# THE INTERIM ACCORD: PROSPECTS AND DEVELOPMENTS IN ACCORDANCE WITH INTERNATIONAL LAW

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## *Preface**

On September 13, 1995, the Foreign Ministers Mr. Karolos Papoulias of Greece and Mr. Stevo Crvenkovski of the Former Yugoslav Republic of Macedonia[1] signed in New York an international treaty, the *Interim Accord*, which normalised the relations between the two parties after four years of tension. Mr. Cyrus Vance, Special Envoy of the Secretary-General of the United Nations, countersigned the document.[2]

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* I wish to thank Evangelos Kofos for his timely comments.

1. Hereafter referred to as FYROM.

2. For the text of the Interim Accord in the Greek language, see the collection of texts in G. Valinakis - S. Dalis (eds.), *The Skopje Question – Attempts towards Recognition and the Greek Position, Official Texts 1990-1996*, (Introduction: E. Kofos, Preface: Th. Couloumbis), 2nd edition, Athens, Sideris/ ELIAMEP, 1996, pp. 361-370 [in Greek]. For the English text of the Accord, see for example the websites http://www.hri.org/docs/fyrom/95-27866.htm. downloaded 1 February 2003 and http://faq.macedonia.org/politics/interim.accord.htm. downloaded 1 February 2003.

The drafting and entry into force of the Interim Accord was of basic significance both for relations between the two countries and for relations between all the Balkan countries. The Interim Accord was the first international treaty concluded between Greece and FYROM. It is "an explicit agreement . . . [...] for the recognition, modification or abrogation of a right or a legal rule in accordance with international law"[3] and its binding force rests on the customary rule of international law, *pacta sunt servanda*.

As all legal texts, the Interim Accord expresses a correlation of political forces. On the political level, it reflects the stormy fluctuations in relations between the two parties to the agreement and largely ends four years of multifaceted discord. As an international legal act defining obligations for both parties, the Accord *transposes the relations between the two parties from the sphere of politics to that of law*. The international behaviour of both parties thus becomes censurable in the *legal* domain.

## *Part One. The scope of the Interim Accord*

Although the Interim Accord introduces legal rules, nonetheless, its political undertones are overwhelmingly obvious. The most obvious example is that the contracting states (Greece - FYROM) remain unnamed in the text, designated as the "Party of the First Part" and the "Party of the Second Part."[4] This is because FYROM refused to be bound by a treaty with a name

3. K. Koufa, "The Position of International agreements in Contemporary International Relations and the New Soviet Law on the Conclusion, Execution and Termination of International agreements", *To Syntagma* E (1979), p. 460 [in Greek].

4. See among others J. Reuter, "Athens schwieriger Weg zum Abschluss eines Interim-Abkommens mit Skopje", *Südosteuropa Mitteilungen* 35/4 (1995), 333, 351.

other than that by which it designates itself – that state already had become a member of the United Nations Organisation, though, under the provisional name FYROM.[5] FYROM web sites stating that the Interim Accord was agreed between the Hellenic Republic and the "Republic of Macedonia" are in error.[6]

As an international treaty, the Interim Accord is governed by certain rules. In the first instance, the rules applicable are those freely instituted in the Accord by the two contracting parties. Where there is no agreed regulation, any outstanding issue is governed by the law on international agreements, which is codified and progressively developed in the *Convention on the Law of Treaties* adopted in Vienna in 1969.[7]

Greece adhered to the *Vienna Convention on the Law of Treaties* on October 30, 1974, while FYROM has been a party to it since July 8, 1999.[8] The Vienna Convention on the Law of Treaties, then, could not have been applied to the Interim Accord when it was signed in 1995, the applicable law at the time being the customary law of treaties. Today, of course, answers to any legal questions that may arise out of the Interim Accord may be sought in the *Vienna Convention on the Law of Treaties*, since both parties are now bound by it.

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5. See also S. Dalis, *Yugoslavia in the Post-Milosevic era - The New Political and Economic Situation*, Athens, Sideris/ELIAMEP, 2002, p. 116 and note 1 [in Greek].

6. See, for example, the website http://faq.macedonia.org/politics, downloaded June 1, 2003.

7. For the text of this multilateral convention, see Vienna Convention on the Law of Treaties, *United Nations Treaty Series,* vol. 1155, 331 ff.

8. *Multilateral Treaties Deposited with the Secretary - General, Status as at 31 December 2000,* Vol. II, Part I, Chapters XII to XXVIII and Part II, New York, United Nations, 2001, p. 263.

*Structure and Content*

The Interim Accord contains a Preamble, twenty-three (23) articles in six (6) parts, and a final disposition relating to the language of the text and the registration of the Interim Accord.

The Accord has the following formal structure:

*Preamble*

Part A. *Friendly relations and confidence-building measures* (articles 1-8)
Part B. *Human and cultural rights* (articles 9-10)
Part C. *International, multilateral and regional institutions* (article 11)
Part D. *Treaty relations* (articles 12-14)
Part E. *Economic, commercial, environmental and legal relations* (articles 15-20)
Part F. *Final clauses* (articles 21-23)

The Interim Accord is a "framework agreement" and its substantive content covers almost all possible areas of co-operation between Greece and FYROM. As such, the accord embraces a broad range of subjects, touching on critical political issues such as the name of FYROM and Greece's position with regard to FYROM's international status, and extending to the "development of human relations" and of "good neighbourliness" between the two states.[9]

9. Although many of the provisions of the Interim Accord are based on the original plan proposed by Mr. Cyrus Vance and Mr. David Owen (14.5.1993), certain of the key points of that plan, such as the name *Nova Makedonija*, are not included in the text of the Accord. See in this regard Chr. Rozakis, *Political and Legal Dimensions of the New York Transitional Accord between Greece and FYROM*, Athens, Sideris/ ELIAMEP (Working Texts 4), 1996, p. 9 [in Greek].

The Interim Accord introduces certain fundamental arrangements regarding relations between Greece and FYROM and the co-existence of these two neighbouring states in international life, which may be classified under the following general headings:[10] (1) The entry into force of the Interim Accord, (2) Greece on FYROM's international presence, (3) the name FYROM, (4) the mutual guarantees agreed by the states on sundry matters, (5), the development of their mutual relations, (6), the resolution of disputes and differences, and (7) the duration of the Interim Accord.

