

CONSTITUTIONAL AMENDMENTS TO INCLUDE BULGARIANS IN THE CONSTITUTION OF NORTH MACEDONIA BETWEEN INTEGRATION INTO THE EUROPEAN UNION AND IDENTITY

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Abstract: The constitutional amendments that will enable the inclusion in the Constitution of the Republic of North Macedonia the citizens living in the Republic and who are part of the Bulgarian people, as well as parts of other peoples - Montenegrins, Croats, Slovenes and others, represent one of the most controversial issues in the recent political history of the country. This issue has opened up a wide social debate in which views on the European future of the state and the protection of national identity clash.

According to supporters, the adoption of the constitutional amendments will lead to several potential benefits on a domestic and international level. First, it will enable the continuation of the European integration process. This will then contribute to strengthening internal cohesion in Macedonian society; it will lead to the improvement, even normalization of bilateral relations with Bulgaria; it will pose the Republic of North Macedonia as a serious and credible partner in international relations, and finally, the amended constitution will more thoroughly reflect the reality of North Macedonia as a plural and inclusive multiethnic state.

Opponents of the inclusion of Bulgarians in the Constitution primarily emphasize the fear of losing national identity. It is accompanied by doubts about good neighborliness with Bulgaria, with views that the constitutional amendments are imposed; that Bulgaria's historical narrative is accepted without receiving anything in return; that a deep political division in society may occur, which could destabilize the country; that, on the part of the European Union, there is no legal guarantee that North Macedonia will become a member of the Union even after the adoption of the constitutional amendments, especially given the possibility of a new veto by Bulgaria and other EU member states.

Failure to adopt constitutional amendments could have serious political, legal, economic and geopolitical consequences for the country, which are analyzed in detail in the paper.

The Republic of North Macedonia geographically belongs to a Europe that is uniting. Its place is in the European Union. The process of joining the Republic to the Union should continue. At the current historical moment, the only objective obstacle to its continuation is the failure to adopt the Constitutional amendments to include in the Constitution the citizens who live in the Republic and who are part of the Bulgarian people and parts of other peoples.

No matter how the further process unfolds, it remains important for political actors and citizens to conduct debates with respect, with arguments and with a vision for the common future, without endangering either state interests or European perspectives.

Keywords: constitution, constitutional amendments, failure to adopt, people, Bulgarians,

1. INTRODUCTION

According to the preamble of the Constitution, the Republic of North Macedonia is constituted by its citizens who belong to the Macedonian people, to part of the Albanian people, the Turkish people, the Vlach people, the Serbian people, the Roma people, the Bosnian people and others. (Constitution, Assembly, 2020). The term “others” includes citizens who belong to parts of other peoples whose percentage representation in the total population is small, even less than 0.47% of the total resident population in the Republic (1,836,713 inhabitants according to the 2022 census), which is the percentage of Vlachs as the people with the lowest percentage representation among the parts of the above-mentioned peoples. The percentage representation of Bulgarians (3,504 people) is 0.19%.

The problem with the constitutional amendments to include citizens living in the Republic of North Macedonia and who are part of the Bulgarian people together with citizens who are part of other peoples (the Croatian people, the Montenegrin people, the Slovenian people, the Jewish people and the Egyptian people) emerged openly and publicly, as a political issue, in 2022 after the adoption, by the Government, and then by the Assembly of the Republic the Draft Conclusions of the Council of Europe, prepared by the French Presidency (the French Proposal), which occurred in mid-July 2022. But the roots of the problem date back to earlier.

With the Treaty of Friendship, Good Neighborliness and Cooperation, signed in Skopje on 1 August 2017 (www.mfa.gov.mk, 2017); the Republic of Macedonia and the Republic of Bulgaria committed themselves to developing and nurturing good neighborly relations and intensifying cooperation.

