

THE REFERENDUM ON MACEDONIAN NAME CHANGE

Does it solves or deepens divisions in society

The name dispute was uncommon, sometimes referred even as “bizarre” issue” (Beddoes, 2017) in European diplomacy. Greece objected the use of term “Macedonia” as constitutional name of its northern neighbor. Without going deeper into arguments vocalized by both sides, it is worth mentioning that this bilateral dispute was burdening the relations between two countries for almost 27 years. The name issue would probably continue to stigmatize the relations between the two countries for at least another several decades, if the newly elected Macedonian Government didn’t prioritize its resolution, completely devoting all of its efforts towards this problem, assuming new initiatives and intensifying the negotiation process. The Government was well aware that this would lead towards asymmetric and rather unpopular settlement with Greece. Macedonian government agreed to change the name of the country to *North Macedonia* for *erga omnes* use, (also including internal official communication) and the treaty known as “*Prespa Agreement*” was signed in June 2018. The main reason for accepting the name change, strongly promoted by the Macedonian Government, was to clear the path of the Euro-Atlantic integration of the country, a process obstructed by Greece for more than a 10 years, due to the unanimous vote rule for NATO membership and opening the EU negotiation talks. Nevertheless, in order to soften the strong opposition of the Agreement in the country, the Government make a commitment to organize a referendum in which the people could decide either in favor or against the *Prespa Agreement*.

The main goal of this Referendum was to prevent the further divisions of society, but also to legitimize and back up the decision of the Government with a popular vote, in order to produce a shared responsibility and to ease its burden of the name change. The question which emerges is does the Referendum on the name issue fulfilled its purpose?

The aim of this paper is to show that the Referendum on the name issue, instead of being an instrument for conciliation, preventing additional partitions and calming the tensions in society, it only enhanced the dispute between the supporters and the opposition of the name change agreement.

An instrument for a direct democracy?

Referendums are part of the decision making process in the majority of contemporary democratic societies. In some countries like Switzerland, Uruguay or USA they are more frequently used, while in others as in Macedonian case they are rare occurrence, since in the past three decades, beside the referendum for the independence in 1991, there were only two other referendums, organized on the national level.

According to Tierney, Referendums are paradoxical. “For some, they represent an ideal model of democracy. The voters are called upon to speak as one unified people, deciding on an issue

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directly without the mediation of politicians. The referendum gives a directly determining voice to the *demos* in a way that captures neatly both the people's popular sovereignty and the political equality of all citizens. For others, however, the referendum is a dangerous device because it in fact imperils democracy, which can only be properly effected through exclusively representative institutions." (Tierney 2016, 54) Considering the debate of employing the referendums in contemporary democracies as a decision making tool, Lijphart is imposing the question on their purpose "should they (referendums) be seen mainly as majoritarian instruments or rather as incentives for seeking consensus." (Lijphart 2012, 205)

Although the Referendums are an attempt of direct democracy in the systems which are organized as representative democracies, the "simplistic assumption that the referendum embodies an ideal model of democracy has been contested since the early nineteenth century, when the trend began of demagogues and empire builders exploiting plebiscitary mechanisms to pursue political goals." (Tierney 2012, 23)

There are more than several issues which are widely debated as an arguments against the Referendums in modern democracies. However, they can be classified in a three more general topics. According to Tierney, the main contemporary criticism of referendums are *the deliberation deficit*, *the majoritarian danger* and *the elite control syndrome*.

Tierney is defining *the deliberation deficit* as "an in-built tendency of the referendum process merely to aggregate pre-formed wills, rather than to foster meaningful deliberation and *the majoritarian danger* as consolidating and even reifying simple majoritarian decision making at the expense of, and potentially imperiling, minority and individual interests." (Tierney 2012, 23)

In the case of the Macedonian referendum on the name issue, the most important criticism from above three (which will be later applied and argued in this case study) is the *elite control system*. Explanation of the essence of this criticism by Tierney is "that 'elites', have an array of exclusive powers at their disposal, such as deciding to initiate the referendum in the first place, setting the question, and determining the process rules by which the referendum will be conducted and the issue decided" (Tierney 2012, 24)

Although in its basis all referendums are organized in order of "voice of the people to be heard" they can differ depending of their character, or are they either prescribed or discretionary but also binding or consultative.