### *The Entry into Force of the Interim Accord*

The Interim Accord entered into force and became effective thirty days after it was signed (art. 22, par. 1) — that is, on October 13, 1995. The two parties were formally bound by the act of signature, which in standard international practice is only an initial stage in the conclusion of treaties, usually followed by ratification, although in the case of the Interim Accord this was not required. In contemporary international treaty practice, however, the signature of an international agreement increasingly constitutes the definitive expression of the will of the contracting parties to be bound internationally without further formality.[11]

In the law of international treaties there is a functional connection between public international law and domestic public law. International law refers to national legislation not only for

10. See, however, Rozakis, *op. cit.*, p. 19, with a different thematic classification.

11. E. Roukounas, *International Law, Volume One - Relations between International and Domestic Law/ Ways of Producing International Law*, 3rd edition, Athens-Komotini, Sakkoulas, 2004, p. 130 [in Greek].

designating the person or persons authorised to represent the state in negotiating and concluding a treaty, but also for determining how international agreements will be integrated into domestic legislation and applied by the national judiciary.[12]

According to article 36 par. 2 of the Greek Constitution , the Interim Accord falls within the category of international agreements requiring *parliamentary sanction* (or *parliamentary promulgation*):

> "Agreements on trade, taxation, economic co-operation and participation in international organisations and unions and any others that contain concessions for which, in accordance with other constitutional provisions, nothing can be fixed without a law, or which encumber Greek citizens individually, are invalid without a formal instrument of sanction".[13]

Parliamentary sanction or promulgation is a formal act (e.g. law or decree) containing the text of the international agreement (or reproduces that text in another form) and imposing the application of the international agreement (which has already been signed and/or ratified) in domestic law. [14]

The issue of parliamentary sanction of the Interim Accord was not raised in Greece because of the Accord's transitional nature.[15] In

12. For the provisions of Greek law, see C. Économidès, "Droit international et droit constitutionnel", *Revue Hellénique de Droit International* 47 (1994), 307-319.

13. See Section 36, par. 2, *Constitution of Greece* (Government Gazette A 85/18.4.2001), as revised by the 7th Revisory Chamber of the Parliament of the Hellenes in its vote of 6 April 2001, Thessaloniki: Bar Association of Thessaloniki, 2001 (Author's translation).

14. See Roukounas, *op. cit*., p. 159 [in Greek].

15. Rozakis, *op. cit.,* pp. 18-19.

terms of domestic Greek law this puts the status of the Interim Accord in doubt. Greek courts have determined that an international agreement not sanctioned by law "does not acquire the value of an internal legal rule," "does not constitute a valid legal rule in Greece," and "has not taken on legal substance as a legal rule."[16] In terms of international law, however, the validity of international agreements that have not been sanctioned by Parliament remains untouched, for according to customary international law states may not invoke the provisions of their  in order to avoid the performance of a treaty.[17] The international binding force of the Interim Accord, therefore, remains unaffected by the fact that it has not been sanctioned by act of Parliament and embodied in Greek domestic law.

In FYROM it has been argued that the Interim Accord is defective under that state's constitution because, although signed by the representative of Greece, Mr. Papoulias, it was signed by Mr. Crvenkovski acting as an individual; that is, it was not signed by the President or the Government of FYROM and not "in the name of the sovereign Republic of Macedonia". This argument is untenable, because it is obvious from the circumstances that Mr. Crvenkovski signed the Interim Accord as his country's Minister for Foreign Affairs. In accordance with the law on ratification of the Interim Accord in FYROM, that state's Constitutional Court decided not to test the constitutionality of the Interim Accord.[18]

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16. A. Giocaris, *The Practice of Judicial Organs in the Application of International Contractual Law (Greek Pracice and Comparative Framework)*, Athens-Thessaloniki, Sakkoulas, 1986, p. 141 [in Greek].

17. Chr. Rozakis in K. Economidis, in K. Ioannou - K. Economidis - Ch. Rozakis - A. Fatouros, *Public International Law - Theory of Sources*, Athens-Komotini, Sakkoulas, 1988, pp. 163-164.

18. See in this regard MAK-NEWS 25/01/96 (Macedonian Information Center), M.I.C.<mic@ITL.MK, as quoted on the website HR-Net (Hellenic Resources Network), http://www.hri.org/news/balkans/mic/96-01-25.mic.html, downloaded 1 June 2003.

Even if the Interim Accord *had been* unconstitutional on the basis of FYROM's domestic law, however, this would not have affected its validity in international law for the reason given above.

*Greece on FYROM's international status*

Upon entry into force of the Interim Accord, Greece recognised FYROM as "an independent sovereign state" under a provisional designation (art. 1, par. 1).

According to international law, for a state to be created there have to concur, cumulatively, certain elements: a territory, a people, a self-contained political authority and, according to some, an international capacity.[19] Given that all the these elements were present in FYROM, formal recognition by Greece was not a legal criterion for its status as a state. Moreover, the question of FYROM's statehood had already been resolved when it became a member of the United Nations.[20] Nonetheless, Greece's formal recognition of FYROM was an act of remarkable political significane because "of the dynamic it brings about [...] it acts as an agent of ratification of the independence and sovereignty of FYROM on the part of a country of importance to the Balkan region, and closes a period of contestation that had an impact on both the domestic front (propensity to disintegrate) and

19. K. Koufa, *The Legal Organisation of the International Society*, Thessaloniki, Sakkoulas, 1988, p. 52 [in Greek].

20. Ph. Pazartzis, "La reconnaissance d"une République Yougoslave': La question de l'ancienne République Yougoslave de Macédoine (ARYM)", *Annuaire Français de Droit International XLI (1995)*, p. 281. See also L.-A. Sisilianos, "The Problem of the Recognition of the Former Federative Republics of Yugoslavia", in L. Divanis - L.-A. Sisilianos - A. Skordas (eds.), *International Crises and Intervention of the International Organisation - Persian Gulf and Former Yugoslavia*, Athens-Komotini, Sakkoulas, 1994, pp. 323-348 [in Greek].

the foreign front (persistence of latent and unbroken claims on the part of certain neighbouring states against FYROM)".[21]

As part of the recognition, Greece agreed "not to object to the application by or the membership of" FYROM "in international, multilateral and regional organisations and institutions of which [Greece] is a member" (art. 11, par. 1). In the light of the successive refusals by the Organisation for Security and Co-operation in Europe (OSCE) of applications by FYROM to join the organisation because of previous objections by Greece, this is an important undertaking.

Greece, however, reserves the right "to object to any membership [...] if [...] [FYROM] is to be referred to in such organisation or institution differently than in paragraph 2 of the United Nations Security Council Resolution 817 (1993)" (art. 11, par. 1, *in fine*) — which provides for the country's admission to the United Nations with the name of FYROM.

### *The issue of the name*

The Interim Accord does not introduce a final solution concerning the name of FYROM. This dispute must be settled by the two states continuing negotiations with a view to reaching agreement, pursuant to Security Council resolutions 845 (1993) and 817 (1993) (art. 5, par. 1). Recognizing the difference between them with respect to the name of FYROM, each party reserves all of its rights consistent with the specific obligations undertaken in the Interim Accord. The obligation to negotiate is independent of the other obligations undertaken in the Interim Accord, which must be carried out normally (art. 5, par. 2).