However, in the following years, Bulgaria began to condition the start of North Macedonia's negotiations with the EU on certain historical and identity demands, including the issue of the rights of Bulgarians in Macedonia (Iankov, 2023). Bulgaria then vetoed the opening of North Macedonia's negotiations with the EU. It explained this by saying that certain conditions had allegedly not been met, including respect for the 2017 Treaty on the recognition of the Bulgarians cultural and historical presence in Macedonia and the inclusion of Bulgarians, as a people, in the Constitution of the state.

This was followed by the French proposal of July 2022. This proposal represented a compromise solution that allowed the removal of the Bulgarian veto. It states that North Macedonia, as a condition for starting the second cluster of negotiations with the EU, should include Bulgarians together with citizens who are part of the other above-mentioned peoples that are not included in the Constitution.

For the preparation of constitutional amendments to the preamble and articles 49 and 78 of the Constitution, on April 20, 2023, the Government established a special working group of experts. The Government adopted the draft proposal composed by the working group on July 18, 2023 and submitted it to the Parliament. However, due to the lack of a two-thirds majority, the constitutional amendments were not adopted.

The French proposal caused fierce political and social reactions in North Macedonia. The then opposition led by VMRO-DPMNE opposed the inclusion of Bulgarians in the Constitution, calling it "conditioning and blackmail" by the Republic of Bulgaria (Bulgarian diktat).

Contrary to the opposition, the then ruling coalition, led by SDSM, supported, and later, after the elections in June 2024, as the opposition, supports the French proposal.

Due to the opposing arguments for and against the constitutional amendments, the Republic of North Macedonia found itself caught between aspirations for membership in the European Union and fears of partial or complete loss of national identity.

2. ARGUMENTS IN SUPPORT OF THE ADOPTION OF THE CONSTITUTIONAL AMENDMENTS

According to the supporters of the constitutional amendments, the inclusion in the Constitution of citizens living in the Republic of North Macedonia who are part of the Bulgarian people, as well as citizens who are part of other peoples - Croats, Montenegrins, Slovenes, Egyptians and others, has several potential benefits on a domestic and international level (Priebe, 2024).

Firstly, it will enable the continuation of the European integration process. The constitutional amendments are part of the negotiating framework with the European Union, adopted in 2022. Without them, the second intergovernmental conference with the EU cannot begin. This, in practice, means blocking the accession process. Therefore, the adoption of the amendments would mean opening the clusters of the negotiating framework, i.e. starting actual negotiations with the EU.

The constitutional amendments will strengthen the rights of citizens who are part of other peoples who are not included in the Constitution, which will also contribute to strengthening internal cohesion in Macedonian society. They will formalize their existence as part of the civil structure of the state. This will certainly lead to greater protection of their civil and cultural rights and they will be equal to other citizens who are part of the peoples who are already included in the Constitution.

The adoption of the constitutional amendments will lead to the improvement, even to the normalization of bilateral relations with Bulgaria. The inclusion of Bulgarians in the Constitution is one of the key demands of Bulgaria in the context of the Treaty of Friendship, Good Neighborliness and Cooperation between the Republic of North Macedonia and the Republic of Bulgaria from 2017. This will, of course, lead to a reduction in tensions between the two countries and their peoples and to strengthening regional stability (Naumovski, 2022).

Furthermore, the adoption of the constitutional amendments will strengthen the international reputation of the Republic of North Macedonia. The constitutional amendments are an internationally undertaken obligation of the Republic. Fulfilling the internationally undertaken obligations pose the Republic as a serious and credible partner which, without a doubt, will positively affect relations with other EU and NATO member states. In this regard, the adoption of the constitutional amendments may increase support from EU member states that were previously skeptical about the enlargement of the Union.

Finally, the adoption of the constitutional amendments will represent a symbolic message about the multiethnic character of the state. The amended constitution will more thoroughly reflect the reality of North Macedonia as a plural and inclusive multiethnic state, which is in line with European values based on the European Convention on Human Rights and international human rights standards contained in the Universal Declaration of Human Rights and elaborated, in detail, by the International Covenant on Civil and Political Rights. In this regard, and taking into account the dialectical relationship between the whole and the part (Engels, 1970), in the spirit of the preamble to the Constitution (Constitution, Parliament, 2020), it will be made known to all deniers of the Macedonian national

identity that in North Macedonia, in addition to the majority of citizens who belong to the Macedonian people (1,073,299, according to the 2022 census) - Macedonians, there lives a small part of citizens (3,504) with Bulgarian self-awareness - Bulgarians. This means that Macedonians are not Bulgarians.

