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THE TOPIC OF DOCTORATE DISSERTATION:

**Mediation a Remedy for Dispute Resolution, with Special
Emphasis in the Balkan Region**

**Mediacioni si Mjet Juridik për Zgjedhjen e Kontesteve,
me Theks të Posaçëm në Rajonin e Ballkanit**

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STATEMENT

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Rilinda Maqellara Memeti, ID 129136

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From 2009-2011, employed at the Secretariat for the implementation of the Ohrid Agreement.

From 2011 Advisor to the Ministry of Justice.

There is no conflict of interest regarding the investigation.

This dedication is dedicated to the bff whom with started the journey together.

Abbreviations

European Union - EU

European Commission - EC

United Nations Organization - UN,

European Court for Human Rights - ECtHR

European Commission for democracy through law - Venice Commission

European Commission for Judicial Efficiency - CEPE

Group of States against corruption - GREEK

Agreement on the European Union - MBE

Common foreign and security policy - PPJS

Common security policy and defense policy - PSPPM

World Trade Organization - WTO

Process of Stabilization-Association - PSA

Stabilization-Association - MSA Agreement

Parliamentary Committee for Stabilization-Association - PKSA

EU legislation - Acquis communautaire.

Instrument for pre-accession assistance - IPA

Regional Council for Cooperation - SRS

The process for cooperation in Southeast Europe - PBEJ

Central European Free Trade Agreement – CEFTA

Liberation Army of Presevo, Medvegja and Bujanovac - UÇK (UÇPMB).

KFOR - International Security Forces

FRY - Federal Republic of Yugoslavia

OSCE - Organization for Security and Cooperation in Europe

NATO - North Atlantic Alliance

EU-European Union

UNHCR - UN Refugee Agency

MKO - Ohrid Framework Agreement

RS - Republika Srpska

OHR - Office of the High Representative

WB-UN Security Council

SAA - Stabilization and Association Agreement

PfP - NATO Partnership for Peace - Partnership for Peace

KVM - Kosovo Verification Mission

WST - World Systems Theory

MP - International Protection

CWE - A community-developed list of common types of vulnerabilities that have security implications.

Abstract

The modern scientific approach and the theoretical research analyzed in today's globalization system, in an inevitable imposes the need to establish a qualitative framework in terms of emphasizing the essential elements in determining the title of the PhD “Mediation a remedy for dispute resolution, with special emphasis in the Balkan region”. Logically, the issue of the idea and motive for conflict research is raised. In any space of time, it is worth analyzing the specifics that create values, in most cases for the good and prosperity of humanity as a whole or of a specific regional or wider dimension. In this sense, within the scientific approach of this paper, the basic idea and motive was to emphasize conflict-antagonism as the basic postulate, the ways, modalities of solving the situation and the influence of external factors, The value system of crisis situations and conflicts in their essential phenomenology have occurred in the past, some are current in the present and will surely occur in the future.

Every crisis, armed conflict, conflict lasts a certain period of time and always ends with a peace agreement and confrontation of the opposing parties and most often with the mediation of a third party. Over time the same history repeats itself, all over the world. The conflict is one of the driving and important elements in the process of permanent influences, efforts to exercise the right to a dignified life, civilized behavior, a sublime of decades of efforts to unify, while emphasizing values, peculiarities and creation of healthy socio-political climate, climate for economic prosperity.

Keywords: Conflicts, security, mediation, agreements and integrations.

Abstrakt

Qasja moderne shkencore dhe hulumtimi teorik i analizuar në sistemin e sotëm të globalizimit, në mënyrë të pashmangshme imponon nevojën e vendosjes së një kornize cilësore në drejtim të theksimit të elementeve thelbësore në përcaktimin e temës së doktoratures " "Mediacioni si mjet juridik për zgjedhjen e kontesteve, me theks të posaçëm në rajonin e Ballkanit". Logjikisht shtrohet çështja e idesë dhe motivit për hulumtimin e konflikteve .Në çdo hapësirë kohore ia vlen të analizohen specifikat që krijojnë vlera, në të shumtën e rasteve për të mirën dhe prosperitetin e njerëzimit në tërësi apo të një dimensionit të caktuar rajonal apo më të gjerë. Në këtë kuptim, në kuadër të qasjes shkencore të këtij punimi, ideja dhe motivi bazë ishte që të theksohej konflikt-antagonizmi si postulat bazë, mënyrat, modalitetet e zgjidhjes së situatës dhe ndikimi i faktorëve të jashtëm. Sistemi i vlerave të situatave të krizës dhe konflikteve në fenomenologjinë e tyre thelbësore kanë ndodhur në të kaluarën, disa janë aktuale në të tashmen dhe sigurisht që do të ndodhin në të ardhmen.

Çdo krizë, konflikt i armatosur, konflikt zgjat një periudhë të caktuar kohore dhe përfundon gjithmonë me një marrëveshje paqeje dhe konfrontim të palëve kundërshtare dhe më së shpeshti me ndërmjetësimin e një pale të tretë. Me kalimin e kohës e njëjta histori përsëritet, në të gjithë botën. Konflikti është një nga elementët shtytës dhe të rëndësishëm në procesin e ndikimeve të përhershme, përpjekjeve për të ushtruar të drejtën për një jetë dinjitoze, sjellje të civilizuar, një sublime dekadash përpjekjesh për bashkim, duke theksuar vlerat, veçoritë dhe krijimin e një klime socio-politike të shëndetshme, klima për prosperitet ekonomik.

Fjalët kyçe: Konfliktet, siguria, ndërmjetësimi, marrëveshjet dhe integritet.

PREFACE

The topic “**Mediation a Remedy for Dispute Resolution, with Special Emphasis in the Balkan Region**” has as its object addressing mediation of the international factor, focusing on analyzing the approach, up to the realization of the level of cooperation and the main mechanisms of cooperation-the agreement that has resulted out of the two sides of the conflict, the achievements and setbacks until today, while having the long time panorama, which enables us to approach the research from a different perspective, not the usual one that we are used to be written, analyzed and talked about on the Balkan conflicts, international mediations and the resulting agreements. The structure of the title is built in such a way that it touches upon every aspect of mediation and is divided into three points.

The first point deals with the theoretical concept of conflict. In this part, the purpose, hypotheses, and the used methodology used are also defined. The first chapter deals with the notion of conflict from national and international legislation. Within the framework of the first part, the changing nature of security in a universal and national aspect is laid out, especially in the last two decades, and an example of illustration of this transformation of security can be supported with the case of the conflict between our state and those in the Balkans, as in the field of research as well as of that in practice. This change in security perspectives generates fruitful analysis from the early stages of conflict up to protective mechanisms for prevention and their implementation. With the basis of a modern state, security is ensured through policy and the structure of national and international security, while adopting innovations conform to the developments and social evolutions.

As a second point, the issue of the Western Balkans and international mediation is addressed, more specifically we will focus on the Dayton Agreement (1995), the Rambouillet Agreement (1999), the Konchulj Agreement (2000) for the Presevo Valley and the Ohrid Framework Agreement (2001), always while laying out the social, economic, political and

ethnic perspectives from the social point of view. While focusing on the origin of the conflict, I emphasize that the causes and tensions should not only be sought in the investigations of the direct causes of the conflict and active factors but should also be sought in the analysis of the emphasis of the causes which, by nature, are often structural. These structural causes include conditions such as: economic and social inequality, political discrimination and similar.

As a third point, emphasis is placed on the role of the International Community and their mediation in the resolution of conflicts in the Balkans and the Republic of North Macedonia. This part has seen the way in which the EU, NATO and OSCE reacted or mediated with their mechanisms and instruments in the management of the conflict in the Balkans and the Republic of North Macedonia.

In the frames of the third part: “The Ohrid Agreement: main points and implementation”, we focused on the basic principles that the Framework Agreement establishes. It includes the analysis of the Ohrid Framework Agreement.

In the frames of the third part: “The Ohrid Agreement: main points and implementation”, we focus on the basic principles that the Framework Agreement establishes. It includes the analysis of the Ohrid Framework Agreement, which as a political act with an internal character, due to the many principles on which it is based, changed the course of the history of the Republic of Macedonia after the critical year of 2001. Therefore, here we will focus on three basic moments of changes: the law on the use of languages; Badinter, public administration and local self-administration (decentralization). In general, from here on this framework agreement will be put before a comparative study with other peace agreements in the Balkans as a result of international mediation.

The title of the PhD study **“Mediation a remedy for dispute resolution, with special emphasis in the Balkan region”** contains an approach that is as interesting as it is necessary in terms of the international perspective and not only, but also the domestic one. It

is a current and reasonable topic regarding the issue of international mediation as an “approach”, and this as such with its content represents a challenge for everyone, so obviously as a young researcher I have decided that with the possibilities of my capacities, with the given contribution will elaborate on the above-mentioned aspect, and to devote myself on the challenge taken.

Despite the fact that while dealing with it, I have raised hypotheses from which I tried to break them down separately by clarifying all their properties and which with their own features, while collecting them as a mosaic all of those that present a whole with all their complexities.

The history of conflicts and the purpose of presentation of which is very often made, and their glorification represents an unsurpassed moment in the development of the state and relations between different ethnic communities. The reflection and role of the international communities is still clearly felt, discussed a lot and analyzed, and not only that, but very little is used in the relation to build a new approach as well as creating new relations between representatives of ethnic communities in accordance with the recommendations addressed. From this point of view, in coordination with the mentor, it was decided to define the title of the thesis proposal as above in this request. Due to the lack of a clear vision from the parties to the conflict and the inability of the power to deal with the situation in the country, the international community assumed the responsibility of direct involvement in the resolution of these conflicts. At that time, international factors played the role of an arbitrator, trying to find a common solution to prevent the escalation of the situation.

This PhD study as the main focus will have detailed research about the contribution of the international arena, the reached Ohrid agreement in a comparative study with the Balkan agreements having in consideration and the predisposition of the years, allows me a more real and voluminous approach to research these mediations, to consider assessments,

achievements and setbacks. And why is such an exploration necessary? I call it current, and it is not only reasonable but also necessary because armed conflicts were and will remain the subject of a large number of articles, analyses, writings, debates, even daily discussions as well as a post-intervention visible of the international community in the country and region.

All these points can be viewed in the context of the international remedies that have been applied, and that all these solutions have fulfilled the real objective possibilities.

The answer that we will achieve will have positive or negative attitude and results, this fact refers to circumstances of an objective nature and this fact then leads us to the very circumstances and social, economic, and political predispositions, and the readiness we have shown, which also currently dominate our society.

How can these demands evolve furthermore, are directly related approaches to the social, economic and political development of our society, while this development in dimensions it can have creates also other preconditions in the formal-judicial level, and then international attitudes.

INTRODUCTION

“Mediation a Remedy for Dispute Resolution, with Special Emphasis in the Balkan Region” aims to answer the questions of what happened at that time through the analysis of post-festum events - Balkan conflicts and geopolitical security as well as the international mediation in resolving disputes in the region of the Western Balkans and the EU - the joy and skepticism until today.

With a solid approach of interviews about the perspective of our society, representatives of international organizations, international experts, local politicians, a material is offered which through a research and scientific aspect, analyzes the international mediation of year 2001 in the Republic of North Macedonia while approaching it afterwards with a comparison of other mediations in the Balkan region.

With dignity and with the power of scientific facts, with quotes from eminent professors, analysts and politicians, will prove that the “Macedonian oasis of peace in the Balkans” including also the whole socio-economic, political and ethnic entanglements failed to avoid the conflict. Within the framework of these scientific contests, analyzes and studies carried out by the Western discourse itself are included and that most of ethnic conflicts are not likely to be a consequence of the conflict along thick civilizational lines, but, above all, as a consequence of economic interests, territorial, existential, etc.

History teaches us that almost all conflicts are born as a result of a dimension of other motives or were clashes between different interests that nationalities had, or rather states, who had a leading role of supporting economic, political and cultural developments with nations or countries (states), which opposed these advancing processes not only for the latter, but also for themselves.

The setting of the Balkans a long time ago has not ceased to be a disputed geographical area. Our scope of observation and study, on the one hand, is exclusively the

Balkans and the strained relations with Europe. We believe that by changing the way of observation and while being interested in that what is produced during the transition from one level to another, it will be possible to understand the complications and significance of the process international mediation in the region.

Before the reality and the density of the events that make it up are organizing factors, of placing things in order and of their meaning. They appear as a real undertaking aimed at rationalizing reality and appropriating reality through definition. Such an effort examines denomination processes simultaneously in their sociological dimension, being interested in the nature and role of individual or collective actors; historical, with attention to the denomination processes, their causes and consequences; through highlighting the categories and contradictions that regulate the systems.

In the same order of ideas, the events in the Balkans, the geostrategy which is a “moving map” (In this whole context, one should not forget the two most critical geostrategic points, that of the Russian-Ukrainian conflict, on the one hand, and ISIS, on the other hand. These regions, not only in terms of economic weight, they are completely more specific than the Balkans, but also in terms of the importance of geostrategic dominance they are among the highest global priorities) NATO and the West must “walk the wire” towards an epilogue without losers and winners. This should end with a political alchemy as a “win-win” solution from both axes, at least in the medium-term plan!

The Balkans, as a region, in its complexity has “obtained” many definitions and evaluation characteristics, depending on the perspective of the approach. From a historical perspective, it is known as the region of many wars and has caused the two biggest world wars. In this context, many define it as a region of interweaving of different cultures, which generate more conflicts than diversification values (Bexheti,2014).

Therefore, the title “Mediation a remedy for dispute resolution, with special emphasis in the Balkan region” would elaborate three international mediations in particular: the Dayton Agreement (1995); the Rambouillet Agreement (1999); and the Konchulj Agreement (2000) for the Presevo Valley, putting them in a significant comparison with the Ohrid Framework Agreement.

Even Macedonia, years ago, carried the epithet “the peace oasis of the Balkans” as a result of its neutrality in the Balkan wars of the 90s and used this alibi to pave its way towards integration into the European Union. It was this same alibi that could be used in a very subtle way to benefit from the great economic resources offered by the EU and its member countries individually. Countries such as Slovenia and Croatia that were in the heat of the war rallied to their support powerful countries such as Austria and Germany not only in supporting their political goals, but also in the idea of rebuilding their countries after the war. They surely knew that historical grudges would one day have to be replaced by economic progress and well-being for their peoples. (Zylbeari, 2014)

Meanwhile, Macedonia, not having a clear idea for itself and without consistency in its policies, lost a historical chance.(Ismanovski,2008) It distanced itself from the idea of the EU with a corrupt transformation of social capital that it did continuously. It is an undeniable truth that the privatization of capital in our country was done for the interests of certain clans that supported their servile policies. This led not only to the collapse of the country's economy, but also to the creation of inter-ethnic conflicts that erupted in the 2001 conflict, unnecessary, in another country that would have shown itself to be more civilized and with a clear vision for its own existence. We are seeing the consequences of these wrongful policies today. Because in reality the situation continues to be the same.

A key factor in these Balkan mediations was undoubtedly the decisive role played by the international community. As an active party in efforts to resolve conflicts, it succeeded

further in guiding the dynamics of tensions and changing the initial course. Thus, in one aspect, the EU, NATO and OSCE, together with the local actors of the conflicts, learned a lesson that the course of the conflict should not be sought only in the reasons and causes, but should also be seen in the essence of social, political, economic and social structures.

The first steps towards the execution of “deeds” are troublesome, unpleasant, difficult, with many hesitations and obstructions. Diversity and variety are considered phenomena that all human beings understand and perceive. Based on this reality, we understand that diversity is a natural issue and that every human being is born in an environment and surrounding that is different from others, the environment influences the formation of his personality, while the variation of the mind works in the efforts that a person achieves. Therefore, differences should bring societies closer together and make them aware that the future lies in the recognition of mutual features, such as authentic and civilized values. The establishment and creation of a permanent positive climate within the state in order to accept the changes by all citizens (of the Republic of North Macedonia), for the affirmation of coexistence and tolerance and open efforts for the integration of the Republic of North Macedonia in the EU. (Strategjia nacionale, 2019)

The title “Mediation a remedy for dispute resolution, with special emphasis in the Balkan region”, the emphasis is on the role of the international community in resolving the conflict in the Republic of North Macedonia and the Western Balkans region. In this context, the way in which the EU, NATO and OSCE reacted or mediated with their mechanisms and instruments in the management of these disputes has been elaborated. (Rajkovčevski, 2014)

Having in consideration the modern political and social climate in the world, it is more important than ever to discuss the contributions of civilizations in order to build bridges of appreciation and understanding between people of different cultures and ideologies. To

bring genuine peace to this region, we must revive the spirit of equality and justice for all. We must make sure that these spiritual values are turned into force to bring people to their senses.

Anyhow, it must be said that the countries of the Western Balkans have achieved progress in reforming their policies in accordance with the requirements of NATO membership and the Partnership for Peace Program. Among them, the most important are conflicts of a political nature - nationalist/ethnic and religious, those of constituency, as well as contested/undefined borders. In essence, even against the formal commitment of all Western Balkan countries to good neighborhood relations and to contribute to regional stability and security, among them a certain visible level of threat still prevails, as a result of the clear lack of trust regarding the future behavior of some of the other states in the region (Stojanović, 2018).

Justification of the dissertation

The Balkans are no longer a “gunpowder power”. After the 1995 Dayton Agreement, the 1999 Rambouillet Conference, the 1999 Kumanovo Agreement, the 2001 Ohrid Agreement and the 2013 Brussels Agreement between the Republic of Kosovo and Serbia, the political Balkans seem to have stabilized and entered a new Atlantic and European era.

The fact that even in the mid-decade of the second of the 21st century, international mediation is still considered necessary and current, it can be understood as an indicator of insufficient achievements in overcoming conflicts within the ethnic groups of the Western Balkan states. These international mediations have resolved armed conflicts but not inter-ethnic conflicts. I hope that the approach of this study is understood under the prism of a new paradigmatic perspective - that of European integration - and within this perspective it can be found the potential for overcoming inter-ethnic conflicts and the normalization of these relations as well as the full implementation of these international agreements which is found to be the result of the mediation of the European community.

I rely on the motive of this study in my interest in this topic, where the aim is to contribute to analyze international mediations in the resolution of disputes, where these international agreements are lagging in implementation, with an emphasis on the Western Balkans, where it still presents a challenging political future with full of opportunities in regard to the integration and globalization.

The reasoning of this paper is relied by the desire to find the key and the roads, bringing into life and the future in the full implementation of these Balkan agreements with international mediation, by setting free from all the stereotypes of the time, institutions and policies based on the principles of transformation and democracy to have an “active and permanent continuity” support from the international community.

Starting from the basic hypothesis that the integration in EU offers an instrument of conflict resolution and peace assurance, in which case it seems necessary to identify in a differentiated manner the preconditions and conditions under which integration in EU, in a truly sustainable way, it can create peace in the Western Balkans, where this threshold of the XXI century offers us the conclusion of a process and not the carryover from the last century. This paper and its results aim, albeit in small proportions, to stimulate the EU integration process of the Western Balkan countries, including the historical, legal and political dimensions of the conflict. The approach I have chosen also builds on theories of integration, transformation, conflict research and democracy, which are relevant to the topic. The approach takes into account research results from the fields of security policy and constitutional law.

The purpose of this paper will not be the political elites, what they have undertaken and how they have led over the conflicts, but the reason for this study will be the theoretical and practical aspects in conflict prevention where it would be good for these actors who take the responsibility of leadership to take into account the cases when political decisions are made for the future because the success and awareness of decisions by decision-makers according to democratic standards is one of the essential elements of a well-organized political entity, which focuses on democracy and the well-being of its people.

By making a detailed analysis of the theories on the state of disputes in Western Balkans, it will be one of the goals of this study, where through the analysis of the policies of the key points of the international community we will come to the main progress of security in this region. With this and the defined objectives will arise as the following:

- Re-examination of theoretical debates on disputes in general and in particular on conflicts in the Western Balkans.

- To review the priorities of the European community within the framework of conflict management and security in Western Balkans
- Studying of the new EU opportunities for countries that prioritize membership in the Union.
- To review how much attention is paid today to the issue of conflicts and security by the countries of the Western Balkans.

An impetus and incentive to approach international mediations is justified by the fact by looking for the causes in the delays of the implementation of the Ohrid Framework Agreement, while in parallel by making a comparative study with other Balkan agreements. But how did our country reach up to the conflict!?

Macedonia reached the war of 2001 because the previous two decades it was walking the wrong path and when it came to inter-ethnic relations as well as Albanian demands, it was buying time. And so much he bought and wasted the Albanian time that finally it came to the fatigue of the Albanians who had to answer the logical question: why should they assist in the formation of the Slavic-Macedonian state if they were to remain in the position of beggars, if they had to behave like the tenant for whom everything will depend on the will of the “owner” of the house.

Regarding the Albanian demands and their non-realization, the truth must also be said that they were not fulfilled because of the incompetence of the Albanian representatives in the highest state institutions. Representatives who promised a lot during the pre-election campaigns, but forgot their own names, let alone their promises, while sitting in the soft chair of a ruler.

So, Macedonia was brought to the brink of inter-ethnic war by all its pre-conflict rulers, not excluding the Albanian parties participating in the government, whose statesmen

protected the country from itself, from what no one could protect – from the Albanian “natural danger”.

So, Macedonia was brought into the 2001 conflict by those who found it difficult to accept that this country could not only be a desire of the Slavic-Macedonians, nor could it have a future guided by the mentality that destroyed the former Yugoslavia - that these constituent people - that of Slavic-Macedonian and others. Which means that the interest of the state should only be that of the Macedonian Slavic ethnicity, while the interest of other ethnicities should be a secondary issue.

To put it even more clearly: on the road from which Macedonia was doomed, it could not reach further than Tanusevci's firings, which reminded the Albanians how long they had waited to get nowhere, and even to lose some of the rights that they they had in the former Yugoslavia. So how long had they waited to face the truth that if you don't know how to take it, no one gives you what you deserve.

When it comes to the conflict of 2001, it should be underlined that it started at a time when Macedonia was ruled by Ljubcho Georgievski's government with his VMRO-DPMNE and that the Albanian allies were the DPA of Arbër Xhaferi. So the conflict started at a time when an unprecedented closeness had been reached between Macedonia, Bulgaria and Albania, which apparently alarmed the pro-Serbian circles that had been working for decades to make the Macedonians as hostile as possible to the Bulgarians and the Albanians and the people to elevate him to the level of the surface of a big “brother” who had put himself in defense of the Slavic-Macedonian identity.

So, for Macedonia to be destabilized, it mostly suited Belgrade and pro-Serb influences in Macedonia, but for it to become a field where the seeds of war can easily sprout, all its pre-conflict leaders had contributed. Leaders who built Macedonia with the Serbian mindset, that is, raising the anti-Albanian to the institutional level, forgetting that

without the Albanian pillar, Macedonia would not be able to stand. The circumstances and situation at the time required a:

- Urgent need for security after the declaration of independence (Vankovska, 1997).
- The situation in Kosovo increased concern regarding inter-ethnic relations in the country (Vankovska, 2020).
- The ideas of “Greater Albania”, “Greater Serbia” and perhaps even “Greater Bulgaria” were not unknown to the politicians of the region:

The relations of the Republic of Macedonia with its neighbors are the most complex relations in Europe. In the period of independence, except for Macedonia, all the states of the South-Eastern part of the Balkans existed before it. Macedonia is the only complex issue in which all neighbors have their share in its definition. The Greeks insist on “Macedonia” as the name of their province, the Bulgarians perceive Macedonia as “Western Bulgaria”, the Serbs perceive it as part of the Yugoslav project (Buzan & Waever, 2003). The statement was made during the existence of the Federal Republic of Yugoslavia, as a Federation consisting of Serbia and Montenegro and another statement by Glenny: It is impossible to have a serious discussion about Macedonia without someone worrying or, which is even more reliable, without disturbing all the people or states of the Southern Balkans (Glenny, 1995).

In a word, there were enough aggravating circumstances that led to the 2001 war of the Republic of Macedonia: separation and independence from the former Yugoslavia followed by a high risk of a military-political crisis, the issue of the country's name by Greece, the conflict in Bosnia and Herzegovina with high risk of it expanding in Kosovo and Macedonia, the crisis in Albania of 1998 and the transfer of weapons to the territory of Kosovo and Macedonia, the crisis around the University of Tetovo, the role of NATO intervention in Kosovo, the crisis with the refugees of Kosovo of 1999. (This assessment

comes from the statement of Francois Leotard, EU facilitator in Macedonia during the period of conflict escalation.)

We recall another assessment by Richard Holbrook, former US ambassador to the UN, Holbrook, in his interview for the Greek newspaper “To Vima”, dated March 24, 2001, where he said that the greatest threat to the stability of Balkans is the dream of creating “Greater Albania” (Holbrook, 2001). The incident at that time in Macedonia and Southern Serbia, according to Holbrook, is the work of the most extreme Albanians, through whom they try to realize the idea of "Greater Albania", namely through the project which envisages the unification of all Albanians living in the Balkans in one Albanian state, which would include parts of the territory of Serbia, Montenegro, Macedonia and Greece. (Nasteska, 2008). Thus, the conflicts in the former Yugoslavia resulted in extremely large international political, humanitarian, military and police presence (NATO et al, 2013;)

Meanwhile, another study that was discussed by various authors was that the conflict broke out just a few days after the ratification of the treaty on the demarcation of the Serbia-Macedonia border, where the Macedonian Parliament deputies voted for Kosovo to remain under Serbia.

The agreement on the demarcation of the common border, between the two states (the Republic of Macedonia and the Federal Republic of Yugoslavia), was signed on February 22, 2001, by the Presidents of Macedonia and Yugoslavia (Vankovska, 2008) (Kuzmanovski, 2001).

Furthermore, according to Macedonian authors and Macedonian media, the conflict was ignited by internationals in order to destabilize Macedonia, to tear it apart, etc. However, as was seen later, this did not happen. Even Academy of Sciences of Arts of Macedonia itself came up with the plan for the partition of Macedonia. The Macedonian Academy of Sciences and Arts promoted the idea of the exchange of territories and population between Macedonia

and Albania. The idea meant the exchange of territories and population from the western part of the Republic of Macedonia with a dominant Albanian population with the areas of Albania where the Macedonian population lives. (Vankovska, 2015) (This is confirmed by the Report of the International Organization Human Rights Watch).

Accordingly, the adoption of the first Constitution of the independent Republic of Macedonia, voted only by the ethnic Macedonians, and without the support of the Albanians of Macedonia, will be a motive for a reaction, the Albanians to hold a referendum for separation and for the establishment of the “Republic of Illyria” (Mileski, 2005).

Macedonia went into the 2001 conflict while stepping on many innocent Albanian corpses, starting with those of Bit Pazar and Gostivar in 1997 and Tetovo when the Albanians founded the University of Tetovo.

Macedonia went into the 2001 conflict also through many police actions in Albanian settlements as well as through staged judicial processes where innocent Albanians were punished. In short, there was no way that Macedonia could avoid the firings of Tanusevci and Tetovo Castle, also because it had fallen into the hands of the arrogant Slavic Macedonian elites, who behaved as if they were representatives of a people as numerous as the Chinese in front of the “few” Albanians as much as the Tibetans. With that they forced the Albanians to prove that they held the fate of this country in their hands as much as the Slavo-Macedonians, that they could destroy and destabilize Macedonia whenever they wanted.

Understandably, after the start of the conflict, nothing from the past or the events that characterized it could be corrected, but the country's future could be designed as it should be. And it was clear that the country could no longer buy or sell Albanian time because it was immediately seen that it was unable to interrupt and stop the conflict. So, day by day the risk of this country getting into the spiral of inter-ethnic war, from which several neighboring

countries had just emerged, and from that spiral you come out after the high walls are painted with blood.

During the 2001 conflict in Macedonia, two tendencies emerged to the surface: the one that wanted to use the opportunity to disintegrate the country, and the other that wanted to use this whole situation for a new beginning of developing the state. And it must be said that what saved Macedonia was not the strength of its “defenders” nor the political will of the saviors, but because even the destroyers did not know how to divide it, because Macedonia is like an “field” for which deeds are owners of the neighboring fields.

In crossroads as to what to do with this state, who as soon as it takes two steps forward it gives back three steps behind, it was not only the local political circles, but also the international ones who all of a sudden almost faced the risk of failing in their project, in a state where they had loudly promoted the multi-ethnic and multicultural concept. A concept that collapsed as soon as the first crackles echoed through the native mountains.

As the firings in the mountains increased, so did the number of maps showing the number of fragments into which Macedonia would be divided and to whom they would belong. One of the most popular maps and the one about which there was more noise was that of the Academy of Sciences and Arts of Macedonia, which was said to have had the support of the prime minister at the time, Ljubčo Georgievski. And the more the designers of Macedonia's future were added, the more it was seen that it remained almost without a future, and the chances decreased that it would avoid the complete chaos that threatened to engulf it with internal forces. Pro-war and anti-Albanian propaganda had taken hold in the country, so that hardly anyone heard the voice of those who said that Macedonia has many roads that lead to its disappearance, but the only way to salvation and remaining as a separate state was to reach a historical Albanian-Macedonian agreement.

But this agreement was as distant as the past decades that had stamped the Slavic Macedonian mindset that the Albanians were their natural enemies. This agreement was almost impossible in a country where all the fundamental acts of the state were based on the principle of how to protect Macedonia from the Albanians. And now it was useless to expect that mentality to accept that the country should be shared with all those who lived in that country (Mileski, 2005).

Since the situation in Macedonia was getting more and more complicated, the only hope to help with the solution was the international community. As for the international community, it was somehow tired of the wars and disputes between the peoples of these areas. And they had two choices: either to allow another bloody Balkan war to take place, which would end Macedonia as a state, or to intervene and do their best to prevent this conflict from expanding, which would save Macedonia.

In fact, many things showed that it was not only a question of saving Macedonia, but for the prevention and expansion of the conflict in the entire region, thus avoiding the risk of this part of the Balkans being involved in the vortex of war. The conflict in Macedonia endangered the entire region because this country resembled an area that had many owners. Thus, if Macedonia were to be involved in an ethnic Albanian-Macedonian war, a larger regional conflict was almost inevitable (Mileski, 2005) (Ruzhin, 2006).

There is no doubt that the 2001 conflict in Macedonia would not have been resolved and would not have ended as it did without the intervention of the International Community. And its intervention had only one purpose - the termination of the armed conflict. So, to avoid bloodshed and not to resolve the ethnic disputes that had led to that conflict.

The International Community at first gave the impression that it was not even completely clear what brought Macedonia to the brink of inter-ethnic war. In the beginning, they had a very critical attitude towards those who took the rifles to realize their national

rights, so they declared the members of the National Liberation Army as terrorists, encouraging the anti-Albanian influences even more to be encouraged and believe that the day had come to once and for all defeat the permanent “enemy” - the Albanian people.

But very soon it was evident that those who had gone to the mountains were not terrorists, but liberators, which is why the International Community changed its approach to the members of the National Liberation Army and began to ask the Macedonian government and parliament to take into account their demands.

In the meantime, it was seen that Macedonia began to be overwhelmed by its inability to dialogue with the parties participating in the conflict, it was clear that the Government was not even functioning and communication between the VMRO-DPA coalition was almost cut off, so the international community took steps to form a government with a broad coalition consisting of the four largest parties, in which, in addition to VMRO-DPMNE and DPA, SDSM and PDP also took part in.

The International Community also appointed its own representatives to help the dialogue between the Macedonian and Albanian representatives. With that, the international community became a party that actively participated in the resolution of this conflict. And this is how the Ohrid Agreement was reached, which was clearly not intended to resolve the Albanian-Macedonian disputes but to end the conflict.

So, the representatives of the international community, F. Leotar and J. Perdju forced the representatives of Albanians and Macedonians to sit down at the negotiating table and sign the Ohrid Framework Agreement, which ended the armed conflict in Macedonia, but not the inter-ethnic disputes (Pardew, 2018). (In Perdju's book it appears that they were not forced, but the issue of the of the Albanian language being official language is discussed, even though Perdju notes that the Albanian language as an official language was the main demand of the negotiating Albanian parties, they themselves withdrew at the last moment).

This Agreement became part of many others that were almost signed only so that its signatories would have something to disagree with.

Soon after signing this Agreement, it turned out that each party read it differently. So, it turned out that everyone was lost in its translation, which happens even to this day when the Macedonian party's say that it has been completely executed and the Albanians claim that it should be rebuilt.

In the meantime, the international community almost no longer deals with it, now more satisfied that the conflict has stopped and that solutions are being developed to prevent the escalation of the situation - the civil war in Macedonia.

After the signing of the Ohrid Agreement, changes in the Constitution of FYR of Macedonia followed and the decentralization of power also began. But as the years went by, it was forgotten that this Agreement was supposed to be the basis for building a multi-ethnic and multicultural state, where even the decision-making would express this ethnic and cultural plurality, so with time passing by, the backbone of this agreement almost disappeared, which was the Ethnic Commission and voting according to Badinter's principle. Which was supposed to somehow ensure inter-ethnic consensual democracy (SEEU, 2011).

Today, Macedonia is what it is. In many ways, it is almost indistinguishable from the pre-conflict one. For which the Macedonian ethnic circles are not the only ones to blame, but also the Albanian parties who treated the Ohrid Agreement as a document that enables them to hire party partisans. So, the more the number of Albanians employed in state institutions increased, the more the Albanians here felt that they were represented.

STUDYING METHODS

Qualitative method

The qualitative method is widely used to explain the meaning of phenomena. These phenomena deal mostly with stories and narratives, and include subjective meanings, feelings, thoughts, conviction, actions, beliefs, decisions, values, etc.

This method provides a natural and functional approach for the researcher. Bryman in his book “Social Research Methods” writes that: “the way in which people study, understand and interpret their social reality is one of the central motives of qualitative research” (Bryman, 2008). A key point of view of the qualitative method is the clarification of phenomena by gathering data in the research field for an interpretive approach and when the data gathered are the words and expressions of the research participants themselves, processing them in the quality of information (Strauss & Corbin, 1990). Dabbs on the other hand gives a distinctive explanation of the qualitative method from the quantitative one. He emphasizes that the notion of quality is one of the most relevant aspects of qualitative research (Dabbs Jr, 1982). The qualitative method answers the questions: when, why, what and where?

According to Berg, qualitative research refers to the meaning, concepts, symbols, definitions, characteristics, metaphors and description of things (Berg & Allin and Bacon, 2001).

Qualitative research aims to understand the base of things and not to be interpreted with numbers. In the case of international mediation, it is necessary to use the qualitative method, since this method helps to extend the information, the event and the processing of the results.

The way the questionnaires of this study were compiled is closer to the qualitative method. The qualitative method in the case of studying international conflict and mediation provides more accurate data and greatly facilitates the researcher in data processing.

The qualitative method helps in the design of the questionnaires by making the information even more extensive, description and explanation of the events, gathering the meanings, convictions and experiences of the participants.

In this study, semi-structured interviews were used to gather information that gives the research participants the opportunity to talk about the issue or topic in their own way. Gathering documents related to the research questions and asking questions about these documents. Chronicles – gathering people's stories to analyze how the story is told as well as anecdotes.

Data processing is structured by the researcher who decides on the formulation of the questions and is interpreted as part of the analytical process. Here the researcher creates a deep approach to the phenomenon, studies people's emotions as well as aiming for the truth as an objective.

Quantitative method

The quantitative method focuses on the gathering of numerical data where the notion of quantity is directly related to figures (Berg & Allin and Bacon, 2001). Quantitative research focuses on the gathering and processing of data so that a particular phenomenon can be analyzed statistically using quantitative methods. In our research on the issue of international mediation in the war of 2001 in a comparative study with other Balkan agreements, the application of this method is necessary as this method provides abundant information on a specific question that would make the hypothesis in question more reliable. This method does not offer to explore emotions and beliefs in the particular field of research.

The method has a realistic and positive approach, while the qualitative method is subjective and interpretive. Quantitative methods research also has the truth as object. In our study, the use of quantitative methods to measure the appropriate level of international mediation in the 2001 conflict will help us by giving us a more accurate range.

The researcher is not part of the study, the researcher always knows what she is looking for and she does this in way of research through surveys or questionnaires which are a measuring instrument and indicator of testing theories on which the study can be accepted or rejected (Berg & Allin and Bacon, 2001).

These research questions can be posed as testable hypotheses. The answers obtained through the counting of events and the use of statistical analysis allow us to test our hypothesis. Quantitative data processing is structured – categorized and coded in such a way that it can be counted.

Mixed methods: Qualitative - Quantitative

Mixed methods refer to a combination of both qualitative and quantitative methods. The application of mixed methods in data gathering should come from research questions and demonstrate that they can be better answered through both types of data. Sometimes a research question (or sub-question) requires quantitative data to be answered, while another needs qualitative data; in other cases, both quantitative and qualitative data may be needed to answer the question.

Many empirical studies that have been carried out in different fields have argued that the combined use of qualitative and quantitative methods have brought more complete results to studies, ensuring validity and reliability in any research study.

The combination of qualitative and quantitative methods in our scientific research about international mediation in the 2001 war as well as other peaceful mediations in the Balkans makes our research more reliable, increases the reliability of the study and best

proves the hypothesis raised by being that the strengths and weaknesses of each technique complement each other.

Historical methods

(Comparing the developments in Macedonia before and after the 2001 war, similarities and differences, developments and stagnation of peace agreements in the Balkans, in a comparative study with the Ohrid framework agreement)

To address the historical origins of the Albanian-Macedonian conflict it means going back a long way in time, and its subsequent formulation of ideas or theories about history. Therefore, through this method, using the strategy of researching the object in the historical aspect, we aim to reach the origin of the problem, of the conflict and war of 2001, the Ohrid agreement, comparing it with the Balkan agreements as a result of international mediations. From this method we will create the formulation of the hypothesis based on the evidence of the event where it will serve as a verification point to reach the conclusions of the objective, and here my critical opinion would desire to occupy a fundamental role in this direction. The author Jakupi points out that „the historical method includes comparative reports across periods of time, where analysis is made, the clarification of development phases and the developmental levels” (Jakupi, 2005).

Historical evidence for identifying our material as a source of information will be obtained through primary and secondary data.

We must always keep in mind the purpose of the historical method, which consists in gathering, verifying, the evidence from the past in order to establish the facts that support or reject a hypothesis. From this point of view of interconnection, we will arrive at the right objective of the research. Since in our case a conflict is being studied as a source of war, primary sources may include letters written by soldiers, personal diaries, military documents, eyewitness accounts, photographs, uniforms, equipment, or videos.

Secondary sources are also supported by analysis generally prepared by qualified individuals. Books, journals or research papers are typical examples of secondary sources.

In many cases, depending on the type of study, oral tradition is taken into account as a source. They are stories transmitted orally and are valued as an important source for the study of ethnic groups, in our case the ethnic conflict of 2001.

Through the historical method, we will arrive at the discovery of the question in which circumstances conflicts arose and mediation, how the events, the cause and the consequences up to today's historical “feedback”.

