DUI, was in coalition with the SDSM headed by Zaev) such as that Ivanov, as a head of state, should "refrain from further interference". The illegal change of the Constitution was in fact supported by an entire Albanian block of parties (that includes all parties in the Albanian opposition, in addition to those in government), as well as all Bulgarian "elements" in Macedonia who were openly in favour of "constitutional changes" and the PA. Regarding the failed referendum, it should be noted that the referendum question was ambiguous and contained three (instead of one) questions in its content. The question that was put before the citizens on referendum was whether they are in favour of changes in the Constitution (without stating that it was a decision on the change of the state name and identity), along with an admission to the European Union and the NATO. Even such a confusing question didn't improved the referendum turnout and result have finally been the low and insufficient turnout (due in the first place of boycott of ethnic Macedonians). A failed referendum, should have marked the end of the PA adventure with the change of the Constitution. Namely, Macedonian people have rejected the Prespa Treaty, which in content and form was in fact an act of imposed and forceful identity change of ethnic Macedonians.

By applying ID-modifiers enshrined in the PA and the principle of *erga omnes*, which was the basic general and universal principle contained in the Prespa Treaty (applicable even to Third parties)[15], all national terms containing the designations "Macedonia", "Macedonian", "Macedonian", "Macedonian" received the obligatory "ID-modifier" (modifier(s)), i.e. the mandatory prefix denomination "Northern" (before the nationality), whereby the *national identity* (previously of clearly "Macedonians" with no additives) was universally (globally) redefined, not only for international, but also

[15] *Final Agreement for the settlement of the differences as described in the United Nations Security Council resolutions 817 (1993) and 845 (1993), the termination of the Interim Accord of 1995, and the establishment of a strategic partnership between the Parties*. (2018).