3. ARGUMENTS AGAINST THE CONSTITUTIONAL AMENDMENTS

Contrary to the arguments of the supporters are the arguments of the opponents of the inclusion of Bulgarians in the Constitution. They, first of all, emphasize the fear of losing national identity (MCIC and Euro think, 2023). This is accompanied by doubts about the good neighborliness with Bulgaria. In this regard, part of the public fears that the inclusion of Bulgarians in the Constitution could be used to deny the Macedonian identity and language, especially if it is linked to other requests by Bulgaria in the future. This is in addition to the decades-long historical and cultural disagreements between the two countries (Stojkov, 2021).

Among some of the political parties from the current ruling coalition, analysts and citizens are of the opinion that the constitutional amendments were imposed. These views are based on perceptions of pressure and blackmail. Based on such perceptions, many critics believe that the constitutional amendments are not a voluntary democratic decision, but the result of blackmail from Bulgaria. They see this as conditioning European integration with bilateral issues, which, in their opinion, is contrary to European principles.

Then, among the critics, there is distrust of Bulgaria and its intentions. Many believe that, even if North Macedonia adopts the constitutional amendments, Bulgaria will still find new conditions and will not permanently lift its veto. They point out that the French proposal has certain unclear formulations that can be interpreted detrimentally for Macedonian positions.

In addition, opponents of the constitutional amendments refer to certain unresolved issues from the past. There is a feeling that by adopting the constitutional amendments, Bulgaria's historical narrative is accepted without receiving anything in return, for example: recognition of the Macedonian minority in Bulgaria (Stojkov, 2021), which, to be honest, North Macedonia, as a state, is not demanding persistently and loudly enough.

Furthermore, opponents also refer to internal political instability. According to them, the constitutional amendments will create a deep political division in society, which could destabilize the country.

Finally, opponents of the inclusion of Bulgarians in the Constitution claim that there is a lack of guarantees in the EU. In this regard, they say that even if the constitutional amendments are adopted, there is no legal guarantee from the EU that North Macedonia will become a member of the European Union, especially given the possibility of a new veto by other EU member states.

4. POSSIBLE CONSEQUENCES OF FAILURE TO MAKE CONSTITUTIONAL AMENDMENTS

Failure to make constitutional amendments in the Republic of North Macedonia could have serious political, legal, economic and geopolitical consequences for the country (Priebe, 2024).

First, it could lead to a further standstill in the European integration process. Without these amendments to the Constitution, the accession negotiations for the Republic's membership in the EU would effectively freeze. The Republic of North Macedonia risks remaining outside the European mainstream, while countries in the region such as Albania, Montenegro and Serbia are making progress.

Then, failure to make constitutional amendments would further worsen relations with Bulgaria, which could spread to other EU member states that support the Bulgarian position.

Furthermore, it could lead to prolonged diplomatic pressure on Macedonia. So far, the US and the EU have consistently encouraged Macedonia to complete the constitutional process. Delaying the constitutional amendments could lead to reduced support and serious diplomatic and economic consequences for Macedonia.

The issue of constitutional amendments is politically polarized and could lead to an internal political crisis; to a deterioration of relations between political parties, especially between Macedonian parties and parties from the Albanian bloc.

Failure to enact constitutional amendments could lead to the erosion of Macedonia's credibility in international relations. The Republic could lose credibility as a partner that does not respect international agreements such as the Agreement with Bulgaria, and other agreements. This could have a negative impact on the trust of foreign investors and allies, which could lead to the isolation of the Republic, and thus to serious economic consequences and further accelerate the emigration of young people from the country.