21. Rozakis, *op. cit.,* pp. 24-25.

Negotiations are one of the oldest political or diplomatic methods — in contrast with legal methods (judicial settlement and arbitration) — of resolving differences between states. Negotiations are usually not conducted within a strict institutional framework and can be defined as "any meeting whose object is to reach an agreement". In general, the obligation to negotiate does not mean that the parties are obliged to find a solution in the course of the negotiations.[22] Professor Rozakis notes, in addition, that even if a solution is reached through negotiation, it may not necessarily be legally binding, or final, and based on international law. However, there is nothing to prevent Greece and FYROM, during the course of the negotiations, from finding and agreeing to another means of settling their diverging viewpoints in this issue.[23] In any case, negotiations between them are to be continued "with a view to reaching agreement on the difference" described in the specific Security Council Resolutions (art. 5, par. 1).

### *Mutual guarantees*

#### Territorial guarantees

Perhaps the most characteristic *Leitmotiv* pervading the text of the Interim Accord is the renunciation of force in conjunction with the entrenchment, the inviolability, and the absolute consolidation *in all cases* of the existing legal territorial *status quo*, both with regard to the border shared by both countries and with regard to Balkans as a whole.

For example, this common care and concern is reflected in the Preamble, in which Greece and FYROM cite the principles of the

22. See in this regard P.-M. Dupuy, *Droit international public*, 4e éd., Paris, Dalloz, 1998, p. 468.

23. Rozakis, *op. cit*., pp. 31, 35-36.

prohibition of the threat or use of force against the "territorial integrity or political independence of any State," "the inviolability of frontiers and the territorial integrity of States," the "maintenance of international peace and security, especially in their region," and confirm "the existing frontier between them as an enduring international border."[24]

Then, in article 2,

> "The Parties hereby confirm their common existing frontier as an enduring and inviolable international border".

Similarly, in article 3 they undertake to respect "the sovereignty, the territorial integrity and the political independence of the other Party" and "[to not] support the action of a third party directed against the sovereignty, the territorial integrity, or the political independence of the other Party."

Article 4 establishes the obligation to refrain from the threat or use of force, "including the threat or use of force designed to violate their existing frontier, and they agree that neither of them will assert or support claims to any part of the territory of the other Party or claims for a change of their existing frontier".

Finally, the Interim Accord provides that concern for the protection of human rights may not lead to "any action contrary to the aims and principles of the Charter of the United Nations, or of the Helsinki Final Act, including the principle of the territorial integrity of States" (art. 9, par. 2).

It would be difficult to secure more comprehensive legal guarantees for the inviolability of the border between Greece and FYROM.

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24. See Preamble, sections three, two, five, and six of the Interim Accord.

Irredentist overtones in the Constitution of FYROM

The issue of the provisions in the Constitution of FYROM that have irredentist overtones,[25] which was a matter of particular concern to Greece, is settled in the Interim Accord.

Article 6 of the Interim Accord refers to the Preamble and to Article 3 of the Constitution of FYROM and states that nothing in these articles "can or should be interpreted as constituting or will ever constitute the basis of any claim [by FYROM] to any territory not within its existing borders" (art. 6, par. 1). It further provides that no provision in the Constitution of FYROM can constitute the basis for interference in the internal affairs of "another State" (i.e. not only Greece) "in order to protect the status and rights of any persons in other States who are not citizens" of FYROM (art. 6, par. 2).

These interpretations of the Constitution of FYROM are absolute, cannot be challenged, and "will not be superseded by any other interpretation . . . . " (art. 6, par. 3). Consequently, FYROM is under a binding obligation not to invoke its Constitution in its international relations in any case in order to raise irredentist claims or to interfere in any manner in matters that do not concern its own citizens in Greece or in neighbouring states.

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25. These were the provisions of FYROM's Constitution contained in the Preamble in Article 3, section three ("The borders of the Republic of Macedonia may be changed only in accordance with the Constitution"), and in Article 49 ("1. The Republic republic cares for takes care for the status and rights of those persons belonging to the Macedonian people in neighbouring countries, as well as Macedonian ex-patriates, assists their cultural development and promotes links with them. 2. The Republic cares for the cultural, economic and social rights of the citizens of the Republic abroad"). The English text of FYROM's Constitution is available at http://www.hri.org/docs/fyrom/fyrom-const.html, downloaded 14 June 2004. See "The Contested Articles in the Constitution of FYROM", in Valinakis-Dallis, *op. cit.,* pp. 48-50 [in Greek] and, regarding the amendment of those provisions, "Opinion of the Badinter Commission on the Question of the Recognition of FYROM — Opinion 6, 11 January 1992", idem, p. 65.

These provisions were criticised in FYROM. For example, a "*Memorial of the Macedonian Academy of Arts and Sciences*" states that the Accord creates a unilateral obligation for FYROM and that "it is a general constitutional principle in every legal state that the constitutional norms cannot be amplified or clarified by means of declarations or other similar acts. Such an act would be unconstitutional".[26]

The Interim Accord, however, which FYROM signed freely, as did Greece, is a binding international treaty and not a "declaration or other similar act". Nothing prevents a state from assuming valid international obligations, such as those provided for in Article 6 of the Interim Accord – which, moreover, are in no way an innovation in international practice.[27] In the specific instance, the interpretation of the contested provisions in the Constitution of FYROM *is internationalised*. As Professor Koufa has pointed out, "it is possible for an issue generally regulated by the legal order of the state and covered by domestic law to become, in a given instance, the subject of an *international agreement*. In this case, there is no doubt that for the parties to

26. See "*Memorial of the Macedonian Academy of Sciences and Arts relating to the dispute about the name of the Republic of Macedonia*", Skopje, 30 May 2002, p. 50.

27. K. Koufa, *The Function of the Phenomenon of Acts of State in International Relations*, vol. I, Thessaloniki, Sakkoulas, 1983, p. 147, note 38 [in Greek], with reference to Hans Kelsen, *Principles of International Law*, Second Edition, Revised and edited by Robert W. Tucker, New York, Holt, Rinehart and Winston, Inc., 1967, p. 291, who argues that it is possible, by a multilateral convention, to oblige a state to establish or preserve, e.g., a republic or a monarchy, and to Louis Delbez, *Les principes généraux du Droit International Public*, 3ème éd., Paris, Librairie Générale de Droit et de Jurisprudence, 1964, p. 182, who cites the Treaty of Washington of 7 February 1923 as a "model of constitutional obligations binding the states of Central America not to effect changes in their constitutional organisation and not to re-elect their then heads of state, in order to avoid the danger of installing a dictatorship" (Author's translation).

the agreement the matter ceases to belong solely and exclusively to their own domestic jurisdiction... ".[28]

Consequently, even if the stipulation in Article 6 of the Interim Accord were unconstitutional for FYROM, an interpretation of its Constitution that was contrary to the Accord would necessarily involve FYROM's international responsibility.