Comparative Method

In the context of globalization, the experience of improvement must be acknowledged. And here it cannot be done without using the comparative method. On the one hand, comparison assumes something in common, which can only be discovered by a comparative method, and on the other hand, it contributes to the creation of changes in the objects compared.

The comparative method is an old research method used in many fields of scientific research and occupies an important place in the arsenal of cognitive tools. Its role in recognition is expressed in the sayings that have become a saying: “without comparison there is no knowledge”, “everything is evident in a comparison” etc.

Therefore, along the way of my studies through this method, I aim to reach the weighing of comparative elements, the findings of similarities and differences, that is, to apply, evaluate, contrast, to show similarities and different international mediations in the Balkans. (A comparison with international mediation in other cases in the Balkans such as the Dayton Agreement (1995); the Rambouillet Agreement (1999) and the Konchulj Agreement (2000) for the Presevo Valley).

Measuring instruments of the methodology

Interview

The measuring instruments used in this study are semi-structured interviews.

The interviewer is asked to give a direct answer, so that the results are obtained as quickly as possible, and the information is as complete as possible. In order to achieve the purpose of the study, we have tried to define the terms, keywords and the response procedure as best as possible in order to obtain the most efficient response from the interviewer regarding the study.

While in the part of the semi-structured interviews, the questions are left more open. In semi-structured questionnaires, the conversation is developed in a freer form for the interviewer. The interview, as a research method, represents a special kind of conversation. Because, on the one hand, the conversation with the interviewed is not random. He is prepared, deliberate, demanded.

In the way of scientific study, the interview method has served me as a complementary auxiliary method for data verification, where it has made the studies more flexible and dynamic. While aiming to achieve the authenticity of the hypothesis, the interview was used to collect authentic information. The relevant purpose of why the interview method is chosen is to gather information about those aspects of social phenomena, which cannot be known through various documents, nor could they be discovered through observations, or other research methods.

Throughout the course of the semi-structured interview, it is not necessary to have answers to all the questions. Semi-structured interviews are usually done face-to-face, but they can also be done over the Internet (social media such as skype, viber, google forum online, email, etc.) or by phone. Face-to-face meetings help researchers and interviewees

understand the importance of the study by showing their experience of the situation (Taylor & Bogdan, 1984).

Ritchie & Lewis show that the advantages of the face-to-face interview make the problematics visible which are encountered by the interviewee and the interviewer (Ritchie & Lewis, 2003). So, we can say that the researcher is most attracted to face-to-face interviews to explore the importance of the context of events and problems. Therefore, for this research, the face-to-face interview method was seen as the most appropriate.

Special attention has been paid to exploratory research, the part where it tends to find out what the participants think and learn how people use language to talk about it, where the researcher can find a new perspective or exploratory point of view. Researchers like Hammersley emphasize that the way of linguistic expression is also important in the research process. He states that: "The expressive power of language provides the most important source of data (Hammersley & Atkinson, 1995). The main feature of language is its ability to present descriptions, explanations, and evaluations of almost infinite variety about every aspect of the world, including itself." This interview is appropriate for scientific research in the field of international mediation during the 2001 war, where after this phase we will approach an analysis of the international community's focus on the merits of the agreements reached, how fair they were and implementable in a complete sense.

The interview and data exploration are a special moment of qualitative research which assists the researcher to understand the field of study. Semi-structured interviews are often the only source of data for qualitative research. Preliminarily they are organized around a theme with a set of questions predetermined by the scientific researcher. At this stage, the questions are left open, where during the interview, other questions arise from the dialogue between the interviewer and the interviewee. The feature that conducting an in-depth semi-structured

interview takes anywhere from 30 minutes to several hours to complete that interview. (Barriball & While 1994).

Since, the period of international mediation in the war of 2001, brought into life the Ohrid Agreement, which covers a sufficiently long period of time, it will help us retrospectively have a disposal of facts, events, goals, values, beliefs, more in-depth explanations and perspectives that can be stated in these times, because of the mitigating circumstances and we can get information that due to the difficulty of the circumstances at that time which was impossible to be know. From here, with the information that we will have at our disposal, we will put them in a comparative aspect with the wars and the agreements that came out as a result of the mediation of the international community.

Determining the semi-structured interview for this study was done to understand how some methods are the most appropriate and effective, and not only, and at a lower cost, these methods can significantly contribute to the completion of the research.

Authors Rubin and Babbie on research emphasize that the semi-structured interview method is used for data collection. Research is defined as a communicative relationship between the researcher and the interviewee with the aim of eliciting interpretations from the interviewee about the experiences and understanding of the environment in which they live and operate. (Allen, Rubin & Babbie, 2007).

CHAPTER I

The Notion of Conflict in General

1. Different notions over the conflict

Conflicts are as old as humanity itself. The very existence of conflict as a phenomenon is not so much a concern for peace as the very forms of violence itself that we choose to apply in order to reach a solution of a conflict which in itself holds injustice while giving you a clear advantage in the orientation of the unilateral implementation of interests to the detriment of the other party.

Conflict is always a complex and multidimensional social phenomenon. It includes a wide variety of parties: individuals, social groups, national-ethnic communities, states and groups of countries, united by those or by other goals and interests. This diversity of bases, forms, levels and motives of conflicts requires the difficulty of defining its concept and creating a typology of conflict (Strengon, 1996). In everyday conversation, the word conflict often means a fight between two or more people or groups, who use force as a means to win or defend themselves (Maliqi, 2003). Based on the history of humanity itself, there are always misunderstandings, specific oppositions and divisions on different basis. All these phenomena and causes during human development, have been presented and developed in different forms and different ways. This entire development process of society with these misunderstandings, disagreements, objections, etc., is emphasized with the same word as conflict.

The peace scientist Ulrike C. Wasmuth evaluates the conflict as an objective way in social circumstances, not mixing it with the forms of solution and the totality of its causes. (Internationaler UNESCO Bildungsserver für Demokratie-, Friedens- und Menschenrechtserziehung, 2011).

The concept of conflict - Due to the diversity today in the conflict there is a variety of its definitions. Thus, in the West, the concept of conflict, formulated by the famous American theorist L. Kozern, is widespread. He values the struggle for claiming values, power and gaining a status.

In domestic literature, most definitions of conflict are also sociological. Their dignity is that the authors spread the different signs of social conflict represented by different forms of confrontation between individuals and social communities aimed at achieving certain interests and goals. Here, for example, are some of the definitions of conflict:

Social conflict is a clear or hidden state of confrontation of interests, goals and trends in the development of social objects, a direct and indirect clash of social forces based on opposition to the existing public order, a special form of historic movement for the new social unity.

A.v. Dmitriev: Under social conflicts, it is usually understood the form of confrontation, in which the parties seek to seize territory or resources, threaten individuals or opposition groups, their property or culture in such a way that the war takes the form of attack or defense (Dmitriev, 2000).

Conflicts become more and more unbearable when it goes to local, regional dimensions, or even as an internal conflict of a state, but which can affect international relations.

To these conflicts, the international community prefers to respond in an ad hoc reactive manner, trying to prevent the conflict, a concept which is more preferable than a post hoc reaction. Policy makers and theoreticians agree that the timely response from conflicts in principle has greater effects than its outbreak itself. In practice, conflicts are constantly transforming and can range from relatively peaceful to massive violence. (Kristofer, 1996). From a historical point of view, disputes between states have existed and are just as present

today, which are religious based, ideological, economic, national, inter-ethnic and territorial conflicts.

Religious Conflicts, following this classification, I would single out some religious conflicts which are the result of different extremist groups with different attitudes, ideas, political and private ideologies which influence individuals to show the prism of religious conflict. Here are some of the religious conflicts that are known to history:

1. Philippines (Mindanano) 1970 Muslims and Christians (Catholic)
2. Bangladesh 1973 Buddhists and Christians
3. Sri Lanka 1983 Hindus and Muslims
4. Yugoslavia (Croatia) 1991 Orthodox Serbs – Christians and Roman Catholics
5. Yugoslavia (Bosnia) 1991 Orthodox Christians and Catholics and Muslims
6. Mayanamari / Burma 1948 Buddhists and Christians
7. Israel / Palestine 1968 Jews and Arabs, Muslims-Christians
8. Northern Ireland 1969 Catholics and Protestants
9. Tajikistan 1992 Muslims and Orthodox Christians
10. India (Uthar- Pradesh) 1992 Hindus and Muslims

Ideological conflicts, if international conflicts would carry the mantle of material meaning, the world would find many ways to easily solve them (de Varennes, 2011). One such ideological cold world war is between capitalist democracies and communism.

Economic conflicts, Tendencies for economic power include a world race and is the most extensive form in the range of conflicts of international relations. And here it is included and thought that every realized international sale involves oppositions and economic clashes between states (Goldstein, 2003). And this can be best illustrated by the trade of coffee between Costa Rica and Canada. Costa Rica, as an exporter, insists on increasing the price of coffee and Canada, which demands a decrease in the price of coffee.

National conflicts, in the world, have mostly been expressed through group and even ethnic mobilizations. Such intra-state conflicts we would classify that of Sri Lanka and Sudan, as well as attempts at genocide in the area of the great lakes in Central Africa (Goldstein, 2003).

Ethnic Conflicts, an aggravating issue in all the countries of the region are the disagreements surrounding the ethnicities that emerge. These ethnic conflicts arise as a result of dislikes, failings to fulfill while being dissatisfied with their position and demanding more rights at the national level (Frckovski, 2007). An example of this can be said about the former Yugoslavia, Poland, Romania, etc.

1.1. What characterizes these crises and international conflicts?

The absence of conflicts between states is rare. History gives few examples of people, societies or states living side by side for a certain period of time, without manifesting sooner or later disagreements or views of conflicts or interests. If the disagreements are deep, it becomes the cause of crises and risk, if they intensify, it leads to war.

A crisis and war represent two sub-categories of a broader phenomenon, international conflicts or disputes. In the framework of these international conflicts or disputes, relations between states take four different forms: international conflicts without crises and wars; crises that do not lead to a war; crisis as preparation for a war; war or an armed conflict (World today, 2017).

In the 20th century, most crises have been brought under control, either non-violently or through a limited use of force.

In the Balkans, it is very difficult to find pure ethnic areas. As a result of this, with the formation of the borders of the nation-states in the Balkans, the groups of a certain nation remained within the borders of the neighboring countries as a minority. Unfortunately, these minorities have never been seen as a cultural asset.

The point of view that these minorities have been used as a tool of the foreign policy of the native countries for a long time has been widespread in the Balkans. So, if we look at what happened in the 90s in the Balkans, we can see that minorities were used as a spark to start conflicts. Therefore, the Balkans is the most interesting and at the same time the most complex region in the world. However, this situation has at least become the cause of conflicts (Almakos.com). On the other hand, the possibilities for achieving long-term peace still remain important topics of discussion and analysis in the region and beyond. Inter-ethnic and inter-state relations in the Western Balkans region continue to remain fragile and signs of sustainability and long-term peace are still not always clearly visible on the horizon. (Hajrullahu, 2015). (The artificial notion Western Balkans is relatively new and is primarily used by the EU for territory in the former Yugoslavia, excluding Slovenia and adding Albania.) The countries of the Western Balkans: Croatia, Bosnia and Herzegovina, Serbia, Montenegro, Kosovo, Macedonia and Albania, lie, from a geographical point of view to the west of the other countries of the Balkans: Romania, Bulgaria, Turkey and Greece, respectively to the west of the Balkan Mountain ranges in Bulgaria (Meurs, 2003).

The Balkans in general or the Western Balkans, in particular, have been the arena of conflicts from time to time. This is where world wars started, and regional and ethnic conflicts broke out. The last act was the disintegration of the former Yugoslavia. In human terms, the cost of the disintegration of the former Yugoslavia was very high.

In human terms, the cost of the disintegration of the former Yugoslavia was very high. This conflict “contributed”, among other things, to the negative burdens created in the previous years and centuries between different people of the region which build on bitterness, hatred and unacceptance of each other (Qirko, 2017). The failure to find lasting solutions, mainly for the conflict in Bosnia and Herzegovina and Kosovo on the one hand, as well as justice being delayed for bringing to international criminal responsibility, the persons

responsible for what happened in the former Yugoslavia, has had a negative impact on the direction of peace and stability of the region. What makes peace and stability in the Western Balkans even more difficult is the fact that the nationalistic spirit, which was at the root of the conflict in the former Yugoslavia, and even constituted the ideological basis of this conflict, continues even today to produce negative effects, from time to time becoming a serious obstacle to any initiative that contributes to stability (Hide et al, 2013).

Unfortunately, this legacy has had a significant impact on the creation of walls of separation between the ethnicities of the region.

1.2. Peaceful strategies for conflict resolution

The development and implementation of peaceful strategies for conflict resolution through the use of other forms of influence other than violence is known by its general name of conflict resolution (Gashi & Hidri, 2008).

The concept, which is applied in international relations, should be understood as a set of strategies, policies, mechanisms, tools, initiatives and other actions, which can reduce tensions between two or more parties in conflict.

Only to avoid the use of the term, prevention of deadly armed conflicts, the term, prevention of conflicts is used in this study.

Therefore, that which must be prevented are destructive and violent conflicts, which can be avoided if the right decisions are made.

The old proverb “Better to prevent than to cure” applies to international relations as well. Even if we set aside the humanitarian and moral aspect of the loss of human lives, the destruction and costs of wars are higher in proportion to the prevention of conflicts (Brown & Rosecrance, 1999).

The definitions for conflict prevention have undergone transformations in two main issues: a) the preventive phase when violence is the matter, and b) preventive methods which

are used depending on the potential of a conflict. “The prevention of a conflict applies to peaceful situations where physical violence is possible, based on typical indicators of the rise of hostilities” (Lund, 2008). Public controversies that are so hostile that social groups cease to talk are harmful to society, but they are much more harmless than when states or groups try to kill each other with deadly weapons.

In this case we would divide prevention into two categories, conflict management and resolution. Management would be expressed in cases where the conflict is already present, while the resolution would be the one that should be avoided before the conflict is evident (Kronenberger, Vincent and Wouters & Jan 2004).

However, conflict prevention should be understood as the concept of prevention between and within the respective states (Covenant of the League of Nations, 1924).

If we approach the historical perspective, we will understand that the term prevention is first used in the Charter of Nations by Secretary General Dag Hammarskjöld in 1960.

Lund argues that Hammarskjöld by the notion prevention meant the escalation of world-scale wars (Lund, 2008). Meanwhile, the Secretary General of the UN, Boutros-Ghali, expanded this notion by adding all forms of destructive violence. Boutros-Ghali's Agenda for Peace (1992) makes a relevant contribution to the concept of preventive diplomacy, that is, seeking resolutions before the conflict erupts, and he raises this through using tools such as: confidence building, gathering facts, early warning, preventive distribution and demilitarized zones (Boutros-Ghali, 1992).

It must be said that the next Secretary General of the UN, Kofi Annan, has contributed to the putting forward of the preventive idea by created UN agencies such as the World Bank, World Environment Service, regional organizations: Organization for Security and Cooperation in Europe, European Union (EU)), interregional agencies: The Southern African Development Community, the Economic Community of several countries from West Africa.

Even the European Union has given its contribution to its potential in the establishment of the European Coal and Steel Community in 1951, and then the establishment of the European Economic Union in 1957, and in 1992 the establishment of the EU, which developed the idea that organizations can help prevent conflicts inside and outside of a territory.

It is also mentioned *The European Security Strategy (2003)*, which calls for an integrated approach to conflict prevention and crisis management, as well as other risks that affect security (European Council, 2013).

The European Neighborhood Policy, a framework aimed at preventing conflicts in neighboring EU countries, together with various policy instruments and activities for conflict prevention (European Commission, 2009). EC envisages that this will be achieved through investments and support for stable connections between Western Balkan countries on the one hand, and the region with the EU on the other.

Preventive thinking in conflict prevention received special attention in the diplomatic world, from diplomatic academics, lecturers and global researchers in a common political reflection about the preventive capacity of crises and mechanisms of management. All national government agencies, multilateral organizations and civil society organizations, led by the Organization for Security and Co-operation in Europe which formed the Center for Conflict Prevention, created the idea of “prevention”, although these global corporations themselves were questioned about their very nature, of that of NATO and the UN, which experienced insufficient existing instruments in their management, and here it occurs to us to recall the scene of the dragging of the American soldier in the war of Bosnia and Herzegovina or the case of Rwanda on the brink of genocide.

The UN Charter itself, in its preamble, contribute to security, peace and international developments.

1.3. Analyzing the concept of conflict in the international aspect

International point of view in resolving disputes.

For a conflict to be resolved, first and foremost let us refer to the perception and interpretation with a conscious awareness.

Therefore, a considerable number of authors divide this type of disagreement into political and legal. Political are those agreements that are resolved through the diplomatic route and legal agreements are resolved through international judicial processes (Kadriu, 2015).

At the same time, in the context of these, as we said earlier, a number of international organizations have been formed which would offer us their forms and tools in resolving disputes as a third party (United Nations, League of Nations).

Thus, resolving of diplomatic disputes, the international community uses its tools and mechanisms and that as it follows:

- direct talks.
- good services.
- mediation.
- survey commissions.
- reconciliation.
- arbitration (Thirlway, 1992).

Direct negotiations, in direct negotiations both parties involved in the conflict are involved in sharing their thoughts and arguments, here the parties in talks have a relaxed climate of negotiations and are not subjected to pressure. These talks can take place between two parties, but they can also be multilateral with conferences and international gatherings. This category of discussions can last until reaching a compromise between the parties. Not every time these kinds of negotiations are disclosed successfully, its disadvantage is that in

this case the third party does not get involved, in which case it becomes more difficult to give new proposals.

Good services, this form of negotiations comes into consideration by the will of a third party, organization or state and the purpose of these negotiations is to establish direct contact between the parties in conflict and convey the proposals from one party to the other that they will submit.

Here, the mediating party does not offer its own views and opinions. (Soviet Union has provided good services in the conflict between India and Pakistan in 1965. Thus, a direct meeting between the Prime Minister of India and the President of Pakistan took place, in which case the war between these two countries was stopped).

Good services end successfully or fail when the negotiations are ended. (United Nations Security Council, 1993).

Mediation is a process of goodwill for resolving conflicts through dialogue (out of court). The parties in conflict have the opportunity to call a neutral third party - the mediator, with whose help an effort will be made to work on solving a problem or conflict. The goal of mediation is to find a solution that would be acceptable to the parties. That solution is found by the participants themselves with the help of the mediator (Pel, 2008).

The Hague Convention for the Pacific Settlement of International Disputes (1907) defines mediation as a procedure aimed at reconciling disputed claims and reducing the tension between the conflicting parties. In general, mediators are appointed entities or personalities with influence and authority by both disputing parties, since the success of negotiations depends on their authority. An example of mediation would be states like the USA, Russia, Great Britain, that had the role of a mediator in the conflict between Yugoslavia, Bosnia and Herzegovina and Croatia, in which case the Dayton Agreement was concluded in 1995.

Mediation as a concept is not mandatory until the parties accept its role, if the parties disagree, the mediating party can withdraw. Mediation becomes mandatory if it is related to a certain international agreement, for example, that the parties will resolve disputes between themselves in that way.

Commission of inquiry, Commission of inquiry is also foreseen by the Hague Convention. The possibility is not excluded that the parties to the conflict will present the state and the situation in diametrically different ways. With this, there is a need to ascertain the true factual situation and in this case the commission of inquiry comes to the expression to confirm the situation through the parties, witnesses or by appointing an expert who would present the truth of the existing circumstances. This commission has the task of drafting a report that would be presented to the parties (Brownlie, 1990). (South Africa, Palestine, Israel). Another such example is worth mentioning is where the United Nations has sent research teams based on indications that human rights have been violated, between the respective state and the UN. Even with the commission of inquiry, the report is not binding unless the parties have agreed a- priori with a binding agreement.

Reconciliation, of the international agreements which envisage reconciliation as a form and way to resolve disputes, we can mention - the International Convention on the Elimination of All Forms of Racial Discrimination (1965); International Covenant on Civil and Political Rights (1966); Vienna Convention on the Law of Treaties (1969); Vienna Convention on the Protection of the Ozone Layer (1985), etc. This type of commission, through numerous surveys, has available the appropriate information to draft proposals for the parties to the conflict. And these proposals are not binding unless the parties agree otherwise, and only then if no agreement is reached, the parties have the right to refer to the International Court and arbitration (Gruda, 2009).

Arbitration, The Hague Convention (1907) had a powerful influence on the role and functionality of arbitration. As an old institution, this form of court has mostly resolved legal disputes between states regarding the interpretation and application of international agreements. Such is the case between the USA and Great Britain in the Treaty of Friendship, Commerce and Navigation (Treaty, 1794). With the subsequent changes that the institution of arbitrator underwent, it consisted of 3 or 5 judges. One judge is chosen by the parties in conflict, the third from a group of other states that the parties agree on. Competences are simultaneously determined by the parties. These agreements related to - the formation of arbitration, the application of the law, as well as the definition of arbitration powers are called - compromises (Billali & Kuçi, 2012). Arbitration rulings are binding and must be fulfilled by the parties of their free will, not being able to exercise the legal means of appeal in cases where one party would express dissatisfaction. Extraordinary means are an exception, and they are under the competence of the International Court, which would allow them to assess if there have been procedural violations, excess of powers, deviation, corruption, etc. (Covenant of the League of Nations, 1992).

The Convention for the pacific settlement of international disputes contains rules for the organization and functioning of arbitration - and The General Act of 1928 for the Pacific Settlement of International Disputes (1928). In 1957, we ratified the ratification of the European Convention for the Peaceful Settlement of Disputes. With the aim of bringing progress in the resolution of disagreements through the Permanent Court of Arbitration with headquarters in The Hague in 1966, rules were adopted to include international organizations and states.

International Court of Justice, the jurisdiction of the court is optional (peaceful) or mandatory (violent). In principle, the jurisdiction of the court is optional.

In principle, in the above rules, the court's jurisdiction is mandatory in all cases specifically provided for by treaties and international conventions that are in force, this applies to cases where the parties (states) with a bilateral or multilateral treaty are bound in advance for all disputes or only disputes of certain types, which will be submitted to the court for resolution (Gruda, 2009).

International Court of Justice has two functions:

- Makes decisions in cases of a dispute, when a state requests such a thing.
- Provides advisory opinions when requested by an organization or UN agency; as was the request of General Assembly in 2003 for the legality of Israel's West Bank barrier (BBC, 2009).

The International Court of Justice defines legal disputes as issues that differ in the interpretation of an agreement; an issue related to international law; as an issue that the international obligations have not been fulfilled; and as an issue of which compensation must be paid to the other person internationally. Meanwhile, the political disagreements are such that they contain oppositions of different interests between the states that would resolve them through the diplomatic route and are not said to be resolved according to the norms of international law. At this level of the dispute, the balancing of the interests of the states in conflict is initiated and applied (Cassese, 2001).

Conclusions

It is about time that these norms of international law were raised in the form of a better institutionalization using all the appropriate mechanisms and tools of the time. These international norms by themselves must develop with the evolutionary dynamism of society and as such undergo different adaptations to the new political, economic, and commercial circumstances in the international community.

In regard to the changes and reforms around the debate in world level in reforming the UN Charter, this still remains a necessary request but without a path by hoping that a new world order would also bring innovations in this Charter, especially in the part of the resolution of disputes to include mandatory formulations which the parties would subsequently fulfill, always keeping in mind the forms foreseen.

CHAPTER II

Conflict and Security Under International Law

2. Content of the notion on security

Defining security can be analyzed from several aspects. Scientific advances emphasize the notion of security in the following forms:

Etymological analysis of security

Security is a primary need and desire, but at the same time it also means a fundamental condition for the establishment and operation of order and peace that enables social development. The approach to defining the theoretical assumptions on which the security system will be based and built requires a complete definition of the term security.

In the field of international relations, there are several analyses regarding the meaning and application of the term security. The only concept that is relevant to any security model is the existence of a threat. Therefore, fundamental questions are posed that address the topic of a threat and nature, which together are usually the basic criteria for determining the basis of the concept of security. (Mitrevska, 2004)

In the process of defining the common features of the term security, it is evident that several notions are used for this term that do not have the same meaning and essentially make it difficult to understand.

As an example, we can mention the fact that in Latin the term security comes from the word **Securitas**, which means safety, lack of risk, safe, self-confidence, protection.

In the general sense of analysis and scientific research, this terminological expression is the basis for use in the theoretical study of security issues.

In English the meaning of security has two expressions **security and safety**, while in French the terms **securite and surete** are used.

The terms **бездность** and **безопасность** are present in the Russian language, where the first is interpreted as lack of material or poor, and the second defines safety as the absence of danger,

The word **siguri** in Albanian, **varnost** in Slovenian, **sicherheit** in German, **sakerhet** in Swedish, in the broadest political-legal sense covers the measures and activities to preserve and protect against endangering the independence and integrity of a country (state, nation) and internal constitutional and legal order. (Contemporary Administration, 1975).

From what was said above, it is clear that the differences that reflect the need for words and their content are also present in the theoretical definitions in some scientific disciplines, which can have particularly negative consequences in international relations.

Security as an organization

Security as a phenomenon, namely the interpretation of security as a phenomenon is an extremely complicated and complex issue that allows the existence of different opinions and interpretations of the term security. The term security analyzed as an organization is more significant, multidimensional and this term can mean a certain occasion, appropriate structure and organization, function or system or all together.

The definition of the term security depends on the theoretical views of the authors, especially emphasized from the angle of observation and analysis of this important issue.

In this context, it is important to emphasize the differences that arise from the position of whether the term security is related to the protective function of the state or is related to certain work activities of political strategies and ideologies. Most useful is the determination that arises from the fact that security is a basic attribute of any state and that it is firmly sharpened for its protective function.

The security system as a function of a state can be organized differently, respectively in this field there is a clear distinction between three basic functions: (Kotovčevski, 2000)

1. A security system based on military principles of defense and typical militant forms of military organization.
2. Security system essential as a classical state protection.
3. Security system as a form of coordination of the state, i.e., manifestation of the social protection mechanism.

In a general sense, the universal types of security system in modern society are known as state, public and military security. The situation of security determines the field of activity and the bearers of stability and risk of social values.

In this context, it can be said about different forms of state of security (crime situation, traffic security, political security situation, etc.). Security as a condition is the protection of any material good, values and benefits of society.

In terms of political security, security includes the general protection of the state from all kinds of hostile subversive activities, and from the bearers of external and internal sources of dangers and threats, security can be external and internal.

External security in its essence refers to the protection of independence, state sovereignty, constitutional order and territorial integrity from internal and external threats.

Internal security refers to the smooth functioning of the specific constitutional order, more specifically the functioning of the socio-economic and political system of the state, including the protection of other constitutional values, material goods and defense objects.

As a protective mechanism, security has different ways of organizational forms and specific features, normative - legal based on other legal acts of political power. In the implementation of security as a condition, the organization and function of the organization of the internal and external defense of the state and society, parallelly state and public organization of military forces, military security, respectively the general national security of the country, participate in.

Each of the above types of security represents a whole in itself (state, public and military security), but also all are placed in the framework of a complementary relationship of particular security with general security as a whole.

In addition to these types of security, there is also security in the technical aspect.

According to other definitions, security in the broadest political and legal sense includes the measures and activities of preservation and protection from all kinds of threats to the independence and territorial integrity of a state and the protection of the state and legal order.

In the first case it is about external security, and in the second case it is about internal security.

According to the object of protection, there are five types of security: (Kotovčevski, 2000)

1. state
2. public
3. collective
4. personal (civil / human)
5. property.

In the previous analysis, it was established that security is an attribute, and at the same time a function of the state. But it can still be analyzed as an organization and actual state. At the same time, it is important to emphasize its essence through which society achieves certain goals aimed primarily at protecting its survival and enabling unstoppable development in accordance with its current abilities, interests and actual state.

Security as a system

An independent security system has been established and operates in each country and society in general.

The term system comes from the Greek word systema, which means a whole consisting of parts, a specific purpose, or a group of elements. Therefore, in certain scientific fields, the term system denotes the various sums of a whole. So, when it comes to legal entities, we allude to a system of legal norms, while in security we talk about a system of connections, a management system and similar.

Therefore, the security system can be defined as a set of elements of a material, social, informational, security or other nature that are installed in continuous interaction, creating a unique whole in its structure and function.

A security system is a set of elements that make up a structural and functional set of security measures and activities, assets and entities with a large number of interactions.

Each country organizes several types of horizontally and vertically connected systems, subsystems and microsystems. In this way they function as global systems. Social system means a whole composed of a number of elements according to predetermined views for achieving the function of a social goal.

The term system includes three components:

1. the goal defined
2. a set of activities and measures with which this goal can be achieved,
3. the structure of system elements through which certain activities are carried out to achieve a predetermined goal.

Systems can fundamentally differ from each other in several features:

1. Relation with the environment:
 - Closed systems, in which system elements affect each other, but do not affect the environment.
 - Open systems that interact with their environment and the existence of input-output action in the system-environment relationship.

2. Degree of complexity:

- Simple systems composed of smaller elements,
- Complex systems that contain a greater number of elements and more complex structures and interrelationships,
- The power of complex systems consists of a number of elements that are connected by an extremely complex structure of interconnections.

3. Definition

- Defined systems with defined behavioral patterns and opportunities for predictability,
- Scholastic systems, which are characterized by the state, development and behavior of a system that cannot be accurately predicted.

4. Stability

- Stable systems that have been established in a state of equilibrium or are capable of returning continuously to a state of equilibrium if, under the influence of any external force, they are removed from the existing state of stability.
- Unstable systems that cannot be restored to a balanced state if, under the influence of any external force, they are removed from the established and established area.

5. Activity

- Static - inactive
- Dynamic - active.

6. Abstractivity

- Real-concrete that works in practice
- Abstracts

7. Occurrence

- Natural systems that are not the result of conscious human action.
- The artificial result of human action.

In the organizational aspect, and especially in the functional aspect, security as a system is an important integral part of the state or society. The direct and immediate institutional executors are state institutions and social actors.

The survival of the security system stems from the character and intentions of the state and society and largely depends on its success in maintaining the stability and security of the state.

Security is a primary need and desire, but at the same time it is a fundamental requirement of order and tranquility that enables social development and the uninterrupted execution of state functions.

The system of security is a complex apparatus consisting of legal, economic, political components, institutions and security components, which has the basic purpose of taking security measures for acquaintance, timely detection and prevention of risks and threats to the destruction and damage of the object of protection.

Security policy

The content of security policy includes the definition of certain terms that are part of legal and political terminology, but there are also certain terms characteristic of security terminology and other social sciences.

In legal-political theory there are different interpretations of the essence of the state and its features.

A state is any “unit“ organized by the existing population in a limited territory and in function of an organized political system with sovereign control.

“A state is a permanently inhabited fixed territory covered by common rules and customs bound together in a body in which they are realized politically, through organized government, independent sovereignty, and control over all men and affairs within its borders, capable of war and peace and entering into international relations with other communities in the world” (Black, 1991).

A state, through the establishment of the national security system and the political system (in which the goals of the government are determined), is the main creator and bearer of activities in the implementation of security policy.

The security policy affirms the role of the state and its apparatus in identifying and dealing with the sources of security threats, in absorbing ethnic tensions and in ensuring the control of potential sparks of conflict by democratic means.

Security is the freedom to choose the values that will be protected in society. Security can be measured as “the absence of a threat to acquired values” (Wolfers 1952). Therefore, security is seen as the protection of generally accepted values in society defined by positive law or moral norms.

In this context, the definition of security helps establish social values as the main subject of protection within security policy.

Observed from a historical point of view, the meaning of security has changed depending on the scale of social circumstances and their development.

The approach to security, which dates back to the end of the Cold War, is called by some scholars a “basic competitive concept”, ie. a concept of such great value that no amount of argument or testimony could lead to its true meaning (Baldwin 1997).

In addition to the political approach to security, theorists over time have developed a fragmented and micro approach. Thus, today we recognize classifications of the meaning of

security, such as: local, regional and global, namely humane (human), family, social, economic, ecological, energy, financial, legal and other types of security.

Politics and security

Politics means the science and skill of governing the state, the science of the state's goals and the best means and ways to achieve those goals, the way a state, party, institution or individual, wisdom and ability to communicate with people and for facing life, common sense, resourcefulness, cunning and vigilance.

In modern theoretical environments, politics is defined as the skill (ability) to measure the relationship between the means and objectives of a certain surrounding and at a certain time, to solve a political problem or some other issues in the field of acting of state bodies , political parties, associations or citizens (Spaseski, 2005).

State policy is officially defined as a broad range of guidelines and statements adopted by the government at the national level that are in favor of national goals. (US Department of Defense, 2013).

Politics provides guidelines for state action at all levels of government and, above all, the executive, which includes the security system. In this way, state policy contributes by providing guidelines and imposing constraints intended to influence decisions and by initiating actions to implement state policy goals. A requirement for the implementation of the security policy is the existence of a politically stable state.

Several criteria determine the political stability of the country (Lazarevski, 2001):

- The order must be legitimate and accepted by the majority of citizens, but also by the main ethnic, confessional, social or other groups in the country;
- The normative-institutional framework, as defined, enables the free expression, articulation, gathering and representation of citizens' interests and

the institutional resolution (overcoming) of conflicts of an ethnic, social or other nature;

- The order should adapt to the dominant model of the political culture in the country and, as a result, the “rules of the game” should be respected by both citizens and political office holders;
- The political leadership in the country is constituted according to the procedure defined by the Constitution and accepted as legitimate by the citizens of the country and by the international community;
- Political leadership must be able to mobilize human and material resources in the country and ensure a level of well-being in the country that meets the perceptions and expectations of the majority of citizens in terms of quality of life.

Criteria that regulate the constitutionality and legality of the operation of the security system, for the smooth implementation of the security policy in the conditions and political stability of the country, while adding depoliticization, the democratic control of the security sector and the introduction of a system of values in the selection and movement in the service of personnel employed in the security system.

Macedonian security and the state

The link between maintaining security and functioning of the state is the security system.

The security system is a reflection of the state's characteristics and serves to fulfill political goals, but it should try to be:

- functional,
- professional,
- established on a solid legal basis

- to reflect the features of the country's security in terms of history, culture, economy, state formation (as political specificity), geostrategic position, the country and the role of the state in international security and political relations.

The security system shows the degree of interrelationship between internal security and planning processes for the promotion of the Macedonian reality in the framework of international security. In the local strategic documents, the security system is defined as “a complex and interdependent group of measures, activities, plans and programs undertaken by the relevant Macedonian institutions with the aim of protecting, preserving and advancing national security” (Strategy for National Security, 2008).

National security

The decision-making process is particularly important for security policy, and therefore several roles of the national security system can be distinguished within it. (Bearne, Olikier, O'Brien, & Rathme 2005 : 2-4, from.cit.).

The joint assessment is the basis for the security policy and decision-making process. The National Security Council consolidates information sharing and intelligence capabilities and manages the national security priority setting process.

Redistribution of funds is a particularly important issue in dealing with threats in developing countries, whose security capabilities, namely costs for security system needs are limited due to limited economic opportunities. Developed countries have a much different approach to solving this challenge, as they are more focused on developing existing solutions and investing in new, sophisticated and expensive technologies.

In this context, it is worth emphasizing the importance of supervision as an expressed and necessary mechanism for any developed democratic society and for all developing democracies, including that of the Macedonia. Oversight functions must ensure that resources

are allocated effectively, to supervise, ensure the capacity of the bodies and administration and policy of security agencies.

Developed countries invest in accountability, political control and confidence building, while in developing and post-conflict countries control focuses on ensuring order and restoring confidence in the security system. Macedonian society is a typical example of an environment in which the development and operational functionality of the security system as a whole is constantly evolving.

Security priorities vary depending on the needs of the security system and society.

The internal aspects aim at the integration of intelligence capacities, crisis management, prevention and prevention of phenomena from jeopardizing public health. In the past period, the collective and global challenge from the Covid 19 Pandemic has fully manifested itself in our surrounding.

External aspects relate to participation in peacekeeping operations and security diplomacy.

Coordination in dealing with threats is important for interactive cooperation within the security system and varies and it means the creation of specialized bodies to deal with a certain form of threat.

The conceptualization of the security system requires the integration of several elements that will satisfy its adaptability and sustainability.

- Permanent elements (features) of the security system include (Spaseski 2005) :
- Independence in relations with other systems and institutions in the country ;
- Order according to the Constitution of the country ;
- Expertise of its executors ;
- Modern technical equipment.

Security policy arises from the needs of the security system. The security policy can be defined as part of the general policy which, on the basis of relevant facts obtained through security assessments for the degree of endangerment of values, determines the means and measures with which certain security objectives can be achieved internally and externally of the state. (Spaseski 2005: 69). Security policy at the national level determines the government's perception of threats to the security of the state and its population and its responses to these threats.

In a broader sense, security policy is defined as an activity for preparing and ensuring the sources of future danger in nature, society and between societies.

In a narrow sense, security policy can be defined as the number of general measures, activities and procedures aimed at acting as a modern system of national security. (Kotovčevski 2012: 23).

National policy

Security policy is also present in the social sphere, as a policy to fight against sociopathological phenomena that directly threaten the security of citizens and society as a whole.

The national concept defines security policy as “a complex and interdependent set of measures, activities, plans and programs undertaken by the Republic of Macedonia for the protection, preservation and promotion of security and its citizens, in accordance with available resources and cooperation active with the international community”.

“It systematically contains the political, economic, defense, internal security, social, environmental and other fields” (National Concept for Security and Defense of the Republic of Macedonia, 2003).

In the formulation of security policy, the most important thing is how security will be defined (as its basis), i.e., the form of functional dependence of security with the needs,

interests and values that prevail in the country regarding its stability, development and continuous stability.

Meaning, the security policy is a multifunctional and multidisciplinary activity of a country with which it develops instruments in many spheres of human life (internal and external politics, economy, culture and social relations) in order to achieve the stability of its citizens, strengthening the internal security situation by guaranteeing constitutional values and achieving a better position in international frameworks that enables power, dominance and the distribution of its interests outside the borders of the state.

The security policy can be explained as an integral document according to which political entities are guided in the decision-making process related to security management and in approving the actions of the executive part of the security system. The political process aimed at solving security problems includes alternative solutions and scenarios based on programs and priorities determined based on their importance in relation to the state's interests.

In order to determine the most important strategic issues related to the security policy of the Republic of Macedonia, a clear concept of the country's commitments regarding security issues must be made.

The process includes the determination of state guidelines for relations with NATO and the EU (as a single perspective for solving security issues), membership and cooperation with international political and economic alliances, as well as national positions for dealing with security threats in national and international level.

2.1. Changes in the security policy

The phenomenology of security policy in the modern world is gaining momentum and is constantly changing as a product of new era and the need for a new restructuring of international law and has to do with security and defense.

Radical changes are taking place in the world, and together with the changes the international law must be changed, and sovereign states still prevail, while power remains a decisive element in the dominance of the international order.

In this sense, “international organizations still have to work within their mandates and are actually under the control and management of powerful states and their interests”.