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for internal use, as well. In a special diplomatic Memorandum, before the ratification of the Prespa Treaty took place in the Greek Parliament, the Ministry of Foreign Affairs of North Macedonia submitted to this Greek body, as well as to the UN, an additional explanatory interpretation that the term "Macedonian citizenship" refers only to the citizenship and not to the nationality, confirming that nationality (previously "Macedonians") had been redefined. The terms that referred to the categories "Macedonia", "Macedonian(s)" including all derivations from them, thus became exclusively terms that can be used only by Greece without restrictions, that is, all these Macedonian designations after the PA became "Greek" exclusively. All these general limitation for "Macedonian terms", provided by PA and confirmed by the mentioned explanatory Memorandum, were accepted in the United Nations as a standards, as well as in all specialized organizations in the UN system. Therefore, effectively with the PA a set of limitation and restrictions for these (Macedonian) categories were universally introduced for one member state only, i.e. UN have introduced an administrative ban for Republic of North Macedonia (RNM) for use of these terms in UN bodies and agencies, where the mandatory prefix as reference addition was also accepted (in purpose of "distinction"). In other words, provisional reference the FYROM (as an illegal denomination) have only be replaced with a permanent reference/denomination ("North", as ID-modifier before the main category: "Macedonia(ns)"). What appears to be dubious, at least in the eyes of international legal experts is that from the entry into force of the PA, treaty produced an actual elimination of an identity (ID) for the Macedonian national minority in Greece that accordingly new provisions no longer exist, i.e. it does not have its own collective (national) *identity*. According to the interpretation given by the Macedonian Ministry of Justice (Minister B. Marichic) for the "eventual identity" of "those people" only Greece is/was "competent", since from the entry into force of the PA this is an "internal matter of Greece". In other words, after the entry into force of the Prespa Agreement, the Macedonian *national minority* does not exist for the Greek government, nor even for the rest of the world, due to application the general PA rule of *erga omnes* (which, actually, corresponds with the main well-known Greek political doctrine according to which "the only Macedonians are/were Greeks"). In this context, it should be emphasize that the Macedonian government headed by PM Z. Zaev (SDSM party) has in fact renounced the right and its obligation to care for its national minority in Greece (and elsewhere, in more general sense), which is a precedent in International Law and international relations, bearing in mind existence of an international obligation to care for its national minorities (in neighbouring states at least). According to the principle of *erga omnes*, we can derive that with an application of the PA, the RNM has in fact renounced to care for all national minorities of Macedonians worldwide, no matter where they live. At this point a dilemma arises as to whether a state that does not have a *national identity* of (its) minorities in diaspora has a national identity at all, including in the domestic territorial frames. In several statements provided by government officials in Skopje (including Zaev's statements), where it was claimed that "the identity has been improved", it was basically officially confirmed that an *identity* has been changed and that it is no longer the same as was the previous one before the PA-treaty. To clarify that issue, we need to underline that it was explicitly provided in the Prespa Treaty (PA) that *all national institutions* must be renamed if they use(d) old name "Macedonia" (that is over 400 national and state institutions and bodies), and that all cities, villages and areas with a name "Macedonia" must also be redefined (or renamed) with the mandatory prefix (before the name "Macedonia"), as well as that all cultural and historical categories and interpretations must be consistent with the interpretations and instructions outlined in the PA provisions. Even previous historical events needed to be revised in manner to be consistent with the PA (norms and even a "spirit of the treaty"). So, for example, history textbooks needed be redefined, and even official documents created before the enactment of the PA needed to maintain a designation "North Macedonian" to reflect "non-Macedonian" character or interpretation. For example, recent history textbooks, in accordance with such instructions, must accept that even after the Second World War there were a "North Macedonian people" (not "Macedonians") or that after the dissolution of the SFRY, only "FYROM" existed, and never the "Republic of Macedonia" despite the well-known fact that it existed from 1991-1993 before joining the UN. At this point, we again observe an existence of a delict of obliteration (*damnatio memoriae*), as systemic eradication or revision of the collective memory. In addition to numerous revisions of the national identity in the sphere of history, including official documentation, as well as the broader sphere of cultural redefinitions, the Prespa Treaty also determined that politics in the media should be strictly governed by the principles of PA, especially all media that are partially or fully funded by the state must "control" contents that are/is/were "incompatible" with the interpretations provided in the Prespa Agreement. Furthermore, all personal documents of the citizens must be changed by the February 12, 2024 (identity cards, passports, driver's and other personal licenses and traffic permits). In addition, even stickers (and markings) on traffic licences plates for vehicles must be changed. For example, the marking MK on

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plates must be replaced with a NMK on all licences plates.[16]

In other words, everything that is "Macedonian" should be replaced with new labels, terms, even trademarks or categories that erase from the previous national identity trade-marks (these are reserved from now only to Greece, which includes all commercial brands and trademarks), and the previous "Macedonians " are redefined with a mandatory prefix (or *denomination*) into the new national category, that is *not legally defined* and according to the PA it does not have to have (its) own identity definition. Hence, by derivation of the first usable "free term"(excluding "Macedonian", *per se*), bearing in mind the prohibition of using the previous identity, and applying the mandatory denominator (prefix or *identity modifier*), the new identity of Macedonians, which emerges from the new national name of the state ("North Macedonia") is therefore formally: "Northern Macedonians" i.e. "Northern Macedonian". From here, as we may derive the final conclusion, the culture and history are/were by virtue of PA "North Macedonian", that is, in fact an *artificial nation*. Namely, by adopting the dubious PA, ethnic Macedonians unknowingly admitted that they were a *fake nation*, wrongfully representing itself in international community and UN as "Macedonians"! That an *artificial nation* that needed (under request of UN) to be renounced and denied by the contract (PA), in essence never truly existed in the actual chronology of the historical course. As such *artificial* state (or a *fake state*)[17], apparently this construction is a possible subject of further political contestation and denial.