Prohibition of propaganda

The Interim Accord prohibits "hostile activities or propaganda by State-controlled agencies" (art. 7, par. 1), such as, for example, radio broadcasts with a divisive content.

In contemporary international relations the term "propaganda" denotes "a method of communication which attempts in a systematic way, to influence and manipulate the behaviour of people, so as to produce a predetermined effect. Manipulativeness and deliberate selectivity of the communicated information distinguish propaganda from factual information or education. Although some truth may be found in a propaganda message, the ideas of disinformation, ie., information intended to mislead, and deception, ie inducement of acceptance of false and distorted presentations as truth are inherent in the present international usage of the term" "propaganda" in international relations.[29]

Although different types of propaganda have been banned by resolutions of the General Assembly of the United Nations, there is no universally accepted rule in international law relating to propaganda. There are, nevertheless, several specific treaty provisions (as in the Interim Accord) barring propaganda.[30] The

28. Eadem, p. 146 (Author's translation) and the literature cited therein.

29. K. Ioannou, "Propaganda", *Encyclopedia of Public International Law* Vol. 9 (1986), 310-314, as republished in *Analekta*, I, p. 567.

30. *Idem*.

Interim Accord also provides that "the Party of the Second Part shall cease to use in any way the symbol in all its forms displayed on its national flag..." (art. 7, par. 2). This, of course, means the removal of the sun or star of Vergina from FYROM's flag.[31] This article also provides for "corrective action" or explanation in cases in which "either Party" uses symbols that constitute part of the historic or cultural patrimony "of the other Party" (art. 7, par. 3).

### *Development of relations between Greece and FYROM*

The phraseology used in the Interim Accord frequently seems inclined towards a new and optimistic climate in relations between Greece and FYROM. In the Preamble, for example, the parties declare their desire "to develop their mutual relations and to lay firm foundations for a climate of peaceful relations and understanding" and also to develop their economic co-operation.[32] They agree to establish diplomatic relations, initially through the establishment of Liaison Offices (art. 1, paras. 1 and 2). The Accord also provides that "the Parties shall refrain from imposing any impediment to the movement of people of goods", "shall co-operate to facilitate such movement in accordance with international law and custom" and may, in case of difficulty in the implementation of these obligations on account of their dispute over the name, request the good offices of the European Union and the United States (art. 8, paras. 1 and 2). In view of the embargo that had been previously imposed by Greece, these

31. For the underlying basis of this arrangement, see Rozakis, *op. cit*., p. 23.

32. Preamble, sections eight and nine of the Interim Accord.

33. A. Stratis, "The Right of Access of Land-locked States to the Sea and Freedom of Transit", in S. Perrakis (ed.), *The Aegean Sea and the New Law of the Sea* (Acts of the Symposium, Rhodes, 4-6 November 1994), Athens, Sakkoulas/ EKEM, 1996, p. 359 [in Greek].

provisions are to FYROM's benefit, particularly since 80% of the country's trade is handled through the port of Thessaloniki.[33]

With regard to economic co-operation between the two states, the Accord provides that the "ongoing economic development" of FYROM "should be supported through international co-operation, as far as possible by a close relationship of the Party of the Second Part with the European Economic Area and the European Union" (art. 11, par. 2).

The Accord also provides that the bilateral agreements that had been concluded between Greece and Yugoslavia on June 18, 1959 in the areas of mutual legal relations, reciprocal recognition, and enforcement of judicial decisions and hydro-economic questions should be applicable to relations between Greece and FYROM. It also provides for further tightening of their bilateral relations either through the activation of other old agreements or the conclusion of new ones (art. 12, paras. 1-3).

FYROM is what is known as a land-locked state: that is, a state without a coastline. In view, therefore, of the country's particular geographical situation, the Interim Accord provides that "the Parties shall be guided by the applicable provisions of the *United Nations Convention on the Law of the Sea*" (art. 13).[34] These are, specifically, the rules of Part X of the *Convention*, including Article 125, paragraph 1, which states that:

> "Land-locked states shall have the right of access to and from the sea for the purpose of exercising the rights provided for in the Convention, including those relating to the freedom of the high seas and the common heritage of mankind. To this end, land-

34. For this specific matter, see, in detail, A. M. Syrigos, "Landlocked States and Access to the Sea: The Greek Blockade of the Former Y.R.O.M.", *Revue Hellénique de Droit International* 49/1 (1996), 113ff.

locked states shall enjoy freedom of transit through the territory of transit states by all means of transport".

"The terms and modalities for exercising freedom of transit shall be agreed between the land-locked States and transit States"[35] – that is, the acquiescence of the transit state is required – and the facilities provided must not infringe the legitimate interests of the transit state.[36] In the case in point, it should be noted that FYROM has common borders with other coastal states (Albania, Bulgaria) and, therefore, the terms of the facilities provided should not bear inordinately upon Greece.[37]

In the Interim Accord Greece and FYROM also undertake to "encourage" and "not discourage" contacts and meetings between their citizens (art. 10), to "encourage the development of friendly and good-neighbourly relations between them and [...] reinforce their economic co-operation in all sectors...", to promote the road, rail, maritime and air transport and communication links between them, and facilitate the transit of their goods "through their territories and ports" observing "international rules and regulations with respect to transit, telecommunications, signs and codes" (art. 14, par. 1). To this end, they "agree to enter forthwith into negotiations" aimed at concluding agreements regulating such matters as "visas, work permits, 'green card' insurance, airspace transit and economic co-operation" (art. 14, par. 2).

In a similar vein, in a number of articles referring to economic, commercial, environmental and legal matters, the parties agree to

35. See article 125, par. 2 of the Convention of the Law of the Sea.

36. See article 125, par. 3 of the Convention on the Law of the Sea.

37. Rozakis, *op. cit*., p. 30.

38. See Part E. *Economic, Commercial, Environmental and Legal Relations*, articles 15-20 of the Interim Accord.

"strengthen," "develop and improve" "intensify... exchanges of information," "strive to improve", "take great care", "co-operate" or "make joint efforts".[38] These are loose commitments, that inevitably recall the problematics of what is known as *soft law*.[39] Of course, the establishment of co-operation in new sectors requires the corresponding new international agreements, and, as Professor Rozakis has pointed out, if the two countries really mean to develop co-operation in such sectors, then "sooner or later the dynamic of these relationships will of its own eliminate all the stumbling blocks still in the way of a climate of good-neighbourliness and co-operation between the two states"[40] – as, indeed, has happened during the seven year period of the Interim Accord.