The first classification of the referendums are either they are mandatory or optional, since in many countries, decision on certain topics calls upon a mandatory referendum, which is usually prescribed by the constitution. Nevertheless, sometimes Parliaments or Executive branches of power are organizing referendums on questions which are not prescribed as constitutional category. According to Uleri, "Governments and parliaments sometimes decide or feel obliged to use the referendum vote as an ad hoc instrument to solve conflicts that they are not able to solve through the decision-making processes of representative government" (Uleri 1996, 6)

The other important distinction on the referendum character is considering its outcome, or does the decision reached by the majority of people's votes is mandatory or not. "A vote is *binding* where its outcome must be accepted and adopted by parliament and government or where the referendum vote is itself the decisive act; it is *advisory* (or consultative) where its outcome has formally only indicative value, with the last word going to parliament and government. Most European referendum votes are formally binding; in only a few cases are they formally advisory. However, most *de jure* advisory votes have been considered *de facto* as binding ones" (Uleri 1996, 7)

Referendum as constitutional category (Macedonian case)

As one of the countries which has prescribed referendums, Macedonian constitution does prescribe referendums but only on specific issues, closely connected with its territorial integrity. However, the Constitution allows organizing other ad hoc referendums either by the decision of the Macedonian Parliament or by a civic initiatives. Nevertheless, as mentioned above, in its three decade history as independent country, it organized only two nation-wide referendums (excluding the referendum for independence). The referendum is obligatory according to Article 120 of the Macedonian constitution

The proposal for association in or dissociation from a union or community with other states is accepted by the Assembly by a two-thirds majority vote of the total number of Representatives. The decision of association in or dissociation from a union or community is adopted if it is upheld in a referendum by the majority of the total number of voters in the Republic. (MK Const. art. 120)

And in article 74

The decision on any change in the borders of the Republic is adopted by referendum, in so far as it is accepted by the majority of the total number of voters. (MK Const. art. 74)

Beside the above articles of the Constitution which defines in which case the organizing referendum is obligatory, the article 73 defines the conditions for organization of an ad hoc referendum

The Assembly decides on issuing notice of a referendum concerning specific matters within its sphere of competence by a majority vote of the total number of Representatives. The decision of the majority of voters in a referendum is adopted on condition that more than half of the total number of voters voted. The Assembly is obliged to issue notice of a referendum if one is proposed by at least 150,000 voters. The decision made in a referendum is binding (MK Const. art. 73)

The referendum on the name issue

The Macedonian-Greek name dispute, whatever irrational might sound, caused a serious drawback on the Macedonian Euro-Atlantic integration process. The negotiation talks with different intensity were initiated and carried on by all Macedonian authorities in the past several decades, nevertheless the problem persisted without any viable solution. The talks were usually secretive and without any substantial information available to the broader public. Therefore during periods of intensive negotiations a various unconfirmed and often false information were leaked to the public as part of the internal political struggle between the government and the opposition. The name dispute was an extremely sensitive issue for Macedonians who in majority refused to change the name of the country only because of its disapproval by Greece. The poll

conducted by IPIS in March 2016 shows that 65% of the respondents were opposing to the name change, while 28% could accept it (Andonovski, 2017). Thus, any information in the direction that compromise could be reached implied that the Macedonian authorities agreed on the name change. This usually caused drop in the public support of the governing party. In order to prevent the flow of fake news and disinformation connected to the resolution of the name issue, which was especially politically harmful to them considering that their voters were much more sensitive on the name issue, the center-right wing party VMRO-DPMNE declared that “if any solution on the name issue is reached it would go on the referendum before its adoption in the Parliament.” (Damovski, 2013) Later VMRO-DPMNE stated the same in its “election programs in 2014, 2016 and 2017.” (VMRO-DPMNE 2017, 294)