Beginning from the basic right to *cultural sovereignty* of every people and nation or a state, especially having in mind the right to collective national identity, which is inviolable, we can only make the conclusion that the Prespa Agreement was an act of cultural genocide, because the elementary cultural right to independent cultural existence, development and self-expression was deprived, including cultural and national identity and the inviolable right to independent self-identification. With a wide range of administrative measures that carry out censorship in all areas, even outside the sphere of culture *per se*, such as numerous administrative measures, bans and restrictions, as well as the self-negation and denial of national minorities in neighbouring countries, the Prespa Agreement (and the policies of national annulation) have classified that act not only as a cultural genocide instrument, but as an act of ethnocide. The policy of systemic annihilation of the right to national and cultural identity, culture and cultural development is a type of genocide that enables an illegal process of the *cultural assimilation* of the ethnic Macedonian population (to arise all cultural foundations). PA provided grounds for such a *assimilation* process that, by nullifying identity, is using an ID agreement (*erga omnes*) that provided Greek authorities to deprive the Macedonian minority in Greece from elementary individual and collective rights. It appears, that now as non-existent entity (not a subject of International Law) they became group subjected to forceful cultural assimilation into Greeks. That illegal process consists of arbitrary capacity for erasing the national identity and merging this identity of the undefined minority, depending on Greek discretion solely and on free will of Greek government.

As we can see, the basic premise of signing and concluding the Prespa Agreement is actually the lack of knowledge of the Macedonian state leadership, as well as the political opposition, with respect to elementary forms of human rights violations in the sphere of ethnocide and cultural genocide. It seems that Macedonian governments and the opposition didn't ever understood the two illegal phenomena under the International Law for many years. The first is *assimilation* (national or cultural), which has not been noticed from the Macedonian academic elite, profession, or diplomacy. Another illegal phenomenon that is closely related to the legality of assimilation is national (or cultural) *annihilation* or *annulment*. This phenomenon, by its nature, precedes or goes simultaneously with an assimilation. Both occurrences represent the violation of *jus cogens* norms in the International Law. As a consequence, such a violation of the imperative norms of International Law constitute a legal grounds for terminating an ethnocide treaty (such as the PA), based on the Article 53 of the Vienna Convention on the Law of International Treaties (1969). The obvious inapplicability of an agreement that flagrantly limits basic human rights, i.e. erasing or cancelling one's national identity can lead to a challenges and unilateral termination to the illegal act. From the point of view of the international politics on Balkans, the very fact that the Greater Albanian supporters and the Greater Bulgarian elements in Macedonia by providing strongest support for the Prespa Agreement and by including the SDSM-headed government in coalition with the Albanian party DUI, sparked an increasing suspicion among ethnic Macedonians that the agreement reached with Greece (PA) represent, in fact, a deal between Bulgaria and Albania (and even "Kosovo") for their territorial expansion against the territory of Macedonia. That mutual deal became almost self-evident after the supporters of the Prespa Act are now increasingly demanding new Constitutional changes to satisfy Bulgaria and new requests from Albanians in Macedonia for the federalization of the state. The decline in the rating of party of the SDSM (and Zaev's successor PM D.

[16] *Op. cit.*

[17] In our view, original Republic of Macedonia was not a *fake state* (since identity was derived by the original will of the people that had right to self-determination), but it appears the other way around that new contractual (foreign) creation fulfils requirements for such categorization.

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Kovacevski), and the increasing turning of the people to national ideas, speaks of the slow but certain growth of national awareness of the ethnic Macedonians. Instead of the quick entry into the European Union promised by EU officials to Macedonians when the "problem with Greece is resolved", i.e. after the entry into force of the PA as the last condition for the EU, the newly named state (RNM) was subjected to new conditions for obtaining only a "Date for starting negotiations with EU", now placed by the Bulgarian government. These Bulgarian political conditions have become even more complex to fulfil than the Greek ultimate conditions and demands set forth in the PA. Compared to the terms of the Prespa Agreement, which for many Macedonians were abstract in nature and/or logic, Bulgaria's political and national EU conditions clearly indicated Bulgaria's longer-term ambitions towards the complete assimilation of Macedonians into Bulgarians.