*Settlement of disputes*

The Interim Accord includes special rules for disputes between Greece and FYROM. It provides for three different procedures, depending on whether the issue involves a) "any dispute" concerning relations between the two states, b) interpretation of implementation of the accord, or, c) the name.

"Any dispute" that may arise out of the mutual relations between Greece and FYROM shall be settled "exclusively by peaceful means in accordance with the Charter of the United Nations" (art. 21, par. 1). This is a reference to Article 33, paragraph 1 of the Charter of the United Nations, which lists the recommended legal and diplomatic methods for settling international disputes: negotiation,

39. See K. Koufa, "Evolution of International Law: 'International Legislation' through the United Nations", *The Evolution of International Law since the Creation of the U.N. with Special Emphasis on Human Rights*, Thessaloniki, Institute of International Public Law and International Relations (*Thesaurus Acroasium Vol. XVI*), 1986, pp. 263-286.

40. Rozakis, *op. cit*., p. 30 (Author's translation).

enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of the choice of the parties involved.[41]

With regard to interpretation or implementation of the accord, differences between the parties may be submitted by either of them to the International Court of Justice in The Hague (art. 21, par. 2), i.e., the World Court, which has jurisdiction, but not compulsory jurisdiction, over sovereign states.

As a rule, judicial settlement as a procedure for settling differences between states is only possible when the states involved consent to have a specific dispute submitted to the appropriate tribunal. This consent may be expressed in a special *ad hoc* agreement confirming the existence of a dispute and the willingness of the parties to submit it to a tribunal.[42] In the Interim Accord this procedure is bypassed, since it provides that either party may refer any difference or dispute concerning the interpretation or implementation of the accord to the International Court without a specific agreement and without the consent of the other party. This point is of major legal and political significance for it clealy shows that both parties wish to regulate all aspects of their relations seriously and responsibly.

The only issue excepted from unilateral reference to the International Court of Justice or other peaceful method of settlement is the difference over the name of FYROM, which must, by the terms of the Interim Accord, be resolved solely and exclusively by negotiation.[43]

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41. For the concept of an international dispute, see K. Koufa, *International Conflictual Situations and their Peaceful Adjustment*, Thessaloniki, Institute of International Public Law and International Relations, 1988, p. 8.

42. On various aspects of conflict resolution, see, K. Koufa (ed.), *International Justice*, Thessaloniki, Institute of International Public Law and International Relations/ Sakkoulas Publications (*Thesaurus Acroasium XXVI*), 1997.

43. Art. 21, par. 2, with reference to art. 5, par. 1 of the Interim Accord.

*The duration of the Interim Accord*

As indicated by its formal designation as "interim" (described by some authors as "transitional" or "provisional"), the Interim Accord is not the "final word" on settling relations between the two states.

The transitional or provisional nature of the Interim Accord is not simply a matter of the adjectival designation "interim". In international law, the legal nature or the content of an international text cannot be deduced from the name given to it (such as, "protocol", "*modus vivendi*", "*memorandum*", etc.). What matters is the substance of the agreed provisions; and from this point of view it is characteristic that the Preamble of the Interim Accord states that the parties desire to "reach certain interim agreements that will provide a basis for negotiating a permanent Accord".[44] That is, Greece and FYROM postpone the final settlement of their relations to some undefined later date, at which time a new accord will be concluded.

Article 23 paragraph 2 of the Interim Accord further stipulates that:

> "This Interim Accord shall remain in force until superseded by a definitive agreement, provided that after seven years either Party may withdraw from this Interim Accord by a written notice, which shall take effect 12 months after its delivery to the other Party".

If, in other words, seven years after the date of entry into force of the Interim Accord, either Greece or FYROM should declare its intention of withdrawing from the agreement, then its "contractual life" would be prolonged for a further twelve

44. Preamble, section ten, of the Interim Accord.

months. That is, the minimum duration of the Interim Accord is, in principle, eight years.[45]

The Interim Accord "...shall remain in force until superseded by a definitive agreement." This clause clearly reveals the intention of both states to reach a final conventional settlement of their affairs. However, a precise determination of when a definitive agreement between Greece and FYROM will be be achieved does not fall within the scope of the law, but is dependent upon the political judgement of both parties.

In any case, there will be a legal vacuum in the relations between Greece and FYROM only if one of the two countries should declare its intention to withdraw from the Interim Accord and the two parties should fail to reach a definitive agreement in the course of the year following such declaration. A new provisional agreement would be contrary to the letter of the Interim Accord, which provides that it shall be superseded by a definitive agreement (art. 23, par. 2), and it also would be highly unlikely, for political reasons. If neither of the parties declares its intention to withdraw, the Interim Accord will continue to be in force *ad infinitum*.

## *Part Two. Relations between Greece and FYROM following the Interim Accord*

The Interim Accord of 1995 is a clear expression of political development in the field of law. Each of the contracting parties assumed obligations and derived benefits, which, of course, is the essence of bilateral agreements.[46]

45. Rozakis, *op. cit*., p. 18.

46. See in this regard *ibid*, pp. 7-8, for the gains on either side.

The following sections describe the effect of the Interim Accord on relations between Greece and FYROM, both on the multilateral level of the international organisations in which the two states now co-exist as members and on the bilateral level.

*The multilateral level*

The first implementation of the Interim Accord – and, specifically, of Article 11, paragraph 1 – took place on September 27, 1995, when the Parliamentary Assembly of the Council of Europe in Strasbourg accepted FYROM's application for membership in the organisation, upon the recommendation of Greece.[47]

On October 12, 1995, Greece lifted the *veto* it had imposed on FYROM's entry into the Organisation for Security and Co-operation in Europe,[48] and on November 15, 1995 FYROM subscribed to the NATO Partnership for Peace initiative.

Greece and FYROM now also participate in a number of regional bodies and programmes, including the South East European Co-operation Process (SEECP)[49] and the Stability Pact

47. FYROM formally became a member of the Council of Europe on 9 November 1995. For the members of the Council of Europe and the dates on which they joined the organisation, see the Council of Europe website, http://www.coe.int/T/E/Communication_and_Research/Contents_with_the_public/About_Council_of_Europe/CoE_Map_&_Members downloaded 1 February 2003. It should be noted that where the adjective "Macedonian" is used in official texts of the Parliamentary Assembly of the Council of Europe, it is accompanied by the clarification: "The use in the text of the term "Macedonia" is for descriptive purposes and the convenience of the reader: it does not prejudge the position of the Assembly on the question of the name of the state".