However, there is room for structural changes in the content and procedures of international law in the future, which should become international security law and the object of primary and global protection of the United Nations - peacekeeper and defender of global order and its operation.

The changing nature of threats to international security

In the global world, the alarm about the deviant state of security in certain regions of the world, regional and local conflicts, external influences of great powers and fear and unrest from unpredictable events is analyzed.

In this context, the situation with poverty, deadly infectious diseases, including the biggest and most widespread pandemic so far - Covid19, environmental degradation with expectations of catastrophic consequences is clearly highlighted. “All these threats can cause death or greatly reduce the chances of survival and undermine states as the basic unit of the international system.” Radical changes are taking place in the world, and international law must change with them.

International systems of states and global security models

The concept of international systems of states is “crucial as a mechanism of global politics and models of global security. However, in order to understand the international systems of states, the notion of the system itself must first be clarified and defined”. In this context, it can be said that “a system is a group of units, objects or parts united by some form of regular interaction” (Mingst, 2014).

Each system tends to regulate relations and tries to have two or more systems separated by regulated boundaries, but different systems often work across boundaries, for example in the fields of economy, knowledge or technology exchange

In practice, “any truly provoked attack of aggression can easily be described as unprovoked as it happened, for example, in the case of Pearl Harbor in 1941, as we know today that the US regime did everything to provoke unprovoked Japanese actions on December 7 (Griffiths et al., 2008)”. However, even though the concept of SC has become a tool to quantify state aggression, it has left a very open question of how best to promote individual or group (minority) security.

The idea of human security argues that the most important focus of security should be placed on the individual, not the state, but the state should protect all its citizens as a protective umbrella against external threats. This approach takes an individual-centric view of security that is fundamental to national, regional and ultimately global security.

In its essence, the protection of human rights (individual and group) provides the main framework for the realization of the concept of human security which stands for “protection from threats to the life and well-being of individuals in areas of basic needs, including freedom and violence from terrorists, criminals or the police, access to food and water, a clean-living environment, energy security and freedom from poverty and economic exploitation”. (Mansbach & Kirsten, 2015)

Recommendations

The transition “from a context that predisposes international humanitarianism to the selective application of principles to one where protection is consistently applied requires ongoing efforts to enact laws and an entrepreneurial arm. This, on the other side, involves persuading target audiences and influencing international discourse. Part of this conceptual basis has been achieved, but ongoing ambiguities and incoherence within the development of

a defense regime complicate the application of the principles associated with it“ (Crossley, 2020, 480).

Resolving these ambiguities is the first step towards principled and sustainable responses to humanitarian crises. Less selectivity and more consistency, in turn, can help lay the foundations for a more accountable international community. (Ban Ki-moon, 2018)

2.1.1. National and state security

Even though the terms national and state security in the initial period of their appearance did not have a clear enough content, but over time they are defined and specified.

In the national security focus, it has begun to be perceived and analyzed the whole of political, military and economic efforts undertaken by governments to achieve the internal and external security of their countries.

National security as a priority must guarantee freedom, independence and integrity of the state, sovereignty and territorial integrity, human freedoms and rights of citizens, sub-national and national groups, political and social stability and prosperity of society and the state, stable and dynamic economic development and the normal functioning of the rule of law, and stable public order and enduring and the personal safety of citizens as well as a healthy living environment.

Important characteristics

- The creation of a social state changed the role of the state, which in this aspect took the survival of the state as a political community, the national survival (which is not identical to the survival of the state), the physical survival of the population.
- Territorial integrity as a fundamental right of the state.
- Political independence as an expression of the international subjectivity of states.

- Quality of life (specifics of personal quality of life).
- Opening up the definition of national security that should enable the content of national security policy as an expression of specific circumstances (“vital interests”).

In scientific theory, national security is defined as a complex interaction of political, economic, military, ideological, legal, social and other internal and external social factors, through which several countries with different instruments seek to ensure “normal” conditions or acceptable for the survival of the population, political independence and opportunities for equal, harmonious and rapid social development.

According to the definition of Amin Hewedu, national security is the activity of national states in which they, in accordance with their social and national capabilities in the present and future, taking into account global changes and developments, protect their identity, survival and interests.

The content of national security includes:

- • the security of the national territory (including airspace and territorial waters),
- • protection of people and their property,
- • preservation and maintenance of national sovereignty and the realization of the basic functions of society (socio-economic, social-political, cultural, economic, commercial, etc.).

When it comes to state security, the word security has two meanings:

1. meaning for national security,
2. the meaning of state representation, namely as a set of activities with which the state systematically ensures security at the level of the entire society.

The classic sources of threat have been enriched mainly by new and even more dangerous threats - economic crisis, ethnic conflicts, mass migration, international terrorism, international organized crime and pollution and destruction of the global environment. If threats in modern relations take on a “universal character”, then security in the new civilization-culture relations takes on a universal content.

In modern societies there is a deeper connection and interdependence (wholesome) in the economic, political, social, environmental, military-defense and other fields. These trends are also characteristic of the report of the global society, that is of globalization as the political future of the world. (Kotovčevski, 2000) The military, political, economic, social and environmental spheres will represent the five vital areas of security of modern societies, but also of global security in the future.

National security cannot be defined unless national interests are first defined. Modern states define and present their national goals and national interests in their national strategies, which are the basis for developing their national security strategies.

The universal importance of the modern “National security is considered as a state of security of a certain nation, namely the nation, expressed within various potential insecurities against the threat from the outside world (outside of the existing national social system) is understood as a function of some part of the conditions supposed and some of the real ones. Accurate distinction between real and supposed conditions is almost impossible.”

Security that concerns the society/state as a whole is national security that includes internal and external security.

An Approach to the definition of the term security

Determining national values, interests and goals is one of the most important tasks considering the misunderstandings and conflicts that may occur between different social groups.

This means that in addition to defining the general framework and goals of the security system, there may be a subset of primary and secondary goals, temporary and permanent, internal and external, short-term and long-term. Surely, all of them are interconnected and complement each other, and in their application they have their order in the hierarchy of priorities.

Interested parties and tools are in fact implementers of the goals of the security system, while its function is realized through activities, namely the preparation of the response to all threats and risks of vital national values, both for those from within and for those who come from abroad.

This is where the differences between the two groups of security system activities emerge: (Donchev, 2007)

- • Systematic - organization, coordination, promotion and
- • Functional, through which the system works.

The activities with which the security system responds to put the forces and means on a higher alert for preventing or dealing with certain threats and risks to the security of the state are called measures. The theoretical procedures for the security system have two meanings:

1. Recognizing security issues as a set of science-based security views and
2. Explanation and systematization of security phenomena as well as their methodology and phenomenology. (Stajic, 2004)

Thus, it derives the meaning of the theory of the security system, which means scientific, methodological, systematic and organized knowledge of security phenomena, knowledge which is identified with the science of security.

There are different views on the basis of the theory of the security system, from the attempt to explain security phenomena to those based on hypothetical elements for its further

development. However, security theory is based on knowledge that explains the specific laws of causes, forms of manifestation and evolutionary development of security phenomena. This includes the theory on which security theory is based and improved.

The advancement of security theory enables the perception and monitoring of trends in the emergence and development of security phenomena, and through the security system theory, applying tools and methods for their organized rise and direction in the desired direction, as well as the elimination of sources of threats and risks to the national security.

2.1.2. International and global security

The international community is becoming more and more connected with various communications and economic ties. With the development of combat technology, which allows with combat projectiles, quickly and precisely to reach any point on the globe, or with the most modern means, to reach the most distant regions very quickly, the International Community is subject to many changes.

International Security represents the situation between the parties in International Relations and in the System of International Relations, where there is no fear and danger for their interests, in case of the existence of danger, there are potential means for their removal in a way that enables normal and safe development of all parties. (Grizold et al., 1999)

In International Security, the complexity of international relations, the level of processes for integration and globalization are expressed. (Tonovski, 2014)

International Security actually represents the collection of measures that ensure the survival of all states and is a fundamental condition for the survival and development of the International Community. Undertaking of measures to resolve issues from the field of cooperation between states means a benefit for all states, but never the benefit of one at the expense of another state.

International Security would mean that all members of the International Community, as a unit, feel safe and that in the International System there are such relationships, or such mechanisms, which enable all states to be guaranteed and in practice to provide security (Vukadinović, 1998).

According to some authors, in the modern world there are four main factors, which apparently limit strategic combat power and balance in the field of international security policy, and they are:

1. Increasing economic dependence of states
2. The trend of rapid modernization and exchange of information
3. Distribution of war technology increases the power of the weakest
4. Changing the order of priorities, which are decided at an international level.

Risks in international security can not only arise from aggression and various forms of armed violence, but also from the armament of the ecological balance, international terrorism, organized crime and economic domination.

Failure to solve global problems creates a risk for International Security.

Assessments related to security play an important role in foreign-political cooperation, as a criterion for selecting the type of external solutions. (Stefanov et al., 2001)

Intensification of the impact on International Security and inclusion is necessary, in order to achieve full cooperation between states, namely individual security, through regional security, in order to achieve the optimal security of each individual and everyone together.

Global security

The concept of Transnational Security is relatively new (in contrast to the so-called concepts related to the state) and highlights a new, very dangerous phenomenon, in terms of security in the world after the end of the Cold War.

Future actors, in which ethno-national movements are included, religious extremists, criminal organizations, terrorists and insurgents, criminal organizations, who although operate below and between the state level, still maintain their connection with states. Regarding national, international and regional security, Global Security as a concept has emerged from ideal traditions and insists on changing the obligation and war in the International System through cooperation, talks and calm changes.

This i.e., that Global Security as a concept inevitably requires the deepening and expansion of security contents, outside of political and war topics, namely this new concept of security, including human rights, environmental protection, economic prosperity and social development.

According to the most represented authors in the field studies of new concepts of security, based on the study of security in international relations, according to the subject, respectively the level of analysis, security can be divided into:

- • Individual Security,
- • National Security and
- • International (Regional) Security.

In further analysis and studies, this level of analysis is completed and defined by the state of:

- The international system (a large conglomerate of interacting and connected units, above which there is not another system (does not exist), this level currently includes the entire planet,
- International subsystem (group of units, included in the international system, which are territorially coherent with separate regions),
- Units (it is thought of the participants, consisting of different subgroups, organizations and communities of states, nations, multinational alliances,)

- Sub-units (organized groups of individuals within the framework of units, which are able to influence the behavior of units - different groups for lobbying, bureaucracy) and
- Human- individual
- Buzan also emphasizes that for security analysis, the contents (topics and sectors) are also important, which are divided into:
 - Combat (the action of the offensive and defensive combat capabilities of the states, the perception of the states, about the goals of other states),
 - Political (organizational stability of states, governance system and ideologies, which give them legitimacy),
 - Economic (necessary approach to access to resources, finance and markets for maintaining an acceptable level of welfare and state power),
 - Social (the ability of societies to reproduce traditional forms of language, culture, community, religion, national identity and their customs) and
 - Ecological Security - the security of the environment (first of all, it refers to the maintenance of the local and planetary biosphere, as the essential support of the system, on which all other human activities depend). (Buzan, 1998)

As a product of all modern global processes, demands are inevitably placed for a complete expansion of the field of study (surrounding), which at this moment means the planet as a whole, which means that there is global security and/or the uncertain interaction.

2.1.2.1. Suitable mechanisms of the security and protection elements

The term Security has many meanings and in theory, the doctrine and policy are used with it, to indicate the various elements and relationships.

Based on the definition, presented in the UN study (year 1985), the full state of integral security is applicable when the state believes that there is no risk of military attack, of interference in internal affairs with subversive influences, with the aim of destabilization from aside, from political obligations and economic obligations.

That is, these impacts can be of a military, political and economic nature and can be realized with military, political and economic methods, tools and forms of action.

Such a state of security, which excludes any external and internal destabilizing influences, ensures free, autonomous and unhindered social development, is realized with the comprehensive commitment of all combatants, non-combatant, defensive and security forces and means, depending on the strategy for national security (National Defense Strategy) of any member state of the International Community. The inclusion and commitment of general defense and security potentials, as a result of the obstacle and elimination of all non-combatant and combatant activities, including combat aggression in all its modalities, modern aspects of security can be marked as Integral Security.

Integral Security refers to the state, activity and system, which enables the complete protection of the state from all types and forms of combat and non-combat threats and the complete creation of security support of all levels and all contents of life and actions of humans and society.

The application of security at all levels (from the smallest to the largest) and in all contents of human life and action and all subjects of society and the state, we mark it with the phrase Integral Security.

Integral security is the condition of a state and society, in which there are no dangers and threats to their peaceful and independent development from all types and forms of threats of all levels.

Integral Security represents the general action of organized forces, respectively directed towards the rapid prevention and suppression of all forms of destructive and harmful influences on society of all internal and external hostile forces and the restoration, i.e., the elimination of destabilizing influences that have already been realized.

Integral Security represents a certain system, an organization made up of separate elements (parts) whose primary purpose is the effective protection of all vital social values.

Integral Security depends on the source of the threat and destabilization of the country and in these frameworks, it does not constitute the so-called Internal and External Security, for this it should be emphasized the high degree of connectivity, dependence and internal and external security.

Security as a whole is conditioned by a large number of relevant factors, and in the main sense it represents the result of joint activity interrelated and opposed by three most important factors:

- The state of the wide narrow international environment, which can also be called the (regional) security environment, the international (regional) security environment or international (regional) security.
- The general international political, economic, geopolitical and military situation of the country in the current given constellation, modern, international, which favorably or unfavorably affects its external risk.
- The internal stability and cohesion of the leading political forces and the state of organization, equipment, capability and preparation of all potentials of the country for efficient protection of vital social values from all possible sources and forms of threat and destructiveness at all levels of society. (Kotovcevski, 2000)

Integral Security must represent a valid answer for the protection of modern states from new aggressive strategies and doctrines towards the state that is a prey of the attack, “dismantle“ it integrally at all levels at any time.

Appropriate security mechanisms and protective instruments in conflict resolution

The common elements, which are the main pillars of the National Security System in modern societies, represent:

- Security Policy
- Security Structure
- Self-organization of Civil Society for Security

Security Policy: In the broadest meaning of the term, it is defined as an activity for the preparation and provision of sources of future threats in nature, society and between societies. In the narrowest sense, security policy can be expressed as a collection of general measures, activities and procedures, intended for action as a modern system of national security. In this sense, the purpose of the Security Policy is the creation of the concept for the mechanisms and tools, with which the internal and external security of the society is ensured, and represents the operationalization, i.e. the determination of the political, organizational, technical and other principles of the security policy. security in a broader sense.

The Security Structure: first of all, it is intended to ensure security at the general level of society and is specific, i.e. it differs for each country. In most countries in the world, the two basic elements of the national security system (defense and internal security) are often together, that is, they exist in parallel.

Self-organization of civil society for security: In all nation states, the main functions of the defense element are:

- Preventing a potential aggressor,
- Protection of its territory,

- Protecting the population and material goods and removing the consequences of aggression,
- Resistance without weapons.

The functioning of the political subsystem and other subsystems in a state of war (continuous security assurance of the political subsystem and other subsystems).

Due to the complete application of these important functions, the protective element of the security structure for national security contains two main elements, the armed forces and the civil defense.

- Internal security functions are as follows:
- Maintaining law and order
- Informative activity
- Protection of the general social infrastructure. The structural elements for the implementation of these elements are: Police, other supervisory bodies and the Judiciary.
- The content of the security policy and the system for national security of the modern state, the essential influence is completed by the ranks of important factors, which emerge from the internal environment of the state, the direct environment of the state, namely the current unfavorable security conditions in the international community , in a wider global plan.

From another aspect, the security capability in a modern state is determined by the degree of efficiency of the political-economic organization in the modern state, by the unfavorable demographic and geographical factors, by the geostrategic, geopolitical and political-military position, the rights and obligations of to the state arising from international agreements, obligations from membership in international and regional organizations.

Also very important factors of ensuring the security capability of the state, are public opinion, the military-industrial complex and its essential impact on national political security, etc.

Based on all the relevant knowledge, presented above, especially from the terminological definition of national security and national defense, it can be concluded:

- The relationship between modern national security and national defense is the same as the relationship between general (national security) and special (national defense).

-Raporti mes sigurisë moderne kombëtare dhe mbrojtjes kombëtare është i njëjtë me raportin mes (sigurisë kombëtare) të përgjithshme dhe (mbrojtjes kombëtare) të veçantë.

It can be concluded that the security activity at the current level of social development can only be compared in a planned and organizational way through a system, which is called the Security System. A synonym for the security system at the state level is the National Security System, which still in a large part of the states is primarily intended for the implementation of military security.

The logic of the existence and activity of the national defense system is compared to the defense activity in modern states, above all in case of external military aggression.

The National Security System in the framework of modern states, carries out its security activities through the joint activity of society as a whole, the state and all state bodies for security - to guarantee the security of society, the state and the individual. (Dojčinovski & Levkovski, 2011)

2.1.2.1.1. *Macedonia in the security context of Western Balkans*

The complexity of intergroup conflicts and from where it can start with the management of ethnic conflicts, we must take into account the unclear complexity of the nature of intergroup conflicts because “Intergroup conflicts are more complex than any form of social interdependence”.

Meaning that, we must consider the analysis at three levels:

1. Individuals,
2. Groups (or teams) and
3. Collective shares.

The interdependence of these actions and the way of expressing their influence on each other is a confusing network. The difficulty of the general inclusive model depends on both, the analysis that must be done between and within the framework of groups (teams) and more, the attempt to find their interdependence and the report of the collective as a whole.

Given such complexity, the analysis of this article will be limited more to the problem of cooperation between ethnic groups and less to cooperation within the framework of groups. Besides the question of theoretical complexity, other more practical arguments have been examined to justify why this article will deal with the collective problem of many groups.

First of all, the vertical research of the dilemma of intergroup cooperation can be justified with the “real” oversight where it was clear (at least in the Balkans), that the cooperation of (ethnic) groups seems to work well. (Lichbach, 1996)

The social situation in the 90s in the Western Balkans showed a pronounced vertical cooperation. More problematic, and in some cases even more problematic, is horizontal cooperation between ethnic groups. This inter-ethnic cooperation is still a potential threat to the stability of the entire region.

Furthermore, even from the ethnic point of view, vertical cooperation will result in situations where mutual mobilization (or even unilateral) will be clearly dangerous for the general collective situation, which leads to violent conflicts.

When “both ethnic groups, or only one, can effectively mobilize their members, the final result of the competition will be harmful (violent conflicts, as shown with the ethnic wars in the Balkans) for both sides” (Jano, 2009, 15).

Unlike intergroup dilemmas, where the contribution is consistent with a collective well-being, in intergroup conflicts the contribution is good for the group but bad for the wider society.

The main difficulty of each solution to the cooperator's dilemma is that each implies the existence of at least one other solution. For this reason, all solutions to the cooperators dilemma are, in other words, fundamentally incomplete. (Lichbach, 1995)

The approach which is applied to find the problem with collective actions of cooperation between ethnic groups in the Balkans, is highlighted in more than one model.

Seeing that the difference between the Macedonian case and the one in Bosnia and Kosovo, rather from finding the situation, contains normative conclusions for the evaluation, which solutions are better for the management of inter-ethnic conflicts.

In this dispute, it is extremely important to mention the strategies argued by the third party, as well as the type of incentives (punishment/reward), although they are not explicit, they play a role in the formation of the type of offer “for public good“.

The issue of step-level or continuous public goods remains essential for the (real) resolution of inter-ethnic group conflicts, which also has political implications.

Framework of the game as a zero-sum take-it-or-leave-it mindset may affect group contribution, but not intergroup cooperation, which is needed for peace. By facilitating cooperation between groups through rewards rather than punishments, we show peace as a continuous public good and have a greater chance of success because all individuals (no matter what group they belong to) are tempted to be selfish on their side. (Ano, 2009).

2.1.2.1.2. *Modalities and systems in the international security*

The concept of the System. The concept of international state systems “has a primary meaning as an explanatory mechanism of global politics and global security patterns. However, in order to understand the international systems of states, the term system itself must first be explained and defined” (*Karen, 2004*).

In this context, it can be said that the system is a collection of units, objects or parts united with some form of regular interaction. Each system is necessarily built by different members at the micro and macro levels, who interact with each other, from a horizontal and vertical perspective.

The units-members of the system are of different size, capacity, potential, wealth, power and therefore with different positions in relation to the procedure for decision-making and especially for power. Due to the reason that the units-members of the system constantly communicate with each other either from a horizontal or vertical perspective, it is completely natural that in the event of a change in one unit, reactions to this change are also expected in other units.

The most prominent examples are the arms race, the demand for balance of power, the formation of political-military blocs with other units or, in the most drastic cases, aggression towards a member unit. Each system with its member units tends to regulate the relations between them and tends to respond with different means, in case these relations change on account of the hegemonic units of the system.

At the same time there may be two or more systems, which are separated from each other by the regulation of borders, but different systems often cooperate across borders, e.g. in the field of economy, exchange of knowledge and technology, as was the case during the Cold War (1949-1989).

Eventually, a system may break down for some reason, meaning that the necessary changes in the system to save it have not been achieved (eg, the case of the Warsaw Pact in 1990-1991). Consequently, a new system may be introduced instead of the old system or the member units from the old system may simply be absorbed by another system, as happened with most of the countries of Central and South-Eastern Europe after the Cold War.

International Systems of States. It is very difficult to set the exact date, when the global system of international relations, and therefore global security models began to function for the same reason, where the process of globalization took place over many centuries (Baylis et al., 2017). International systems of interstate relations and global security were explored after World War II as academic subjects within the framework of world systems theory (WST), which recognizes that states have historically played a fundamental role in international affairs, and will continue to do so in the future, as well as the systems of state (nation) relations must be understood and placed in the context of the global unit, and not in conflicts based on the realization of different national interests (Sotirović, 2020).

Thus according to CWE, the whole world is divided into three working and economic zones: basic states (mature and developed Western economies); peripheral states (mostly former colonies from Africa, with still underdeveloped economies); and semi-peripheral states (mainly former socialist states in Eastern Europe and oil-rich states from the Middle East with developing economies and infrastructure).

The meaning of WST/CWE is that globalization should work to the total benefit of the central states which completely use the peripheral and semi-peripheral states as a buffer zone between the basic and peripheral segments of the world economy, which are partially exploited by the basic states (with financial and economic means)

In short, WST/CWE attempts to legitimize the existence and functioning of Western global capitalism and its exploitation in the rest of the world, through the proclamation of the ideology of globalization (So, 1990).

However, the liberal ideology of globalization in reality represents the global process of pervasive American “westernization“ from all starting points, such as cultural, economic or political ones to issues of values, tradition and customs (Jefrey & Cop,. 2013).

Historically, there has been three fundamental types of systems or international relations between states, as main actors in global politics today (Viotti u Kauppi, 2009)

1. Independent;
2. Hegemony
3. Imperial Independent State System (ISS) consisting of states as actors and political entities, where each of them claims to be independent, which means autonomous and sovereign.

The ISS envisages that the state, territory and citizens are under complete control and leadership by the central state power and that state borders are untouchable from outside.

“In other words, any external actor has no right to interfere in the internal affairs of the state, which can only be led by a “legitimate” government which is internationally accepted as such. States should be treated and understood equally in relation to their demands for independence, autonomy and sovereignty, regardless of the practical fact that not all have the same power, ability and power” (Weber, 1994).

The Hegemonic State System (HSS) is based on the idea of hegemon and hegemony imposed by the hegemon on the MP, meaning that one or more states (or other political actors) dominate the MC system and/or regional or global politics.

There are three possible types of HSS in global politics:

1. Unipolar or (autonomous) hegemony, when one state is dominant, as was the case with the USA, immediately after the Second World War.
2. Bipolar or bilateral hegemony, when there are two dominant states in global politics, as was the case during the Cold War (USA and USSR).
3. Multipolar or collective hegemony, when a few, and almost many states dominate International Relations, as at the time of the Congress of Vienna in 1815 (Russia, Austria, Great Britain, France and Prussia).

The idea of human security states that the most important focus of security should be placed on the individual and not on the state, so the state should protect its citizens as a protective umbrella from external threats.

This approach has an individual-centric view of security, which is the basis for national, regional and ultimately global security.

Basically, the protection of the rights of human groups (individuals) provides the main framework for realizing the concept of human security, which claims “protection from threats to the life and well-being of individuals in the areas of basic needs, including freedom from terrorist violence, criminal or police, access to food and water, clean living environment, energy security and freedom from poverty and economic exploitation” (Mansbach and Taylor, 2012a).

The best example for the CS system today is NATO (North Atlantic Alliance), which is not a global security bloc, but only a political-military alliance, which primarily serves the national interests of the USA (Global Imperialism) around the world.

However, the practical implementation of the concept fluctuates between two models:

1. Traditional and more realistic model for the Balance of Power.
2. The New Utopian Post-Cold War Model of World Government.

The system of international security, according to which all states agree to take joint action against states that attack them (Manschbach and Taylor, 2012b).

Conclusion

The Academic Field Research of security studies has an extreme complexity, starting from the point of view that these studies should have a narrow military focus, because the basic security threat to the territorial integrity of states comes during times of conflicts, to the position that individuals are the last research and object of study, but not the states themselves.

Emancipation means, at least for Western civilization, the achievement of independence, the ability to act independently. However, to be emancipated does not automatically mean that the individual is free from all obligations towards others, including towards the state (military service, taxation). This only means that the individual is free from these obligations, which are considered oppressive or inhumane (slavery, servitude). The fundamental purpose of the analysis is to illustrate the meaning of security studies as an academic research discipline. (International Systems of States and Global Security Models, 2017)

2.1.2.2. Model of cooperation - Regional cooperation

Security is an elastic and diverse concept, which can be understood in different forms and modalities, depending on its objectives, the perception of threats, protective values and the means through which these values can be protected (Baldwin, 1997).

In changing the perception of security threats, which had already been presented in the 1980s (Mathews, 1989 & 1983) and the way these threats are resolved, has led to comprehensive scientific studies on the concept of security. “While the multidimensionality of security is now more widely accepted in the security discourse, its impact vis-à-vis the challenges of international law must be thoroughly tested afresh” (Buzan & Hansen, 2009).

International Security Law, in its current stage of development, was initially found in the collective security system of the United Nations (UN). This is based on the norm for the non-use of non-military power under Article 2 (4) of the UN Charter and the institution of the UN Security Council and is given a primary responsibility for maintaining international peace and security under Article 24 of the Charter (Koskenniemi, 1996).

In this aspect, collective security is a product of law, based on the delegation of power from sovereign states to collective entities, the preservation of normative bases for the means of regulating the behavior of sovereign states and the conflict between them (Orakhenshivili, 2011).

Collective security is ensured by the institutionalized procedures for the legalization of the collective agreement, designed at least in principle for the traditional relationship, for military-oriented threats to international peace and security.

Anyhow, challenges to collective security, focused on the sovereign, appeared, especially at the end of the Cold War, as a result of the difference in security threats faced, the increase of transnational security concerns, in a greater role because non-state actors play and unsatisfactory efficiency examines the aforementioned challenges posed to collective security in the UN system, with a focus on the impact of the extended concept of security in International Law in relation to four different objects of security: National Security, International Security, Human Security and Regime Security. In the end Part I describes three different dimensions, through which the concept of security is expanded, while maintaining the conceptual basis, for the analysis of their impacts, vis-à-vis International Law.

Part II examines the implications of expanded concepts of security in relation to the four aforementioned security objects, exploring the opportunities and challenges presented to International Law.

Part III examines the limits of collective security to the effective response of the expanded concept within the framework of the current operating framework in international law.

Part IV again examines the alternative security approaches and modalities introduced in the past, assessing their potential for complementing collective security, while managing various security facilities and threats. (Cuellar, 2004).

Modern security is expressed in different forms of modalities, as an expression of regional cooperation between different institutions and organizations from the security segment (Europol, Interpol).

Joint coordinated cooperation provides quality opportunities for prevention, suppression and follow-up of negative threats to national, regional and global security (Nasu, 2011)

CHAPTER III

Conflict of 2001 in the Republic of North Macedonia

3. Macedonian Society and the social, economic, political and ethnical viewpoints in The Republic of North Macedonia since the independence until today

Overview of Society in the Republic of North Macedonia through Constitutionality

Each social order has its own peculiarities and characteristics according to time and circumstances. The state and functionality of Macedonia is the object of scientific analysis expressed since it gained independence. Unlike other federal republics whose attempts to secede from the Socialist Federal Republic of Yugoslavia ignited processes of nationalist violence and ethnic cleansing in the early 1990s, the Republic of Macedonia was established peacefully as a sovereign and independent on September 8, 1991, based on a citizens' referendum.

Since then, the Macedonian society has faced constant social, economic, political and ethnic challenges at home and abroad. (Independence Britannica, 2022).

The basic legal instrument for the creation and functioning of the new state was the new Constitution, which is subject to international recognition and internal and political challenges. Since its approval, the Constitution has undergone a number of changes, approved for various reasons and needs of the time, according to which the legal system as a whole has been adapted and established.

From the constitutional and legal point of view, the Constitution of Macedonia is a democratic and modern legal document of the highest rank with clear and precise provisions. In the Preamble of the Republic of North Macedonia's Constitution it is stated: "To ensure social justice, economic prosperity and progress". According to Article 1, the Republic of North Macedonia is a "welfare state". (Friederih Eber Stiftung, 2018). The constitutional framework is a response to the needs and expectations of the citizens and Macedonian society

as a whole in the process of European integration and expansion in order to achieve the values of civilization and European standards. (Konrad Adenauer Stiftung, 2011).

The Constitution of Macedonia in the past period was faced with the new challenge and the influence of the national legislation of the European Union, which are in a continuous process of change and fulfillment.

The purpose of the constitutional changes was to strengthen the processes of internal integration of all ethnic communities without assimilation and to create the basis for long-term inter-ethnic stability and to maintain legal importance while respecting democracy and the benefits of civilization.

Social characteristics of Macedonia since 1991

The class structure of Macedonian society has undergone extreme changes.

“The neoliberal reforms of the 1990s changed the ownership of the vast majority of public (state) enterprises, through the process of transforming state capital into private capital - the so-called transition, the transfer and creation of new economic subjects in the market took place, privately owned companies” (<https://china-cee.eu/2021/03/18/north-macedonia-social-briefing-the-class-structure-of-macedonian-society-after-1991-economic-and-socio-political-implications/>) . The new system resulted in massive layoffs and the rapid creation of an elite, wealthy capitalist class that amassed much of the former socialist state's wealth and resources, including political power.

The decline in the functioning of the welfare state resulted in the erosion of previously free public services in the fields of health and education and their transformation into for-profit enterprises.

These processes resulted in the corresponding disappearance of the middle and working class and the intensification of the processes of new socio-economic dynamics,

expressed through poverty, increased unemployment and the creation of socio-economic inequalities.

Inequality is particularly pronounced with strong socio-economic consequences burdened by political implications (Gjorgjioska, 2021).

Economic characteristics of Macedonia since 1991

In the last three decades of the transition period, the Macedonian state is facing turbulence in the economy, crisis, political implications in the market, but also achievements with confidence for a time period and better prospects.

In recent years, the Macedonian economy has been exposed to frequent and hard blows, transition, monetary independence, attempts at macroeconomic stability and the establishment of a modern institutional framework.

Economic developments created a series of obstacles and threats, uncertainty about the future of global processes and the world economy after the end of major economic crises and the emergence of debt crises among several European countries (including restrictions and blockades such as the Greek embargo) and continuous turbulence in regarding Macedonia's Euro-Atlantic integration and EU and NATO membership.

There are many reasons to assert that the Macedonian economy is one of the few countries in the history of world economic practice that in such a short period has experienced so many developments (war, break up of the common market, economic crisis, political instability, and economic-political sanctions).

The 2001 conflict

En 2001, on the territory of Macedonia a military conflict took place, hundreds of lives were lost and a significant part of the Macedonian economy was destroyed, large sums of money were irretrievably spent, foreign investments were reduced, inter-ethnic tension, political instability with significant economic consequences.

However, the economy in Republic of North Macedonia showed its resilience and its latent power. In the following years, it began to record accelerated growth rates. However, despite expectations for permanent and stable rates of economic growth, the last blow to which the Macedonian economy was exposed in its fifteen-year history of transition occurred - the world economic crisis.

The effects of the global economic crisis, in general, were not expressed in intensity compared to most other European countries and can be evaluated as the biggest advantage with which Macedonia enters the post-crisis period and is headed towards a new redistribution of world markets of goods and services.

Macroeconomic stability In the period after 1995 in the Republic of Macedonia, there was a low rate of inflation, the average annual size of which is between 2 and 3 percent, with an average that was partially interrupted by the world economic crisis, due to which in 2008 it reached an inflation of 8.3 percent and in 2009 a deflation of 0.7 percent (Nenovski, 2011).

Country with low debt The low and controlled budget deficit allowed the state debt only to move within reasonable limits which placed the Republic of Macedonia in the group of countries with low debt. The public debt of the Republic of Macedonia is about 33-34 percent of its GDP, which is almost half less than the limit set by the Maastricht agreement (public debt up to 60 percent of the country's GDP).

The size of the GDP Due to numerous blows and other limiting factors, the GDP of the Republic of Macedonia in the past period was marked in different dimensions and trends.

Economic relations with foreign countries The economy of the Republic of Macedonia is more than 80 percent open to foreign countries and its foreign trade accounts for about 120 percent of the country's GDP. Statistics show different degrees of positive and negative trends regarding economic relations with foreign countries.

Unemployment The biggest economic and social problem facing the Republic of Macedonia is high unemployment. The unemployment issue is largely inherited from the time when the Republic of Macedonia was part of the former Social Federal Republic of Yugoslavia.

Possibilities and prospects for economic development

The Macedonian economy has shown that it has the power and opportunity to achieve a more dynamic, permanent and sustainable development. However, the analysis and especially the lessons learned from the current economic crisis, show the possibility of establishing a new economic model with multidimensional directions.

Improving the business climate

- The new economic model must be placed in much better conditions than the previous ones for the functioning of economic subjects, completing the initiated reforms and undertaking concrete activities to overcome the difficulties and obstacles already found for economic development, which mainly aim :
 - pursuit of a stable economic policy;
 - improving the conditions of economic entities for the access to finances ;
 - improving the payment system and financial discipline in the country by introducing the system for automatic payment of obligations ;
 - strengthening the efficiency and effectiveness of the judicial system ;
 - increasing the professionalism and efficiency of the state administration ;
 - reduction of corruption in public administration ;
 - improving the infrastructure in the country ;
 - improving the qualification of the workforce ;
 - reducing the size of the “grey” economy.

Restructuring of the economy

The process of restructuring the economy contains several essential elements that can be simplified as follows :

- Strengthening the role of small and medium enterprises ;
- Production diversification, extremely important segments, institutional support for business projects ;
- “Subsidizing the domestic production of strategic goods and services as a replacement for the same or similar products that are now imported and in order to increase their competitiveness” (Nenovski, Smilkovski, 2012) ;
- Increasing the supply and consumption of local products ;
- Encouraging the construction of alternative energy sources, local investments by engaging local capital ;
- Continuation of the activities started for the improvement of the educational process, the qualification of the workforce, the strengthening of the infrastructure in the country (construction of roads, railways, gasification, electrification, energy facilities, etc.) ;
- Encouraging production destined for export by improving the economic climate and increasing the productivity and competitiveness of enterprises.

The future of the economy of the Republic of North Macedonia should aim at further reducing the current dependence on conjunctural movements in the world markets, harmonizing the fiscal, monetary and foreign trade policy in the direction of their coordinated action, which will eliminate the possibility of destabilization of the economy and will create conditions for supporting and promoting the activity of economic subjects (Nenovski et al., 2011).

Expected results The newly created model of economic policy will result in numerous positive effects for further manifestation which aims the rise in :

- domestic investments ;
- industrial production on average of 8-10 percent per year in the next five years
- The GDP of the country in the next five years on average of 6-8 percent per year ;
- The number of newly employed persons ;
- Total exports of the country ;
- internal consumption and reduction of imports of certain goods and services.

Risks and threats

On the path of further development, the Macedonian economy will face more risks, but also serious threats that can hinder or slow down its development.

The path ahead of the trend of the Macedonian economy is mainly conditioned by the speed with which the most important foreign trade partners of the Republic of Macedonia will emerge from the crisis and develop, such as Germany, Italy, Greece, Serbia, Bulgaria, Russia,. The Macedonian economy will strongly depend on the price movement of its most important export and import products (metals, energy and agri-food products), because these resources are a powerful factor in determining its competitiveness in world markets.

Conclusions

Throughout the transition period, the Macedonian economy withstood many blows and obstacles and showed that it has the strength and opportunity for future movement on the paths of permanent and sustainable development. A good basis for this is long-term macroeconomic stability, the creation of a solid and modern institutional framework, low financial debt and a relatively good business climate in the country.

However, the world economic crisis has shown that the Macedonian economy has significant weaknesses and has emphasized the need for its remodeling to achieve permanent and sustainable growth in the future. Based on the structure of the household economy, it seems that the application of the holistic model of its remodeling will give the desired results and effects.

On that path, the economy of the Republic of Macedonia will continue to face obstacles, dangers and threats. The biggest risk is the possible expansion of the current debt crisis in much of the EU. The strongest threat is the veto that the Republic of Greece imposed on the membership of the Republic of Macedonia in the EU and NATO, if it did not change its constitutional name. These are extremely serious risks and threats with possible long-term consequences in the realization of the challenges faced by the economy of the Republic of Macedonia (Nenovski, 2011).

Macedonia's political views since 1991

In any modern organized society, political attitudes are determined primarily by the design of the political system, which is determined by the basic principles laid down in the Constitution as the highest normative act.

Very often, the mechanisms chosen and the institutional solutions placed in it are a reflection of the current political moment of the country, or its position and international relations and the ideological ideal that serves as a starting point for legal establishment, even as a solution to unexpected problems or political rigors that precede the legal institutionalization of political claims.

The Republic of North Macedonia serves as an example that can fulfill many of the aforementioned possibilities

Political parties

The political parties in the Macedonian society since gaining independence in political pluralism are closely and inextricably linked with the historical circumstances and the influence on the creation of the concept of the Constitution of Macedonia from 1991.

After the break-up of the Socialist Federal Republic of Yugoslavia, among other changes in the political map of the region, circumstances appeared for the Republic of Macedonia to become an independent state.

After the political changes demonstrated through the first multi-party democratic parliamentary elections in 1990, the Macedonian parliament adopted several key documents and made historic decisions in the process of Macedonian independence.

The political corpus research installed two main political blocs for entry into the Macedonian parliament :

The first political entity

VMRO DPMNE (Macedonian Internal Revolutionary Organization - Democratic Party for Macedonian National Unity) which supported the declaration of independence and full sovereignty of Macedonia by forming its army and establishing full territorial integrity.

The political party Movement for All-Macedonian Action - MAAK shared similar positions with VMRO-DPMNE on this issue of independence.