III. Bulgarian Assimilationist Conditions, as Conditions Related to the Annulment of Identity on the basis of the Treaty of Prespa (PA) and the Request for "Further Specification" of Identity as "Bulgarian" (as an EU New Condition)

Even before Zoran Zaev (from the SDSM party) have entered to power as the Macedonian Prime Minister (2017), the Bulgarian diplomacy noticed that the new flexible future government led(ed) by Zaev would eventually solve the name and identity issue with Greece, so that a permanent agreement-compromise would be reached with Hellenic Republic to the final designation (detriment) of the Macedonian identity. Therefore, Bulgarian diplomacy, immediately after Prime Minister Zaev came to power, requested the new Macedonian government to "resolve an issue" (alleged "identity problem") with Bulgaria, in such a way that the two Prime ministers (Bulgarian PM B. Borisov and Macedonian PM Z. Zaev) should sign a treaty on permanent friendship between two countries. This initiative was accepted (naively) by Macedonia, and symbolically on the Macedonian holiday "Ilinden" on August 1, 2017, such diplomatic agreement on "mutual friendship" was signed. That instrument in some essential elements have reminded international experts of an "Interim Accord" (1995) with Greece, at least when it comes to non-symmetrical "identity provisions" that were supposed to (allegedly) "bring the two cultures closer". Namely, in this Bulgarian-Macedonian treaty, it is determined that both "peoples" have a "common history" and consequently a "common" culture and even joint "common important historical individuals" (from apparently joint or "common history", as was explicitly spelled-out in the treaty). In addition treaty provided for the "joint celebration" of holidays and all important historical events or celebrities, so that "common historical" and cultural events/people needed to be jointly marked.[18] The instrument regulates that the parties of the treaty will "not confront" each other on cultural-historical aspects, that in this matter(s) a "joint historical commission" will be created that will reconcile the "differences", and the results of the work of this commission should be reflected in the "educational content", so that agreements reached by commission should have direct consequences on Macedonian textbooks and curricula. In its blatant ignorance SDSM government headed by PM Zoran Zaev didn't notice and grasp that basically this kind of legal treaty implicitly assumes common identity of both nations, and that (such) main point as element was enshrined in it, i.e. an incorporation of Bulgarian declaration that both people represent the "same nation", not even two separate peoples, but in fact one people (and one nation). In addition, Macedonians didn't grasp that this kind of legal instrument can serve in future for blackmailing the Macedonian state for admission to EU (in similar way as UNSC resolutions (1993) and an "Interim Accord" (1995)). Unfortunately, this scenario of conditioning happened to Macedonia after the entry into force of the Prespa Agreement in 2019, when Bulgaria's blackmailed R. N. Macedonia with illegal conditions for EU membership and the new Constitutional revisions.

After the signing of the Bulgarian-Macedonian Treaty in 2017, the Bulgarian diplomacy patiently waited for the Prespa Agreement to be registered at the UN Secretariat and for Macedonia to change its state name in UN, so that they may officially challenge its new *national identity* (as an "artificial" one). Starting from September 2019, the Bulgarian government have delivered (to EU and RNM) their special requests for admission of the "new nation-state" (of the Republic of North Macedonia) to the EU. Although Macedonia has been a candidate for EU membership since 2005, after the latest Prespa process of "de-Macedonization" (especially, after de-legitimization with respect to name of the state in the UN), Bulgaria referred to the Bulgarian-Macedonian Treaty (2017) as legal grounds and accordingly requested RNM to resolve the "identity" issues with Bulgaria before the RNM receives an "EU Membership Date". The Macedonian government, as well as opposition, was extremely surprised by the conditionality initiative started by "friendly Bulgaria", and especially by the disinterest and restraint on the part of the EU, that had previously publicly promised to the Macedonian state and the people that after the PA and constitutional amendments there would be no new conditions for obtaining a "Membership Date" for EU. What was especially surprising for the RNM authorities and its diplomacy was that the EU almost immediately openly sided with the Bulgarian government and showed that EU "understood" all concerns and positions