48. For the members of the OSCE, see the organisation's website, http://www.-osce.org/general/participating_states/partstat/htm, downloaded 1 February 2003. FYROM became the 53rd member of the OSCE.

49. "The South East European Cooperation Process (SEECP)" at the website of Greek Ministry of Foreign Affairs http://www.mfa.gr/print/english/foreign_policy/europe_southwestern/balkans/seecp.html, downloaded 14 June 2004.

for South East Europe (SP). In addition, the issue of FYROM's admission to the BSEC (Black Sea Economic Co-operation) was discussed in the late 1990s.[50]

In 2001, during the crisis in FYROM, Greece's political leaders worked with the European Union and NATO to try to normalise the situation in FYROM. A 400-strong contingent of Greek troops remained in FYROM until September 26, 2001 as part of the Essential Harvest operation mounted to collect and destroy the weapons surrendered by the warring parties in FYROM.[51]

FYROM's relations with the European Union were placed on a new footing after 1995. On November 28, 1997, a transport agreement between the European Union and FYROM came into force, with terms that became more favourable for FYROM after January 1, 2000. On April 9, 2001, after three rounds of talks, the members of the European Union signed a Stabilisation and Association Agreement with FYROM in Luxembourg (which replaced the 1997 Agreement). By this time, after the Santa Maria de Feira European Council (June 19-20, 2000) FYROM was also recognised as a potential candidate for accession to the European

50. P. Naskou-Perraki, *Black Sea Economic Co-operation Organisation - Institutional Dimensions*, Thessaloniki-Athens, Sakkoulas/ Centre for International and European Economic Law (Library of International and European Economic Law 13), 2000, p. 30 [in Greek]. See also the Black Sea Economic Co-operation Organisation website, http://www.bsec.gov.tr/homepage.htm, downloaded 14 June 2004.

51. For an evaluation of the crisis in FYROM, in 2001, in the framework of the Western European Union, see the Assembly of the Western European Union, The Interim European Security and Defence Assembly, *Report on the Situation in the Former Yugoslav Republic of Macedonia (F.Y.R.O.M.), Submitted on Behalf of the Defence Committee by Mr Goris, Rapporteur*, Forty-Seventh Session (Document A/1753, 18 October 2001), on the website of the of the Western European Union, http://www.assembly.weu.org/en/documents/seccions_ordinaires/rpt/2001/1753.pdf, downloaded 1 February 2003.

Union. The 2001 Stabilisation and Association Agreement is a mixed agreement, that is, it is an agreement between the European Communities and the fifteen individual EU member states with FYROM, which adhered to the agreement by means of an exchange of notes because of the unresolved question of the country's name. The European Union and FYROM also signed an Interim Accord, which contained only the trade and trade-related matters of the 2001 Stabilisation and Association Agreement and came into force on June 1, 2001. The *Stabilisation and Association Agreement* was ratified by all European Union member states and entered into force on April 1, 2004.

With regard to the issue of the name, in all international agreements with the European Union and, before it, the European Communities, the other party is designated as FYROM.[52] On the website of the country's Foreign Ministry, however, these agreements are innacurately referred to as having been concluded between the "European Communities" and the "Republic of Macedonia".[53]

On March 22, 2004 FYROM applied for membership in the European Union.

### *The bilateral level*

Since October 13, 1995 — when the Interim Accord between Greece and FYROM came into force — the Greek borders have been open and the movement of goods and persons between the

52. "The EU's relations with the former Yugoslav Republic of Macedonia — The European contribution", http://europa.eu.int/comm/external_relations/see/fyrom/index.htm, downloaded 14 June 2004.

53. See http://www.mnr.gov.mk/eu/INTERIM%20AGREEMENT.pdf and http://www.mnr.gov.mk/eu/SSA%20angl.pdf, downloaded 1 June 2003.

two states has been unimpeded, in accordance with Article 8 of the Accord.[54]

On that same day Greece and FYROM signed a Memorandum of Understanding for the Implementation of the "Practical Measures" Related to the Interim Accord of New York of 13 September 1995.[55] This Memorandum is an international treaty, drawn up after six meetings between the representatives of Greece and FYROM "in a spirit of good will and constructive atmosphere". The two parties, however, did not fail to link the practical measures upon which they agreed with Article 5 of the Interim Accord, which refers to the thorny issue of the name of FYROM.[56]

In the Memorandum, Greece and FYROM resolve to establish *Liaison Offices* in Athens and Skopje.[57] The Memorandum also sets detailed regulations about the movement of goods and persons between the two countries,[58] referring specifically to procedural matters connected with visas, official judicial and legal documents and correspondence, ordinary correspondence, banking transactions, commercial documents, road and rail transport documents, customs documents, and the validity of forms and documents. It was also agreed that stickers declaring Greece's objection to the codes "MK" and "65MZ" should be affixed to trains and motor vehicles coming from FYROM and travelling through Greek territory.[59]

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54. See Valinakis-Dalis, *op.cit.,* pp. 497-498.

55. For the text of this Agreement, see *ibid*, pp. 371-378.

56. Preamble to the Memorandum of understanding for the implementation of the 'practical measures' related to the Interim Accord, par. 2 and 3.

57. Section "A. Liaison Offices" of the Memorandum on the 'practical measures' of the Interim Accord.

58. Section "B. Movement of Goods and People" of the Memorandum on the 'practical measures' of the Interim Accord.

59. Paras. 1-6, 10-11, 14 and 12 of the Memorandum on the 'practical measures' of the Interim Accord.

The Memorandum provides for the examination of matters relating to visas and tariffs by teams of experts a week after the entry into force of the Interim Accord, meetings of representatives from banking organisations to develop co-operation in the banking sector, meetings of representatives for the commercial documents sector, the signature "as promptly as possible of a Single Bilateral Agreement between the services responsible for issuing green insurance cards" and meetings "within seven days at the most [...] of representatives of the Ministries of Transport and Communications, railway, telecommunications and civil aviation organisations, customs services, National "Green Card" Bureaus, air transport carriers.[60]

In case of "difference or difficulty", the issue should be addressed by teams of experts from the Ministries of Foreign Affairs or other appropriate ministries of the two parties.[61]

On October 20, 1995 a Memorandum on the Mutual Establishment of Liaison Offices was drawn up "in a spirit of good will and constructive atmosphere" in Athens, in execution of art. 1 of the Interim Accord.[62]

This second memorandum concerns the terms of establishment of the Liaison Offices. It contains detailed regulations about how the name FYROM will appear at the entrance to the FYROM

60. Paras. 1 *in fine*, 4 *in fine*, 8-10 and 13 of the Memorandum on the 'practical measures' of the Interim Accord.

61. Par. 15 of the Memorandum on the 'practical measures' of the Interim Accord.

62. Memorandum, Preamble. For the text of this Agreement in Greek, see Valinakis-Dallis, *op. cit.,* pp. 379-381. The English text is available at http://www.hri.org/docs/fyrom/liaison.html.