The second political entity

The Social Democratic Union - the successor of the Communist Party of Macedonia, with a strong tendency for joint functioning in the future legal entity after the break-up of Yugoslavia and the possibility of establishing its own statehood.

This group was composed of SKM - PDP (Union of Communists of Macedonia - Party for Democratic Transformation, League of Communists - Party for Democratic Transformation), SRS (Union of Reformist Forces, Union of Reformist Forces), SPM (Socialist Party of Macedonia). LD (League for Democracy - League for Democracy) etc.

The emergence of Albanian parties on the Macedonian political scene influenced the creation of new beginnings, political creations, models and the development of political consciousness and culture in all new political subjects.

The two parties of the Albanian communities PPD (Party for Democratic Prosperity) and PDP (People's Democratic Party) did not present clear positions on the future of the country. However, their political platforms were more focused on decision-making methodology, insisting on the participation of all nationalities in a process that would determine the future of Yugoslavia.

The PPD (Party for Democratic Prosperity) from the Albanian bloc, in the initial period and later, played a respectable and important role for the further democratization of the Albanians in Macedonia.

PDSH (Democratic Party of Albanians) also showed strong capacity in the emancipation of Albanians in Macedonian society.

The mentioned political entities in their political activity have cooperated with other political parties (liberals, democrats, minority coalition parties) under conditions of more or less respect for the provisions of the 1991 Constitution.

In this regard, the political platforms of the Macedonian political parties have an essential role in relation to the independence of the country and the further focus on the process of achieving the stages of gaining and developing Macedonia's independence:

- adoption of the Declaration of Sovereignty, organization of the national referendum,
- adoption of the new Constitution.

The role of the Constitution in the advancement of Macedonian democracy is undoubtedly important, especially in light of the growing ethnic tensions in the late 1990s that resulted in ethnic conflict in 2001.

The new Macedonian constitution practically brought about a radical systematic change as a result of the change in the international and domestic social and political environment. It created a legal instrument for the establishment of a new legal regime, written after the collapse of the federal system, in an environment of great political turbulence (Dokmanovic, 2006).

Specifics

According to the Constitution of 1991, the Republic of Macedonia was established as an independent and sovereign, democratic and social state, a parliamentary democracy aimed at establishing and consolidating the rule of law, guaranteeing human, civil and political, economic, social and cultural rights while ensuring peace and coexistence, social justice, economic well-being and prosperity (Official Gazette of the Republic of Moldova, 1991).

The free expression of nationality, the rule of law, the separation of powers into legislative, executive and judicial, legal protection of property, market freedom and entrepreneurship are defined as the fundamental values of the Macedonian state.

The basis of the priorities that were included in the new constitution and subsequent amendments are based on the need for:

- the inclusion of the features of individual rights,
- definition of citizenship in the respective country (the link - ethnicity versus citizenship, which, if done successfully, is believed to provide greater social cohesion.).
- giving clear emphasis to democracy and institutional structure,
- defining the role of constitutional courts.

In the context of general tendencies, the Macedonian Constitution of 1991 corresponds to the transformed social environment, plural-democratic that requires application for the internationally recognized human rights and freedoms.

The constitutional development since the adoption of the Constitution, through the many subsequent amendments, clearly describes the transformation of the modern Macedonian state, the issues, reasons and problems it faced and the steps it had to take to restore and institutionally adapt the “live” political matter in regard to different spheres.

The constitutional interventions are listed in the text below with a brief analysis.

Ideological perspective

From an ideological point of view, the Constitution actually follows the global trend of creating a modern legal document that includes the ideas of liberalism, which is simultaneously incorporated and constantly improved in international law.

Political framework

From the point of view of the political system, parliamentary democracy in the Macedonian case is defined by the constitution to have an independent status assembly with a strong executive elected by it and a relatively weak president elected in general and direct elections. (The relevant political forces (factors, actors) that have constituted the Constitution as a result of mutual will.)

Of particular importance is Amendment VIII, which states that “members of communities have the right to freely express, nurture and develop their identity, and the distinctive features of communities and the use of symbols”. The State guarantees the protection of the ethnic, cultural, linguistic and religious identity of all communities... The members of the communities have the right to learn in their language in primary and secondary education in the manner determined by law (Official Gazette of the Republic of Macedonia, 2001).

For laws that directly related to culture, use of languages, education, personal documents and use of symbols, reality showed that the list of laws that fall into this category is very long. (MCMS - Macedonian Center for International Cooperation) in its study on the

2001 Framework Agreement states that over 90% of the laws stemming from the Framework Agreement have been passed in the last 10 years. More than 130 laws and legal amendments have been implemented, most of which (59) are non-discrimination and rightful representation, 40 are in the sphere of identity, culture, education and decentralization of power. Utrinski Vesnik, August 12, 2011.

The Assembly decides by a majority vote of the voting deputies (simple majority) and must have a majority of the votes of the deputies present belonging to the communities that are not the majority in the Republic of Macedonia (the so-called Majority of Badinter). Domestic political jargon calls this type of double majority the “Badinter Majority”, in honor of Robert Badinter, the famous French lawyer who provided his insights and input in the evaluation of the 1991 Constitution as well as the 2001 amendments.

Political systems include dynamic structures that adapt to external and internal forces by responding to them with a variety of mechanisms (Lane & Svante, 1994).

Conclusion

From what was said above, it can be concluded that the Republic of Macedonia as a new democracy is making continuous efforts to adapt its system to the current circumstances by making additional changes to the Constitution.

At the same time, it was clear that this initiative for constitutional changes opened Pandora’s box of various demands with ethnic connotations.

In this regard, the Albanian political parties requested the introduction of the principle of electing according to Badinter in the Constitutional Court for cases where the matter of the laws was adopted by the same majority in the Assembly. The idea was rejected by Macedonian political parties because courts are considered professional and non-political bodies, meaning that this type of voting principle cannot be incorporated into such a body.

The same position was held by the Venice Commission and Robert Badinter himself, who linked such a voting method to the circumstances in which it was created, as a solution to the political deadlock at the time it was adopted.

The constitution must react to major social changes, it means to be a “live” matter, but on the other hand, to be quite strong and unchanging, especially in terms of basic principles and to maintain the constant systematic quality and its continuity.

Will the Republic of Macedonia manage to stay at the level of this task, the answer will be provided in the future (Gaber Damjanovska, 2015).

Ethnic views in Macedonia from 1991 until today

The drafted framework for the protection of minority rights in the Constitution of 1991 failed to meet the demands of the Albanian community. There was a perception that the guaranteed rights of ethnic groups in the 1974 Constitution were not established in the new Constitution (Frckovski, 1998).

The constitutional development of the Republic of Macedonia can be divided into two phases, as follows:

The first phase includes the time period from the adoption of the Constitution of the Republic of Macedonia from 17.11.1991 until the signing of the Ohrid Framework Agreement on 13.08.2001.

The second phase includes the period from the signing of the Ohrid Framework Agreement until today. The adoption of the Constitution of the Republic of Macedonia on November 17, 1991 passed without the necessary inter-ethnic consensus, namely the vital constitutional function of establishing the Republic of Macedonia as an independent and sovereign state through the Constitution as the highest juridical-political document was marked with the express exclusivity nationalist of the Macedonian politicians at that time, against the demands of the Albanian politicians for the Albanian people as constitutive people

in the Republic of Macedonia, namely for the constitution of the Republic of Macedonia as a binational state of the Macedonian and Albanian people.

As a consequence, the 1991 Constitution did not receive the support of the then Albanian MPs, from the ranks of the PPD and the PDP, who did not agree with the imposed constitutional concept of the nation state, i.e., did not agree with the national minority status for Albanians.

All this was the result of the prevailing political atmosphere at that time, that the constitution must be approved (i.e. imposed) at all costs, even at the price of the dissatisfaction of Albanian politicians, which again resulted in an undemocratic and unfair solution because it meant an imposed will through the right to vote, i.e. a constitution with the lack of will of the Albanians in the Republic of Macedonia (i.e., an illegitimate, official and nominal constitution), even more so when today, twenty years after that act, some of the main political actors of that time admit that then it had visionary views on the rights of Albanians.

Therefore, the Constitution of the Republic of Macedonia from 1991 did not pass the test for the wisdom of any good constitution, in. that every good constitution suits the reality and the people of the country in which it is written.

In this regard, in constitutional theory, nominal is the constitution that is made for some other reality, which does not coincide with the reality in which it must be applied, because it is not a constitution that is adapted to the people for which it was adopted, but a constitution to which the people must adapt. Therefore, the nominal constitution does not live in reality, but only in the paper on which it is printed, due to which such a constitution falls with the fall of the political regime that adopted it (Loewenstein, 1957).

For these reasons, in the first phase of the constitutional development of the Republic of Macedonia, there was no interaction of the Constitution of the Republic of Macedonia with

the legitimate needs and demands of the Albanians due to the technocracy model itself, i.e. the privileged constitutional regime reserved only for ethnic Macedonians as the largest ethnic community, established by the Constitution, and any attempt at political bargaining and dialogue over them ended in overvoting (majority).

The legitimate needs and demands referred to the autonomous status of Albanians, higher education in the Albanian language, the use of the Albanian national symbol, the officialization of the Albanian language, fair representation in public administration, equality in economic sphere, etc.

“When we remember that period, it must be said that VMRO-DPMNE and I personally had a very strong national concept for Macedonia, not to call it nationalist, which referred not only to the independence of Macedonia, but also to the internal issue. I value that period as a non-visionary concept. When I analyze that period, at that time I absolutely did not understand the need for Albanians to have more rights in Macedonia. This was not only my mistake, but it was also a complete atmosphere in Macedonia, maybe this was an indirect influence of Milosevic in our country. Macedonian political parties, both from the left and from the right (including Kiro Gligorov), failed to appear visionary and initially give Albanians more rights to prevent some events later”. (Ljubco Georgievski, 2011)

“The third mistake was the deal with the Constitution. I headed the Commission for Constitutional Affairs and we failed to preserve the acquired right of Albanians to use the language. We have even removed the acquired rights. And yet it was called a traitorous Constitution. It was agreed to be voted on November 14, but VMRO-DPMNE said it was preventing MPs from voting on a constitution which was treasonous and organized large demonstrations.

However, we did not give in to that pressure. But we entered the rights acquired by the Constitution of 1974 and we reduced them.

“It was a big mistake and the main advantage back then everywhere among the foreigners it was commented that we pushed back the position of the Albanians” (Andov, 2011).

"The adoption of the Constitution without prior consensus with the Albanians. The first mistake within it was that the idea of defining the state as a citizen's state was not accepted or, if there was already a need to mention the collectives, then the Albanian community should also be mentioned. Then, there were the rigid solutions for the language, for higher education, for the way voting in the Assembly. The disbelief was palpable. So, neither we trusted the leaders of the political parties of the Macedonians at that time, nor the Macedonians trusted us, the Albanians" (Aliti, 2011).

In this direction, some examples of concrete situations will be highlighted to illustrate the practical features of the imposed model of technocracy, namely constitutional nationalism in that period.

In 1992, a referendum was held by the Albanian population on the political territorial autonomy of the Albanians in Macedonia, conducted by the PDP and DPA, which was not recognized by the state.

In 1994, the three municipalities with an Albanian majority in Western Macedonia (Tetovo, Gostivar and Debar) decided on their own initiative, signed by PDD and DPA, to establish the University of Tetovo with studies in the Albanian language (otherwise the initiative was unconstitutional but legal, because according to the then Law on higher

education, municipalities could be legal creators of higher education institutions), to which the state reacted by not recognizing and using force (Helsinki Committee for Human Rights in the Republic of Macedonia, 1999). We made a bad privatization. The opinion prevailed among the public that the coupon model, although not ideal, is still more acceptable for Macedonia. “I was not present at the agreement when the final position was taken on our privatization model, but I know very well, and it is absolutely true that at the last moment the decisive motive was political, not economic.

Everyone was silent with the formulation of President Gligorov: “Yes, it may be so, but are you aware that if we accept the coupon model, over 40% of the social capital will pass into the hands of non-Macedonians, while with this model, the social capital will to pass into the hands of the Macedonians with over 90 percent and now you will choose between two models” (Aliti, 2011).

On the other hand, although the second constitutional preamble defines the citizens as constituents of the Republic of Macedonia, the Macedonian people are defined as an ethnic group, while the Albanians are defined as a national minority (Shkarić & Davkova-Siljanovska, 2011).

In this sense, it is worth highlighting two philosophical opinions with the sole purpose of better understanding the situation.

Aristotle: “The worst form of inequality is when you equalize unequal things”, while the American theologian James Freeman Clark would say: “Errors that are forgotten are repeated”.

There are at least three paradoxes regarding the Albanian language:

The historical paradox in relation to the socialist system (with the acquired rights of Albanians from that system), where, for example, the right to conduct court proceedings in the Albanian language and script was guaranteed by Article 17 of the Law on Regular Courts of the year 1976, which states that: “In the territories of municipalities where members of nationalities live, if the statute of the municipality provides for the use of the language of a particular nationality, (then) the procedure before the municipal court established for that territory is also conducted in the language of that nationality “. The paradox is related to the fact that Albanians enjoyed more linguistic rights in socialism than in democracy (Janevski, 2002).

Practical paradox, namely, within the judicial procedure in the Basic Court in Tetovo, there is a situation in which all the participants in the certain judicial procedure such as the judge, the lawyer, the public prosecutor, the expert, the witness, the defendant, the indictee, the plaintiff, the private plaintiff, the registrar is Albanian, but the judicial procedure is conducted only in the Macedonian language and script?

A paradox regarding the rights that derive from minority status. The European Convention on Regional and Minority Languages (Council of Europe, 05.11.1992), in Article 9 (Judicial Powers), obliges CoE member states (and our country) to ensure that “courts in criminal, civil and administrative proceedings, with at the request of one party, to exercise the procedure also in the regional or minority language” (the paradox is related to the fact that Albanians do not even enjoy the linguistic rights that this Convention guarantees to minorities) (Council of Europe, 1992).

Synopsis

In the end, it can be concluded that our country has two constitutional preambles.

- The first - reflects the pure civil concept,

- The second - incorporated in the IV constitutional Amendment, which mixes (constitutional cocktail) the civic and ethnic concepts by dividing the citizens into nationalities and parts of nationalities, thus defining the citizens as constituents of the Republic of Macedonia, however, the Macedonian people are defined as an ethnic group, while the Albanians are defined as a national minority.

On the other hand, by definition, the official language is the language spoken by state authorities, and although Amendment V declares the language spoken by 20% of citizens as an official language, it still requires a separate law, which was adopted in 2008 (Official Gazette of the Republic of Macedonia, 2008).

The issue of the language and symbol are still open nowadays and require a fair and democratic approach to find an acceptable solution, in purpose and civilized spirit of inter-ethnic equality, tolerance and the long tradition of inter-ethnic coexistence and unity in the Republic of Macedonia (Shasivari, 2006).

3.1. History of the Albanian-Macedonian Conflict (objective side of the conflict)

Conflict is a complex system of antagonisms expressed through individual or collective manifestations of a certain state, achieving a goal or of changing things. In certain historical circumstances and in the context in which the independence of the state was declared, the dilemmas and challenges that arise among the political elites in the Macedonian society, the notion of conflict is characterized by a number of specifics.

Basically, the relations between the largest communities in the Republic of Macedonia - Macedonian and Albanian - have been strongly emphasized.

It is important to analyze the phenomenological framework of the conflict through the prism of the process of gaining independence, through two chronological periods, before and after 2001, including the political views of these two communities.

The conflict and its consequences in the regional framework are a reflection of the developments and conclusions of the Ohrid Framework Agreement, including the previous consequences and impacts of:

- The breakup of Yugoslavia,
- Riots in Kosovo and Presevo,
- Ratification of the Serbia-Macedonia border

3.2. The role of political actors in the conflict of 2001

Independent Republic of Macedonia, historical context Republic of Macedonia before 2001, political context (Rizvan Sulejmani).

The constitution was in the development of Macedonian democracy in light of rising ethnic tensions in the 1990s that resulted in the 2001 military conflict.

According to its national composition, the Republic of Macedonia is a multi-ethnic, multi-confessional and multilingual state.

Faced with this fact, the process of the break-up of Yugoslavia placed the politicians into a great temptation and opened many dilemmas for the intellectual opinion.

The political elites had to take a stand on how they would position themselves in this process and where they would seek the survival of the state.

In the Macedonian bloc, there were big differences about the country's future.

The strong nationalism that appeared in all the former republics had its consequences in Macedonia as well.

A political party with a nationalist view in the image of VMRO-DPMNE appeared in the political scene of the country, with the idea of an independent state, with the promotion of Macedonian nationalism in order to gain support for this idea, regardless of how it will be reflected to their fellow Albanian citizens.

For various reasons and historical influences, foreign propaganda supports nationalism. The leftist parties that emerged from the former communist parties tended to preserve in their ranks the mixed national composition, acquired in the former Communist Party, but without success. Without a changed ideological matrix, they failed to win over others, especially VMRO-DPMNE, the party with a strong national symbol (Rizvan Sulejmani).

Albanians, as well as other smaller communities, mainly supported their own political parties. This option presented in a three party bloc had great dilemmas for the future of Macedonia.

They were still heavily influenced by Belgrade, which promoted the idea of the survival of Yugoslavia through a nationalism that was initially primarily anti-Albanian, but later against all peoples that sought secession.

The parties of the left bloc, but also the liberals, defended a loose alliance with the former republics, perhaps because of the fear of the Albanian population living in considerable numbers in Macedonia. The impression was created that both wings have anti-Albanianism as a common denominator.

Albanian political elites also had great dilemmas. They did not have a clear definition of which political-legal status to strive for in a declining Yugoslavia and in a rising Macedonia. The strong anti-Albanian atmosphere that prevailed in the country and in the region seemed to discourage the Albanian political elites to more clearly accept the Republic of Macedonia as an independent state. In such not very clean options, the state organized a referendum on independence on September 8, 1991.

The Declaration of Independence A controversial question was asked in the referendum, which said: “Are you in favor of a sovereign and independent state of Macedonia with the right to enter a future union of the sovereign states of Yugoslavia?”

The referendum question was an expression of political relations and an expression of consensus between Macedonian political parties in the country, but not consensus between communities. Special attention was paid to the relations that this country will have with the former republics of Yugoslavia and with the rest of Yugoslavia (Mircev, 2006).

At the time the largest republic in Yugoslavia, today's state of Serbia, claimed to hold Yugoslavia, and would at least be the legal successor of that disintegrated state, contrary to internal inter-ethnic relations.

The largest community after the Macedonian one, the Albanian community, insisted on a referendum question that would determine the internal relations between the communities in the country more than the relations with the rest of Yugoslavia.

In the absence of an agreement between communities on this issue, the referendum was boycotted mainly by Albanians. The same thing happened with the Constitution which was approved on November 17 of the same year.

The Albanian representatives in the Assembly participated in the process of preparing and adopting the Constitution, but in the end, they did not vote for that Constitution. The highest legal act was approved only with the votes of the Macedonian parties and some small parties of other communities. This established a system of majority decision-making, ie majority democracy.

In order to build a common position on the situation in the former Yugoslavia, the EU decided to create a commission chaired by the well-known French constitutional law expert Badinter to determine the criteria according to which the states would be recognized. So, Macedonia had to receive a positive opinion from this commission, that it meets the criteria for recognition as an independent and sovereign state.

There was no consensus between the communities However, with the new Constitution, the Republic of Macedonia is constituted as a national state of the Macedonian people (Klimovski, 2000).

This approach is obvious in the preamble where it is stated: “... as well as from the historical fact that Macedonia was constituted as a national state of the Macedonian people in which...” (preamble of the Constitution, 1991).

Robert Hayden will call this phenomenon “constitutional nationalism” (Hayden, 1999).

This approach prevailed mainly in the normative part, but also in the way democracy worked in the country. Albanian political parties have reacted to this in different ways. Their political views are best seen in a letter sent on 25 December 1991 to the EEC Council of Ministers, Hans van den Broek, and the Arbitration Commission of the Peace Conference on Yugoslavia in The Hague by the parliamentary group of the Party for Democratic Prosperity then the only party of Albanians in Macedonia. (The letter is in the PPD archive).

The letter, among other things, states: “... we agree that the Republic of Macedonia should be recognized as an independent and sovereign state...”.

Which means that they accept the independence of the Republic of Macedonia, but have their own demands in the constitutional solutions, guarantees “... for the rights of nationalities and ethnic groups...”.

The other points are rights in question that are listed. The rights listed include the right to use the language, the preservation of cultural identity, higher education, symbols, information and fair representation in the institutions of the system and the commitment to find a mechanism against majoritarianism in the parliament.

Despite the reactions and disagreements of the Albanians, the positions between the communities regarding the constitutional order of the state remained unchanged. This is a

topic of debate and permanent disputes between communities, first of all between the two largest communities, the Macedonian and the Albanian. In some cases, there was violence and incidents with victims. The cases of Radolishta, Bit Pazar, Gostivar, Tetovo are among the biggest where there were human victims.

The dispute culminated in a security crisis in 2001, with the risk of escalating into an inter-ethnic conflict. The crisis ended with the signing of the agreement called the Ohrid Framework Agreement, which greatly changed the country's constitutional and legal order.

Macedonia after 2001 In 2001, the Republic of Macedonia entered a deep security crisis.

The armed group, “The Armed group”, Parliament of the Republic of Macedonia, no. 07-1072/5, March 18, 2001 - called the National Liberation Army (NLA) (Ostreni, 2006), after several armed attacks on the state's security structures, it promoted its political leader and came up with political demands. Ali Ahmeti was promoted as a political leader, who later formed the political party Democratic Union for Integration, of which he is currently the leader, and which is the largest political party with predominantly Albanian membership.

The Crisis and the Ohrid Framework Agreement. The conflict ended with the signing of a political agreement in Ohrid, known as the Ohrid Framework Agreement. The agreement was signed by the leaders of the four main parliamentary political parties, the president and the EU and US facilitators, in the presence of NATO Secretary General George Robertson and the EU High Representative for Foreign Affairs and Policy of Security, Javier Solana, on August 13, 2001, in Skopje.

The Ohrid Framework Agreement from a formal legal nature can be considered the first consensus among political leaders in the country.

In this context, the president of the country, Boris Trajkovski, when proposing constitutional amendments, said:

The agreement before you are the result of the harmonization of European values of human rights, democracy and compromise; eliminating the basis for war and inter-ethnic conflicts in the Republic of Macedonia, which means increasing its internal stability, which directly reflects on peace in the region; and finally, strengthening the country's European and Euro-Atlantic perspective.

The speech of the President in the Assembly proposing constitutional changes in 2001, excerpt from the transcript.

The changes that will occur with the signing of the Ohrid Framework Agreement will redefine the Republic of Macedonia in many aspects of state governance.

About this new situation with the position of the communities, Florian Bieber will say: “The Ohrid Framework Agreement turned Macedonia from a self-defined national state with a large informal coalition, to a state stuck between being a national state, a citizen or binational state with a formal power-sharing structure” (Bieber, 2008).

Which means, the Republic of Macedonia will be a model of a state that will hardly fit into the classical models of state organization, as a standard unitary state, a federal state or a type of cantonization.

The Ohrid Framework Agreement and the results from today's point of view, in the Republic of Macedonia there is a big difference in the views on the goals of the Ohrid Framework Agreement, both among the participants and between different analysts and academics.

The agreement was signed by: President Boris Trajkovski, leader of VMRO-DPMNE and Prime Minister Ljubco Georgievski, leader of SDSM Branko Crvenkovski, leader of PDP Imer Imeri, chairman of DPA Arben Xhaferi and facilitators James Pardew from the States United and Alain Leotar.

To avoid a possible trap of what the real intentions are, the meaning of the preamble of the Agreement will be emphasized. In the preamble it is stated:

"The topics in the following text provide a harmonized framework for securing the future of democracy in Macedonia and to enable the development of closer and more integrated relations between the Republic of Macedonia and the Euro-Atlantic community. This Framework Agreement will promote the peaceful and harmonious development of civil society, respecting the ethnic identity and interests of all Macedonian citizens".

The following objectives can be pointed out from the preamble of the Constitution:

- Ensuring the future of democracy in the Republic of Macedonia,
- Development of close and more integrated relations between the Republic of Macedonia and the Euro-Atlantic community.
- Promoting the peaceful and harmonious development of civil society, respecting the ethnic identity and interests of all Macedonian citizens.

Without going into the analysis of whether the goals have been achieved, it is important to list some groups of issues that were resolved with the amendments to the Constitution.

This agreement, which has been amended in constitutional amendments, deals with issues such as what it means for a language other than the Macedonian language to be the official language and the language spoken by a population that is more than 20% of the population general. (i.e. the Albanian language) implemented a double majority system (consisting of the majority of votes and the majority of votes from non-majority communities in the country), for key areas of legislation, established fair representation in public administration at the national and local levels, institutionalized decentralization and reform in local self-government, allowed the use of national symbols for non-majority communities in

the country and paved the way for the creation of a multi-ethnic security system (police and army).

The agreement, in addition to the aforementioned benefits for the communities, imposed a provision for the preservation and education of the unitary character of the state based on an agreement between the communities. With this, the Albanians closed a big dilemma, the acceptance of the Republic of Macedonia as their state.

The acceptance of the unitary character of the state is seen from point 1.2 of the first chapter “Basic Principles” where it is stated: “The sovereignty and territorial integrity of Macedonia and the unitary character of the state are inviolable and must be preserved”.

That the state must be created on a contractual basis, can be seen in the fourth amendment of the preamble which says: “...the Macedonian people, as well as the citizens who live within its borders, who are part of the Albanian people, the Turkish people, the Vlach people, the Serbian people, the Bosnian people. The agreement was negotiated by the Macedonian and Albanian leaders, while the representatives of the other communities mentioned in the preamble neither participated nor signed the agreement, they decided to constitute the Republic of Macedonia as an independent, sovereign state” (Ohrid Framework Agreement, 2002).

Specifically, the word “decided” means that the decision on the formation of the state is joint, which means contractual - all the peoples living in this territory have agreed to constitute the Republic of Macedonia as an independent and sovereign state. This amendment also changed the context of the creation of the state as a historical goal of the Macedonian people for the solution of current and future problems, which can be read in the following of the same amendment.

The formality of the Albanian language is put in function by the amendment V, point 1, paragraph 2: “another language spoken by at least 20% of the citizens is also an official language as well as its alphabet, as defined in this article”.

Special procedures, namely the mechanism against majoritarianism can be seen in the decision-making part of the Assembly with two majorities for: laws that directly affect culture, language use, education, personal documents and the use of symbols, as well as laws on local self-government, local financing, local elections and municipal boundaries.

Decentralization and local government reforms are addressed in Article 1.5 of the Framework Agreement, which states: “The development of local self-government is essential to encourage the participation of citizens in a democratic life and to promote and respect the identity of communities.”

So, through local democracy, two goals must be achieved: “greater participation of citizens in democratic life”, and “promotion of respect for the identity of communities”.

Such a constitutional arrangement it gives Florian Bieber the right to state that: “With the Ohrid Framework Agreement, a conventional system of separation of powers was not achieved, in fact it’s obvious that some aspects of the majority of systems of powers sharing are missing, for example a strong prerequisite for the formation of large coalitions, as well as a clear form of self-government in the community, whether territorial or personal” (Bieber, 2008).

If we accept this statement as correct, it means that Macedonia is not organized in a classic unitary or federal state even after Ohrid Framework Agreement but remains a unitary sui generis state. Whether Ohrid Framework Agreement has made the divided society in Macedonia more stable, or whether we have a tendency to develop centrifugal or centripetal forces between communities, remains to be seen.

3.3. (Non)efforts of the Republic of North Macedonia in conflict prevention, point of view.

Conflict prevention is a complex process, especially when it comes to a thorough analysis of the conflict and developments of 2001.

The need for establishing the so-called constitutional patriotism during the adoption of the Constitution of the Republic of Macedonia in 1991 is clearly manifested.

Some of the undertaken decisions in this period had and still have their consequences today. The theory of constitutional patriotism provides a framework for creating a system based on mutually acceptable and justifiable values and procedures that would essentially provide stability, something that we lacked.

It is important to identify three constitutional areas that have been decisive for the wrong steps taken - the Preamble of the Constitution, the use of minorities, languages and the use of flags of ethnic minority communities.

Learning from the past should be the basis for the future development of Macedonian society. A lesson well learned provides a foundation for building quality relationships in the future.

Conclusion

Macedonia has survived on its road to independence despite ups and downs thanks to the balance of political power established by Ohrid Framework Agreement.

The Republic of Macedonia with this agreement changed the context and concept of the state, from a state that will solve historical injustices to the Macedonian people and the creation of the national state of the Macedonian people in the context of solving current and future problems by creating a multi-ethnic state, where communities, and primarily the Albanian community, will play a key role in its survival.

The objectives set in the preamble Ohrid Framework Agreement have not been fully achieved.

A rough conclusion that can be drawn is that democracy is established, but there is still work to be done to ensure the future of democracy. There is a peaceful life, but the harmony between the communities is not at a satisfactory level and common.

From today's point of view, it can be concluded that the future of the country is in the hands of the two largest communities, the Macedonian and the Albanian.

The Ohrid Framework Agreement, despite all its weaknesses and shortcomings, is a good example for the survival and functioning of a multi-ethnic state and an example of preserving the benefits and true values of civilization.

CHAPTER IV

International Role and Integrations

4. Mediation And Conflicts

The doctoral topic represents an attempt for a rational and pragmatic approach to International Agreements for the resolution of the historical antagonisms of the time.

The essence is set with the aim of the universal understanding and meaning of the subject of the Balkan agreements (formal legal form), the use of mediation as a legal context, in order to analyze the Balkans and our country in the context of modern developments which are manifested through the processes of enlargement and European integration.

Analyzed through a historical framework, the concept design of the thematic display and content is largely motivated by Jean Monnet, the father of today's EU.

Jean Monnet creates a new, never-before-seen vision of the revival of Europe destroyed after the Second World War and the brilliant idea of stopping and balancing historical antagonisms and the need for rational action, peace building, respecting diversity and values.

“I have always thought that Europe would be built up through crises, and that it would be the sum of the solutions brought to these crises.” (Monnet, 1976).

Precisely, the words of Jean Monnet symbolically articulate the Balkan space over the centuries and light the way for future and stable foundations respecting the importance of mediation and reconciliation as an inevitability in the social reality of the region, the piece of land called the Balkans, where blood and honey have been constantly mixed.

“It has been said that democracy is the worst form of government-except for all the others that have been tried.”- Winston Churchill.

“Europe is not about material results, but about spiritual values. Europe is a state of mind.” (Delors, 2006).

Indeed, Europe and today's dominant creation manifested in the Supranational model of the EU is a matter of trust, democracy, imperfect in many ways, but still better than all alternatives (Milner, 2006).

In that Europe is the Balkans, the heart of the European continent and a part of the global world as a whole of inestimable importance for stability and security. Indeed, if we look at the map of mediation by region and the frequency of conflicts over time it also shows some patterns in the application of mediation. Looking back over the decades, both Europe and the Middle East are two constantly mediated regions. Although the share of Europe in mediation from 1945-1949 is significantly smaller than the share of the conflict in total. During the 1950s and 1960s, in Europe, mediation was roughly proportional to total conflict. In the 1970s, Europe experiences more than five times more mediation than the share of global conflict would predict. In fact, during the 1990s, 32.5% of all mediation efforts were directed to the region. During the Cold War period, much of the focus on the continent can be attributed to the desire to avoid a major conflict or escalation that could cause a direct superpower confrontation and the activation of NATO and the Warsaw Pact Alliance. Later, the close economic ties between European states and the network of international relations, organizations in the region, with the European Union at the center, provided incentives and mechanisms to improve conflict management. (Greig & Diehl, 2012a).

The basic motto of the thematic concept is the existence of the problem, ways of solving it, the influence of the international community, expression of the will to fundamentally overcome existing conflicts, peculiarities, shortcomings, diversity and commonalities.

The listed components are a scientifically created framework, the basic premise of which is the creation of a quality scientific and theoretical research product.

The topic and the essence of the paper create space for further analysis of situations that by their nature are part of the Balkan daily life and the need for research and analysis of unanswered questions that present a scientific and research approach and have a qualification with higher priority and seriousness.

The world and Europe, including the Western Balkan region, await the solution of great challenges, temptations, overcoming prejudices, the rule of reason and thought, and the only formula for success is that only through dialogue, peaceful resolution of disputes and conscious action, a basis is laid for prosperity as a formula for a normal life in the true sense of the word.

Western Balkans

Mediation and reconciliation are constantly present for the resolution of conflicts between the Balkan countries (Greig & Diehl, 2012b).

The Western Balkans and the countries of the region are of exceptional importance with a pronounced historical synergy, pronounced cultural features and rich commonalities, creating an important economic space for all of great importance. But in the Balkans there always remains an unfinished history, a place of vulnerable and sensitive questions about the state and the space in which similar people live, interconnected, but at the same time ready for collision and disagreement.

And so for years, history repeats itself. Someone else from outside is always required to mediate, calm down, show the way to reason and peaceful resolution of the problems that have arisen. Precisely because of this and the history behind us, it is time to increase awareness, the degree of prevention and create a framework for the institutional creation of functional social, political, economic, social, cultural, educational and scientific prosperity and democratization.

For centuries, the Balkans have served as the main bridge between Europe and Asia. The identity of the Balkans is dominated by its geographical position, formed between the West and the Orient and formed between diversities (Time Magazine, 2012).

Today's comprehensive analysis of the processes that are changing at high speed corresponds to the processes that affect humanity as a whole. As a kind of curiosity, in the period of research and preparation of the paper, new thematic units, situations and events of considerable importance were strongly imposed and cannot be left out.

The topic of the paper cannot be analyzed separately from the variability of the world as a whole.

The world today is much less stable. Russia and China are challenging the global order by trying to change territorial maps and create new spheres of influence. Terrorism is on the rise, but its form is also changing. The institutions of the liberal international order that were built at the end of World War II—the UN, NATO, and the Bretton Woods trade and investment regime—are threatened by challenges to their legitimacy from various angles. Democratic values are also under attack, even in so-called "Western" countries, with the emergence of a new brand of authoritarian leadership fueled by chauvinism, racism, nationalism and a desire to close borders. Mr. Trump deserves credit for these changes as well (Crocker et al., 2018).

Globalism as a phenomenology of the modern world is facing tectonic movements that are strongly manifested through the catastrophic consequences of the Covid 19 Pandemic, (the transformation of the "New Normal"), various forms of the growing energy crisis, facing a severe financial crisis, war in Ukraine and the consequences on a global scale.

The mentioned conditions create a new collective environment of doubt, uncertainty, fear for the future, expectations and challenges.

But, of course, the strong belief and expectation that good always wins over evil remains perfectly normal!

Mediation and conflicts

Mediation is a process of conflict management in which the parties seek help or accept an offer of help from a mediator, group, authorized representative to resolve and overcome the conflict, existing situations without using physical violence and without invoking the authority of the agreement (Bercovitch, 1991).

In the terminology of International Law, “mediation” is similar to negotiation, but there is a direct presence of a third party as an active participant in the negotiations. The mediator is expected to help facilitate communication between the parties and find appropriate, efficient and neutral proposals regarding the conflict in question. Mediating a conflict offers numerous potential benefits to disputants.

Disputing parties often turn to mediators or accept mediation offers because they are unable to reach an agreement on their own. However, there are other potential benefits of mediation. First, the expectations that mediation will give to the other party and help each party in a dispute secure a more favorable outcome than would otherwise be possible. In addition, mediators can “enlarge the pie” and offer side payments in return for the parties' cooperation or concessions made (Lesley, 2017). (For example, the US gave Israel and Egypt billions of dollars in aid in exchange for signing a peace treaty in 1979).

Mediation And Dispute Resolution

There are a number of ways to approach management and resolution of conflicts that can be avoided, discussed, negotiated, arbitrated, adjudicated, resolved by legislation, political action or the use of force.

Mediation is characterized by historical phenomenology, the existence of contemporary practice, and the creation of possible applications. Effective mediation in

difficult cases is all about good strategy. Designing a good mediation strategy in any conflict, resolvable or not, involves conducting a thorough analysis of the history and nature of the conflict: parties, power balances between parties, issues, positions and interests, resources, external context and potential entry points. Mediated interventions should be tailored to the specific dynamics or phases of conflicts. During the course of a conflict, the nature of the conflict may change in the level of violence, as well as the willingness to resolve (Chester et al., 2018a).

A typical example to study the external context of a conflict is to find out who will behave as an ally or an opponent of the parties to the conflict and to weigh the implications of this analysis for the mediation itself. American and European mediators during the 1998–1999 Kosovo crisis managed to confront, and minimally neutralize the crisis, Belgrade's Russian friends, hoping in this way to dispel Slobodan Milosevic's illusions that Moscow would save them. This enabled them to help broker a political agreement that retained Serbia's sovereignty in Kosovo by deploying NATO, Russian, UN and OSCE troops to the rebellious province. (Chester et al., 2018b).

Mediation is primarily about a mediated approach to conflict management. Parties that cannot negotiate effectively with each other require or have a mediator imposed to facilitate and resolve the negotiation process.

Mediation is defined as “intervention in a standard negotiation or conflict by an acceptable third party with limited or no authoritative decision-making power, who helps the parties involved to voluntarily reach a mutually acceptable resolution of the dispute.”

During the negotiation process, mediators work to build trust and foster cooperation. This activity is called conciliation, which is essentially an applied psychological tactic aimed at correcting perceptions, reducing irrational fears, and improving communication to a point that allows reasonable discussion and, in fact, enables rational agreement. (Moore, 2003).

The scientific research of this chapter is focused on Mediation as a legal tool for resolving disputes, with special emphasis on the Balkans region. The essence of the concept was imposed quite naturally so that through the subject headings a serious attempt is made to apostrophize the important creative components.

Mediation And Dialogue

Mediation and dialogue are becoming increasingly popular tools for conflict resolution in the EU peace processes. Modern EU mediation and dialogue represent an effective way to overcome conflict situations between states (Concept of Strengthening EU Mediation and Dialogue Capacity, 2009).

In complex settings, it is possible that the specific objectives depend on the nature of the conflict and the expectations of the parties and the mediator. The primary goal is often to prevent or end violence through cessation of hostilities or ceasefire agreements. In this sense, mediation resolves the underlying causes of conflict in order to ensure peace and stability in the long term (European Union Council, 2009).

4.1. General features of the mediator in the context of the topic

What is the connection between negotiations and international law? (Tanaka, 2018)

Some authors argue that negotiation is a political issue, not a legal one. If so, why should we consider negotiations in the context of international law? Regarding this question, four issues should be elaborated.

First, the behavior of states is limited by international law, and negotiations are no exception. In fact, the UN Guidelines on International Negotiations, which were adopted by the UN General Assembly in 1998, confirm that the negotiations of those states must be guided by the relevant principles, requirements and rules of international law.

Second, at present, the ever-expanding body of international law covers almost all areas of international relations. Therefore, international law constitutes one of the important

elements that must be taken into account in the negotiation process. Indeed, the advantage of a legal basis in the negotiation process is clear.