Failure to enact constitutional amendments could lead to internal ethnic tensions because their non-enactment could be interpreted as a lack of readiness for multiethnic dialogue and coexistence between communities. This can seriously disrupt the internal interethnic balance and trust between ethnic communities, especially in conditions when other ethnic communities support changes to the Constitution and the inclusion of parts of them in it. This can lead to severe, even fatal, radicalization of relations between Macedonians and other ethnic communities.

Finally, the failure to pass constitutional amendments can lead to geopolitical risks in that the vacuum that will arise can be used by third parties, such as Russia and China, to increase their influence in the region, which, in turn, is contrary to the strategic goals of the Republic of North Macedonia. This will certainly lead to a clash of interests between Russia, including China, on the one hand, and the West on the other, which can hardly complicate relations between states in the region and, in conditions of a high degree of radicalization of relations between ethnic communities, call into question the territorial integrity of the Republic.

5. ARGUMENTS FOR AND AGAINST CONSTITUTIONAL AMENDMENTS BETWEEN THE ACTUAL AND THE POSSIBLE

The failure to include the Bulgarians in the Constitution is an existing (current) obstacle to the actual start of negotiations for the Republic's membership in the EU according to the established negotiating framework. Future obstacles are possible. They may or may not happen.

The relationship between the existing and the possible is a deeply considered problem in ontology (the science of being), and is found, among other things, in political philosophy.

Existing (current) is that being that actually exists at the moment. Possible, on the other hand, is that which could arise and exists in the future. But this does not necessarily have to happen.

According to Aristotle, everything that exists in the world has the potential to become something else (Aristotel, 1960). Based on this thought of Aristotle, the failure to include the Bulgarians in the Constitution exists as an obstacle on the Republic's path to the EU. But it has the potential to transform into its opposite – the inclusion of Bulgarians in the Constitution, which will open the Republic's path to the EU.

According to Hegel, the existing contains its own contradictions that push it towards new possibilities in the movement of the spirit (Hegel, 1973). In our case, the contradiction of non-inclusion is the inclusion of Bulgarians in the Constitution. There is no third. This is what the logical law of exclusion of the third and the law of contradiction say. By including Bulgarians in the Constitution, the obstacle to the actual start of negotiations for the Republic's membership in the EU will be removed. The start of negotiations will open up new opportunities, new horizons, and new fields of activity. Finally, with membership in the European Union, which will inevitably occur after the successful completion of the accession negotiations, the Republic will find itself in the company of the most developed democratic states in the world, with stable socio-political systems and a democratic order that stretches back centuries.

The people said, "You are what you are with." "Folk philosophy is instilled in the spirit of man directly by nature," says Hegel in his "History of Philosophy" (Suleimani, 1976). The folk philosopher was thinking deeply dialectically when he uttered this proverb. The environment affects all beings in nature and society. It also affects states as organized communities of people. As a member of the European Union, the Republic of North Macedonia will be influenced by the environment in which it will find itself after joining. As a result of that influence, over time we will have systems tailored to European standards in all areas of social life: administration, justice, health, education, environment, etc.

The opposition to the inclusion of Bulgarians in the Constitution by claiming that their inclusion is not a guarantee that Bulgaria will not continue to hinder the Republic's path to the EU, with new vetoes, is based on the possibility that this will happen despite the promises of the most influential Bulgarian politicians that they will not pose other obstacles. This statement is absurd. The question is whether the possible will become real - is a thing of the future. Currently, the only existing obstacle on the Republic's path to the EU is the failure to include Bulgarians in the Constitution. There are no other obstacles and it is not certain whether they will arise from the side of the Republic of Bulgaria. However, it is quite certain that, due to the failure to include Bulgarians in the Constitution, the Republic is stopped on the path to the EU; that because of this, the Republic of Albania and the Republic of Montenegro will walk that path before it and become EU members, which will mean that two new entities will appear on the political scene that can hinder the Republic on its path to the EU and that the failure to pass the constitutional amendments can and will lead to serious political, economic and geopolitical consequences for the Republic of North Macedonia.