Liaison Office in Athens[63] and determines that the heads of the missions shall bear the title of "Head of the Liaison Office" (Memorandum, Section 3). The number of personnel attached to these Liaison Offices is fixed on the basis of the 1961 *Convention on Diplomatic Relations*.[64] The immunities and privileges of the

63. See Section 1, Parts a) and b) of the Memorandum on the mutual establishment of Liaison Offices:

"1. Establishment of the Liaison Office of the Party of the Second Part in Athens.

a) In case the Liaison Office is established in an apartment: At the building's entrance, there will be placed an inscription bearing the provisional designation by which the Party of the Second Part is referred to in UN Security Council Resolution 817/93. At the bottom corner of the inscription there will be an indication that it was placed by a third party. In the building's entrance hall an inscription "LIAISON OFFICE" will be placed, displaying also the emblem and the flag of the Party of the Second Part and indicating the floor on which the Office is accommodated. The entrance of the apartment, for reasons of security and in order to facilitate the access to the Liaison Office, will be covered by a special plain glass construction with its door, as is the practice with other diplomatic missions. On the front side of the main door inside or on the wall beside this door there will be an inscription bearing a name which the Party of the First Part does not recognise. It is understood that the flag and the emblem will be displayed from the apartment.

b) In case the Liaison Office is established in a private house (villa): Just beside the entrance of the garden fence there will be placed an inscription bearing the provisional designation by which the Party of the Second Part is referred to in UN Security Council Resolution 817/93. At the bottom corner of the inscription there will be an indication that it was placed by a third party. On the garden fence there will be placed an inscription "LIAISON OFFICE", displaying also the emblem and the flag of the Party of the Second Part. The entrance of the house, for security reasons and to facilitate the access to the Liaison Office, will be covered by a special plain glass construction with its door, as is the practice with other diplomatic missions. On the front side of the main door inside or on the wall beside this door there will be an inscription bearing a name which the Party of the First Part does not recognise. It is understood that that the flag and the emblem will be displayed from the house".

64. Section 3 *in fine* of the Memorandum on the mutual establishment of Liaison Offices. For the text of the *Convention on Diplomatic Relations*, see Vienna Convention on Diplomatic Relations, *United Nations Treaty Series,* vol. 500, 95 ff.

personnel are governed by this Convention, the 1963 *Convention on Consular Relations*[65] and "customs, on the basis of reciprocity" (Memorandum, Section 4). The reference to "customs" and "reciprocity," however, is superfluous, since both Greece and FYROM are bound by both the 1961 and the 1963 Conventions.[66]

"Difficulties" are to be addressed by "negotiation" (Memorandum, Section 5, par. 2).

The Liaison Offices opened simultaneously in Athens and Skopje on January 17, 1996. Since then, relations between Greece and FYROM have developed steadily.[67]

More specifically, since 1995 no fewer than twenty-one bilateral agreements and protocols have been signed between Greece and FYROM, covering sectors ranging from transport to police co-operation, and investments. Gradually, Greece's relations with FYROM have been extended into the more

65. See Vienna Convention on Consular Relations, *United Nations Treaty Series,* vol. 596, 261 ff. According to a Greek translation of the Memorandum, as reproduced in the *Skopje question*, *op. cit.*, the privileges and immunities provided for are those conferred to consuls. In case of such printing errors, however, it is the English text of the Memorandum that prevails. See Memorandum, Section 5, par. 3.

66. *Multilateral Treaties Deposited with the Secretary-General, Volume I, Parts I to IX, Status as at 31 December 2003,* New York, United Nations, 2003, 87ff. It must be noted that the privileges and immunities enjoyed by consular staff are more limited than those of diplomats. In this respect, see K. Koufa, "Aspects of consular relations between Greece and the United Kingdom: Considering consular amenability to local jurisdiction in the light of customary international law, the consular convention between the United Kingdom and Greece and the Vienna Convention on Consular Relations", *Hellenic Review of International Relations* I/No. II (1980), 375ff.

67. According to official figures, in the period from 1 January 1992 – 19 August 2002 a total of 1,440,682 holders of FYROM passports entered Greece. Between 1997 and 2002 the Greek Liaison Office issued more than 290,000 visas. See the Greek Ministry of Foreign Affairs website, http://www.mfa.gr, downloaded 1 February 2003.

sensitive military sector. Agreements in this framework include an *Agreement on Military Co-operation* (Skopje, December 14, 1999), an *Agreement on the Participation of Greece and FYROM in the Multinational Peace Support Operations Training Centre (MPSOTC)* (Athens, July 10, 2000), an *Agreement for the Exchange of Classified Military Intelligence* and a *Memorandum of Mutual on Co-operation in the Field of Armaments and Defence Technology* (Skopje, December 10, 2000). Moreover, on December 9, 2003, the then Deputy Foreign Ministers of the two states, Mr. Andreas Loverdos and Mr. Fuad Hasanovic (as "Parties of the first" and of the "second Part", respectively) issued a "Joint Statement", which provided for the establishment of "Offices for Consular, Economic and Commercial Affairs".[68]

In the economic sector,[69] implementation of the Interim Accord led to a significant increase in Greek exports to FYROM, from USD 14,200,000 in 1994 and 43,100,000 in 1995 to 246,200,000 in 1996. By 1999 the value of Greece's exports to FYROM had risen to USD 425,100,000, making that country Greece's principal trading partner in the Balkans.[70]

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68. See http://www.mfa.gr/print/greek/foreign_policy/europe_southwestern/balkans/jointFYROM.html, downloaded 14 June 2004. On 22 January 2004, a relevant Memorandum of Understanding on the Mutual Establishment of Offices for Consular, Economic and Commercial Affairs was signed between the two parties. See http://www.mfa.gr/print/greek/foreign_policy/europe_southwestern/balkans/Fyrom.html, downloaded 14 June 2004.

69. For an extensive review of economic relations between Greece and FYROM, see Chr. Nikas's essay in this volume.

70. Ch. Tsardanidis, "Greece's Economic Diplomacy in the Balkans", *Two-day Meeting, The Balkans Yesterday and Today (21 and 22 February 2000)*, Athens, Society for the Study of Modern Greek Culture and General Education (Founded by The Moraitis School), 2000, p. 59.