After the 2016 parliamentary elections, center-left wing party SDSM took the power and they immediately start with intensifying the negotiation process with its Greek counterparts. The main election campaign promise of SDSM was that they will bring the country back in Europe (meaning in EU and NATO) where it belongs. The first visit of the newly elected Foreign Minister Dimitrov was to his colleague Kotzias in Athens. The talks quickly intensified and by the end of 2017 and beginning of 2018 it was clear that the talks between two countries are in advanced phase of negotiation. This was also in line with the previous narrative of now opposition party VMRO-DPMNE who during the pre-election campaigns in 2016 and 2017 blamed SDSM that they are prepared to “sell the name of the country only to come into power and therefore they are supported by the international community.” (EM Media, 2018) Therefore, the public pressure towards the Government increased and the Government officials committed that “if agreement is reached the referendum will be held prior to its adoption in the Parliament.” (Andonovski, 2017)

During the last 10 years, the approval rate on the name change (but only for international use) among citizens varied approximately within the range of 20%-40%. The percentage usually went up during periods of intensified negotiations when the governing party (either VMRO or SDSM) advocates that the solution would be beneficial and urged to its supporters to give approval to the possible solution. Nevertheless, this percentage never pass the mark of 50% approval rate. On two separate surveys conducted by the Macedonian polling agency IPRS (Institute for Political Research in Skopje) in March 2016 and December 2017, “the approval rate on the name change (for international use) went up from 28% in 2016 when the name talks were in hiatus to 38% by the end of 2017 when the name talks were in its peak.” (Portal News. LTD, 2018)

The referendum on the name change was included in the final agreement on the name issue (so-called *Prespa Agreement*) “signed in June 2018” (Prespa Agreement, 2018) and therefore it was finally definite that the nation-wide referendum will be held.

After the agreement was signed the two main political parties were engaged in talks which will define the referendum question, but also its character (binding or consultative). Nevertheless, after several weeks of negotiation the Prime minister and the leader of the opposition didn't manage to find a compromise and to reach a solution over the referendum. The final meeting was on July 23, 2018, “after which both parties concluded that they couldn't find a compromise.” (Spasovski, 2018) On July 30, the Parliamentarian majority accepted the proposal of the ruling SDSM party according to which the referendum will be *consultative (advisory)* and not binding, scheduled for September 30, 2018. The referendum question was “*Are you in favor of European Union and NATO membership by accepting the agreement between the Republic of Macedonia and the Republic of Greece?*” (Referendum Act, 2018)

The inability of two major political parties to find a compromise on several issues concerning the referendum was hurtful to the whole process even before the campaigning starts. As Lupia pinpoints in his study of Referendums “we notice a tendency in the study of referendums to hold voters, rather than voters *and* elites, responsible for the outcomes of the process. This is a mistake. In both the study of referendums and the practice of a referendum campaign, it can be constructive to raise questions about elite decisions. It is in these decisions that much of the history of referendums has been determined.” (Lupia & Johnston 2001, 209)

The referendum on the probably most sensitive issue of the country, which for several decades created strong emotions and divisions in society on whether should have compromise or not, needed a strong and transparent unison political voice by the main political parties, preventing any doubts or disbeliefs that will endanger the process and put its legitimacy under suspicion.

The main problem was the referendum character and the question.

The Government and the Prime Minister assured the public that any solution with Greece will be tested on a compulsory referendum and its outcome accepted and adopted by the Parliament. However, after the agreement was reached he start to change his narrative and starts to promote a consultative referendum with a binding outcome. Therefore it was unclear why this sudden change of mind by the Prime Minister and why he “retreated from its previous attitudes towards the referendum.” (Vojnovska, 2018) The opposition from the other hand insisted that the referendum should be binding and not consultative.