[18] *Treaty of friendship, Good-Neighbourliness and cooperation between the Republic of Bulgaria and the Republic of Macedonia* (2017)

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of Bulgaria! On their side Bulgarians started campaign invoking the "Friendship treaty" of 2017 as for EU understandable legal grounds for their EU pre-conditions (in fact an extortion against RNM). In a similar way as before Greece, Bulgaria presented its political positions, as such that the new country-candidate had "already agreed to resolve a difference" and that it was only necessary for the EU to provide firm and strong support to the "undergoing negotiation process". The Bulgarian position amounted to a public rejection of the alleged "false Macedonian history" (according to which "Macedonians do not have Bulgarian roots") that was spread, as propaganda. The Macedonian public was bombarded on daily basis with a flood of accusations from the Bulgarian state about falsely portraying the history of the people as an independent or different "special people" (that is, "non-Bulgarians"). So Bulgaria's thesis claimed that "Tito invented the non-existent Macedonians" so that "before the Second World War Macedonians did not existed", since they were always (only) "Bulgarians". At that time (2019-2022), the Macedonian diplomacy and the ignorant government in the RNM couldn't manage unprecedented situation, so they simply allowed further uncritical and unsovereign blatant interference from the EU diplomacy in this artificial so-called "dispute", that eventually resulted (in 2022) in the "French plan" (as actually an unified "EU plan") for the solution of the increasingly strong conflict between Bulgaria and Macedonia. Particularly, the "Joint Historical Commission" of both countries could not finish its work because Bulgarian historians stubbornly and ultimately claimed that Macedonian revolutionary Goce Delchev (creator of the Macedonian national movement) was Bulgarian, not Macedonian, and that in fact all important revolutionaries were ethnic Bulgarians. A diplomatic crisis followed, where Bulgarian government, following the example of Greece, presented historical disagreement as a "dispute" with possible serious (even "security") consequences. At the end of that crisis, the "French Plan" presented by President Macron (in 2022) was ultimately delivered to both sides for purpose of acceptance. The content of this document included all Bulgarian conditions, formulated now as European conditions for RNM. Despite the strong opposition to presented "French Plan" by the Macedonian President Stevo Pendarovski, who initially rejected this ultimatum (that was, in fact, the Bulgarian ultimatum wrapped in European clothing), at the end (one week later) the SDSM government (headed by Zaev's successor Prime Minister D. Kovacevski) decided to agree with it and that the formal Protocol on acceptance of the "French Plan" conditions should be signed with the Bulgarian government. Thus, on July 16, 2022, the Protocol (agreement) has been signed by Bulgarian Minister of Foreign Affairs Teodora Genchovska and by the Minister of Foreign Affairs RNM Bujar Osmani. All the Bulgarian conditions were incorporated in that shameful act, as EU pre-conditions for obtaining a Date for starting EU negotiations. The Macedonian diplomacy was ones again defeated, since all Bulgarian blackmails were transformed into the EU membership conditions and even RNM Date for starting EU negotiations were linked with revision of the Constitution, as a pre-condition. The Macedonian authorities' failure to understand that the conditions imposed by Bulgaria were in fact illegal *assimilatory conditions* resulted to the situation that the diplomatic defence of Macedonian interests was ineffective, passive and inferiorly descriptive (namely, reduced to simple historical facts) in relation to well-managed and more professional Bulgarian diplomacy. Namely, Macedonian social science referred only to "basic historical facts" known to Macedonians which were not always so transparent and persuasive to European diplomats, so EU trusted more Bulgarian arguments and historiography (whose science was generally more internationally affirmed) and Macedonian diplomacy was already with bad reputation after the PA (for alleged historical falsifications) and globally (UN) banned from using "false" or "disputed" ID (so they had to "revised identity" with the PA). Therefore, in eyes of EU diplomats, creation of the *identity agreement*, as a needed or necessary treaty, only discredited Macedonian as a party. Instead of focusing on explanations that Bulgaria's demands were assimilationist (and therefore illegal, violating *jus cogens* norms), Macedonian diplomacy often ignorantly stated simply that the Macedonian side is "ready" for a "compromise" and that "there were only some less important (historical)) questions".[19] The Macedonian academic elite, diplomats, leaders in power and leaders in the opposition didn't clearly understood a more general principle known in juridical science that "identity agreements" cannot be valid international legal contracts or treaties. Such contracts or treaties, that unilaterally define someone's identity are always illegal and as result of compromise always represent an imposition of someone else's will on issues that are in the sovereign (cultural) sphere and an essential inviolable domestic jurisdiction.(Janev, 2020) Such acts are always acts of extortion and blatantly in violation of principles of cultural sovereignty.