Recent official figures from the Greek Ministry of Foreign Affairs indicate that, with a total of EUR 460,000,000, Greece is FYROM's first foreign investor. Greece's investment activity in FYROM resulted in the creation of more than 8000 new jobs in the energy, communications, media and banking sectors.[71]

In March 2002, Greece announced the *Hellenic Plan for the Economic Reconstruction of the Balkans* (HIPERB). This was an ambitious five-year development programme with a budget of EUR 550,000,000, and was addressed to public and private agencies, as well as non-governmental organisations in the Federal Republic of Yugoslavia, Bulgaria, Romania, Albania, Bosnia-Herzegovina and FYROM.[72]

In accordance with this Plan, on July 30, 2002 Greece and FYROM signed an *Agreement on a Five-Year Development Co-operation Programme 2002-2006* in Skopje. This agreement was drawn up between the governments of "the Party of the First Part" and "the Party of the Second Part to the Interim Accord of 13 September 1995".[73] As in the Interim Accord, here too the parties are not mentioned by name.

In this comprehensive programme,[74] the total amount of development aid earmarked for FYROM for the period 2002-2006 amounts to EUR 74,840,000, 20% of which will originate

71. Http://www.mfa.gr/print/greek/foreign_policy/europe_southwestern/balkans/Fyrom.html, downloaded 14 June 2004.

72. The Plan was instituted by Law 2996/2002 of 28 March 2002 (GG 62, 28 March 2002). See the website of the Greek Ministry of Foreign Affairs, http://www.mfa.gr/print/greek/foreign_policy/hiperb/index.html, downloaded 14 June 2004.

73. This text is available at http://www.mfa.gr/print/greek/foreign_policy/hiperb/bilateral/fyrom.html, downloaded 14 June 2004.

74. Article 1 ("Objectives") of the Agreement on a Five-Year Development Co-operation Programme 2002-2006.

from the Greek Ministry of Economy and Finance.[75] The programme is managed by a Monitoring Committee set up in Thessaloniki for this purpose.[76] The Greek Parliament sanctioned the aforementioned agreement[77] and adopted a law on November 6, 2003 providing for the disbursement of funds allocated to FYROM in the framework of the aforementioned *Hellenic Plan*.[78]

### *Epilogue*

The Interim Accord was the starting-point for a rapid development in peaceful relations between Greece and FYROM in various areas. However, as long as the Interim Accord is not substituted by a definitive agreement, the issue of the name will remain unresolved, and the obligation to continue negotiations with a view to reaching an agreement in the matter will subsist. In Greece, these issues have consistently been among the most crucial questions in political and academic discourse, both before and after[79] the Interim Accord.

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75. Article 2 ("Allocation of Development Funds"), sections a and b of the Agreement on a Five-Year Development Co-operation Programme 2002-2006.

76. Annex A ("Regulations and Procedures"), article 3 ("Definitions") of the Agreement on a Five-Year Development Co-operation Programme 2002-2006. See also Decision 968 of the Ministers for Economy and Finance and Foreign Affairs on the Establishment and Operating Regulations of the Monitoring Committee of the Hellenic Plan for the Economic Reconstruction of the Balkans (GG 563, 8 May 2002).

77. See Law No 3096/2003 Greek Official Gazette (12/A/22.1.2003), as mentioned in http://www.mfa.gr/greek/the_ministry/eny, downloaded 14 June 2004.

78. Http://www.mfa.gr/print/greek/foreign_policy/europe_southwestern/balkans/Fyrom.html, downloaded 14 June 2004.

79. For further reading see, for example, the numerous contributions posted on the website http://www.macedonian-heritage.gr, downloaded 1 February 2003.

They have also, of course, preoccupied FYROM and its leaders. For example, the *Memorial of the Academy of Arts and Sciences* of FYROM argues that "in contrast to Greece, the Republic of Macedonia to this day strictly adheres to the obligations from the Interim Accord. Therefore the justification for the further continuance of certain of its clauses which are not in the interest of current and future good-neighbourly relations should be very carefully re-examined".[80] However, even if there were some foundation for the unsubstantiated allegations that Greece is failing to observe its obligations, it should be reminded that the Interim Accord provides mechanisms for the settlement of differences between Greece and FYROM and that FYROM has had recourse to none of these.

In the Memorial - which is governed by a particularly critical predisposition against Greece's attitude with regard to the name of FYROM - it is further argued that Greece's refusal to accept the name by which FYROM wishes to be known internationally is unjustified because, according to Amendment II (6.1.1992) of FYROM's Constitution, that country "will not interfere in the sovereign rights of other states or in their internal affairs".[81] The Academy itself, however, appears to disregard this constitutional amendment, since both before and after this reference it speaks of a "Macedonian minority" in Greece.[82]

With regard to the question of the name, FYROM has applied for membership to all international organisations as the "Republic of Macedonia". This name, however, has not been accepted by

80. "*Memorial*", p. 50.

81. *Ibid*.

82. *Ibid*, pp. 34, 52. Therefore, from the legal point of view, the Academy's *Memorial* is not in conformity with the overall spirit and Article 7, paragraph 1 of the Interim Accord.

any international organisation. Moreover, given that the country's dispute with Greece over its name remains unresolved, the state is referred to as the "Former Yugoslav Republic of Macedonia". Furthermore, Article 11, paragraph 1 of the Interim Accord, stipulates that Greece has the right to object to any such membership "if and to the extent that the Party of the Second Part is to be referred to in such organisation or institution differently than in paragraph 2 of the United Nations Security Council Resolution 817 (1993)".[83]

On 13 September 2002, the then Greece's Press and Media Minister, Mr Christos Protopappas, said that the Interim Accord would be extended according to its provisions. At the same time, there was no apparent desire to terminate the Accord on behalf of FYROM.

Greece's political relations with FYROM will inevitably be reflected on the legal level. If the current atmosphere continues, it should bring about legal solutions based on the European perspective of FYROM.[84]

In conclusion, the Interim Accord has, notwithstanding the subsisting differences, contributed to the creation of a new atmosphere in Greece's relations with FYROM.[85]

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83. It should be noted, however, that on the United Nations Organisation website the Permanent Delegation of FYROM to the UN is referred to as the "Permanent Delegation of the Republic of Macedonia". See the United Nations Organisation website, http://www.un.int/missions/webs.html and http://www.un.int/ macedonia, downloaded 1 June 2003.

84. Cf. the website of the Greek Ministry of Foreign Affairs, http://www.mfa.gr/english/foreign_policy/europe_southeastern/balkans/fyrom.html, downloaded 11 November 2004.

85. According to Dalis, *Yugoslavia*, p. 116, "the borders of the two countries [...] are today a bridge for daily contact and rapprochement between the two peoples".

According to Greece's official position, "Greece remains committed to the search for a mutually acceptable solution to the name issue".[86]

86. "Former Yugoslav Republic of Macedonia and Greece: The name issue", http://www.mfa.gr/print/greek/foreign_policy/europe_southwestern/balkans/fyrom_name.html, downloaded 11 November 2004.