Third, some treaties provide for an obligation to negotiate, a prerequisite for using other means of dispute resolution, including judicial settlement. In this case, the existence of negotiations between the parties to the dispute constitutes a condition for a national court or tribunal to establish its jurisdiction. As will be seen the existence of negotiations must be determined by an international court or tribunal in a given case.

Finally, in appropriate circumstances, an international court or tribunal may order the disputing parties to negotiate on the basis of its decision. In this case, the parties are obliged to negotiate in accordance with the court decision. This is called Justice Guided Negotiation. Negotiation may also be necessary to implement international court decisions. Thus, negotiations and judicial settlement are closely intertwined in the settlement of international disputes. In light of the four points mentioned above, there are good reasons to argue that negotiation as a means of dispute resolution should be examined in relation to international law.

Meanwhile, in the context of the thematic content that deals with the general characteristics of mediation, it is extremely important to emphasize the meaning and role of mediation in the reconciliation and consolidation of historical conflicts and antagonisms in the Western Balkans region. Violent conflicts ravaged the Western Balkans between 1991 and 2001, leaving a legacy of unresolved bilateral and regional disputes and dysfunctional political systems.

Transitional justice processes have never been completed and war crimes are often denied. Ethno-nationalist antagonisms persist, hate speech is common, and there is increasing pressure on independent media and impartial reporting, including selective justice and punishment.

Despite these challenges, important discoveries have been made. An essential phenomenon is represented by the new forms of regional cooperation between the countries of the Western Balkans and the prospects for EU integration, which probably mean further economic development and institutional reforms. As a result of mediation by the International Community, in early 2019, North Macedonia officially adopted the new name and resolved the 27-year-old name dispute with Greece.

Reconciliation in the Western Balkans

In the Western Balkans region since 2014, in addition to classic forms of mediation, in recent years the development of democracy, respect for freedoms, identity and diversity and cultural wealth has revitalized and promoted the process of the rule of law by intensifying support for the Organizational Development of the civil society. Organizations that play a key role in conflict prevention and reconciliation by enabling political participation and inclusive education of young people, advocating for media freedom and implementing inter-ethnic initiatives are supported.

Since 2017, pioneering regional cooperation initiatives led by the governments of Bosnia-Herzegovina, Kosovo and North Macedonia have been supported. The aim is to develop strong organizational systems and provide grants for sensitive conflicts.

Since 2018, as an outstanding example, services for business engagement in the region and support for mediation with multiple actors have been intensified in Bosnia and Herzegovina (KONPeace Nexus Foundation, 2022).

The countries of the Western Balkans face several geopolitical, economic, humanitarian and social challenges. Although there is a slow but steady process of NATO enlargement, none of the countries of the Western Balkans are close to EU membership. Global actors are using it as an opportunity to increase their influence in Europe.

Basic security concerns, a crippled political process, informal dependencies, unclear prospects and global developments are driving the region in different directions. The COVID-19 pandemic only exacerbated the level of uncertainty, making vaccination another hot political issue.

EU tactics towards the region mean greater power, political responsibility and credibility.

The EU's value-oriented conditioning does not necessarily correspond to the political and economic interests of local elites. Therefore, there is a need to explore possible trajectories for the Western Balkans, taking into account EU priorities, the power projection of other players and developments related to current processes and situations.

Mapping possible trends and possible outcomes for the Western Balkans increases the importance of the region for the Western world, especially for the EU and NATO. With the help of central European cooperation, there is hope for the further development of the application and practice of the best recommendations in the EU and the USA (Visegrad insight, 2021).

4.1.1. Mediation And Diplomacy

Balkan diplomacy, as the strongest manifestation of mediation, has played a major role in preventing, overcoming and resolving conflict situations in the recent past since the late 90s. The international community is a sublime of mediation and diplomacy that constantly solves the Balkan problems.

The Republic of North Macedonia overcame the problem related to the name dispute through UN mediation and intensive negotiations with the support of the EU. But for several years it has faced a new historical advantage with Bulgaria and the definition of the Friendship Agreement expressed through the issue of identity, language and denial as a legacy of essential historical features and points unresolved or left.

Bosnia and Herzegovina for a long time after the Dayton Agreement, remains with a complex administrative-political system of management and continuous monitoring and management by a High Representative. For years, the joint operation of the complex tri-national system, including other levels of management, is in a serious crisis.

Kosovo shows institutional progress in the functional sense, but still remains with the status of a country that awaits full formal legal establishment as a separate subject in the international community of free and modern countries.

Analyzing the essence of mediation and diplomacy is a challenge in scientific research. With the procedure of mediation, negotiation and action, attempts are made to channel disputes between states using instruments for peaceful settlement to prevent, sanction or avoid or stop armed conflicts in the future.

In this sense, Chapter 7 of the UN Charter provides:

Disputes, by their nature, resolve ambiguities, troubled situations, opposing views, by applying direct discussion, which can take the form of negotiations (through dialogue), consultations (a state tries to achieve a certain course of affairs and inform others). In the absence of results from the mentioned mechanisms, the neutral approach of a mediator and the mediation or conciliation procedure is naturally imposed.

Negotiations may involve issues of general interest to states. For example, when there is a sudden disruption in the general relations between two states (perhaps as a result of war or a radical change in state governments), state A may expropriate property within its territory from persons of state B, while state B can freeze all assets of state A located in its territory (Murphy, 2006).

From the perspective of a modern approach to conflict resolution, “new initiatives are needed to help the Western Balkans progress further towards its European destination for the benefit of the region and the EU to prove its foreign policy credentials” (Adebahr).

Two elements are key in this regard, each of which extends the current approach.

- I. Stronger US-EU coordination, (although this would be different from “good old diplomacy” from the time of the Dayton Agreement). A joint trans-Atlantic effort was made to demand acceptance “to end the war” (Holbrooke, 1995). Today the challenge of mediation and diplomacy is not war, but state-building in society.
- II. Strengthening civic awareness – a foscule somewhere between diplomatic and technocratic, to accept the political axiom: with the EU at the helm, but with strong support from Washington. The new Balkan diplomacy should focus on the vision of how Western Balkans societies can better govern themselves, rather than submitting to strongmen or external forces.

Bosnia and Herzegovina

It took three and a half years of relentless diplomatic efforts to stop the Bosnian war. During the first three years, these efforts were jointly pursued by a number of European countries, with distant involvement of the USA and Russian participation, acting through the entity of the EC/EU, the UN and the Group of mediators. These attempts at collective mediation failed to reach a solution (Touval, 2002a). The fighting only ended in November 1995 with the US in the lead succeeding in what others had failed to do (Touval, 2002b).

The Dayton Agreement brokered by the US. The Dayton Agreement in 1995, which ended the war in Bosnia and Herzegovina through a mix of humanitarian intervention and force-backed diplomacy, was a peace agreement and hope for the entire region.

The agreed concept created a multi-ethnic state that linked the world powers to its survival, in the literal sense, and its effective functioning. However, it de facto ratified the ethnic division of the country (carried out through forced “cleansing”) with the creation of a

Bosnian-Serb entity, Republika Srpska, and another entity shared by Bosnians and Croats in the Federation of Bosnia and Herzegovina.

Kosovo

A similar challenge exists for Kosovo, which broke away from the then-Yugoslavia in a 1990-1999 war before declaring independence in 2008 after being governed by the United Nations (UN) for nearly a decade. However, its international status is complicated by the fact that five EU member states - Cyprus, Greece, Romania, Slovakia and Spain, each with a separatist or national minority issue - do not recognize its independence (part of a larger group of 82 of the 193 UN member countries in the same position).

Macedonia

Macedonia, the country that avoided all-out war thanks to the quick intervention of the International Community (EU and USA) in 2001, has been damaged by political corruption and institutional dysfunction.

4.2. Democracy in Europe - New dilemmas for a European peaceful future

The ideal of European unity spread rapidly immediately after World War II. Thousands of young people dreamed of a united Europe, sometimes even of a united and peaceful world. While reconstruction was the immediate priority in the post-war period, many supporters strove for the creation of an autonomous European entity. In order to avoid the division of the world into two antagonistic blocs and to prevent an inevitable future war, the creation of a third European pole seemed necessary.

In this context, voices were heard demanding that Western countries take a neutral stance in the face of American materialism and Soviet totalitarianism. However, non-alienation, which became increasingly difficult to implement as the Cold War intensified, was soon chosen only by pacifist and internationalist movements. These groups were fully behind

the Stockholm Appeal, launched by the World Peace Council in March 1950 to demand a complete ban on nuclear weapons worldwide (Deschamps, 2016).

Democracy is in many ways Europe's *raison d'être*. Indeed, a fundamental criterion for membership is that states adhere to broad democratic values and are based on sound democratic institutions. The Council of Europe is also the only body at the pan-European level that focuses explicitly on democracy, while other organizations support democratic developments, their commitment focuses on security, economic and political cooperation between states. The Council is therefore uniquely positioned as key means for the support, maintenance and development of democratic institutions, including the member states of the Union.

Although it has never before spent time directly reflecting on its contribution to democracy, the Council of Europe has developed an impressive *acquis* that makes an important contribution to the everyday practice of democracy in its forty-five member states. *Acquis* – the set of legal norms and rules defines the basic principles.

In summarizing and analyzing the *Acquis*, the postulates of the framework for the functioning of democracy in Europe in the future are clearly defined.

4.2.1. .Respecting of diversity and similarities of the Western Balkans Countries

Diversity and similarity represent historical characteristics of the time and space of the Western Balkans. The region of the Western Balkans is going through various forms of transformations and social, economic, religious, ethnic, cultural, ideological, political, sociological, economic features. The Western Balkans is part of the European continent, a bridge between Europe and Asia, with a cultural heritage of valuable civilizational experiences and achievements.

From the point of view of today's contemporary Europe, the EU's relations with the Western Balkans region have been transformed from "foreign relations" to "enlargement" policy.

Each country is characterized by its own economic features, cultural diversity, ideological biases and social constellation and homogenization of internal relations.

The countries of the Western Balkans have a historical advantage expressed in a significant content of ethnicities, languages and religions, as a ratio of culture, ethnicity, language, religion and identity. Despite the fact that the Western Balkans is a mixed region, there is still no clear connection between cultural diversity and the economic aspect (Hysa, 2020).

4.2.2. Strengthening of the collectivities and individual self awareness

The values and interests of the EU and their preservation and respect are an essential platform for strengthening the collective and individual consciousness of belonging to the supranational model. "The Union is based on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities".

"These values are common to the member states in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail" (Treaty on European Union).

The EU Treaty states that "In its relations with the wider world, the Union shall support and promote its values and interests and shall contribute to the protection of its citizens, this shall contribute to peace, security, sustainable development on Earth, solidarity and mutual respect among nations, free and fair trade, the eradication of poverty and the protection of human rights".

The EU must “work at a high level of cooperation in all areas of international relations, in order to protect its values, fundamental interests, security, independence and integrity”.

The EU's global strategy sets out the main interests that guide the EU's external action as follows:

- promoting peace and guaranteeing the security of its citizens and territory.
- advancing the prosperity of its people and achieving the goals for sustainable development in the world and in Europe.
- creation of an open and fair international economic system.
- ensuring sustainable access to global common goods.
- encouraging the sustainability of its democracies.
- promoting a rules-based global order with multilateralism as its main principle and the United Nations at its core (Bentzen, 2020).

The Western Balkans, despite the complexity and differences in the countries of the region, has seen growth in the context of the strengthening of civic consciousness, the recomposition of the collective memory and progress in the understanding of the individual perception of the meaning and role of the EU.

The prospect of EU membership is an incentive for the further advancement of reforms in the Western Balkans, which are crucial for the European path, the improvement of political and economic governance, freedom of expression and media and the conditions for the creation of a civil society - a common interest of the citizens of the Western Balkans and the EU.

In this sense, it is worth emphasizing the development and cooperation in economic, cultural and educational relations between the countries of the Western Balkans and the EU.

The Western Balkans is a market with about 18 million consumers. The EU is the main trading partner for the entire Western Balkans, with almost 70% of total trade in the region, €54 billion of total trade between the EU and the Western Balkans in 2018. The Western Balkans is a region with great potential, fast growing economy and high domestic demand (European Commission, 2019).

“From 2011 to 2021, EU trade with the Western Balkans increased by almost 130%. In the same period, exports from the Western Balkans to the EU increased by 207%. EU businesses are also leading the way in promoting investors in the region. In 2018, EU companies accounted for over 65% of foreign direct investment in the region”.

The EU provides partners from the Western Balkans with ongoing political, financial and technical support to help them implement the necessary reforms and comply with the rules and regulations of EU legislation. The Union strongly supports educational and cultural cooperation for the creation of Creative Europe and a common educational space.

The EU and the Western Balkans share security challenges and deal with them jointly. The EU and the region cooperate on a wide range of security issues, such as the fight against organized crime, tackling hybrid and cyber threats, combating the trade in small arms and strengthening the fight against terrorism.

Cooperation in the field of Common Foreign and Security Policy (CFSP), Common Security and Defense Policy (CSDP), is a priority for the EU and its partners from the Western Balkans. In times of crisis, the EU has shown solidarity with its partners from the Western Balkans (timely delivery of vaccines, fighting fires, mobilizing large resources to support economic development for the region and Europe as a whole) (European Union, 2022).

Awareness about the membership of the Western Balkans in the EU

A credible enlargement policy is a geostrategic investment in peace, stability, security and economic growth across Europe that is based on fair and rigorous conditionality and the principle of own merit. Complex reforms are needed, with real and sustainable results for key issues such as the rule of law, justice reforms, the fight against corruption and crime, security, fundamental rights, the functioning of democratic institutions and public administration reform, as well as economic development and competitiveness. Reconciliation, good neighborly relations and regional cooperation is an extremely important segment for the future of the region.

A new moment in EU-Western Balkans relations

Mutual relations mark the development and creation of opportunities for:

- Revised methodology, presented by the Commission - encouraging the enlargement process with stronger political management and a reliable, predictable and dynamic way,
- Implementation of the EU's €3.3 billion financial support package to deal with health issues regarding the coronavirus and socio-economic recovery,
- Proposing an economic and investment plan of up to 30 billion euros to support economic development and convergence with the EU, Establishing a Political Agreement for the new Pre-Accession Assistance Instrument (finally approved in September 2021).

Strategic Agenda of the European Council for 2019-2024

At its meeting on 20 June 2019, the European Council agreed on an agenda for the EU for the next five years, focusing on four main priorities:

- protection of citizens and freedoms
- development of a strong and energetic economic base.
- building a climate neutral, green, fair and social Europe.

- promoting European interests and values on the global stage.

To act strategically, to strengthen its capacity, to act autonomously to protect its interests, to uphold its values and way of life and to help shape the global future, the European Council agreed to support the UN and key multilateral organizations, promoting sustainable development and the implementation of the 2030 agenda, in order to:

- cooperate with partner countries for migration,
- support the European perspective for European countries capable and ready to join the EU,
- develop a comprehensive partnership,
- ensure an ambitious and powerful trade policy, within the reformed framework of the World Trade Organization (WTO) at the bilateral level between the EU and its partners,
- cooperate with NATO.

The strategic agenda explicitly emphasizes the need for the EU to be “more persuasive and effective” in order to better protect its interests and values. At the same time, it creates a natural opportunity to implement the enhanced collective and individual awareness of the Balkans space and the prosperity of the countries and their citizens.

4.3. Mediation And Enlargement - Promotion of European Values

The EU's withdrawal helped transform Central and Eastern Europe from communist regimes to modern, well-functioning democracies. It is vital for the EU to ensure a carefully managed enlargement process that extends peace, stability, prosperity, democracy, human rights and the rule of law across Europe (EC, 2005).

EU enlargement is probably unlikely to happen in the next few years or will be difficult to implement.

Therefore, constituting a suitable security concept, the Western Balkans will be an important factor for the countries of the region. Given the secessionist tendencies of some states, this clearly shows that the EU has a broader common interest in integration and cooperation and not just a tool for mutual conflict management. The EU closing its borders is a policy that does not contribute to stability in the region.

Mediation and enlargement

The process of enlargement and promotion of European values is continuously developed through various applied forms of mediation by the European institutional structure.

EU enlargement is not only a historical benefit of the EU, but also its obligation, given the fact that the Union has set this issue as the highest priority.

The success of the enlargement does not only depend on the energy of the collective, the efforts made by the member states in this field, but is also related to the support of this process by the citizens of the countries that want to enter the Union.

This is why enlargement must be a fully prepared and transparent process that will see its success only if it has democratic support from all sides.

It is essential that the EU creates new ways, i.e. new tools to ensure better management of relations with candidate countries. The EU constantly emphasizes that its doors remain open to any European country that meets the political and economic criteria for membership.

Western Balkans

The focus of the analysis is Macedonia and Bosnia and Herzegovina, which are known as potential candidates for EU membership, although the timing of their membership is constantly changing. Kosovo is facing a series of problems arising from unresolved issues.

Europeanization is not a matter of enlargement theory, but a practical model that helps countries analyze their policies in the accession process.

Important elements

- Institutional and legal alignment,
- Determination of criteria, their monitoring and implementation,
- Advisory assistance,
- The safeguard mechanism (the process of starting negotiations and other steps in the accession process.)

The main challenges for candidate countries in the process are as follows:

- In the area of the judicial system, candidate countries must ensure an independent, non-partisan and accountable judiciary, capable of providing free trial, judicial systems must function efficiently, without delaying proceedings, some progress has been achieved in the area of strengthening the independence of national judicial councils;
- Corruption remains a problem in most candidate countries;
- The fight against organized crime remains a key priority for candidate countries;
- Public administration reforms, respect for human rights and freedoms, etc.

Based on all of the above, it can be concluded that maintaining the momentum of enlargement and reform in the candidate countries are two sides of the same medal (Jovanovska, 2013).

4.3.1. Balkan European Integration – Guaranties over the peace and security in Europe

The Balkans is the guarantor of peace and stability in the region and beyond.

It is a fact that European integration is a hard-fought and hard-won compromise prepared for decades and fueled by the subject of enlargement. Although there are

rudimentary rules in the Treaties that over time have been covered by additional criteria and conditions, the whole process continues to be a political process, an art, not a science.

The European Commission made a proposal to encourage the EU membership process, creating a space with stronger, more dynamic and predictable political management.

This is where the stance on the current situation came from: “The enlargement of the European Union with the Western Balkans is a top priority for the Commission.”

1. Proposing concrete steps for improving the accession process, strengthening and improving the EU accession process.
2. The Commission stands firm in its recommendations, started accession negotiations with North Macedonia and Albania and will soon provide an update on the progress made by these two countries.
3. Creation of a Plan for the economic and investment development of the region (Varhey, 2020a).

The European integration of the Balkans means the further strengthening of the membership process and the expression of a credible perspective of the EU for the Western Balkans, a credible process that must be based on mutual trust, respect for values, diversities with clear obligations from the EU and the Western Balkans.

4.3.2. European enlargement and integration

The processes of enlargement and European integration are interrelated processes that have taken place in the EU since its creation. Depending on the degree of fulfillment of the criteria, the number of member countries is gradually increasing. At the same time, the candidate countries for membership are part of the Enlargement Agenda. Enlargement essentially enables European integration.

European integration of the Western Balkans

The European continent and the world are facing crises of great proportions, the likes of which have rarely been seen before:

- Health crisis - expressed through the Covid-19 Pandemic which started more than 2 years ago and has not yet fully ended,
- Energy crisis on a global level,
- War crisis – war in Ukraine and unprecedented propaganda, source of threats, spread of fake news,
- Financial crisis - the high rate of inflation worldwide and the possibility of recession.
- Achieving a high level of Anxiety.

The above-mentioned crisis situations at the global level strongly influence the creation of psychological pressures and food shortages, intimidation, destructive obstacles and displacements (the transfer of individual opinion to collective intimidation).

Since 2013, with the entry of Croatia, the EU has stagnated, the enlargement process is uncertain, long for the aspiring countries from the Western Balkans, primarily for North Macedonia, Bosnia and Herzegovina and Kosovo, which have their internal problems as well as constantly unresolved external problems and influences.

On the other hand, the EU is facing the above-mentioned crisis situations, significantly intensified in recent months by the war in Ukraine, unity in terms of sanctions against the Russian Federation and internal problems in the member states, as well as different approaches to overcoming and resolving issues of consensual interest.

Geopolitics

There are real predictions that the region will become a geostrategic chessboard for external actors. The Western Balkans and Brussels' enlargement policy is based on conditionality. The integration of the Western Balkans into the Euro-Atlantic and European

structures is an advanced and interdependent process. But there is always something new or an unfinished task.

Bosnia and Herzegovina

Bosnia and Herzegovina is a candidate for NATO membership, but its Membership Action Plan is pending activation pending registration of military installations and supplies. NATO membership negotiations have been repeatedly stalled, the Stabilization and Association Agreement was signed with the EU in 2015 and an application for EU membership was submitted in February 2016, but candidate status remains a distant prospect (Dümmel, 2016a).

Kosovo

The European Union has always supported Kosovo's progress in its European journey. The signing of the Stabilization and Association Agreement (SAA) in 2015 and its entry into force in 2016 were key steps in this direction. Kosovo's national security is closely related to regional and Euro-Atlantic security. Kosovo's independence has been recognized by 114 countries (including 23 EU countries and three permanent members of the UN Security Council).

The function and role of external actors

The United States of America has been the most influential partner of Macedonia since its independence in 1991. Since 2004, the US has recognized the country by its constitutional name and represents a decisive factor in all its political processes and, together with the EU, the main mediator during major crises (Ohrid Framework Agreement 2001, Perzhina Agreement 2015) (Hänsel & Feyerabend, 2018). The main strategic goal of the United States is to ensure the stability of Macedonia and the region and ensure the inviolability of the existing national borders.

4.3.3. European Space - crises, challenges and perspectives

Bosnia and Herzegovina, Macedonia and Kosovo are waiting for entry into the European Union. Kosovo's independence is not recognized by all EU countries, but the EU still sees it as a potential candidate for membership. The Balkan countries that are candidate countries have been told that they can join the EU, if they meet the criteria, which include democracy, the rule of law, market economy and respect for the EU's goals for political and economic union.

Bosnia and Herzegovina

Bosnia and Herzegovina has not yet submitted an official application for EU membership. In June 2008, the Stabilization and Association Agreement (SAA) was signed with the EU.

The EU was pleased with progress in four key areas - police reforms, cooperation with the international war crimes tribunal, public broadcasting and public administration reforms. Ethnic strife in Bosnia remains a concern for the EU, along with corruption and organized crime and the fact that Bosnia is still plagued by an "unstable political climate" and ethnic divisions.

In December 2011, Bosnian Muslim, Croat and Serb leaders agreed to form a central government, ending 14 months of political impasse.

Kosovo

In the Balkans, the territory of Kosovo is the last in line to enter the EU, because the International Community remains divided over its declaration of independence in 2008. The ethnic Albanian majority in Kosovo seeks international recognition from the 1999 conflict, in which Serb forces, accused of crimes against civilians, retreated after an extensive NATO bombing campaign.

Many countries recognize Kosovo. But not the group which includes Russia, China and five of the 27 EU member states (Spain, Greece, Romania, Slovakia and Cyprus). The

EU governments will now start talks with Kosovo, in order to reach the Stabilization-Association Agreement - the first step towards EU membership. The commission also proposed to allow Kosovo to participate in 22 EU programs. The protection of minority rights and freedom of expression are also important challenges that Kosovo will face on the way to EU membership.

Macedonia

Macedonia went through a more complex and long-term process towards EU accession. In 2001, the Stabilization-Association Agreement was signed, in 2005 it gained candidate status, and it has been waiting for a date for the start of talks for 17 years.

In the meantime, in 2018, the Prespa Agreement between Greece and North Macedonia confirmed the commitment to building good regional relations, comprehensive cooperation and constructive relations. The road to Europe is often difficult and requires bold decisions, but it is still fruitful and gives positive results.

Immediately after overcoming this problem, a new problem was imposed by another member - the Republic of Bulgaria in relation to the Treaty of friendship, good-neighborhood relations and cooperation. Bulgaria's decision to block membership talks with North Macedonia due to bilateral relations led to further frustration and despair.

The European Commission recommended that the EU open membership talks with Macedonia. In the regular annual reports on the progress of Macedonian society, it is constantly noted that the state has achieved “convincing progress”, but new obstacles are still constantly presented and besides the fact that Macedonian citizens do not need visas to travel to EU member states in the Schengen Area (BBC, 2014).

4.3.4. Result of the complexity of the situations in member states of the EU - new proposals, methodological frameworks

The biggest risk in the region at the moment is the further division of countries.

Due to the current potential changes with the borders of the Balkans, the insufficient activity and the total commitment of the international community, there are still opportunities for “undesirable practices”, which many other ethnic groups in European multinational countries would like to use (Arbatova, 2017).

It is not easy to copy designed solutions in advance. The degree of preparation to find compromises among the people from the former Yugoslavia was shown to be insufficient.

The Balkan Peace Agreements (Dayton Agreement, Rambouillet Agreement, Ohrid Agreement, Stability Pact and Ahtisaari Plan for Kosovo, Prespa Agreement) and successive proposals for reforms, which enable states to apply for EU membership, still did not create space for the fair treatment of the Balkans and the creation of the possibility for a fair and accelerated European integration of the countries of the region.

The status quo creates a great apathy and inability of the citizens of the region to manage the situation independently, which leads to a mass exodus of young people and qualified persons from the region (Vesnić-Alujević, 2012).

It seems that the International Community does not have a sufficient capacity for change for the flow of events. Political elites in the region skillfully exploit this indifferent and dormant situation and as a result can easily direct all financial resources, resources and international assistance to their own benefit (Mesić, 2016).

In the Western Balkans, no one admits their guilt easily. There is no catharsis for the consequences of their actions. This is because it is important that the new generation does not fall into the traps and traps of their nationalism. Starting only from this, how would they overcome the ongoing conflicts, as a result of primarily individual nationalist movements, whose only interest is to remain in government.

New proposals

The European Commission has approved the enlargement package for 2021, providing a detailed assessment of the situation and progress that the Western Balkans has achieved on the road to the EU, with a special focus on the implementation of basic reforms and clear directions for reform priorities that follow.

The EU clearly and unequivocally states that “Our partners, in the interest of their citizens, advance on the road to the EU, leaving aside their differences”. It is necessary to fulfill the obligations with an emphasis on the fact that the EU is not complete without the Western Balkans (Borell, 2021).

Western Balkans

Albania and North Macedonia continue to fulfill the conditions for the opening of accession talks and both countries are steadily progressing on the path of reforms towards the EU. The delay in the official launch of the accession talks with Albania and North Macedonia has a negative impact on the credibility of the EU.

The bilateral issues between Bulgaria and North Macedonia should be resolved as a matter of priority. It is of particular importance that the EU member states finish the discussions on the Negotiating Frameworks without further delay and that the first intergovernmental conferences with both countries be held as soon as possible and before the end of this year.

In Bosnia and Herzegovina, the strategic goal of EU integration is not a concrete action. The political environment remained polarized as political leaders continued to engage in divisive rhetoric and unconstructive political disputes, which have hindered overall progress on 14 key priorities. The blockade of state institutions and calls to stop reforms are a deep concern and can only be overcome through political dialogue. The apparent decrease in the degree of compliance in Bosnia and Herzegovina with the EU's foreign and security

policy is a negative signal. Bosnia and Herzegovina must provide a critical mass of reforms before the commission decides on granting candidate status to this country.

In Kosovo, early parliamentary elections in February 2021 resulted in the formation of a new government, which enjoys a clear parliamentary majority. The complete and effective implementation of the action plan for reforms in the next period will be of principle significance. The Commission stands by its assessment from June 2018, that Kosovo has fulfilled all the stipulations for visa liberalization, but the proposal is still in the Council and should be treated as urgent. A comprehensive legally binding normalization agreement with Serbia is urgent and key, so that Kosovo and Serbia can progress on their respective paths towards the EU. Definitively and without delay, Belgrade and Pristina should engage constructively in the dialogue process, facilitated by the representative for foreign policy and security and the EU special negotiator (European Commission, 2021).

Achievements so far

- The solution to the Kosovo issue must be fully compatible with international standards for human rights, democracy and international law and contribute to regional security.
- The solution for the status of Kosovo must be in accordance with democratic values and European standards and contribute to the realization of the European perspective in Kosovo, especially for progress in Kosovo in the stabilization-association process, as well as for the integration of the entire region in the Euro-Atlantic institutions.
- The solution must ensure multi-ethnicity, which is stable in Kosovo. It is necessary to ensure effective constitutional guarantees and suitable mechanisms for the implementation of human rights for all citizens of Kosovo.

- The solution must provide mechanisms to ensure the participation of all Kosovar communities in the government, at the central and local level. Effective local self-government structures established through the decentralization process should facilitate the coexistence of different communities and ensure equal and improved access to public services (Time Magazine, 2012).

Enlargement methodology

The European Union and its member countries repeatedly, from the Summit in Feira and Thessaloniki in 2000 and 2003, express their unreserved support for the European perspective of the Western Balkans. At the Council in November 2019, there was a common understanding of the benefits of testing the effectiveness of the accession negotiations process. Hence, maintaining and strengthening this policy is necessary for the credibility of the EU, the success of the EU and the influence of the EU in the region and more widely, especially in times of increased geopolitical competition.

The primary purpose of the EU's engagement with the Western Balkans is to prepare it to fulfill all the requirements for membership. This includes supporting basic democratic values, the rule of law and economic reforms and harmonization with basic European values. This will in turn stimulate solid and rapid economic growth and social convergence.

The process of strengthening the accession process includes:

- Greater credibility
- A stronger link with the economic reform program process, to help countries meet the European criteria,
- Stronger political management,
- A more dynamic process,
- Predictability, positive and negative conditioning.

There are strong calls from member states and countries from the Western Balkans for the creation of a predictable process, which provides greater clarity on what the Union expects from countries with enlargement at different stages and what are the positive and negative consequences. (COM, 2020).

The enlargement of the European Union towards the Western Balkans is the highest priority for the Commission. There are three options:

1. Proposing concrete steps to improve the accession process,
2. The Commission stands firm in its proposals for the opening of accession negotiations with North Macedonia and Albania and will soon provide an update on the progress achieved by these two countries.
3. Proposed plan for the economic and investment development of the region (Varhey, 2020b).

4.3.5. Enlargement Or Stagnation

EU values and norms and the continuation of reforms

The essential part of this topic focused on the respect of EU values and norms, the democratic building of institutions and the continuation of reforms.

The new methodology for enlargement strengthens the political dimension of the process and initiates a mechanism for recovery in case of stagnation or retrogression in the reform process, especially reforms related to the rule of law. The Union emphasizes the importance of maintaining the rule of law and emphasizes the need to continue the fight against corruption.

President von der Leyen mentions the right of the press, which she qualifies as “the cornerstone of democracy in Europe” with the remark that “a powerful and free press “is the best branch against disinformation”.

New events in Europe?

The war in Ukraine brings back vivid memories from the wars for the disintegration of the former Yugoslavia in the 90s of the last centuries and the beginning of this century. Since then, the EU has been deeply engaged in the region “we worked to help heal the wounds of those conflicts, resolve the remaining disputes and modernize societies and economies through the prospect of EU accession”.

Challenges and concerns

Concerns about rising energy and food prices as a result of the war in Ukraine are very strong for the countries of the Western Balkans, which are much poorer than EU member states.

The EU sees frustration in the region as a reason to delay moving forward on the right path to the EU. From here, practical support and a clear path to EU integration are key to keeping the region strong on this path.

The EU's commitment is directed towards further supporting and protecting the security and stability of Bosnia and Herzegovina and beyond.

Bosnia and Herzegovina are faced with a disturbing political situation in recent months, and for this reason it is necessary to dedicate itself decisively to the protection of European values from external threats and to the maintenance of stability in the Western Balkans region.

I underlined to all the elected leaders in the country that we want to see B&H again progressing on the European path. I especially informed the bodies in Republika Srpska which must definitely return to a more constructive attitude to enable fair decision-making in all state institutions in Bosnia and Herzegovina. “In these times, when Europe is faced with incomparable challenges for its security, the leaders of Bosnia and Herzegovina have a special responsibility to protect the unity, sovereignty and territorial integrity of this country”.

It struck me when a young woman told me: “if the EU does not come to us, we will come to the EU”. The high emigration numbers are proof that many young people leave the region to come to the EU (Borrell, 2022).

From 2013, with the entry of Croatia, the EU stagnated the enlargement process, which is uncertain, long for the aspiring countries from the Western Balkans, initially for the Republic of North Macedonia, Bosnia and Herzegovina and Kosovo, which have internal problems and ongoing and unresolved problems and impacts.

On the other hand, the EU is faced with the aforementioned crises, in recent months the war in Ukraine has obviously intensified, the union in relation to the sanctions against the Russian Federation and the internal problems in the member countries and distinct approaches to overcoming and solving issues of consensual interest.

The Western Balkans and enlargement policy in Brussels is based on conditionality.

The integration of the Western Balkans into the Euro-Atlantic and European structures is an advanced and interconnected process. But there is always something new or an unfinished task.

Bosnia and Herzegovina

Bosnia and Herzegovina are a candidate for NATO membership, but its membership action plan awaits activation pending registration of military installations and reserves. NATO talks are blocked in many directions, the Stabilization-Association Agreement was signed in 2015, the application for EU membership was submitted in February 2016, but candidate status remains a distant prospect (Dümmel, 2016b).

Kosovo

The EU has always supported Kosovo's progress in its European journey. The signing of the Stabilization-Association Agreement (SAA) in 2015 and its entry into force in 2016 were key steps in this direction. National security in Kosovo is closely related to regional and

Euro-Atlantic security. Kosovo's independence has been recognized by 114 countries (including 23 EU countries and three permanent members of the UN Security Council).

The function and role of external actors

The United States of America has been the most influential partner in Macedonia, since its independence in 1991. In 2004, the USA recognized the country with its constitutional name and represents a decision-making factor in all its political processes together with the EU, main mediator during major crises (Ohrid Agreement 2001, Perzhino Agreement 2015) (Hänsel & Feyerabend, 2018).

The main strategic goal of the US is to ensure the stability of Macedonia and the region and to ensure that the existing national borders are not changed.

The role of the EU in the Balkans region - it's time for some reassessments

One of the main reasons for the delay in the accession process of the Balkan countries to the EU is the lack of internal stability policy or political consensus. This lack is manifested in different ways and dynamics in each Balkan country. Local stagnation and economic crises in these countries move together with the financial crisis in Europe and therefore the “tiresome enlargement” of the Union is also related to the “tiresome membership-accession” of the countries of the Western Balkans.

The EU's role as a transformative and affirmative force is notable in the Balkans region and more broadly for its reputation and position as a key player on the international stage. However, the EU enlargement process tightened the criteria for accession in the Western Balkans, if the previous enlargements in 2004, 2007 and 2013 are taken into account.

The future of the Western Balkans clearly lies in the EU.

The countries from the Western Balkans are very closely related in their determination to join the EU. There is no enlargement without integrative capacity - the need for institutional consolidation and communication.

Analysis of the current situation and further progress of North Macedonia and the countries from the Western Balkans towards EU membership

The Western Balkans, historically known as the “powder keg” of Europe, must be stabilized as a neuralgic point with a range of peculiarities. One thing is clear, that peace and cooperation are indispensable to return to the region.

In the period of operation of several decades of the EU, the implementation of the policy of enlargement and other policies, the importance of the agreements which create and maintain the supranational model at all levels, always and necessary is the need for communication, cooperation and reconciliation in the event of a solution of conflicting situations.

Remaining Issues and Future Research - A recent discussion in the literature involves the integration of formal negotiation- and problem-solving approaches. This can certainly take a problem-solving approach to any negotiation, including international negotiations, and thus focus more on joint tasks to reach a solution rather than having a “winner” over the other. However, the debate in the field examines whether or not it is a problem to be solved in its more specific forms such as problem-solving workshops, adapted, and the same should be considered as an integral part of international negotiations or parallel as complementary processes (Bercovitch, 2009).

4.4. Mediation and reconciliation

The international community (USA, EU, NATO) and developments in the Balkans from the perspective of mediation - mediation through the examples of Macedonia, Kosovo, Bosnia and Herzegovina.

The countries of the Balkans are constantly a whole group in the International Community, first of all in this context we think of the EU, USA, NATO and other institutions,

and organizational forms, which are part of mediation-reconciliation, assistance, overcoming of disputes, in order to ensure a guarantee for peace, stability and prosperity. Therefore, strategies and tactics throughout the negotiation are very important (Bercovitch, 2011).

A stable Balkan means a safer Europe and beyond. From experience so far, each conflict, in any type of country, represents a potential danger and threat to the regional, European and world order.

The Balkans is a space that takes a special place and requires a serious approach when it comes to conflicts and clashes between countries that are geographically connected. The risk of repeated violence and political instability increases in the Balkans.

Decades of progress and post-conflict reconciliation and economic recovery, after interventions led by the International Community in the 90s, stopped and in some spheres almost moved in the opposite direction.

International agreements brought peace to the region, based on the principles that existing borders should not be moved in order to settle ethnic differences, but unfortunately, the clauses of the agreements have somewhat eroded over time.

During the past decade, the US tried to reduce its duties in the Balkans, and give the baton to the European Union, seeing their proximity and greater power to promote political and economic reforms.

Implications for interests

The potential exposure of US-brokered peace deals in Bosnia and Herzegovina, Kosovo, and Macedonia could reverse the diplomatic achievements highlighted. NATO still has soldiers in Kosovo and is considered as the guarantor of the territorial integrity of Bosnia and Herzegovina (although the troops that are there now are under the command of the EU).

It is not excluded that each potential hotspot in the Balkans can be expanded to Albania, Croatia, Montenegro, but also to Bulgaria and Greece, all NATO members, potential developments with refugees regarding the Union and the USA, in case of radicalization.

Active leadership in the EU

The EU is an extremely active player in relation to mediation in the Balkans.

For some time now, the EU has initiated reform initiatives in Bosnia and Herzegovina, fostered dialogue between Serbia and Kosovo, and has temporarily overseen the fragile Macedonian democracy, but implementation often lags behind.

The US can more widely use diplomatic support, including sanctions, directed at uncooperative politicians to ensure continued progress on EU initiatives.

Still, none of the current EU initiatives, even if entirely implemented, will eliminate the underlying drivers of conflict. All of them aim to reduce the pressure instead of overcoming the remaining main obstacles to NATO and EU membership.

Launch of major US-EU-led diplomatic effort to resolve remaining Balkan issues.

With the acceleration of membership in NATO and the EU, Washington and Brussels could remove the obstacles for faster progress on accession.

The wars in the former Yugoslavia changed the security concept of the European Community. In principle, the EU was obliged to change its foreign and security policy. Security was directly related to the response of political activity in the EC.