The Republic of North Macedonia, with the results achieved so far on the path to approaching the values of the European Union, has shown that it is worthy of enjoying the respect of the Union and the United States. Therefore, it deserves to have the door opened on the path to the Union. Failure to pass constitutional amendments will mean that it has not earned their respect. The door is closed to the subject that has not earned the respect of the powerful for an indefinite period of time, and perhaps forever. In this case, the subject is our homeland, the Republic of North Macedonia. Failure to pass amendments could be fatal for its present and future. The powerful in international politics see, above all, their own interests. They, seeing their own interests, know to be pragmatic and ruthless. The

responsibility for the present and future of the homeland, according to the preamble to the Constitution of the Republic, falls on us, its citizens.

6. CONCLUSION

One of the most controversial issues in the recent political history of the Republic of North Macedonia, without a doubt, are the constitutional amendments to include in the Constitution of the Republic citizens living in the Republic and who are part of the Bulgarian people, as well as parts of other peoples, Montenegrins, Croats, Slovenes and others. A broad social debate has opened around this issue with opposing views and arguments about the European future of the state and the protection of national identity.

The strongest argument in favor of the constitutional amendments concerns the continuation of the European integration process. The EU, through a French proposal and the negotiating framework for the accession of the Republic of North Macedonia to the Union, has set the adoption of the constitutional amendments as a prerequisite for further progress in the accession negotiations. Their adoption is a condition for holding the second intergovernmental conference, which practically begins the process of opening the negotiating framework. Supporters of this step argue that North Macedonia is thereby demonstrating political maturity and fulfilling international obligations that strengthen its position as a credible partner in the Euro-Atlantic community.

Furthermore, the inclusion in the Constitution of Bulgarians, Croats, Montenegrins and parts of other peoples living in the Republic is seen as an act of inclusiveness and respect for the ethnic and cultural diversity of the state. This would mean establishing equal constitutional status for parts of these peoples with parts of other peoples already included in the Constitution: Albanians, Turks, Vlachs, and Serbs, Roma, Bosnians and others. This in turn would lead to the strengthening of interethnic cohesion.

In contrast, opponents of the constitutional amendments see this step as the result of external pressure, rather than an internal democratic consensus. The most frequently expressed concern is related to the fear of the possibility that Bulgaria will use the inclusion of Bulgarians in the Constitution to undermine Macedonian identity. There is a fear that Bulgaria, even after these changes, will not lift its veto and will set new conditions.

Then, the opponents point to the lack of legally binding guarantees from the EU, since there is no evidence or a reliable mechanism that would guarantee the Republic membership in the Union, even after all conditions are met.

Additionally, the opponents believe that there are not enough internal consensuses for these changes, and that there is a high level of political polarization that threatens the institutional stability of the state.

Taking into account the above, it is obvious that the Constitutional amendments to include Bulgarians in the Constitution of North Macedonia are at the intersection of geopolitical aspirations and internal national feelings. On the one hand, they are seen as a necessary step to open the doors to the EU and to advance the rights of parts of all peoples living in the Republic. On the other hand, part of the public perceives them as a threat to the national sovereignty and historical continuity of the Macedonian identity.

The fact is that the inclusion of Bulgarians in the Constitution of the Republic of North Macedonia is, at present, is the only existing obstacle to the actual continuation of the accession negotiations for the Republic's membership in the European Union.

The Republic of North Macedonia should be member of the European Union. That is the statement of the majority of its citizens. On the way to the Union, new obstacles may appear which should to be overcome. The non-inclusion of Bulgarians in the Constitution is an existing obstacle in the present. Philosophically speaking this obstacle is a being of the present. The possible is not a being, because it does not exist in the present. It may, but does not have to appear in the future of the process of accession of the Republic to the Union. Therefore, political actors, experts and citizens who sincerely want to see the Republic in the great united European family of nations should close the issue of constitutional amendments with a common consensus that they should be adopted and direct their visions towards future, taking care not to jeopardize nor the interests of the Republic, nor its European perspective.

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