Finally, if the Macedonian elite, political or academic, had known that the Treaty of Prespa (PA) was the act of annihilation or annulment of the national identity (or at least an illegal act), a different policy would have been pursued *vis-a-vis* illogical and impermissible Bulgarian demands. Bulgarian government have realized that Macedonians were giving up on issues of *national identity* (as EU admission have had highest priority), so they took a chance to impose Bulgarian identity on them, clamming (to Macedonians) as it was theirs. In this strategic way, the Bulgarian policy

[19] Op. cit. Art. 8. See also the Interim Accord (1995).

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of planed *assimilation* and operations involving transformation in collective consciousness, is nowadays focused, as recently discovered, to a demand for the final identity agreement between the two states at the end of the EU negotiating process (repeating in fact the experience of the PA). This Bulgarian strategy clearly confirms the known theoretical thesis that any cultural annihilation precedes cultural assimilation, as a cultural genocide or ethnocide act of cancelling or nullification of the previous-original culture of a people or a nation.

As an initial condition, in a similar way as was in the case of the Prespa Agreement, the Bulgarians (as approved by the French/European proposal) demanded as a precondition of even obtaining the "EU Date" the revision of the new Constitution of the RNM in order to enshrine provision on the "Bulgarian people" as a "constitutive" and "statehood" nationals, which *de facto* suggests that Bulgarian were original founders of the Macedonian statehood. The government leaded by PM Dimitar Kovachevski (Radio Televizija Srbije [RTS], 2017) (successor of Zaev) immediately and uncritically accepted this Bulgarian precondition and the President of the Assembly T. Xhaferi (from the DUI party) was already ready to open the Constitution of RNM and fulfil Bulgaria's conditions for the EU. However, the opposition leaded by the party VMRO-DPMNE and the minor party "The Left" blocked the achievement of the qualified majority in the Assembly, so that requested constitutional changes could not start. Both mentioned opposition parties announced that the "Bulgarian conditions" regarding the change of the Constitution "will never pass" and that the "Bulgarization " will never be achieved. On the other hand, all Albanian parties took side against preservation of the Macedonian identity, in accordance with famous "Tirana Platform" created in January 2017 in Tirana (with the "chairmanship" of Albanian Prime Minister E. Rama, who at the meeting in Tirana coordinated all Albanian parties in Macedonia for the purpose of creating joint Platform-strategy). As was the case with the PA when all Albanian parties where in favour of that treaty, they are nowadays as "pro-European" supporting Bulgarian attempts to change the Constitution (ones again against Macedonian identity). It appears that Albanian political factor in fact supports any initiative that may lead to disintegration/dissolution of the Macedonian territory or federalization of RNM. Realizing the obvious intentions of the Bulgarians for forced (imposed) *assimilation* and possible federalization, as well as the Bulgarian intentions to redefine the "Macedonian language" as a "dialect of the Bulgarian language", the opposition parties in Macedonia rejected the new constitutional changes (calling changes a "Bulgarization").