It is clearly and unequivocally emphasized that “if you do nothing, this does not mean that nothing will happen”. First of all, this means you cannot expect anything good from yourself, if you have not done anything good for anyone else. “If you do not mediate for peace in the former Yugoslavia, you will not have peace at home”. (Bianchini, 2017).

Mediation And Conciliation in the EU

4.4.1. Results Of Balkan Mediation - guarantee for peace and security in Europe

EU mediation for political and economic integration

The EU developed the policy to support the gradual integration of the countries of the Western Balkans into the Union.

On 1 July 2013, Croatia became the first of seven countries to join, while Montenegro, Serbia, the Republic of North Macedonia and Albania are official candidates. Accession talks and chapters have been opened with Montenegro and Serbia, while Bosnia and Herzegovina and Kosovo are potential candidate countries.

Legal basis

Paragraph V of the Treaty on European Union (TEU): external action of the EU.

Article 207 of the Treaty on the Functioning of the European Union (TFEU): international trade agreements.

Article 49 from DEU: criteria for application and membership.

Objectives

The EU aims to promote peace, stability and economic development of the Western Balkans and open the perspective for EU integration.

Instruments

A. Stabilization-Association-SAP Process

Launched in 1999, the SAP is a strategic framework, which supports the gradual approach of the countries of the Western Balkans to the EU. It is based on bilateral contractual relations, financial assistance, political dialogue, trade relations and regional cooperation.

Contractual relations are in the form of Stabilization-Association Agreements (SAAs).

The reports ensure political and economic cooperation and the creation of areas of free trade with the respective countries. Based on common democratic principles, human rights and the rule of law, each SAA establishes ongoing structures for cooperation. The Stabilization-Association Council, which meets every year at the ministerial level, monitors the application and implementation of the report agreement. This is assisted by the Stabilization-Association Committee.

Finally, the Stabilization and Association Parliamentary Committee (SAPC) ensures cooperation between the parliaments of the Western Balkan countries and the European Parliament.

Since the entry into force of the SAA with Kosovo in April 2016, SAAs are now in force with all candidate and potential candidate countries from the Western Balkans. In the case of Kosovo, the SAA is an EU-only agreement, which the member states do not have to ratify (five member states do not recognize Kosovo as an independent state). The trade aspects of the SAA are included in interim agreements and usually enter into force immediately after they are signed, because trade is an exclusive competence of the EU.

Accession process

Candidates for membership in the EU must meet the political criteria of Copenhagen (see the information sheet for “Enlargement of the Union”). Once a country is recognized as a candidate, it moves to different stages of the process, the degree of which largely depends on the country's own merits and development.

The candidate country must adopt and implement all EU legislation (**Acquis Communautaire**).

The Commission announces the progress in the annual reports for the country. Each important decision is made by the Council, deciding unanimously, from the opening of the

talks to their conclusion. The accession agreement must be approved by the Parliament and the Council before being ratified by all contracting countries.

Candidate and potential candidate countries receive financial assistance to implement the necessary reforms.

Since 2007, EU pre-accession aid is channeled through a single unifying instrument - the Instrument for Pre-accession Aid (IPA).

Most of the candidate and potential candidate countries can participate in EU programs.

Regional Cooperation

European integration and regional cooperation are closely related. One of the key objectives of the SAP is to encourage the countries of the region to cooperate with each other in a wider range of areas, including the prosecution of war crimes, border issues, refugees and the fight against organized crime. The specific component of IPA is dedicated to regional cooperation and cross-border programs.

The Regional Cooperation Council (RCC) with headquarters in Sarajevo works under the leadership of the Southeast European cooperation process (SEECp). The RCC aims to support the European and Euro-Atlantic aspirations of its members, who are members of the EU, and to develop cooperation in areas such as economic and social development, energy, infrastructure, legal and internal affairs, security, construction of human capital and parliamentary reports. The EU and many single member states support and participate in the RCC.

Another important regional initiative is the Central European Free Trade Agreement (CEFTA). In addition, countries from the Western Balkans participate in a large part of the regional frameworks.

Visa-free travel

Visa-free travel in the Schengen Area was approved for citizens of the former Yugoslav Republic of Macedonia (now the Republic of North Macedonia), Montenegro and Serbia in 2009, while for citizens of Albania and Bosnia and Herzegovina in November 2010. In January 2012, the visa liberalization dialogue with Kosovo began. In July 2018, the Commission confirmed that Kosovo has met all the criteria. The Parliament followed suit and decided to enter inter-institutional talks, which are ongoing, because some EU member states still have reservations.

Current Status

Bosnia and Herzegovina

Bosnia and Herzegovina are a potential candidate country. In June 2008, the SAA was negotiated and signed, its entry into force was frozen, mainly due to the failure of the country to implement the key decision of the European Court of Human Rights. The EU's "Renewed Process" towards the country, which placed greater focus on economic management, allowed delayed entry into force on 1 June 2015. The country submitted its application for membership on 15 February 2016. In May 2019, the Commission published its opinion including a list of 14 key priorities for B&H, based on B&H's responses to the comprehensive questionnaire.

One of the 14 key priorities is ensuring the regular functioning of the stabilization and association parliamentary committee, the parliamentary dimension of SAA.

In July 2020, almost five years after the first meeting of the Stabilization-Association Parliamentary Committee (SAPC), EU-B&H in November 2015, the Assembly of B&H voted for the rulebook on procedure of the SAPC, which was formally approved in the second SAPC, EU-B&H in June 2021.

Republic of North Macedonia

The former Yugoslav Republic of Macedonia (now the Republic of North Macedonia) applied for EU membership in March 2004 and gained EU candidate status in December 2005. However, the country was unable to open accession talks for years, mainly due to the dispute with Greece regarding the use of the name “Macedonia” by the country. This dispute was successfully resolved through the “Prespa Agreement” for the new name of the country - the Republic of North Macedonia or North Macedonia, which entered into force in February 2019.

Since 2009, the Commission, with unwavering support of the Parliament, continuously proposes to open the accession talks. In June 2018, the Council agreed on the possible opening of accession talks with North Macedonia in June 2019, provided the necessary conditions are met. However, in June 2019 and October 2019, the Council failed to give the green light for the opening of accession talks. In March 2020, the Council decided to open accession talks without additional conditions.

In July 2020, the Commission presented the draft negotiating framework, the first that took into account the “revised methodology for enlargement towards the Western Balkans” of the member countries.

Almost a year and a half later, accession talks with North Macedonia and Albania have not yet started. This is mainly due to issues between North Macedonia and Bulgaria, related to identity, language and history.

Kosovo

Kosovo is a potential candidate for joining the EU, it unilaterally declared its independence in February 2008. Five EU member countries (Cyprus, Greece, Romania, Slovakia and Spain) and two countries in the region (Serbia and Bosnia and Herzegovina) have not recognized Kosovo's independence. In July 2018, six years after the publication of the visa liberalization guide, the Commission confirmed that Kosovo met all the criteria. The

European Parliament immediately followed by entering into inter-institutional talks, which are ongoing.

In the region, only Kosovo remains exempt from visa liberalization, because some EU member states still have reservations. After Belgrade and Pristina reached the historic agreement on the normalization of relations in April 2013 (the “Brussels Agreement”), the European Council decided in June 2013 to open SAA negotiations with Kosovo, which entered into force on April 1 of 2016.

Future EU integration, as well as Serbia, remain closely linked to the EU-facilitated high-level dialogue between Kosovo and Serbia, which should lead to a comprehensive legally binding agreement for the normalization of their relations (De Munter, 2021).

4.4.2. Mediation for the “Open Balkans” - expression of the maturity on creation of the authentic common space (economic, cultural and social) environment

“Open Balkan” means, above all these issues, a new option, a new term recently entered the vocabulary of international relations, often called as Mini-Schengen. The concept generally refers to regional cooperation, to increase trade exchange and improve bilateral relations between member countries (Government of Republic of North Macedonia, 2012).

In 2019, the leaders of Albania, North Macedonia and Serbia launched the Mini-Schengen (Open Balkan) initiative to strengthen the region's regional cooperation. This effort is largely considered to work in parallel with the Berlin Process, but still has no explicit support from the EU and above all from the other member countries of the Western Balkans (Xhambazi, 2021).

Hence, the Open Balkans initiative somehow implied that the EU is not an exclusive source of power in the region. Before looking closely at the logic of both processes, a brief history relevant to this view appears.

If the Berlin Process was closely related to the EU, the Open Balkan initiative is related to the Western Balkans. One may ask how the whole idea for the Open Balkan was created, but it can simply be noted that the Open Balkan represents the initiative with real achievements, the station on the way to the EU, the creation of the common regional market.

The Open Balkan is not a replacement for the EU, nor an initiative for the lack of real creation of the EU integration process. The initiative is a framework for the creation of free movement of people, goods and services.

The Open Balkans is a creation in the spirit of breaking down barriers and concrete solutions in order to overcome prejudices from the past and a step related to the stagnation of the EU enlargement process.

The project is from the Balkans, initiated by Albania, Serbia and Macedonia and an open call sent to B&H and Montenegro, in order to more easily overcome the crisis that exists and prevent future situations.

Initiative - supporting the stabilization of the region, expressing the recognition of peace and stability, the creation of the common market and step by step of the creation of mutual agreements.

It is strongly emphasized that the Open Balkan has ideas for minimizing political influence and strengthening the economy.

In the framework of the “Open Balkan” Summit in Ohrid, the leaders of the region express their agreement for a further continuation of cooperation for the creation of a strong region - the Western Balkans, which will be prepared for membership in the EU, through the realization of important cooperation and joint action, respecting the values of the European Union.

Europe and the countries of the region are facing serious consequences from war, energy, economic and health crisis, and the countries naturally depend on each other.

“The Open Balkan, as a new, ambitious and dynamic regional connection, gains strong and unanimous support from the business communities of all countries from the Western Balkans as a platform that the region needs”.

The Open Balkan jointly promotes attractive regional cooperation in the field of culture, with the aim of creating a common calendar of cultural events which will lead to a greater movement of the public and promote cultural exchange and the growth of festivals in region.

Macedonia

“Our political goal is clear and unique - the Western Balkans is inevitably to become part of the European Union, the place of each state from the region is in the Union, with the gradual creation of European integration through the regional cooperation of the countries of the region - candidates for full membership in the EU. “Open Balkan” is a process that sublimates integration, open opportunities, freedom, facilitation and contribution of all citizens” (Kovachevski, 2022).

Serbia

It is strongly emphasized that the three leaders of the countries showed that they have no unresolved bilateral issues, except to be friends and cooperate in favor of all citizens. It is necessary for the countries of the region to participate in the work of the working groups, in order to overcome the problems of providing food and providing electricity in complex economic conditions, energy crisis and during the war in Ukraine. It is necessary to speed up all processes, in terms of circulation of people, goods and services (Vuçiq, 2022).

Albania

Albania as the initiating country of the project clearly emphasizes the situation regarding the war in Ukraine and the importance for the Open Balkan, as a necessity and

need for the countries of the region to cooperate with each other, in terms of food security and energy crisis management.

Satisfaction was expressed by the presence of representatives of the USA and the EU, guests from Montenegro and B&H, who show their support and with this the Open Balkan justifies its existence, which is very important for the benefit of citizens from the countries of the region (Rama, 2022).

Montenegro

Montenegro emphasizes that the countries of the region have turned to the future without looking at the past and emphasized that the country has given its support to the Open Balkan. The need for essential cooperation of all the leaders of the region, common economic development and the realization of European integration.

Bosnia and Herzegovina

Bosnia and Herzegovina sincerely support the initiative, with the belief that a political decision will be made for Bosnia and Herzegovina to join the initiative (Tegeltija, 2022).

USA and UE

How does the International Community see the initiative?

USA

The summit emphasizes support for the Western Balkans through the prism of the 21st century, ensuring cooperation in all spheres, using the good geographical position.

The fact that the countries of the Western Balkans have a great potential and business spirit for economic and regional cooperation in the field of renewable energy, for overcoming the problems caused by climate change is emphasized. The US encourages the initiative as a good idea from an economic point of view with great expectations through the prism of the 21st century. The message to the initiative comes at a very important time, in order to

encourage the leaders to harmonize the “Open Balkan” with other initiatives from the Western Balkans (Escobar, 2022).

European Union

For the EU, the idea of the Open Balkan was conceived by the region and is fully supported by the European Union. The EU supports the initiative, but strongly emphasizes that the concept of further enlargement remains a reality and a strategic determination of the Union (Varhey, 2020c).

Within the framework of the summit, the agreed cooperations were realized.

- With the Agreement for cooperation in the field of mutual recognition of diplomas and academic vocations, issued by university institutions and other authorized institutions in third countries, the process for accepting diplomas and professional competences will be accelerated, which is one more step towards the common labor market.
- With the Memorandum of Understanding for cooperation in the field of tourism, the region will be jointly promoted as an attractive tourist destination. The memorandum of cooperation in culture is the creation of a common calendar of cultural events, which will bring a greater movement of the public and promote cultural tourism.
- With the Memorandum of Understanding for tax administration cooperation between countries from the region, a new opportunity will be created for a cross-border movement of people, goods and services (MIA, 2023).

Kosovo

Kosovo still stands for the EU and at the moment there is no official position for the Open Balkan initiative. It is understood, the overcoming of certain conditions is expected,

taking into account the fact of the geographical position and the significance of Kosovo and the countries of the region.

The Open Balkan supports the real mission for economic reasoning, a challenge for the increased trust between the political leadership and the way to move forward from the historical burden. The geographical proximity of the countries of the region imposes commercial and social ties, which will not be lost with the accession to the EU.

With goals fully aligned with the values of the EU, the Open Balkan has the potential to strengthen the European perspective of the region, where those who do not participate will lose the advanced regional cooperation that they have been implementing in the EU for a long time (Ristic, 2021).

Time will tell!

Conclusions

The situation in the Balkans was a clear example of the need to coordinate actions and tools from more external actors, in order to achieve the transition from war to peace, because the parties to the conflict did not have the will to act alone, to find a solution mutually acceptable and feasible.

Today, more than 20 years after the fall of communism and the disintegration of Yugoslavia in the Western Balkan region, Europe must finally assess the need for a greater role in relation to the withdrawal of these countries, with the status of full membership in the EU.

It is time for the EU to make some checks on its Balkan policy for several reasons.

1. The Balkans have always been a vital part of Europe, even though the region was soon separated from its surroundings, it is still an integral part of European history and constitutes the origin of European civilization.

2. The EU should be more active and present in the Balkans with economic investments and European regional projects. Indeed, the EU is an important donor in the Balkans, but the numerous deficiencies inherited over the years can hardly be overcome only with investments from the EU.
3. Public diplomacy mechanisms should be finally implemented in the Western Balkans as part of the regional initiative, which should happen from within, seeing the key importance and benefits it can provide during the process of mediation and reconciliation for a better external promotion of the Balkan countries (Luli, 2015).

The countries of the Western Balkans face more geopolitical, economic, humanitarian and social challenges. Although there is a continuous slower process of NATO enlargement, none of the countries of the Western Balkans (Bosnia and Herzegovina, Macedonia and Kosovo) are yet close to EU membership.

Basic security concerns, the crippled political process, informal dependencies, unclear prospects and global events move the region in different directions. The COVID-19 pandemic only exacerbated the level of uncertainty, with vaccination also becoming a hot political issue.

The EU's strategy towards the region represents increased power, responsibility and political credibility. It will not go unnoticed by global and regional competitors.

There is a need to explore possible trajectories for the Western Balkans, taking into account EU priorities, the power projection of other players and pandemic-related developments. With the help of central European cooperation, there is hope for the development of better recommendations in the EU and in the US (Visegrad Insight).

Cooperation between the Balkans countries is inevitable and overcomes global challenges.

The new state of war, the aggression in Ukraine brought back geopolitical importance.

Regional cooperation, which took off in recent years and due to the stagnation of the enlargement process, looks like something with great potential, but only if it remains inclusive and non-destructive.

The pandemic and health crisis, which has now lasted for 2 years, has seriously affected public health, the environment and climate change, where the use of regional collective action is inevitable.

Also, the economy and the need to approach the average EU standards are the stimulus for expanding the market and removing barriers.

The painful premise for the weakening of democracy in many countries of the Western Balkans region and in the EU is evident. The presence of lethargy and hopelessness is always more pronounced, complemented by the strong expansion of nationalist rhetoric and Euroscepticism.

In this pessimistic scenario, the corrupt dynamics between politics, business and the media is a trend that is present and visible, and it remains so that it completely undermines democratic and economic progress.

On the other hand, the reduced level of trust and the limited interaction between citizens and the active part of civil society do not show the desired result.

In this respect, the creation of this scenario is that, in principle, insecurity will increase, human rights will be violated (important allies, EU member states will have less incentive to protect and promote democratic processes). Moreover, autocratic and populist regimes will be consolidated.

This scenario knows well and thoroughly judges hypocrisy, which grows and takes shape in the relationship between the Western Balkan region and the EU. The visions for

membership remain on paper and are recited like clichés during each visit by senior officials, but in reality, both sides are simply buying time until the next step.

It is absolutely necessary for the European Union to act strategically in the Western Balkans region and create a European space, a place worthy of the Balkans countries, which are part of the European family. This will negate the ongoing challenges that keep the Balkans in tension and uncertainty in the future, including migration and delegations, pollution, corrupt affairs, the emergence of autocratic governments, the absence of the rule of law and the fear of ethnic conflicts.

On the other hand, the countries of the region, especially those who are used to flirting with third parties, must clearly anchor in the foreign policy of the organizations to which they intend to belong and complete the reforms that guarantee power and independence of institutions.

In case of unsuccessful consolidation, there is a clear dark future, where there is always the possibility of a complete violation of the processes of integration and development that our reality presents (Cela, 2022).

Balkan Diplomacy

Regardless of the irony of history, 2019 represents the decisive year for EU membership. One hundred years after the peace conference in Paris, which ended the First World War, the new creation of the “Kingdom of Serbs, Croats and Slovenians” as participants was welcomed, the EU will have to come up with a strategy on how to integrate the remaining Yugoslav republics plus Albania - just as the United Kingdom, the victorious power of two world wars, is on its way to abandoning the European political-economic order it helped shape for almost half a century.

In this principle, the “**new Balkan diplomacy**” is not for the renewal of old-style talks, but for a new type of diplomacy, which includes a wide range of actors.

Not only official representatives from member countries and Brussels institutions should be gathered, but also from civic organizations and European and local political parties or regional institutions.

The aim is to mobilize the wide network of people-to-people relationships, to create deep connections between current and future members of the EU (Adebahr, 2022).

The Western Balkans is the only chance for the development of credible and continuous foreign policy, security and defense agreements of the EU (Blockmans, 2018).

The connection between the dependence of the Western Balkans and the EU should in no case be ignored. On the contrary, a real, comprehensive and universally acceptable cooperation should be established for the benefit of all.

CHAPTER V

International Balkan Agreements and the Legal Mediation/Comparative

Analysis of the Problem

5. Ohrid Framework Agreement (2001)

The Ohrid Framework Agreement is a formal legal binding document, which shows visible progress in preventing conflicts and placing qualitative framework, for creation of social democratic progress. Ohrid framework agreement strengthens the multiethnic character of the state, with the extension of the rights of the ethnic communities in the country.

The Ohrid Framework Agreement (OFA) is signed on 13th of August 2001 by the highest representatives of the Albanian political parties and the international community (Special Representative of the European Union Francois Leotard and the Special Representative of the USA James W. Pardew).

The Ohrid Framework Agreement is an agreed framework to ensure the future and the peace in Macedonia, through placement of basic legislation and political framework in a multiethnic, cultural and religious environment of the similarities and differences, as historical achievements and values.

The novelties of the agreement apostrophize the constitutional, institutional impact and the whole environment in the Macedonian fragile democracy.

From here on, the Ohrid Agreement is characterized, in particular with the approach to overcome conditions and their rehabilitation and to create conditions for the community.

“The Ohrid Agreement is not perfect, negotiations for the threat of war rarely are perfect and the implementation was not always flawless. Nevertheless, in general, Ohrid Agreement has a good result and is model for the ethnic relations in Macedonia and elsewhere. The two main principles of the Ohrid Agreement are the respecting of the cultural identity

of everyone and the equal rights of any citizen, regardless of their ethnic affiliation, which remain valid in the present” (SEEU, 2011a).

(The speech of the ambassador James Pardew who was a US negotiator during the negotiations for The Ohrid Framework Agreement).

The Ohrid Framework Agreement is structured into four fields:

The provision of peace (articles 1 and 2); decentralization and the using of the emblems (articles 3 and 7); provisions related to minorities (articles 4 and 5); education and the using of languages (article 6) (Czymmeck and Visicka 2011:75).

Despite this, the agreement contains three appendixes, which in detail regulate the constitutional amendments, the necessary amendments of laws and the implementation of the agreement.

The agreement predicts parties without precondition to refuse all forms of violence for achieving political goals, with a clear emphasized aim- only peaceful political solutions can provide a stable and democratic future for the country, for the affirmation of the sovereignty, territorial integrity and the unitary character of the state.

In principle agreed obligations support and promote to strengthen the multiethnic character of the society and the complete the implementation of the positive benefits from the past and the opposition of any kind of negative form of behavior and activity.

Provisions of the agreement are in a framework to guarantee the future and the peace of the Macedonian Society, the review of the legislation and the politics in multiethnic, cultural and religious environment, with the differences and similarities as a historical achievement and respect for mentioned values.

5.1. General characteristics of the Ohrid Agreement

Advantages – Achievements

One of the advantages of the Ohrid Agreement is the prevention of the bloodshed between the two largest ethnic groups and the initiation of fragile peace in the Republic of North Macedonia.

Agreements which emerge from crisis situations often encounter deadlocks and weaknesses; therefore, the Ohrid Agreement has to be seen as a motive of the parties in the conflict. Often a compromise is found for the benefit of the citizens. Nevertheless, there is still a long way to go, and the state political leadership should give a clearer image of the consensual vision and the strategies for the future (SEEU, 2011b). (Regional perspectives of the The Ohrid Framework Agreement as a model to improve the coexistence in a multiethnic country, speech of Livia Plaks, head of the project for ethnic relations PME.

The Macedonian Government already approved the conclusions, according to which is mentioned, that the normative part of the Ohrid Framework Agreement is approved from the institutions in Republic of North Macedonia, and the implementation of the legal provisions as daily ongoing process (Sloboden Pecat, 2021).

Constitutional Amendments are a visible result of the provisions of the agreement, with accent in the respect of the identity of minorities. (Ohrid Framework Agreement 2010).

The purpose of the constitutional amendments is to strengthen the mechanisms to share the political system power, additionally constitutional amendments gave the positive visible effect in the general social- political, cultural, economic, educational and social life in the Macedonian Society as whole, as strengthening of the processes in:

- Decentralization (amendments, review of the Law on Local Government with visible extension of the municipal competences as a unit of the local self-government.

- Indiscrimination and fair representation, which referred to indiscrimination and adequate treatment of everybody, in particular during the employment in public administration and public enterprises as approach to public finances to develop the business.

Disadvantages

The agreement has internal disadvantages, which prevent the process of its self-implementation. In this regard, it can be said that the agreement can't completely be absorbed from the political system, even according to the criterion of its objectives or the excessive spirit, which allows a free interpretation by the political actors.

This conclusion can be accepted as reality as well, due to the complexity of the object of agreement and the process of implementation.

The Ohrid Framework Agreement as a new political philosophy for the function of the multiethnic state, Prof. Blerim Reka answers to four fields in implementation of the OA, focusing his answers into four main directions, which are called as: ¬representative non-implementation, official lingual non- implementation, non- implementation of the confidence building (total non-implementation of the Appendix C and the respecting of the Law on Amnesty, returning for processing to national courts, of 4 Hague cases, not that it doesn't help in the confidence building, but even is in opposite to the Law on Amnesty.

(Official Gazette No. 18/02,07.03.2002) and the budget non- implementation (Reka, 2011). Unfortunately, these non-implementations exist even after 20 years of the Ohrid Framework Agreement.

5.1.1. Similarities and Differences between The OFA and Balkan Agreements of Dayton, Rambouillet and Konculj

The Ohrid Agreement is a peace agreement, which has its specifications and its conceptual, nomo-technical and operative meaning.

Basically, the agreement generates peace and conditions for the democratization of the society.

From a historical point of view the agreement represents sublimation of more decade events, inevitability for different approach and regulation of the relations in a civilized social regulation, regarding all advantages, negative sides and challenges.

The agreement regulates relations, which are implemented and represent a continuation or consequence from events of wider surrounding regional countries, political processes and situations which more are an object of essential serious approach. Essentially the agreement is related to the Macedonian society and manifests the democratic model for re-composition of the internal relations of the citizens, who live together.

On the other hand, the Balkan Agreements which emerged in the region and regulate specific relations have no qualitative formal legal framework and the implication of the constitutional, normative and administrative character. The Ohrid Agreement manifests strongly the will to create a functional community and society. Of course, there is no perfect agreement, but there are more and less qualitative and comprehensive regulatory systems to regulate accumulated processes and provisions.

Precisely because of the difference, the Ohrid Agreement survives for more than 20 years and represents an agreement- process for continuous evaluation and prosperity.

5.1.2. Development and the postponement of the implementation of these agreements, comparisons

In the West Balkans Region, ethnic conflicts with violence are constantly present, which often ignite with elements of serious manifestation and developed undesirable actions and unpredictable consequences.

According to the analogy, conflicts are related to peacekeepers, which try with all means to prevent the escalation of further clashes, with the aim of preventing their fast consolidation.

In the case of the Ohrid Agreement, the constitutional design after the conflict is strongly manifested, with which is created the state structure, with the establishment of constitutional amendments as legal instrument.

Peace Agreements are the base for constitutional reforms, is said that they contain reforming and obstructive implications.

The analysis of the essence of the Ohrid Framework Agreement apostrophizes real implications toward the development of the political system in the Macedonian Society.

However, as is said in one of the reports of the International Group of Crises, Macedonia is a relatively successful story, in an intimidated region from unsolved territorial and statehood issues (SEEU, 2011c).

The Ohrid Framework Agreement serves as a criterion for the Macedonian Euro-Atlantic integration and as a motive force to create a multicultural functional society.

The Ohrid Framework Agreement has continuous and developing genesis in its implementation part.

Of course, there is always a space for thoughtful approach in the creation of the relations in the society and the democratic progress as it whole exists.

Implications of the Ohrid Framework Agreement are transplanted into constitution and amendment concept, are complicated and with more pages. These amendments initiate multivalent and different processes, which are contextualized from specifics of the Macedonian Society and Political Approaches (Andonovski, 2018).

5.1.2.1. *Mediation role of the International Community*

The international reaction during the crisis in Republic of North Macedonia, unlike previous cases as the example in Bosnia and Herzegovina and Kosovo, was fast and good coordinated among the EU, USA, NATO and OSCE.

The initial approach approved from the International Community focuses mainly on security dimensions. This is done in an attempt to prevent conflict and to prevent further escalation.

The political dimension, which is made an important characteristic of international efforts to negotiate in the Republic of North Macedonia, was indeed initiated some months later, which doesn't mean that since then there was no dialogue, and the crisis began (Feith, 2018).

The International Community is an important supporter of peace and security. The postulates are founded in European civilization values for this reason, the International Community implements the goal of multiethnic societies to promote and protect diversities and to prevent the creation of the parallel special systems. The answer to the question for the conflict, doesn't remove the ethnic neutral approach. On the contrary, unconditionally is created the concept of the multiethnic system, where the rights of the ethnic communities are respected, promoted and protected.

The Ohrid Framework Agreement is seen as an engine to create multiethnic functional societies, oriented towards the development, innovation, prosperity, integration, respecting of languages, symbols, cultural heritage and historic values.

The International Community pledges to establish the legal framework for building the social system, where all societies have to feel the affinity and responsibility to build a common future and coexistence.

Curiosity- Actual Status

In the period of preparation of the doctoral dissertation, the war in Ukraine took place, several million displaced people, material damages, ruined cities and infrastructure, killed citizens and children, internally displaced, poverty and hunger.

The war which continues and for sure will continue, at least from us and our region is seen already as story and manifestation of the human madness.

After all this, over the ruins a new life will emerge, but nobody can return the dead people and children.

Surely there will be agreements, which will resemble the agreement, which is subject of the comparative analysis on this thesis, of course with own specifics and features.

In the end peace will replace weapons. But the lost lives won't be returned.

5.2. Dayton Agreement (1995)

Essentials- description of the agreement

The history remembers many wars and cases, when bloody conflicts ended in peace, agreements for the ending and initiation of new relations between opposing parties.

The Dayton Peace Agreement ended the war in the Balkan Pot and is called as the General Agreement for Peace in Bosnia and Herzegovina.

The agreement created a single possible and complex structure- the only country consisting of two constitutive elements, from one side- Bosnian- Croatian Federation and Republika Srpska from the other side, where Sarajevo remained undivided capital.

The agreement is known as the Dayton Peace Agreement, after the negotiations which were held in the Air Base Wright- Patterson in Dayton, Ohio.

The negotiation process was led by the International Community with high contribution of the American diplomat Richard Holbrook, who was the main US peace negotiator, the Secretary of State Warren Christopher, the EU special representative, the

Swedish diplomat Carl Bildt, and the Deputy Minister of Foreign Affairs of Russian Federation Igor Ivanov.

The General Peace Framework Agreement in Bosnia and Herzegovina initiated in Dayton on 21 November 1995, concluded in Paris on 14 December 1995, by the representative of the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia, based on basic postulates:

- The need for comprehensive solution, which can end the tragic conflict in the region,
- Contribution towards the goal to promote peace and continuous stability,
- Commitment of essential principles accorded on 8 September 1995, other essential principles accorded on 26 September 1995 and agreements for ceasefire from 14 September and 5 October 1995,
- Confirmation of the agreement from 29 August 1995, which authorized the delegation of the Federal Republic of Yugoslavia to sign in name of the Republika Srpska, parts of the peace plan, which referred to it, where they are obliged strictly to implement the commitments, which arose from the achieved agreement (OHR, 1995).

5.3. General characteristics of the Dayton Agreement

Advantages- Achievements

The Dayton Peace Agreement ended the brutal ethnic and territorial conflict in Bosnia and Herzegovina, which started after the breakup of the state of Yugoslavia. The Dayton Agreement redefines the mutual state in Bosnia and Herzegovina, which consists of two entities, Bosnian (Muslim) - Croat Federation and Republika Srpska (RS), under competences of the International Representative and the peacekeeping mission, led by NATO.

In the Central Bosnian Government, the institutions include a tripartite presidency, the prime minister, the council (cabinet) and a bicameral state assembly. According to the Dayton Agreement, central governing powers remain intact, with many governing functions, which remain at the level of the entity of the Federation and RS, which have their own governments and assemblies. At the entity level, there are cantons and municipalities of the Federation and the municipalities only in Republika Srpska.

At international level, the Dayton charged the High Representative Office (HRO) to oversee international activities in Bosnia and to bear the powers to announce decisions and replace officials.

The largest part of the observers agree that Dayton was a big success, because through this was ended the war and were put the foundations for consolidation of peace. Nevertheless, is more than clear that the Dayton Agreement came as documented by compromise and good reason. The war circumstances alone cannot ensure the future of Bosnia and Herzegovina as a modern functional and democratic state.

The conclusion is extremely important, which speaks a lot over the situation in Bosnia after the Dayton and the statement of Lord Paddy Ashdown, a high representative- “a perfect agreement to end the war, but a very bad agreement to build a state” (Ashdown, 2005).

Functional structures in Bosnia and Herzegovina presented marked challenges in the effort for gradual integration in the European Union and NATO.

Political differences among the Bosnian leaders and the interest groups for status quo continue further to prevent the efforts for central reinforcement of Bosnia and Herzegovina, with independent leading institutions and administrative capacities. The commitment of the process for Euro-Atlantic integration has encouraged a marked degree of cooperation, but a consensus between ethnic lines for main government agreements is still not reached.

Disadvantages despite these positive visible trends, the main word “Dayton” is a synonym for everything, which seems not to be working in Bosnia and Herzegovina for example complicated institutions, high unemployment rate, dependence on foreign assistance and domination of ethnic politics.

Dayton as a module, didn’t manage to put Bosnia and Herzegovina as self-sustainable state, led by reforming political elites.

There exist many disadvantages for the institutional commitment in the Dayton Constitution, e.g.:

- Institutions often are considered as inflexible formations, nevertheless, state powers increased significantly in the last decade, through establishing of many new institutions, refuting the argument on inflexibility (at least partially).
- Contradictions and ambivalence regarding group, individual rights and specific demands for self- determination, often are considered as a disadvantage for the peace, with which is allowed higher degree of evolution from the expectations. On the other hand, many of weaknesses in Bosnia and Herzegovina cannot easily be found as fault of “Dayton” or institutions established from it. The importance of ethnic politics and national parties play an extraordinarily important role.
- This condition is not a result of the state structure alone, but at the same time is a consequence of the war, even if the institutions of that time would have tried to ease the dominance of such parties.
- The high degree of decentralization created obstacles for the economic development as well, however the high unemployment and the low degree of foreign investments represent the aftermath of the war and are high reserves for the stability and they are not divided from the regional context.

Numerous disadvantages from different character

Consequences of the EU policies are clear, the strategy of Bosnia and Herzegovina is pro-European, but burden from the complicated partial model of the political institutionalization and influence.

An additional effort of the EU to encourage constitutional reforms can help Bosnia to overcome numerous disadvantages, gaps and uncertainties in its constitution. The European role and focus on the constitutional reforms in Bosnia and Herzegovina are necessary to build the following platform:

1. Constitutional amendments have to be initiated and implemented through the institutional formal process, through cancelling of ad hoc meetings, with higher commitment and with the sole goal, to reduce the risk of further complication of social relations.
 2. The aim of constitutional reforms should not be the building of the state, the overcoming of disadvantages in constitution related to human rights and easing the membership process towards EU.
 3. The EU have to lead the process, by offering advice and instructions, by offering clear strategy and numerous options to prepare and recompose the institutional structure of Bosnia, not only for membership negotiations, but for the membership (accession) as well.
 4. Reforms should be built on the premise that Bosnia is totally functional decentralized country, which consists of two entities and Republika Srpska.
- While it would be easy to draft a long list of desired constitutional amendments, the main goal should necessarily be an agreement which passes existential debates around the topic, how, why and if Bosnia should exist (Bieber, 2010).

5.3.1. Similarities and differences between the Framework Agreement and Dayton Agreement

The best illustration for similarities and differences among the Framework Agreement and Balkan Agreements (part of Balkan Agreements).

At the beginning of the 90's of XX century, certain areas in former Yugoslavia were hit by ethnic conflicts, with tragic aftermaths and a huge number of victims. In such imperative circumstances was necessary to calm the conflicts in the countries of the region.

The Dayton Peace Agreement from 21 November 1995 stopped the war in Bosnia and Herzegovina, the Kumanovo Agreement of 1999 and the Resolution 1244 of the Security Council stopped the NATO intervention in Serbia, and the Ohrid Agreement from the 13 August 2001 stopped the conflict in Macedonia.

A big number of countries and entities after the breakup of the Socialist Federative Republic of Yugoslavia in 1995 set frameworks for a type of agreement to share the power.

In context of agreements, the best similarity can be illustrated through the example in Bosnia and Herzegovina and Macedonia, which have some elements of the Constitutional Democracies. One part of the political institutions in Bosnia and Herzegovina and Macedonia appeared as direct result of the Dayton and Ohrid Agreement and the resolution of the conflicts.

E.g., the Appendix 4 of the Dayton Agreement contains the Constitution of Bosnia and Herzegovina. The territory of the former Yugoslavia is not the only territory where some institutions emerged, with the aim of ending the conflicts. Some interventions as in (Sierra Leone 1996 or Afghanistan 2002) had the form of “the first aid” and emergency, directed towards the bloodshed stopping (Reynolds, 2005).

The complexity in Bosnia and Herzegovina as a state with three constitutive nations, two entities, ten cantons and the District of Brcko, 14 constitutions, one national, two from

entities, ten from cantons and one from the district, 14 legislative authorities, 14 governments and five governing degrees: state, entity, canton, district and municipality, represents an institutional special phenomenon (Kasapovic, 2005).

In Bosnia and Herzegovina is applied the innovation of the tripartite presidency, where Serbs, Croats and Bosnians elect their members. Each community has the right to veto laws “which damage national interests”.

In the Macedonian political environment, the Ohrid Agreement replaced the Macedonia from its definition, as national state pursuant to the Constitution of 1991, with mixing of elements of the national state, citizen state and binational state (Bieber, 2008). Ohrid Framework Agreement defined crucial alterations and challenges in the constitutional order and political order in Macedonia (SEEU, 2011d).

These “amendments in the constitution, were more at the level of terminology rather than principles”. On the preamble, instead of saying “Albanian nationality” now is defined as “part of the Albanian nation”. The two-level system “Macedonian nation” and “part of nations”, and the aligning of Albanians with other non- Macedonian communities, still has relapses of the Yugoslav Constitution of 1974 (SEEU, 2011e).

Further, in every other country the nationalities are referred with the neutral term “communities” (Constitution of the Republic of Macedonia, 2001a) or “citizen of an administrative unit, where at least 20% of them speak a language other than the Macedonian” (Constitution of the Republic of Macedonia, 2001b)

Elements of the “binational state structures” are implicated in the guarantee of certain rights for “communities, which have more than 20% of the population (Jovic, 2011)”.

Among the Macedonians, they are only the Albanians, who with the census of 2002 result 25,4% of the population in Macedonia, and in the last census of 2022 they were 29,5% of the total population and 24,3% of the resident population. Regarding the nonresident

population or citizens who immigrated abroad, can be noted that the number of Albanians is almost three times higher. The Macedonians as non-residents are 24,45%, while Albanians as non-residents are registered 66,36% (Stat.gov.mk). Regarding the City of Skopje, as largest administrative unit in the country, as Macedonians are declared 58,71% of the population, while Albanians are 22,85% of the residents. Related to both countries, the same principles are not implemented or functionally. E.g., according to the population census of 2002, Montenegro had 32% Serbs, while Serbian language speak 63,5% of the population.

The Ohrid Agreement set new elements on the constitution, by moving Macedonia towards constitutional democracy. Amendments IV-XV of the constitution anticipate complicated mechanisms of decision taking and give the right to vote to members of the minorities in certain regions.

The Ohrid Agreement de facto confirmed that Albanians are a constitutional nation, their language is accepted in public and official cases, institutions of the higher education are in Albanian language, are created some new municipalities with Albanian ethnic majority, a relevant progress in the employment of Albanians in public, services are achieved.

The Dayton Agreement and the Ohrid Agreement had two goals, the ending of the conflict, but not the resolution of the ethnic conflict (SEEU, 2011f). The ethnic tension, discrimination and the treatment of Albanians as citizens of the second level, even if as a result of insisting of the EU, Republic of North Macedonia approved a law against the discrimination, which is applied from the commission for protection from discrimination. The principle of non-discrimination is a basic principle and appears as a precondition of enjoying the rights and freedoms in any other areas, such as: employment, education, access to public services. The principle of right and adequate representation, where the aim of this principle is to represent the members of the non- majority groups in the administration. The

representation of the non-majority in leading positions in the administration, seen from the actual situation is not satisfactory.

The first goal: war conflicts are stopped, and peace is established.

Second goal: the renovation of the state as a stable policy is established.

The final goal will be the criterion of meritocracy, professionalism and other objective criteria, to govern during the using of the specific rights from the individual, not their ethnic affiliation.

Their ethnic affinity should not be a criterion for the privilege of the individuals or groups (SEEU 2011g). Seen from this aspect, but also from contests with the neighbors (the contest regarding the name with Greece), the contest with Bulgaria, Prof. Blerim Reka concludes that: **“in Macedonia a delay in the implementation of Ohrid Agreement was present, and generally a silence in the background in second plan of ethnic relations” (Reka 2010).**

Final Consideration

Constitutional- institutional engineering in Bosnia and Herzegovina validated some of the unlearned lectures.

The constitutional- institutional design, as good as is thought, still will lack on some issues from cultural and political tradition, passions and emotions in which is supported.

The example in Bosnia and Herzegovina and Macedonia mostly confirms certain critics, directed to the constitutional model of democracy.

In essence political elites should necessarily believe that their concessional arrangements are completely desirable and feasible. Therefore, the existence of one certain political balance among subcultures and diversities is inevitable.

Bosnia and Herzegovina and Macedonia mostly confirm certain critics directed towards the concessional model of democracy. Important is that political elites should believe

that political arrangements are completely feasible. Necessary is also the tradition, which promotes reconciliation, mutual adjustment and compromise (Dal, 1999).

In the following period is necessary to follow the implementation of measures among the centralization, decentralization, integration and disintegration. How possible is autonomy in frames of a unitary state and how much can the minority lose from the majority, if it is observed from the perspective, are there compromised models possible?

Time will show to what degree the solutions are self-sustainable. The economic crisis is enemy of the democratic stability, because it destroys the middle classes and deepens the economic diversity, which makes it more difficult for the labor of the institutions, which are additionally established.

5.3.2. Development and postponement of the implementation of these agreements and comparisons

Even if the supporters of share pretend that ethnic conflicts create situations of violence, where the physical share is the only option, their sense for the ethnic affinity and the reasons for such conflicts are often wrong. Further, even if it can be imagined, that ethnic affinity acts in this monolithic way, by using the share as strategy to solve conflicts without the existence of the specific system for resolution.

In the last 20 years, the random share and the recognition of states has brought to de facto belligerent countries of big block systems (former Soviet Union, Federation of Yugoslavia).

Concretely in the case of Bosnia and Herzegovina the compiles of the Dayton Agreement divided themselves between the decision of the Commission of Badinter for the legality of the internal borders of Yugoslavia and the wish to separate the parties in the Balkans Conflict. Even if the respecting of existing borders prevails, this was a price for the sharing of non- sovereign government system. The current federative structure of Bosnia and

Herzegovina creates contradictory identities for Serbs, Bosnians and Croats, without ensuring certain institutional benefits or protection measures, which could allow or make possible the real independence (Wane, 2014).

United States of America

The American Administration repeated the accent of “unfinished business” in the West Balkan region.

The main goal of the USA was to solve the unsolved status of Kosovo.

The United States also tried to strengthen the further development of Bosnia as united, democratic and stable country for integration into Euro-Atlantic institutions. The administration supported Euro- Atlantic aspirations of Bosnia and encouraged the leaders of Bosnia to consolidate state structures and to erase their main political divisions, which is comprised in the Dayton Agreement (Burns 2005).

European Union

In the summit of Thessaloniki in June 2003, EU committed to integrate all West Balkan Countries or to create new instruments to encourage closer relations with the EU, including also the Stabilization and Association Agreement (SAA) - the first step towards the eventual membership in EU. The numerous obstacles slowed down the advance of Bosnia towards negotiations and the signing of SAA- which puts Bosnia as the only potential country in the region, without a formal report in EU. An advance of the last time, to protect the reforms in area of security, included the newest steps to undertake reforms in police, which open the path towards EU.

Despite this issue of protection reforms in police, EU also gave advantage to the need for further reforms in the public administration and the public broadcasting in Bosnia, including the forced implementation of the projects in multiple programming reforms, initiated and provided by the European Commission.

On the other hand, the level of Bosnia, the cooperation with the International Tribunal for War Crimes, is a concern as well.

Euro- Atlantic integration Bosnia and Herzegovina demand a full eventual membership in the European Union and in NATO. Both institutions undertook the whole integration of the region, after the fulfilling of various conditions. For different reasons, Bosnia faced a wider scale of difficulties during the fulfillment of some conditions, in comparison to other West Balkan Countries.

5.3.3. Expectations and recommendations

The international community supports and should further support the trend of Bosnia and Herzegovina in the EU integration process, through which will be insisted the reducing of the attacks towards Bosnia and Herzegovina as integral country and insists the true implementation of the obligations for membership.

It is important that the international community understands the threat of splitting and destabilization of Bosnia and Herzegovina and judges all future scenarios of such type. The inviolability of international borders in West Balkans and the interference in internal political affairs of Bosnia and Herzegovina from Serbia and Croatia should be overcome and solved.

The implementation of the judgments of the European Court for Human Rights, respectively the elimination of discrimination and the election process, should be separated from all political issues connected to constitutional reforms. In the international community should be insisted in the depolarization of the process with exception of the risk that the constitution will further continue to comprise discriminatory dispositions, while the political parties should continue in the focus of the partisan and ethnic rights.

The debate on the election right, with domestic and international experts, accompanied where the transparent debate for the wider public is to be supported. For the

election law it has to be debated within the parliamentary procedures and the elective rights are not to be excluded or allow further enthusiasm.

The international community should be consistent in promotion of reforms in prevention of the denying, banalization, justification or approval of the crimes against humanity and war crimes during 1990s.

All international actors should contribute to creation of the conditions for constitutional amendments in Bosnia and Herzegovina, to ensure the functional state and the equality of all its citizens.

Bosnia and Herzegovina with the EU support has to defend the principles of democracy, the rule of law, to respect human rights and overcome the actual unclear situation in Bosnia and Herzegovina. In this regard we should have more commitment and solidarity in the region and in Europe, to fight ethno- political manipulations, corruption and authoritarianism.

5.3.3.1. Proactive role of the International Community

The international actors have played a big role in the formation of the post war agenda in Bosnia and Herzegovina, including the sanctioning for local political actors.

In this context it has to be concluded, that in the past after the Dayton period, a lot of things were to be solved, including the constitutional reforms, because Bosnia and Herzegovina aim to access the European Union.

It is for sure, and it has to be mentioned that some certain trends, as the disrespect of the rule of law, the political influence on the judiciary, the denial of war crimes and the glorification of the perpetrators of those crimes have to finish.

In the international community it has to be insisted as well, to stop the attacks towards Bosnia and Herzegovina as an integral state.

The path towards EU offers possibility for Bosnia and Herzegovina, but the fragile democracy must be strongly supported, with aim to oppose the internal and external factors from the destabilization of the country (POLICY BRIEF, 2021).

International Role

According to the above mentioned, it can be concluded that the International Community played for a long time a dominant role in the post-war developments in Bosnia and Herzegovina. The International Community actually is in a transition status and the responsibility for leading of the security is thrown towards the Bosnian control.

The Office of the High Representative (OHR) besides numerous critics, the commitment of the international factor in BiH is strong, which played the role of the significant executive government, important is the strategy to conduct the reforms and the removing of obstacles from the political elites and challenges (Peace Implementation Council (PIC) 1997).

Many representatives, without higher results and functionality are related to the function of the whole political environment in Bosnia and Herzegovina.

NATO some years Bosnia, along with Serbia, Montenegro was the only of the former Yugoslavia, which didn't join the Peace Partnership of NATO (NATO 1997). Dilemmas exist about partnership and full membership.

As mentioned above, the government in Bosnia agreed with the extended protection reforms in 2004 and 2005, to unify the structure and the command of armed forces and to create a professional army. In June 2006, the Presidency of Bosnia decided to unify the armed forces in the United Bosnian Army at the end of 2007. With these achievements of the transformation of armed forces, the only obstacle is for the aspirations of Bosnia in NATO Peace Partnership (PfP), it was and still is an incomplete cooperation of the Republika Srpska

with the Hague Tribunal for War Crimes, in particular regarding the arresting of the fugitives, which are under suspect for war crimes.

With some unexpected developments, the leaders of NATO in the Summit of Riga in November 2006 invited Bosnia, Serbia and Montenegro to join the NATO Peace Partnership (without reaching a complete cooperation with the Tribunal for War Crimes), the three countries agreed on Peace Partnership. The presence of NATO in Sarajevo provided the Bosnian government with function and advice and assisted for reforms in defense, as well as is engaged in efforts to capture and detain remaining war criminals (Kim, 1997).

5.4. Rambouillet Agreement (1999)

The interim agreement for peace and self-governance in Kosovo (Rambouillet- Agreement)

The essence- description of the agreement

The Rambouillet Agreement, a formal interim agreement for peace and self-governance in Kosovo, was a peace agreement proposed between the Socialist Federative Republic of Yugoslavia and the delegation, which represented the ethnic Albanian population in Kosovo.

In formal- legal sense, the interim agreement for peace and self- governance in Kosovo was a proposed peace agreement between the Socialist Federative Republic of Yugoslavia and the delegation, which represented the ethnic Albanian population in Kosovo.

The goal of the agreement This agreement aimed to end the violation in Kosovo and to ease the returning of refugees and the displaced persons. The agreement calls in approval of a new constitution in Kosovo, which will respect the territorial integrity in the former Republic of Yugoslavia and at the same time will set the principles of democratic self-governance for three years, until definition of the final status of Kosovo. This agreement was not signed, but its essence is incorporated into resolution 1244 of the Security Council (United Nations, 1999).

Negotiations in Rambouillet the diplomacy of crisis brings towards a basic agreement for de-escalation of the conflict.

Until 1990 Kosovo enjoyed the constitutional status as an Autonomous Province in Serbia, in frame of the Republic of Yugoslavia.

Kosovo was inhabited with at least three main ethnic groups: Albanians, Serbs and Roma, where the Albanian made 90% of the population. In 1995 in democratic elections Ibrahim Rugova was elected as a president of the “Independent Republic of Kosovo”, but soon came to a repression towards the Peaceful Movement of Kosovo for independence and creation of the armed uprising, led by Kosovo Liberation Army (KLA) and the deep political division between ethnic Albanian Kosovars (Wanis, 2014).

International Coalition recognized as the Contact Group for Balkans the final composition of the Contact Group for Balkan was the USA, the Russian Federation, France, United Kingdom, Germany and Italy. Christoph Schwegmann, “the Contact Group and its influence towards the institutional European structure” created initially to coordinate the global diplomacy and the ending of the war in Bosnia; it has been active to prevent the extension of the war in Kosovo during the 1998.

Later the Security Council of UN called on mandatory dispositions from the chapter VII of the Statute of UN in its resolution 1199 from 23 September 1998 (China abstained), calling in interruption of all hostilities, humanitarian action and renovation of the politic dialogue, at the same time announced, “additional measures to preserve the returning of the peace and the stability of the region” (The Security Council of the United Nations, 1998).

OSCE established its mission for verification in Kosovo (KBM) to observe and confirm the respecting of the ceasefire and withdrawal of Serbs from Kosovo. In this period new clashes, hostilities, expulsion and beginning of new further movements for creation of a new refugee crisis happened. In complicated conditions was imposed the need for additional

action to undertake justified actions, between the initiation of the additional pressure and the negotiations.

Consequences of the war in Kosovo NATO began with the air campaign to bomb Socialist Republic of Yugoslavia, which lasted seventy-eight days and actually this action convinced the government in SRY to accept the conditions of the international negotiators (President of UN, 1999).

5.4.1. General characteristics of the Agreement in Rambouillet – advantages and achievements

Negotiations in Rambouillet, the worsened humanitarian and political situation at the beginning of 1999 also made the international actors to be ineffective and constrained in their ability to promote a peace agreement.

On 26 January 1999 the American Secretary of State Madeline Albright and her Russian colleague the Minister of Foreign Affairs Ivanov met and showed the support to renovate the diplomatic initiative undertaken by the Contact Group.

On 29 January the ministers of the Contact Group called the Serbs and the Kosovars to seven days peace conference in France in Chateau Rambouillet for negotiations in February.

The Council of North Atlantic announced and informed the international community in case if the parties don't solve their political disputes in Rambouillet and if the SRY doesn't fulfill its peace obligations towards NATO, to withdraw its troops from Kosovo, the General Secretary of NATO "can approve air attacks towards objectives in SRY... (and) undertake all appropriate measures in case of failure from the Albanian- Kosovar side to agree with the demands of the international community" (KFOR, 1999).

The military- technical agreement between the International Security Forces ("KFOR") and the governments of the Federative Republic of Yugoslavia and the Republic of

Serbia from 9 June 1999 informed the International Security Forces of NATO (KFOR), which gave the SRY and Serbian forces an ultimatum of 11 days to withdraw completely from Kosovo.

Disadvantages

While the Kosovars supported strongly the presence of NATO, to implement the agreement, the annexes reviewed the demilitarization of KLA. The agreement in essence contains significant negative connotations, due to its specifications and the legal nature.

Simply, according to all parameters it is a simple legal act, through which is achieved the peace and the cease of long clashes and the negative implications with serious consequences.

Negotiations

The basic rules of the negotiators in Rambouillet predicted negotiations based on their text, only to an interim agreement. Parties were called to submit comments regarding the text, with possible amendments, only if both parties agree or if the negotiators believe that the proposed alterations will make the agreement easier.

For the Kosovar Delegation, Paris was presented as something more than only ceremony to undersign. For the Serbian Delegation, Paris was foreseen as a possibility for further session to agreement.

Negotiations in Paris

The history of the Paris negotiations is neither long nor complicated but can be seen as special from the negotiations in Rambouillet. In the time period between Rambouillet and Paris, the basic rules of the negotiators and mediators anticipate discussions based on the text only for interim agreement. The parties were called to submit comments for the text, with possible modifications and consent of both parties.

5.4.1.1. Similarities of the Rambouillet and Dayton Agreement

The main component in the impact of the political dynamics in Kosovo stands in the peace negotiations and the proposals for the Balkans region. But peace proposals many times are intended to be rejected or ignored, serving as marks for a justification for other types of actions (Cook, 2008).

The Rambouillet Agreement for Kosovo was presented to Serbia in 1999, gained such reputation, but had several proposals, which elaborated on what were the true goals, instead of moving forward to peace.

NATO had a key role to preserve the peace and the stability in Kosovo and in the wider region, especially in Bosnia and Herzegovina after the war.

The Euro-Atlantic integration was a real objective for all countries and entities in the Balkans. A useful byproduct of NATO was the engagement and the engagement in the region of former Yugoslavia. During the years of crisis, operations led by NATO in Bosnia and Herzegovina and in Kosovo gave a crucial contribute to the peacekeeping mission (NATO in the Balkans, 2005).

After the drafting of a short framework for analysis, on the chapter is presented the context of two peace agreements, by describing the political situation in Kosovo at the first half of 1990s, passing than into analysis on the impact of the Dayton Agreement in Kosovo, proceeding further with Rambouillet in the war campaign of NATO.

Similarities

In Dayton the case of Kosovo and the Albanian- Serbian relations were ignored and the International Community continued to solve the problems in Kosovo as case of the human rights, even if the president Ibrahim Rugova many times declared that the goal of the Albanians is the independence (Royal, 2007).

The Albanian interpretation of Dayton contained the axiom, that the ethnic cleansing is legitimated, because the entities in BiH are created through ethnic cleansing, since than a precondition for the Dayton was the elimination of the Serbian- Province, in fact the legitimating of the ethnic cleansing as a method to build a state (Janjiq “2009; Maliqi 1998).

The development and postponement of the implementation of these agreements and comparison

The negotiating role of the International Community

The International Community reacted by judging the excessive use of force from Serbia and any kind “of terrorist actions” from KLA, therefore were the peace negotiations insisted (Royal, 2007).

Nevertheless, for the KLA the creation of the results and the attempt to open negotiations with Belgrade was a strategy.

In a period of only six months, KLA was not marked as a terrorist organization and gained the political support in USA. In its short lifetime, achieved to transfer itself from a marginal group into that group which gained the wider support in frame of the Kosovar Diaspora.

Before the meeting in Rambouillet the American side signaled that KLA was an important partner of USA and in the end, they should be trained in the USA (Sörensen, 2009).

BiH and Kosovo

Both agreement forms have had a significant impact outside their direct topic, for BiH and Kosovo. Dayton contributed encouraging events in Bosnia and beyond, while Rambouillet provided a new starting point for the events, which brought to the independence of Kosovo, with consequences for the minorities and ethno- pleural states around the world.

Rambouillet further gave the platform for legitimating a new doctrine for “the humanitarian intervention” and the intervention without a mandate of UN.

Broadly speaking, the Balkan remains host for many conflicting principles and models to build a state (Sörensen, 2012).

5.4.1.2. Final notes

In essence, the Rambouillet Agreement for peace and self- governance in Kosovo (Rambouillet Agreement) is an additional step for the development and an innovative mechanism to solve and overcome self-determination conflicts. In fact, the formal legal character of the treaty advanced towards some of elements, which were pioneers of innovative responses towards other crises, which seemed to be intractable (Weller, 1999)

The accepting of interim political elections based on principles, which cannot be negotiated, which comprised difficult elements for both parties, it had to be won, if necessary, through threats and use of force. The implementation of the agreement had to be ensured with the presence of 30.000 soldiers of NATO, in addition to the significant presence of OSCE.

Despite the accent for obligation of parties, the true negotiations for proximity, which followed in Rambouillet, were strange from several aspects.

The initial draft for political solution, which was presented in front of the parties, allowed the Kosovo Delegation initially to accept and to involve in constructive negotiations for a practical implementation.

The Delegation of Socialist Republic of Yugoslavia almost completely refrained from the constructive participation in the negotiation process, but few days before at the end of the conference, got the draft- text, which was substantially revised for its benefit.

After this period an intensive negotiation period between the international negotiators and the delegation of Socialist Republic of Yugoslavia took place, which resulted with several additional amendments of the text.

At the time when it was obvious that the Kosovo Delegation may not have possibility to agree on the signing of the text, the focus of attention was thrown quickly and there were

made significant efforts by the United States of America to fulfill some of their fundamental concerns, which were ignored from the beginning of negotiations itself.

However, at the beginning almost the direct intervention of the American side, held in three days, couldn't convince any member of the Kosovo delegation, to join the existing consensus for signature.

In context of the negotiation process, besides many uncertainties, the Kosovo delegation with majority voted to accept the whole agreement text, as it was presented on the last day of the conference.

Nevertheless, considering the failure to reach consensus, a period of three weeks was necessary to consult the Kosovo people and their political and military institutions before the signing.

On the other hand, the Delegation of Socialist Republic of Yugoslavia / Serbia noted that a big progress was reached and offered participation into the further round of negotiations. Instead, Kosovo signed the agreement, where exposed that Socialist Republic of Yugoslavia was "responsible" for its prevention of progress and for the renewal of the war campaign, which it has started in Kosovo through the air shelling of NATO.

The connection of the legal justification and the humanitarian action with purpose to achieve the Serbian acceptance of the entire Rambouillet Package, if it refrains, it may present a wider innovative reason of the international law (Weller, 1999b).

Comparing analyses in the negotiation process in Rambouillet, detect the serious complexity in the approach to solve the problem to find a peaceful solution.

In practice an extraordinarily interactive difficult report, especially when other included parties have significant influence with the aim to overcome the antagonisms.

5.5. Konchulj Agreement (2000) on the Presheva Valley

Presevo Valley is geopolitical region in south of Serbia, along the border with Kosovo (Palka & Francis, 2005). The Valley in geographic way includes the Municipalities of Bujanovac, Presevo and Medvedja, settlement of the largest part of the Albanian community in Serbia, which makes 1/2 of the population, and the remaining part are Serbs and Roma. From 2015, the zone had around 75.300 inhabitants.

The region of South Serbia throughout the history represented a specific space with a significant tension and conflict situations.

At the end of 90s of the XX century and at beginning of XXI century, as continuation of the earlier clashes in former Yugoslavia, the uprising in Preshevo Valley took place, the armed conflict between the Federative Republic of Yugoslavia and the ethnic Albanians insurgents (Perritt, 2008), (Morton et al. 1991-2022) The Liberation Army of Presevo, Medvedja and Bujanovac (UÇPMB) (Morton 2004).

Throughout the conflict, when the Yugoslav Government required the support of KFOR to suppress the attacks of UÇPMB, for the fact that they were able to use only light armed forces, as part of the Kumanovo Agreement, which ended the War in Kosovo and a buffer zone was made (BBC News, 2001).

The essence- description of the agreement

As a result of the war in Kosovo, the conflict in Presevo Valley took place, which ended with the signing of the Konchulj Agreement for the Presevo Valley.

In the legal content Konchulj Agreement has the status of a one-page document, which was signed on 20th of May 2001.

The Konchulj Agreement for the Presevo Valley predicts the entire demilitarization, demobilization and disarmament of the Liberation Army of Presevo, Medvedja and Bujanovac.

It calls also for the integration of ethnic Albanians into government, civic, economic and political organization, including the support of the International Community to implement the so-called Plan of Chovikj. The representative of NATO, Shawn F. Sullivan, was a witness of an agreement, as mediator in the negotiations in absence of the direct communication between the opposing parties.

5.5.1. Included disadvantages in the agreement, the importance and advantages

Main agreement disadvantages are the sublimation of the complicated relations, which are heavily regulated, due to declarative character of agreement provisions, where is mentioned that ethnic Albanian citizens in municipalities Presevo, Medvedja and Bujanovac over the years suffered from subjugation, were subject of discrimination and persecution by previous Serbian governments in the Federative Republic of Yugoslavia. From here on are mentioned reasons, due to which the population was forced to armed resistance, (the abandonment of state institutions and the marginalization from the daily civic life in the municipalities of Presevo, Medvedja and Bujanovac and the denial of basic civil rights, including the cultural, national, social, political and economic rights).

The importance of the agreement

Communication: emphasizing the importance for preservation of connections among Albanian ethnic families and their friends, who live in Kosovo and municipalities of Presevo, Medvedja and Bujanovac and the need to maintain cross- border freedom for the movement of all individuals, it was submitted a request towards the armed Serbian forces, to treat ethnic Albanians with dignity and respect to refrain from violent methods and activities.

In relation to the war component, the Liberation Army of Presevo, Medvedja and Bujanovac is recognized and was intended to attract further international attention in relation to ethnic Albanians in municipalities of Presevo, Medvedja and Bujanovac and the definitive creation of social- economic changes through political means.

Rights at the same time the further engagement for realization of the rights of ethnic Albanians was intended, with the realization of the political process and acceptance of assistance by the international community and representatives of new governments in Serbia and Federative Republic of Yugoslavia.

Community in relation to creation of the environment of community and state affinity, agreement provisions highlight the importance to maintain the ties between families and friends of ethnic Albanians, who live in Kosovo and in municipalities of Presevo, Medvedja and Bujanovac and the need to maintain the cross- border freedom for movement of all individuals.

Civic Society the civic society is a crucial role factor for creation of the stable national, socio- economic, political and cultural environment in the region. Therefore, is called the International Community and the governments of Serbia and Federative Republic of Yugoslavia to keep their obligations towards the ethnic Albanian community. Human rights are extraordinarily important in creation of the framework for normal function and coexistence of all citizens.

The movement and information the movement and the access to information are important components in any social regulation. Emphasizing the importance to maintain ties between the families and friends of ethnic Albanians who live in Kosovo and municipalities of Presevo, Medvedja and Bujanovac, the need to maintain the cross- border freedom for the movement of citizens is respected.

Safety guarantees admitting that the safety situation and the total surrounding of municipalities of Presevo, Medvedja and Bujanovac are instable and obstacle for the piece and the stability in the region, in order to prevent escalations, the engagement of joint Serbian forces exists to treat the ethnic Albanians with dignity and respect.

Collision prevention the agreement defines the unilateral ceasefire by the Liberation Army of Presevo, Medvedja and Bujanovac, which is committed to demobilize and entirely to demilitarize, disarm and disband with the help of the International Community. The Police Corpus is redefined with urgent formation of true multiethnic police forces to guarantee safety for ethnic Albanians and all citizens in the region.

Security Framework the international community and the Serbian and Federative Republic of Yugoslavia government should keep their liabilities towards the Albanian ethnic community in municipalities Presevo, Medvedja and Bujanovac, as is mentioned in the Serbian program for the resolution of crisis in South Serbia and statements from OSCE, NATO, EU, UNHCR and the remaining part of the international community.

The sole goal is the easing of the process of integration in civic life.

The transitional justice as a process will be realized in a peaceful environment, calling the governments of Serbia and Federative Republic of Yugoslavia to correct their policies and to generate conditions for successful integration of ethnic Albanians and all other ethnic minorities in government, civic and economical structures.

Amnesty and pardon the process and the instruments to conduct the amnesty and the pardon bind the governments of Serbia and Federative Republic of Yugoslavia, to respect their proposed program for amnesty, which is directed to members of Liberation Army, which are obliged to voluntarily surrender their weapons and cease their activities.

Executive Mechanism the international community through KFOR will ensure weapons and uniforms of the Liberation Army for the destruction of key border points, along this the cooperation with the representatives of NATO and EU is necessary to observe and validate the demilitarization process.

Advantages- Achievements the Konchulj Agreement for Presevo Valley according to its formal legal nature has its advantages. The self-determination of rules, deadlines and clear formulations give the positive legal power of accordance.

The process of integration is complicated due to specifications which arise from the reciprocal clashes and antagonisms.

Disadvantages the Konchulj Agreement for Presevo Valley, besides serious attempts to define the important cases in the region, in its sense leaves a lot of unsolved issues.

Most important is to establish peace and to begin with the democratization of life in all areas of life, rights and freedoms, respecting the ethnic, religious and cultural diversities.

An unsolved problem as a result of the past remains the fragile economy, the high unemployment rate and the lack of perspective, especially among the youth.

The above-mentioned situations have been present in the past as well, they indeed exist further, and they represent an unsolved problem for future generations.

Therefore, the agreement has disadvantages with long-term consequences and unsolved issues.

The development and postponement of the implementation of these agreements, comparison

According to its legal formal nature, the subject of regulation, peculiarities of the Konchulj Agreement for the Preshevo Valley, is a unique legal document. In essence it cannot be compared and analyzed to any other legal act.

The mediation role of the international community

The international community has a supportive mandate and power over the maintaining of the process in Presevo Valley. Due to gradual overcoming the problems, the creation of true multiethnic police forces is necessary, with the aim of collective integration, maintaining of general security, including the safety of ethnic Albanians.

5.6. Annex of the interviews

The interviewees in the dissertation of my doctoral thesis “Mediation as legal tool in the resolution of disputes, with special accent in the Balkan region”, who in key moments of these agreements were key players in the Ohrid Framework Agreement, such as Prof. Dr. Ljubomir Frchkovski, the incumbent ombudsman Naser Ziberi, the diplomat Mr. Muhamed Halili, from Rambouillet Academic Rexhep Qose and Mr. Veton Surroi, professional views (former Minister of Justice) Prof. Dr. Hajredin Kuçi and an analysis and general opinion of the Balkan agreements, words by the publisher Mr. Kim Mehmeti.

Each of the interviewees points out the similarities, differences, achievements, disadvantages and shortcomings of these agreements, which prove the problems and obstacles, which are laid out in the subject of this doctoral thesis.

The common and historical importance of these agreements, according to the interviewees’ stand, is that they were necessary agreements and not fair agreements. All these agreements are later misinterpreted by the parties and daily politics.

The only advantage which is represented on Ohrid Framework Agreement in relation to the mentioned agreements remains in the part that this agreement initiated and was provided in the constitutional amendments of the Republic of North Macedonia.

INTERVIEWS

Naser ZIBERI

RM: Hello Mr. Naser Ziberi, thank you for your acceptance to be part of my interviewees, attitudes and answers, which will be part of the dissertation on my doctoral thesis: “Mediation as legal context, with special accent in the Balkan region”. Your experience and opinions will help to answer many historical issues, which are part of my research.

You are a very important historical personality, in which you were member in negotiation and signing of the Ohrid Agreement. So, your answers and chronology over the years will give the right contribution to this study.

All Balkan agreements, in my case of comparative study the Ohrid Framework Agreement, the Rambouillet Agreement and the Konchulj Agreement, after they were signed by the political establishment, the phase of dissatisfactions began they are read and interpreted differently by parties and communities? Is there more political or historical resentment?

NZ: Balkan agreements, any of the mentioned previously are signed in a delicate moment in sense of the security of the country, these countries in the period of signing were in difficult political military security crises, therefore the internal and international pressure at these moments was huge and the actors of these agreements under this pressure showed the readiness to sign them, without any detailed analysis, how are they going to be implemented later, what kind of results will the eventual implementation produce, which will be the effects. This is one moment, when North Macedonia had a deep crisis, Bosnia was in catastrophic war, Kosovo as well, this pressure, assisted by the international factor obliged the actors to make bigger compromises in table, to show the willingness to sign them, even these agreements in essence relax the situation, which means that it has to come to the cease

of the conflict, than they in some way, with clearer heads will see, what they committed. From here on begin the problems, which we are discussing them now, that means from this moment is obvious, how they are going to implement them, the obligations which are undertaken with that signing, how this is going to be processed around institutions of the system, from here on arise the dissatisfactions.

The second moment in the Ohrid Agreement and the Konchulj Agreement an institutional defect exists; this defect is that there are no provisions which predict an international observation for the further implementation process.

At the moment when they are signed, until the international factor is present here, the process develops, works, at the moment when this international supervision is withdrawn the parties begin to build diametrically opposite attitudes around that, what a specific provision represents, or the entire agreement itself, from here arise the disagreements in the process of implementation of the agreements. They are two factors according to my persuasion, which affect these agreements, reading them differently after some time, stalling expected results from the agreement.

If there was an international institution for these two agreements which would carry out the process as it is foreseen, of course the implementation would be much faster, it would be more objective and of higher quality, if you consider the appendix C I of the Ohrid Agreement, it says that the agreement will end with its implementation within 4 (four) years, if there was an international instrument to observe it, for sure the implementation wouldn't last 20 years, otherwise it would have been much quicker, it would have been the mechanism in case of objection, this international instrument would be the arbitrator to overcome the dispute.

RM: Let say figuratively at "fragmentary" moments, these agreements give us the feeling, that they offer interim solution, they appear rather as destabilization than as

stabilization factor, from here on begins the confusion, social and political turbulences?! On which agreement is rather this point found?

NZ: This applies on the Dayton Agreement, an agreement which didn't produce a stable state, which doesn't guarantee a perspective, on the contrary in many dimension the way the state works over the principles of the Dayton Agreement is presented as an obstacle, blocker and this blockade increases the disintegration aspirations by the citizens of Bosnia, encourage the political actors to be more insistent in sense of the blockade of the process, therefore the results are such as they are, rather negative than positive. Meanwhile the Ohrid Agreement is the opposite on the sense, the Ohrid Framework Agreement has stabilized North Macedonia on sense of the stagnation of inter-ethnic relations, and I will mention some of them as the case of Gostivar for the issue of symbols, the case of the University etc. There were deep crises in the inter- ethnic relation, even in relation to civic system, because the state apparatus did this, the Ministry of Interior carried out the action. After 2001 North Macedonia entered a period, which we can say it buffered these tendencies as a result of implementation in some parts of Ohrid Framework Agreement, the instrument built in Ohrid Framework Agreement, which instrument even if partly implemented, it gives good results, it is the mechanism of double voting in the parliament for cases of interest for communities, where the parliamentary majority cannot impose the will, the Macedonian parliamentary majority cannot impose its will through the voting, which was a problem before the Ohrid Framework Agreement, how much arguments there may be in the parliament, at last they said who is pro and who is contra and the result was zero, because the decision was taken, as the majority wanted it.

Now if we discuss such issue in the education, symbols which are special with ethnic character, they cannot take the decision, without having the majority and this instrument was presented as a factor, which prevents or better say, in preventive way to affect to not come to

situations, for which we say, if you want an university, they won't give it to you, you can make it illegally, they send you the police, now we don't have such situations, this means preventive one, and the second one is that the community for interethnic relation, which unfortunately doesn't give the results of this mechanism, but the idea is, when this instrument was proposed, this instrument was exactly in this function.

All parliamentary compositions after 2001, it means after 2002, when the elections were held, since then the implementation of the legal part of Ohrid Framework Agreement began, the constitutional amendments took place in the last year it means, and they didn't give the desired results. For these two instruments they differ from the Dayton Agreement, which put Bosnia to complicated situation, I even could say dramatic for blocking of processes, often there the authorities cannot be constituted, the laws can't be brought, the leadership of the Constitutional Court of Bosnia puts some blockades and the system gets blocked, here on contrary these instruments by us relax the situation and eliminate the blockade, majorization of one community against the other one, in this case, we talk about two main communities the Macedonian and Albanian, these instruments, exactly converted Ohrid Framework Agreement to instrument of stabilization and destabilization of the state.

RM: The political harmony between the political actors of the communities often seems to be better than the social harmony nowadays?

NZ: This is partly true, why do I say partly, because the political elites is true that they have for objective to govern, the power, since their objective is the power after elections, they relatively easy built an agreement for co- governance, but a problem is, as it seems is not a reflexive result of Ohrid Framework Agreement but a result and reflex of the responsibility that political elites which govern, it means it's not institutional defect, it is a defect of the representation and this problem of the representation it's not only in North Macedonia present, this takes place also in Kosovo, which means that the Ohrid Framework Agreement

itself has produced a problem of such kind, which means let me divide the political class from the general situation, this is so, it means as a result of representation crisis, which take the verdict that they are responsible for the obligations, for which they have a mandate. This seems to be the same either by Macedonians or by Albanians and this will be so until evolution of the society, the representation crisis will begin to improve in sense of building of a representation class with components. Ohrid Framework Agreement speaks for the way of institution building, which institutions will be in function of the citizens, are these co-governance agreements in interest of the citizens, it's issue of the political class and not the Ohrid Framework Agreement. Ohrid Framework Agreement recommends these institutions to make an adequate representation, the bilingualism will be implemented, the parliament will take decisions, which have to do with ethnic specification, with double majority, respectively minority, main state institutions, as the Constitutional Court and the Judicial Council, for sure have the representation, and then how the political elites implement them is completely another issue.

RM: How high is the interest of the international community today around the West Balkans and about the Ohrid Framework Agreement, seen from the long-term aspect?

NZ: At the beginning I will speak for the interest of the international community for the Ohrid Agreement, at the beginning the interest was higher, for the agreement to be functional, to overcome problems and the pressure of the international community was more evident in that period, over time, this interest of the international factor begins to fade, this is as a result of two factors, the first factor is the time dimension and the second factor is, that the implementation of Ohrid Framework Agreement began slowly and somehow the reaction of the internal factors was absent. I waited that the internal political factor to be more insistent in the demand for support from the international factor to implement Ohrid Framework Agreement quicker. If we don't insist, at least the international factor, let's not

speaking about the Macedonian side. Regarding the international interest for the West Balkans, they show interest only in case of any conflict, in the post war period their interest fades. Their first interest appears, when any external danger is evident, such as Russia, China, their influence, which damages the relations of the West Balkans with us, and when here in the countries of the West Balkans some certain crises are caused, then the international interest is more present. The latest case is the border crossing Kosovo- Serbia, when something had to happen, to get them involved. That they really are lethargic, this is evident from the problem, which existed for decades with Greece, as it is currently with Bulgaria, from here the countries of West Balkans stuck. This is also due to the distancing in 4 years period of the USA from the West Balkans, because the Trump Administration displaced the attention from here, the Trump Administration was oriented to other problems, such as North Korea, Iraq etc., while West Balkans was considered as a solved problem, while EU considers the problem of West Balkans as an European internal problem, but having in consideration the structure, the way of functioning, many times is ineffective in dealing with the problems, because it doesn't represent a monolithic structure of dealing, such as the USA, here one of the 27 members puts a veto, as it is currently with Hungary and it blocks the whole process. The second one is the willingness of the EU to accelerate the processes in West Balkans, now currently in the EU summit for the West Balkans, was said openly that they have no readiness and is a very discouraging message for the West Balkan countries.

RM: The art of those agreements, taking in consideration that the international community initiates internal agreements for the Balkans, as the one Mini Schengen, which later was converted to Open Balkans but with the same content?

NZ: I don't want to deny, that it could have been a push by the international community, firstly to get integrated from within, to be ready, but even if it comes as an idea from there, this was badly processed, why?, because there is no platform, over which it is

built as a process, how can they be a part of such process, when two countries, such as Kosovo and Serbia don't recognize each other and the participants in that process don't have the equal status. If a serious approach was present, this problem should have been solved, in order to have an Open Balkan, this would have been the first phase towards the normalization of relations Belgrade- Pristina, this didn't happen, in that situation they have been, and said let's build an Open Balkan. All bilateral, multilateral agreements have an initial principle over the equal status of the participants. Open Balkan was used mainly by Vucic, but partly also by Rama.

Let's return at this moment, we need a spirit, push from the institutions in implementing Ohrid Framework Agreement, I will take an example, the implementation of bilingualism, the right and adequate representation, let's for example take one superior of one institution, which is led by one member of Macedonian and one of Albanian community, it means that the differences are evident, let me not say very big, there where the superior is from the Albanian community, attempts take place, to implement the bilingualism, the representation gets improved and the opposite takes place, when the superior is from the Macedonian community, this indicates that Ohrid Framework Agreement doesn't work in institutions, if it worked, there wouldn't be important the superior, who leads the specific institution, it means that the system has to work itself in those principles. Ohrid Framework Agreement, it means, has currently this need.

The Rambouillet Agreement indeed is Ahtisar, this is somehow concluded, and this agreement is the legal base for the declaration of the independence of Kosovo. The focus is displaced from the internal terrain into international terrain, in those two dimensions in the international recognition of Kosovo and in the recognition Serbia- Kosovo. These negotiations currently don't move, I'm pessimist until there is no change in the political structures in Serbia, that some positive movement can take place. Political changes in Kosovo

gave their impact somehow, they made Serbia and the international factor aware that so is not going to go further. The habit that Serbia only demands from Kosovo and doesn't give a thing for exchange, it demands to respect the Association of the Serb Municipalities, therefore the building of the principle of reciprocity, which is impressive in the case of car plates showed that Serbia knows to withdraw, maybe this is the line, the perspective which has to be built in this relation. Konchulj is the largest worry, which I think it has to be revised one more time entirely, it should be made a recapitulation of that, what is discussed, what the results are, than it has to come to some conclusions, because it is entirely non-functional matter and doesn't produce effects.

Prof. Dr. Ljubomir FRCHKOVSKI

RM: Even today there is a confusion in the public, how to define the events in 2001, what kind of document is the Ohrid Framework Agreement?