II. Conclusion

As we have shown in this article, the illegal supplementary additional conditions for Macedonia's admission to the UN (where Macedonia was forced to carry a temporary *denomination* and negotiate its identity with another state) turned into a long-term systematic challenge to the *national identity* of Macedonians, a form of unseen political pressure (in fact extortion) to one sovereign country with no precedent in the previous history of international relations. In the end, the alleged "dispute over identity" (actually related to a „nameless nation-states" in the UN, where the reference (FYROM) was not a *legal identity*) was finally resolved by the conclusion of the Prespa Agreement (PA), which represents a textbook example of violations of the basic norms of sovereignty and the principle of independence and non-interference in an essential internal jurisdiction of a states (especially UN members, which according to the UN Charter are *sovereignly equal*). Furthermore, the Prespa Treaty (PA) is an example of an *ethnocide act* that obviously denies collective people's right to national identity, and even redefines it in accordance with the current political balance of power between the involved negotiating parties (including their key allies of Greece, particularly). Our analysis in this article of this unconstitutional illegal international treaty-agreement (the PA) showed the comprehensive cancellation and denial of the (previous) Macedonian identity (original one) and, in addition, an attribution of everything that was labelled "Macedonian" to Greek culture exclusively and a Greek national identity. With the Treaty of Prespa, Macedonia have been denied the rights of its own national minority in Greece, and consequently (in application of *erga omnes*) also deprived such rights to its minority in Bulgaria, thereby exposing minority to the forcible (by the state measures) *assimilation* in neighbouring countries (by very moment of an entry into force of the PA (on an *erga omnes* basis)). By nullification of its own national identity, through the provisions of the Prespa Agreement, even within the territorial borders of its own state (RNM), a clear signal was sent to Bulgaria that such a "sufficiently flexible government" would be able, for the sake of admission to the EU, to carry out further national redefinitions of its own identity. After the registration of the Prespa Agreement in the UN (as a valid treaty), by using this illegal precedent, Bulgaria essentially conditioned the "new nation-state" (as an "artificial nation") with its own special identity conditions for purpose of the "refinement" of the new national identity, which was according to them "not fully defined" by the Prespa Agreement. In the case of Bulgarian conditions, this refine identity would ultimately be the "true Bulgarian identity" (of the previous "vague Macedonians"). That is, according to the Bulgarians, the "real" identity of the "North Macedonians" (with "Bulgarian roots and origin"). In a generalized form, Bulgarian blackmail for the EU membership could be reduced to a simple ultimatum to RNM in the form: "Admit that you are Bulgarians, so you can join the EU", and until then

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you simply cannot. Since the Macedonians didn't understood, neither now (in the ongoing ID negotiations with the Bulgarians), nor previously in case with the Treaty of Prespa, that there are *no identity disputes* and particularly that there are no valid *identity agreements* (or legal "identity treaties") under International Law, they naively continued to negotiate on a subject (national identity) that cannot be to negotiate. In this way and manner, the Macedonians themselves, under the delusion that everything is legal, by ratifying *illegal identity* contracts (treaties), contributed to the self-annihilation of their own national identity, completely ignoring the imperative norms (*jus cogens*) with respect to the illegality of forced or any imposed administrative (and therefore coerced or extorted) *assimilation*.

In this context, bearing in mind illegality of identity treaties, we can only underline that by applying Article 53 of the Vienna Convention on the Law of International Treaties from 1969, it is possible to terminate the Prespa Agreement unilaterally (by diplomatic note/letter sent to other contracting party), since this agreement violates *jus cogens* norms of International Law. After the termination of the Prespa Agreement, the Treaty with Bulgaria (2017) can also be cancelled by a simple diplomatic *letter of cancellation* of that act, which pursuant to the last article 20 of the Treaty with Bulgaria (related to *cancellation*), enters into force one year after the notification of the cancellation of the act is sent to other contracting party (i.e. Bulgaria). Of course, if the Prespa Treaty is terminated, Macedonia would have to start a "diplomatic battle" in the UN (especially in the UN General Assembly) for votes of UN majority for an obtaining the name under which it applied to UN: "Republic of Macedonia". The UN General Assembly decides on these issues by a simple majority of members present and voting. If the country gets this simple majority in UNGA, it will obtain the right to use its original constitutional name "Republic of Macedonia" in United Nations.

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