LF: The Ohrid Framework Agreement is a political act of an internal nature with legal considerations- provisions in sections, for which it clearly aims to be defined. It's not an international agreement and it's not a peace treaty, an international agreement doesn't bind the parties to participate in drafting and signing, regardless the strong participation of the mediator, this is in essence an internal agreement.

This is not quite even though it has some provisions which have to do with the cease of military operations and the regulation of their consequences, because Macedonia does not have martial law or state of emergency during the conflict. In the international aspect is sorted as an internal conflict with low intensity (in legal aspect, something between the rebellion and uprising). The intensity of the foreign intervention is due to the importance of peace, in which Macedonia represents the region, in the eyes of the foreigners, and is not a result of the severity of the conflict. So, the parties accept clearly, that they won't legitimate UÇK with its participation in the negotiation table, but they will strengthen the legitimacy of

the Albanian parties, registered in activities in Macedonia. Foreign guarantors undertake the burden of rationalization or articulation of the rebel demands, which are generated from the open racism (at the beginning of the collision) towards the agenda of the human rights. This is clearly validated by the internal character of the agreement and its consolidation effect for the unity of the country. The principles of the minority rights, which are the starting point in the Ohrid agreement are double: deterritorialization of the ethnic rights, their functionality (except the local self- governance, where this for sure is not and should not be avoided) and their functionality in sense, with presentation of the identity for the bearers (but not an instrument for the political reconstruction of the Macedonian democracy). First of all, it means that the territorial solution for the ethnic rights is consciously and decisively abandoned in any form (federalization or cantonization, due to the disaster that the Dayton model achieved in Bosnia, where it is a motive for further ethnic cleansing. Therefore, not that Macedonians were kind to them; the foreigners supported clearly the unity of Macedonia as a solution. The model which conducts these principles in the political system consists mainly of three pillars (and a new procedure).

The first pillar is the extension and the use of minority ethno- communities' languages (but to the mass of the clear prevention of the language federalization) Therefore the way of using the language is clearly defined (this part of the agreement has legal provisions) and is referred to the languages of the majority and the minority. In here is followed the principle of "expression of the bearer's identity", not the symmetrical lingual federalization. This means that the Law on Languages can extend horizontally and specify the use of the Albanian language and other languages according to Ohrid Agreement, to the margins defined in the Constitution (according to Ohrid Framework Agreement).

The second pillar is a clear agenda in the fair representation by the members of minorities.

So is specified the inclusion of politicians and the state administration.

The third pillar is local democracy (Badinter) or local self- governance. Despite this, in the assembly is set a defending procedure, which is called the Badinter Majority or the double voting of laws, where the rights of the ethnic minorities are direct subject. In opposite these results may be justified and functional under fear. The principle of application of Badinter for legal acts is operationally respected, which has directly to do with the cultural rights of the minorities.

Nevertheless, the strong mediation of the EU and US representatives to solve the conflict, says that the country returned from the brink, with extraordinary efforts, because the conflict can be converted to something, which would have point of no return, if an agreement is not quickly reached?

The intensity of the foreign intervention is due to the importance for the peace, which Macedonia represents for the region in the eyes of the foreigners and is not a result of the collisions. Also, the foreigners admitted clearly, that they won't legitimize UÇK, seating in the negotiation table, but strengthened the legitimacy of the registered and active Albanian parties in Macedonia. The foreign guarantors undertook the burden of "rationalization or articulation" of the insurgents demands, which passed from open racism (at the beginning of the conflict) into agenda of the human rights. All this clearly witnesses the internal character of the agreement in its consolidation effect in the unitary state.

RM: You and Professor Vlado Popovski as legal experts were involved in creation of the decisions of ZPD. After a period of two decades, how do you see the implementation of that document?

The agreement has some really important elements, wider: the way how it was solved in general the problem of using of the Albanian language in institutions, the double voting, Badinter as a type of suspension veto to protect the minority rights, in general eliminated any

type of territorial solution for ethnic rights- federalization or cantonization and the way, how the members of the communities were recruited in the state administration; and finally the local government as a horizontal democratization of the system, which affected the use of the language of the communities and their recruitment.

RM: To what extent over which the Ohrid Framework Agreement is based gave expected results (the extension of the use of the minorities language, the fair representation of the minority members in the state administration and the local democracy), to what extent did they escape the framework in interest of clientelism and party agendas?

LF: one of the weaknesses of the agreement, otherwise extremely successful, is exactly the capture of the process of recruitment by the party for the members of the communities in the state administration. This can be corrected with more effective international “interference” in the process of selection of the personnel, along with the provision of the assistance (fund) for reforms in state administration. This recruiting system is generally important and unavoidable, the way it is occupied can be corrected. But other solutions were extremely successful and innovative- the voting of Badinter, lingual norms etc.

RM: Beyond the normative part, the spirit of the agreement was expected to bring reconciliation among the communities over the years. Do we have that today?

LF: reconciliation is a long-term process of solution in sense of antagonisms, which were bases of a cultural- identity conflict. The reconciliation was generated from co-operational relations among people and groups which were involved in the previous conflict. It is a transition from competition in cooperation, which includes the rebuilding of the society, the generation of conditions to cooperate in normal life.

The complexity and the problems of reconciliation affect emotions in the selective memory of the victims, crime authors. Both groups remember and begin from there in the process of reconciliation.

Every individual and group follow their journey through shame, embarrassment, frustration, fault, admission and in the end peace. Pardon and reconciliation as a social project generate resistance among the victims on an individual level. There are crimes which cannot be forgotten or pardoned. Some crimes are so- they cannot be punished or pardoned, after them remains only the silence.

From some bases from the visibility of suffering in conflict and from their truth, it should have been made a base for the future and common life justice. For instance, the displaced person, should have been accommodated and their case to have been solved, the bones of the missed and killed person should (and are to be delivered) to their families to bury; some returned cases from Hague should have been processed and be concluded with resolutions. This unfinished practice penetrates the dissatisfaction also today, when we talk about a case which happened in 2001. The spirit of the Framework Agreement is also an overview of the cases, which are not treated carefully and generally. It will create a common life environment in the most possible democracy. For Macedonia it is an important moment, not to say the key stabilization moment and “exported” concept, which can be served as a possible democracy, even if it’s hardly multicultural.

RM: Over the years the perception exists that the agreement is transferred to a trophy symbol on the jacket of one side...

LF: Today the symbolic of the Framework Agreement, instead in state institutions is monopolized and kidnapped by DUI as party, which didn’t take part in creation and negotiation of this. They excluded from the celebration all of them, who actually took part in its creation, they have their own interpretation for the agreement and their guests, some of

them have nothing to do with that, they create their simulacrum of the agreement its sense and importance.

RM: How fair and safe are agreements, from the moment they are signed until their implementation?

LF: There is not! In international relation, there is no certainty and absolute justice, there is no justice, and there is no court, which can judge that. But the implementation of Ohrid Agreement along with the responsive management of interethnic groups has to do as follows: I will bring Macedonia in best possible case to face the challenge of the crisis in Kosovo, to give a good position in the international community and perspectives to come out of regional nightmare with open territory and political system.

RM: We have been implementing FOA for 20 years?

LF: First of all, in the wide international, professional and political community it is evaluated as the most successful in the region, an agreement which builds and doesn't destroy the country. The second one is beaten by its skeptic signatories themselves, from which DUI and DPA gave up. This stops clearly the government according to "Badinter" and the extension for the use of language, out of article 7 of the constitution. As third, it is a vaccine for our integration into EU and generates partnerships and international appreciation.

RM: Even if Ohrid Agreement is valued as "agreement which builds, and doesn't destroy the state", why until today it wasn't made an export product?

The export of such kind of agreement (solution of identity conflicts) is very delicate. It's a matter of implemented principles- inclusion, the accent over the lingual rights, institutional regulations for voting and the election system, etc. It can't be done by copying solutions, but with the principle. For instance, the principle that there is no territorial solution for ethnic rights, supported first of all clearly in the Framework Agreement, is crucial for all future solutions in the region and wider area. For it to be "exported" our expert public should

understand and treat it as an opportunity for its scientific promotion, to make it “theory”.

Unfortunately, our professors “hate” the agreement.

They treat it as “imposed” they refuse its solutions and tragically don’t analyze and write for its principles, and don’t follow the results from its implementation. It has to do with the fact that a provincial intelligence neither can understand, when they did something right and avoid its networks for conspirative interpretations.

RM: What remains to be realized, where is our problem by implementation of this, from past experience?

First of all, the law on using languages, which was approved, except the amendments in the letter and spirit of using the language and article seven of the constitution. For the law on languages, it’s concluded a political agenda in the line of opposition and the government, in the case of Albanian political parties.

Secondly, in which the recruitment of minority members is done is unsatisfactory. In administration there is an open party. This is a very dangerous process and has to be stopped. This is the reason why the international observation for the choosing of the civic employees has to be opened through fair representation. To cut the partisan guillotine, and to open the opportunity window for most talented Albanians and Macedonians (and for all others, for sure).

Thirdly, the territorial division of Macedonia has to be corrected in some parts (initially in Skopje).

There is no justification for partial denials- propaganda. The agreement expired and had to be replaced by a new one. They are omissions and the essence of a successful act is missing instead of the attack. It criticizes the ethnocentric policy of the government, from which is significant, that they are unsatisfied with the right, these parties violate the

agreement, the spirit of which is the principle of inclusion, which solves all their dissatisfactions, this is the first one, the second one is propaganda.

Ohrid Agreement serves good to Macedonia, this has to be kept strong under implementation, which doesn't dare to be extended with every new government. The debate can be held if this is enough, when Macedonia accesses the EU, then this is standard topic of EU and the new agreement with EU, and not only for our matters.

Dr. Muhamed HALILI, interviewed in the diplomatic context and as participant in the Ohrid Framework Agreement.

The mediation as a legal context, with a special accent in the Balkans region.

The four agreements have a common component: the unequal legal-constitutional position among the republics and the provinces at the time of the Yugoslav Federation and they were a result of the breakup of Yugoslavia.

UÇPMB was created after the war in Kosovo in 1999 from the veterans of KLA and forces of the Presevo Valley and Bujanovac, time after time managed to perform warfare actions against the Serbian military, and this carried out military actions against the innocent population of the Valley.

To lower the tension from both sides, NATO, OSCE and EU established a mediation process between the UÇPMB and the political and military Serbian authorities, which resulted with the signing of the agreement.

Konchulj Agreement of the 2000 differs from the first ones, because it is an agreement between the leader of UÇPMB (Liberation Army of Presevo, Medvedja and Bujanovac) Shefqet Musliu and the personal representative of the Secretary of NATO Peter Faith, for the demilitarization of all paramilitary forces and the withdrawal of the Yugoslav military from the siege of Presevo Valley.

This agreement for demilitarization is not in scope of the previous agreements. After the demilitarization of UÇPMB, the Serbian side didn't respect the agreement and took different repressive actions against the members of this military organization, some of them were imprisoned and indicted in some years in prison, as it happened with the representative of UÇPMB Shefqet Musliu.

The difference of this agreement is that it did happen between the state military representatives of Serbia and the non-state military representative (Shefqet Musliu) a leader of military unit, with the mediation of a representative of the most powerful military organization in the world NATO, who later mediated in collection of weapons from UÇK, after the ending of the conflict in Macedonia Peter Faith. The aim of Peter Faiths mediation was to lower the tensions between the Serbian forces in the Preshevo Valley and the autochthonous Albanian population at the time of signing of Kumanovo Agreement.

Konchulj Agreement brought the demilitarization of UÇPMB and the withdrawal of the Serbian military into barracks, but this agreement didn't result with an agreement for the definition of the political, cultural and economic rights of Albanians in the Preshevo Valley, today from all Albanians who live in former Yugoslav republics, these in Preshevo Valley have no guaranteed minimal national rights.

In the 90s the Albanians in Preshevo Valley with nationwide referendum, expressed that they want to unite with Kosovo. This agreement not only didn't improve the Albanians position in valley, but the Serbian president Vucic, called the demand of the Albanians in Preshevo Valley a hypocrisy, on the non-paper of Albin Kurti for implementation of the reciprocity between Kosovo and Serbia.

Rambouillet Agreement, otherwise known as the reciprocal agreement for peace and self-governance, is a proposed agreement for peace between the Federative Republic of

Yugoslavia (Serbia and Montenegro) and the Albanian delegation, which was represented by the Kosovo majority.

Also in this case we have to do with an attempt for signing of an agreement between the state representatives (Slobodan Milosevic) and an Albanian intellectual and political group from Kosovo, such as: Ibrahim Rugova, Fehmi Agani, Edita Tahiri, Bujar Bukoshi, Idriz Ajeti (LDK), then Hashim Thaçi, Jakup Krasniqi, Xhavit Haliti, Bardhyl Mahmuti, Azem Sylaj (UÇK), and Rexhep Qosja, Hydajet Hyseni, Mehmet Hajrizi, Bajram Kosumi (LBD), and Veton Surroi, Blerim Shala (by non-government associations- journalists).

The reason of such large number of representations by the Albanians and as delegation was because the different groups were not unique and denied each- other. The concrete example was that Hashim Thaçi with the KLA didn't recognize Rugova as a president of the republic, due to his Gandhian philosophy of resistance, Rexhep Qosja as leader of the United Democratic Movement didn't recognize Rugova as well but supported Hashim Thaçi. On the other hand, Ibrahim Rugova had a negative attitude towards the UÇK. The international community didn't want that KLA, which was still in formation to take part in negotiations and was considered from Serbia as a terrorist organization.

The mediation in the first case in Rambouillet had a double character: attempts of European and American representatives Yber Vedrine and James Cook and the American representative Madeline Albright, Richard Holbrook and the American ambassador in Skopje Hill, to make together Albanians and to seat them in the negotiation table for a "substantial autonomy" in frame of the Federal Republic of Yugoslavia and the conviction of Milosevic to sign an unavoidable agreement, as it was Rambouillet, which he persistently refused. Seen from the political and diplomatic aspect, the Albanian delegation, despite the big refusals to not seat in the negotiation table for "substantial autonomy" acted good and right, when they

accepted to sign the Rambouillet Agreement, because this step of the Albanian delegation from Kosovo, opened the path for military intervention of NATO.

In memoirs of the ambassador Hill is written, at this time, it would have been bad, besides Milosevic, the Kosovo Delegation to have not signed the Rambouillet Agreement (led from Thaçi, with the proposal of Rugova) to overcome the inter-Albanian non-unity, because then, it wouldn't be opened the path for NATO intervention in Kosovo. This agreement was negotiated by the European Union and USA, in a Chateau Rambouillet, tens of kilometers in distance of Paris. This was a typical agreement known as "strengthened negotiations" initiated by the Contact Group, established in 1994 in frame of the Carrington Conference for Yugoslavia. The Contact Group consists of USA, United Kingdom, France, Germany, Italy and Russia, for the resolution of Yugoslav crisis. The beginning of negotiations with reaching of an agreement between the Federative Republic of Yugoslavia and the Kosovo Albanian representatives was suggested from the Contact Group with their statement of 29th January 1999, for the determination of the "principles, which cannot be negotiated".

The Rambouillet Agreement initiated by EU, where co-leaders of the conference were Yber Vedrin, France Foreign Minister and James Cook Foreign Minister of the United Kingdom, which aimed initially to stop the Serbian genocide in Kosovo and the sporadic military attacks of KLA against the Serbian military forces. Here is not the matter for international conflict, but for the assault of one heavy armed military against the Kosovo civil population.

The goal of the international mediation was to reduce the military tensions through creation of a "substantial autonomy" for a period of three years, through giving the right to Kosovo to self-determine, which was unacceptable for the régime of Milosevic.

Seen from the retrospective, the signing of the agreement from Kosovo Delegation brought a diplomatic triumph and later a military triumph through the bombing of Serbia from the NATO, than the proclamation of the Kosovo Independence on 17th February 2008.

Ohrid Agreement 2001

The Ohrid Agreement is a continuity of the political war between the Albanian political forces in Macedonia from 90s to 2001 in the Macedonian Parliament and in the international area, such in the European Parliament, the Council of Europe and in the American Department of State through the Albanian Diaspora, represented by the American Congressman Joseph DioGuardi. The content of the text of Ohrid Agreement is a synthesis of the political programs, as the party PPD, as wide Albanian political movement, then Peoples Democratic Party as a minor party of that time. The text of the Ohrid Framework Agreement had the base in the Albanian-wide demand to initiate a political dialogue between the Albanians and Macedonians, immediately after the voting of the Constitution of Macedonia, after the independence of the state. The tracks for the beginning of an overall Albanian-Macedonian dialogue date since 1992, with the beginning of the tripartite dialogue government- Albanian parties in Macedonia and the international community with the German ambassador Geert Ahres as a mediator. This three-year dialogue ended with a political agreement, which then is not signed by the Macedonian government.

However, the basic document for drafting the equal position of Albanians in Macedonia is the Declaration for Equality of Albanians in Macedonia, drafted from the parliamentary group PPD-PDP in 1991 after the memorandum for the special status directed to the Conference of Hague for the Yugoslavia in 1991 and the organization of the referendum for political and cultural autonomy in Macedonia.

Here is not to be denied the creation of the military conflict between Macedonian Armed Forces and UÇK, which brought to the realization of the demand for overall Macedonian- Albanian dialogue.

During the government DPA and VMRO- DPMNE, a significant advance in the line of representations of Albanians in the authorities and state institution took place. Beginning from this an armed uprising of Albanians in Macedonia took place, immediately after the military intervention of NATO in Yugoslavia was incomprehensible not only by the international community but also by all Albanian political specters in Macedonia, Kosovo and Macedonia.

The motives to commence such military conflict remain enigma for the wider opinion and a secret of the organizers of these events until today.

Sure, the largest turning point in this conflict was the signing of May Agreement in Prizren between Imeri Imeri, leader of PPD, Arben Xhaferi, leader of DPA and Ali Ahmeti, spokesman of UÇK. By this agreement, after the initial refusal of Ali Ahmeti from the political parties in Macedonia, (DPA) gave him political credibility.

The signing of the Ohrid Agreement, succeeded a draft for the cease of war activities, composed by the American diplomat in OSCE Robert Frowick, which document was rejected by the Macedonian political parties and Frowick was declared a persona non grata.

The document came out as a result of the initial demand of PPD, in a press conference in the Hotel Lirak in Tetovo on 1st of March 2001, where the cease of war activities, the pardon of the members of UÇK and the commence of the Albanian- Macedonian dialogue with international mediation was demanded.

The Ohrid Agreement in fact is a copy of the Declaration for the Equality of Albanians in Macedonia and the document from the tripartite dialogue government- PPD and Ahrens, somewhere on higher and somewhere at lower level. As example the document for

tripartite negotiations of the ambassador Ahrens, the Albanian language is official in places with 10% majority population it is defined as Albanian language etc. The Ohrid Agreement stuck significantly in its implementation in more points, but more in the adequate representation of the Albanians in state institutions.

This agreement is later abused and poorly implemented by the Albanian party in government, because the Albanian attempts for equality in all life areas were converted into partisan appetite for increasing of the number of partisan representatives in state authorities, which brought to discrimination of Albanians by the Albanian party in government itself.

This brought to inter-Albanian divisions from the conflict until today.

Notes: The Author is a PhD in Euro integration and Communication

Prof. Dr. Hajredin KUÇI, former Justice Minister of Kosovo

The Rambouillet Agreement has some characteristics in the international legal aspect.

The first one is that it isn't a bilateral agreement, because it wasn't signed by the other party, respectively Serbia, due to that it exists the dilemma, if it can be called an agreement at all, or only unilateral agreement, respectively signing- unilateral acceptance by Kosovo.

The second one, the international legitimating began with the presence at signing as witness by the international actors, especially with the resolution 1244.

The third one, the Rambouillet Agreement, was an agreement to bring peace and to stop the ethnic cleansing and the war in Kosovo in essence.

The fourth one, the Rambouillet Agreement was advancing the Kosovo status, compared to the previous one, but not fulfilling the warfare aspirations of Albanians in Kosovo, because again preserved formally the sovereignty of the former Federative Republic of Yugoslavia.

The fifth one, the Rambouillet Agreement, was an opportunity to define the status of Kosovo, while considering it as unsolved.

The sixth one, the Rambouillet Agreement served to stop the war, respectively to commence the bombing of NATO over Serbian targets and to generate peace.

The seventh one, the Rambouillet Agreement was a document, which predicted more rights for Kosovo, than Serbia wanted and less rights, than the Albanian wanted, that generated the peace, but didn't solve the political status and aspirations of Kosovo, somehow even today continues this engagement.

The eighth one, the Agreement legitimized the international intervention and established the administration of UN in Kosovo, it was sufficient for the international goals, more than for the belligerents.

The ninth one, in this agreement Kosovo won the opportunity to win the war, to preserve the national existence and the strongest international partnership, and the time to solve the final status in peace and in coordination and international support.

The tenth one is the first agreement where Kosovo was accepted and legitimized as a party by the international community.

Academic Rexhep QOSJA, a signatory of Rambouillet Agreement

The Rambouillet Conference was an international conference for Kosovo, organized by USA and the European Union, in which was to be revised and solved the issue of Kosovo.

To hold this international conference for Kosovo especially contributed the war of the Kosovo Liberation Army.

The international conference in Rambouillet couldn't fail in any way. This was predicted: less or more to correct the tragically historical injustice, which was committed towards the Albanian population in the Conference of London in 1912-1913.

Organizers of this conference were determined to stop the bloody, killing regime of Slobodan Milosevic and his state.

This regime committed violence and terror in Kosovo over the years and committed ethnic cleansing in Kosovo, by expelling the Albanians from there.

That regime put into war danger the whole region.

With the massive expelling of the population in Kosovo and Bosnia, that regime committed demographic and social fluctuations in the European countries.

That regime, with the committed wars, prevented the building of new European security structure.

That regime ruined the civilization values: the human rights and freedoms, the principles of democracy, the humanism and tolerance among the nations, religions and different beliefs.

He delegitimized laws and demoralized ethical principles in the relations of nations, to which the history and geography determined the life in neighborhood.

He challenged the builders of the new world order, by risking the principles over which it had to be built and the values which were appreciated by that order.

For all above mentioned reasons, USA together their allies and the NATO treaty, decided to intervene in Kosovo and decided to end the Kosovo tragedy, to stop forever the bloody momentum of the policy and the regime of Slobodan Milosevic.

This intervention, along with the liberation war of the Kosovo Liberation Army achieved this liberation goal as a fruit of this war of KLA and that intervention of NATO and Kosovo was liberated, independent and sovereign.

Let's say at the end of this statement, that the first demand to hold an international conference for Kosovo is given by the Forum of Albanian Intellectuals from Kosovo on 8th of May 1992.

Veton SUROI, main protagonist in the leadership of the delegation in the conference of Rambouillet

RM: If we make an analysis on what happened before 24 years, being a protagonist, how can we evaluate what happened in Rambouillet?

VS: It was a historical turning point, the first moment when Kosovo signed an agreement with the West, this agreement with the West brought to the liberation of Kosovo, intervention of NATO and the process, which brought to the independence.

RM: Was it easy to come to this conclusion, at the beginning to be together and to go to Rambouillet as Kosovo?

VS: Of course it was not easy, I say because this was a product of quite long period of the Kosovo resistance, it means the moment of the historic turning point was in 1989, the fall of the Berlin Wall, the aligning of Kosovo pro-democracy, a unique movement, without resistance to peaceful movements, a unity of the Kosovo people, than the creation of KLA and the armed resistance to show, that the limits of the peaceful residence were reached and all this in hard conditions, but from nation resistance of the people, it is not to be forgotten that anyone in Kosovo took place in this resistance, it is the parallel time with assistance and local organization, at last even with rifle, so anyone in its way has participated in this resistance and brought to the moment, Kosovo to be represented with own unity and to achieve to sign an agreement with the West powers.

RM: But however, the peak was the liberation war?

VS: But now it can't be called the peak, the resistance can be called a peak, from any side you may see it, the armed resistance came as normal development of a moment of the peaceful resistance expenditure, where the peaceful resistance had no more energy to create the change of the situation and the armed resistance was the catalyst of one development, we should not forget that the international intervention happened as a result of previous

intervention, which we had with the USA in the Christmas Address, when president Bush, after consultation threatened, if Serbia is going to undertake armed actions in Kosovo, then the USA unilaterally will attack Serbia.

Of course, the other party to this agreement was Kosovo to not undertake armed actions, and we abstained from that for many years.

RM: But the peaceful wing and the armed one, were not so well with each other, as a result until this final moment of signing, there happened a lot of backstage events?

VS: They took place to conflicts, of course there were some political conflicts and a use of force, even in very low scale, but there was a friction between the main political movement LDK and the armed movement KLA, behind which stood the People Movement of Kosovo.

RM: At the time when the conference in Rambouillet was held, did each of you had deep disagreements for the offered documents?

VS: Now with the documents we had divergences since the beginning, divergences as part of health debate, it was part of a new work form, let's not forget, that a part of us didn't know each other, it was the first time we met and we started to work in a very serious matter, many of us unprepared for this kind of works, nevertheless very quickly the delegation recovered shared the operative part, shared the leadership part, which had to do meeting with foreign ministers, shared the part, with daily negotiations and generated a work spirit of unanimity.

This unanimity created a very big trust within the delegation, which consisted of a 5 members leadership, an exclusion was for Mr. Menduh Thaçi, let's say he was separated or had a special agenda, who at the end resigned from the leadership, almost the delegation, because he had some disagreements with the document and resigned. The delegation was in situation, if we didn't sign, we would be equal with the Serbian delegation, this wouldn't

create a favorable situation for Kosovo, then I took an initiative and required from the delegation, to have a formulation, which cited that the Kosovo Delegation would accept in principle the document as it was, and it needed two weeks consultations, but it won't accept amendments in the document, except the technical ones, this proposal was accepted by our delegation and was submitted to foreign ministers, who were waiting and it was a moment of turning point, where without this moment we wouldn't be able to go further, the conference couldn't continue, we couldn't arrive in Paris to sign also formally the agreement. The former American Secretary of State Madeline Albright was supporter, pusher, and helper to bring the agreement forward, who saw that at some moment the delegation wasn't prepared to take its historical role. The part of the agreement was NATO to enter in Kosovo, the Serbian administration to withdraw and to be put a democratic elected government, after three years it should have been decided for our fate.

RM: Which was the moment, which flipped everything?

VS: If we didn't sign, we would be in a very uncomfortable situation and we wouldn't have the support of USA, they were ready to pull the support very explicitly.

RM: Was it the persuasion of the Kosovo Delegation, that the Serbian part won't sign the document?

VS: It was not a matter of calculation, the calculation was very easy for us, we had partnership with the USA, and they told us if you sign this agreement, we will put NATO within Kosovo and for the political process, which had to lead to the self-determination. We had never in the history of Kosovo and the Albanians such conference, where we seat equally with the USA with the German foreign minister, with the British foreign minister, friends, which they advise us as friends. Robin Cook, Fisher, the French minister, the French president, where France as a state with pro Serbian policy, said slow down, here must be

drawn the border between the violence and genocide, which Serbia prepares to commit, we have to protect some values, France had very positive and extreme influence over Kosovo.

RM: Did this unanimity to sign the document at last after many hours, did you have disagreements within the delegation?

VS: Very big effort was achieved, including the American pressure, but at last it was reached. We were in situation, due to the existing paralysis in a part of KLA, our decision taking could have been completely paralyzed, even if the three of us signed, me, Qose and Rugova, it wouldn't have the value, if it wasn't signed by the member of KLA, other members, who were part of KLA agreed completely to sign this, Mr. Syla said explicitly that it has to be signed. Mr. Menduh Thaçi had no doubts about the document, at least so is my impression, perhaps was the evaluation of his political future, but had nothing regarding the document. It was a difficult moment for all of us, because we went to Rambouillet, even if we were determined, that we need the independence, we went to Rambouillet accepting the non-negotiable principles, the non-negotiable principles didn't contain the independence, it means we had to create conditions within the negotiation principle, to generate a path for independence, otherwise it was the recognition to not change the borders by force according to OSCE, we didn't try to change the borders, because Yugoslavia broke up. One of personalities who gave a lot of contribution in this negotiation process was Mr. Jakup Krasniqi, member of KLA, where without doubt he was a critical voice towards the past, but also very realist politician, who valued at that time, how the negotiating process was to be run.

RM: You said earlier that the document didn't provide the independence of Kosovo, which means that Kosovo took more than it was signed in Rambouillet?

VS: Kosovo integrated within the document, the right of self-determination of consultation about its future status, Serbia in refusing the signing, accelerated the removal of

Serbia from Kosovo, so in the original document Serbia would have kept a small part of its military and police within the barracks, without getting out, NATO, would have entered Kosovo to provide a necessary environment for the development of the democratic process of elections, which would have provided legitimacy and legality in Kosovo, for self-administration, which after 3 years would have decided about its future.

RM: If you can return back, is there something on that document, which you wouldn't accept?

VS: We are not in that phase, for example we had a paper, which I required from Mrs. Albright, where USA guaranteed, expressed their consideration, that after 3 years Kosovo would have the right to make a referendum, unfortunately our delegation, by denying moving forward, withdraw this paper, we had a deadline about this paper, and we could have it.

When you mentioned earlier that we were in danger of losing the support of the US allies, do you think that we have it in our tradition, that our leaders do not go all the way and break with them regardless of what the final epilogue will be?

VS: we use the words friendship, because we were, we had a close relation, let's not forget the USA as a great power needs to identify their trusted partners, which play a role in the region, the Albanians had the luck to be supported by the president Wilson, to establish the Albanian state, and with the fall of the Berlin Wall, we had the American sympathy for our peaceful movement, then for the end of one process, which had to result with the liberation of the country, because it was seen, neither with peaceful movements nor with armed movement, we don't achieve to move forward in a placement of normal report between us and Serbia.

Kim MEHMETI, analyst and publisher for the Balkan region

RM: After a period of two decades, how do you look in these documents and their implementation?

RM: Beyond the normative part, the spirit of the agreement was expected over the years to bring the reconciliation of the communities. Do we have it today?

RM: How fair and sure are the agreements, from the moment of signing until their implementation?

RM: Even if the agreements which were built are evaluated “as agreements which build states and it doesn’t destroy them”, why until now wasn’t made as an export product?

RM: What remains for realization by these agreements, where do we have problems in their implementation, past experience?

RM: The interest of the international community for the West Balkans?

RM: The art of those agreements, considering that the international community initiates agreements within the Balkans, as this of Mini Schengen, which later was converted to Open Balkans, but with the same sense?

Often, we have the impression that the Balkan Agreements during the end of twentieth century, or beginning of the twenty-one, are signed only to have something, with which the signing parties disagree, and to multiply the interethnic disagreements in these areas. Even a lot of these agreements have an experimenting dimension with new social concepts, as it was this of multiethnic, multicultural and multi religious states, which failed and ended with monoethnic society in Republika Srpska in Bosnia and the “Association of Serbs Municipalities” in Kosovo. Briefly the signed agreements in the past, almost have nothing in common, with that which happened in these areas after their signing, therefore they more encourage today new disagreements than they solved the old ones, they brought stability to these areas.

Today often signatories read differently and are “lost” in the translation of these agreements. Or each party read them, according to their goals, otherwise than what was written on them. Therefore not only the signatories are fault, but it’s a fact that there exist

international circles, which keep the side of one or the other party, if not more, they are not equally sensitive towards the signing parties, it happens for instance, it happens when one Serbian is violated in Kosovo, the whole international community will stand by him, and when the Serbian circles boycott Kosovo, all this ends by a dialogue and with instructions, that the state has to be tolerant towards the infinite Serbian demands, which until now prevent the consolidation of Kosovo as a state.

These international “interventions” effect to increase the mistrust against these agreements and presents the truth, that the Balkans is not in conflict with itself, but on those areas are crossed the different international interests, where more destructive are the Russian ones, which are applied by Serbia.

Almost all these agreements aimed to achieve a long-term stability on those areas, but it didn't manage to achieve anything, except that Serbia managed to maintain its influence in five Balkan states: in Bosnia through the Republika Srpska (which is a result of the Dayton Agreement), in Montenegro, through the Serbian Orthodox Church, in Kosovo through the north and in Macedonia through the pro Serbian structures around the state institutions.

Through which is the impression created, that all these agreements had for objective to provide to Serbia, what had lost in the wars, which were initiated by them, and through which bloodied the Balkans.

So many of these agreements, before drying the ink on them, ended as nobody predicted: with increasing interethnic conflicts, even by equalizing the warmongers with the peace builders.

Almost all signed agreements weren't implemented as it was stated on them, but during the implementation they underwent amendments, whereas always the strongest one or Serbia benefited, which showed that these agreements caused disagreements and new dissatisfactions.

So, for instance, during the implementation, which had to do with the constitutional amendments, it underwent amendments only to satisfy the Macedonian side, through which the Albanian nation remained as “20 percent” and it was created the impression by Albanians in Macedonia, that this agreement was abused by Macedonian political circles, from which benefited the Macedonians mostly, by marginalizing Albanians and their international trust. So, for example the double voting- called as “Badinter” was so much abused, that today it has no importance anymore, similar to the multiethnic council, which should have been a “parliament” of ethnicities, today even is not mentioned any more.

The common of all these agreements is that, if they have now no value, any party uses them to justify their political actions. This comes as a result that in Balkans wasn’t made an integral solution for the resident ethnicities, for example the Albanian issue, but they were treated to divide and fragmentize. So, for example one small percentage of Serbians in Kosovo is treated differently, compared to 30 percent of Albanians in Macedonia, which is problematic.

The Albanians living in Serbia not they don’t have rights, comparable to Serbs in Kosovo, but even today they are discriminated as in the time of Milosevic. Considering the above-mentioned, it can be concluded that these agreements didn’t manage to solve permanently the interethnic problems. Some of them even increased the disagreements it should be expected in the future to be a reason for new disagreements.

CONCLUSIONS AND RECOMANDATIONS

Crisis situations and conflicts are often phenomenon and took place also in the past; some are present nowadays, which means that they will take place also in the future.

According to an unwritten program, every crisis, military collision, conflict, lasts for a certain time and always ends with a peace agreement, with direct participation of opposite parties and often with mediation of a third party.

So meanwhile, the same story is repeated, anywhere over the world.

The armed conflict in the Republic of Macedonia in 2001 is the last one, of the Balkan ethnic conflicts, which commenced with the breakup of the common state of Socialist Federative Republic of Yugoslavia, with the war in Bosnia and Herzegovina in 1992, then with the crisis in Kosovo in 1999.

According to events in 2001, seen from the historical retrospective in the process of peaceful ending of the Macedonian conflict, some scientific lections are to be mentioned, as a result of the commitment on democratization of the Macedonian society.

- The peace process gives a coordinated approach, which includes the political and security components. The cooperation between the key actors and the external involved factors created the environment of mutual engagement to reach the objectives, rights and clear obligations.
- It is important to keep the cohesion of the political structure of the country and the respecting of formalities with the peace process institutionalization through the pragmatic approach of the opposing parties.
- It is clear the distinction between issues based on identity, resources and open approaches in the negotiating process, with the respecting of the constitution, including the preamble.

- The role of experts is the key factor in the peace process, providing the coordination and necessary cooperation. The experts ease the process of “inclusion” of relevant issues in the negotiating process. Besides this, their cooperation as the experience in the Republic of North Macedonia indicates, that it contributed to remove what is called from Pardew “verbal firework” in the plenary sessions during the negotiations in Ohrid (Pardew, 2018).
- The terminology which is used on the agreement is extraordinary important, allowing the constructive expression and interpretation.
- Constitutional amendments, proposed as part of peace agreement, are approved in framework of the inclusion process, with aim to modify effectively the proposals. Ohrid Framework Agreement included constitutional amendments in a prepared form, with flexibility scale, followed by the assembly.
- The international mediation created the additional weight, due to the fact that Republic of North Macedonia was a “small and weak state, dependent on the good will of the international community” (Miller, 2018).
- The signing of the peace agreement through elite negotiations requires its implementation through the state institutions and additionally, to win wider support from all involved relevant parties. In case this precondition is fulfilled, the implementation can be solved in the system itself.

Additional aspects of reconciliation are necessary, to be revised during the process of implementation, even if they are not explicitly mentioned in the provisions of the peace agreement (Stankovski, 2019).

Despite the large advance of negotiations, nevertheless certain issues remain open as a part of initiative for wider reconciliation (Frchkovski, 2018).

Talking about the development of policy on integration of youth, the Ohrid Agreement, in general sense should be complemented continuously in the later period, with the sole aim, to advance the cooperation with the non-government sector in relation to key certain issues.

The Ohrid Agreement today is one of the pillars in the Macedonian multiethnic social reality.

The platforms of all big political parties include the objective, Macedonia to become an integral part of the European Union.

In this regard, the agreement represents the criterion for success of reforms, protection of minority rights and the framework of democracy and respecting of civilization values.

Recommendation

It is time for the EU to make some checks on its Balkan policy for several reasons.

1. The Balkans have always been a vital part of Europe, even though the region was soon separated from its surroundings, it is still an integral part of European history and constitutes the origin of European civilization.
2. The EU should be more active and present in the Balkans with economic investments and European regional projects. Indeed, the EU is an important donor in the Balkans, but the numerous deficiencies inherited over the years can hardly be overcome only with investments from the EU.
3. Public diplomacy mechanisms should be finally implemented in the Western Balkans as part of the regional initiative, which should happen from within, seeing the key importance and benefits it can provide during the process of mediation and reconciliation for a better external promotion of the Balkan countries (Luli, 2015).

The countries of the Western Balkans face more geopolitical, economic, humanitarian and social challenges. Although there is a continuous slower process of NATO enlargement, none of the countries of the Western Balkans (Bosnia and Herzegovina, Macedonia and Kosovo) are yet close to EU membership.

Basic security concerns, the crippled political process, informal dependencies, unclear prospects and global events move the region in different directions. The COVID-19 pandemic only exacerbated the level of uncertainty, with vaccination also becoming a hot political issue.

The EU's strategy towards the region represents increased power, responsibility and political credibility. It will not go unnoticed by global and regional competitors.

There is a need to explore possible trajectories for the Western Balkans, taking into account EU priorities, the power projection of other players and pandemic-related developments. With the help of central European cooperation, there is hope for the development of better recommendations in the EU and in the US (Visegrad Insight).

Cooperation between the Balkans countries is inevitable and overcomes global challenges.

Also, the economy and the need to approach the average EU standards are the stimulus for expanding the market and removing barriers.

It is absolutely necessary for the European Union to act strategically in the Western Balkans region and create a European space, a place worthy of the Balkans countries, which are part of the European family. This will negate the ongoing challenges that keep the Balkans in tension and uncertainty in the future, including migration and delegations, pollution, corrupt affairs, the emergence of autocratic governments, the absence of the rule of law and the fear of ethnic conflicts.

On the other hand, the countries of the region, especially those who are used to flirting with third parties, must clearly anchor in the foreign policy of the organizations to which they intend to belong and complete the reforms that guarantee power and independence of institutions.

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