One of the main reasons why the Prime Minister (who is also the leader of SDSM, party who controlled the Parliamentary majority which accepted the referendum proposal), retreated from his previous attitude is probably the uncertainty of the referendum outcomes. Not just considering the final results, which has high probability to be in favor of the opponents of the Prespa Agreement, but more importantly the opponents of the agreement could initiate a boycott and therefore it was very viable assumption that the referendum will certainly fail to reach the 50%+1 vote prescribed by the Constitution. If that happened the Referendum had to be proclaimed as unsuccessful, which means that Prespa Agreement couldn't be ratified by the Parliament. The new narrative of the Prime minister was that the results of the referendum will be binding, but he failed to answer what in a case if the referendum fails to reach 50%+1 vote as prescribed by the Constitution.

The second major dispute between Governing parties and the opposition was the referendum question and here the critique of the referendums in general, pinpointed by Tierney as the *elite control system* could be applied at its best. The opposition proposed a type of question that will reflect the decision which should be made by voters, i.e. changing the constitutional name. However, the Governing party insisted that the question should be emphasizing the country's EU and NATO integration efforts, since the name change is mostly as a consequence of the Greek blockade in those institutions. Several other academic and expert suggestions were towards the compromise between those two polarized political attitudes. The author of this text suggested formulation in which the decision which should be made on this referendum will be clearly stated without any confusion, but it also should consist the reason why this decision should be made. The proposal for the formulation of the question was “*Would you agree of changing the constitutional name in Republic of North Macedonia and accepting the Prespa Agreement in order of starting the EU negotiation and joining NATO.*” (Dimeska, 2018)

Similarly as with the referendum character (consultative instead of binding), the Governing parties adopted their proposal without consideration to the opposition or the public. The main critique by the opposition was that the referendum question is more applicable for referendum on

EU or NATO accession, than to the change of the constitutional name of the country. (Kirovski, 2018) Here it should be made a sharp distinction between preferentialism and bias and framing of the referendum issue. In this case we refer to partial and biased question and not to framing it, since if the question is non-biased and includes all elements needed for voters to decide impartially, the political campaign of proponents and the opponents could frame the referendum issue in line with their attitudes, but the citizens could choose and decide what is more suitable for them without being deceived. As Semetko pinpointed “The *framing* of the referendum issue is also of great importance... We understand a frame as “an emphasis in salience of different aspects of a topic”.... By virtue of emphasizing some elements of a topic over others, a frame provides a way to understand an event or issue by activating or stimulating certain constructs and values” (De Vreese & Semetko, 92)

The failure of major political subjects to reach compromise considering the referendum, doomed the efforts of achieving nation-wide legitimacy of the referendum output even before it was held. The main aim of the referendum was accepting the decision of the people whichever it might be and making a political decision in accordance. The main opposition party after the collapse of the negotiation with the Government, remained silent, refusing to participate in the referendum campaign and moreover to take any position at all, concerning the referendum. They justified this silence with refusal of the Government to accept their amendments concerning the question and the referendum character. They persisted with their undecidedness, remaining silent also towards the public calls by the referendum boycott initiative who urged them to join their camp, but this was mostly because of the fear of further criticism by the international community. The international factors expected that the opposition should take an attitude and participate in the referendum campaign since “all international representatives called for citizens to participate and vote in order of higher turnout on the referendum.” (Nova Makedonija, 2018) VMRO announced its party position only 20 days prior to the referendum and called their voters to decide by themselves what will be their decision on the referendum. The party repeated that “they are against the Prespa Agreement, but didn’t call voters to vote against, and thus leaving the opportunity for boycott open.” (Radio Free Europe, 2018)

With their silence and blurred response considering its referendum position, VMRO creates an opportunity for the boycott initiative (so-called Bojkotiram) to fill in the empty space in the political landscape. Basically, the referendum has only two campaigns, one of the Government and proponents of the Prespa Agreement and the other of the Bojkotiram and the opponents who lobbied for people to stay in their homes during the Referendum Day. The people who were against the Agreement, but wanted to go and vote, slowly became a minority, due to the intensified campaign of Bojkotiram “to legitimize itself as the only viable solution for all who were against the agreement, and thus branding those who wanted to vote (including those against) as supporters of the name change.” (Tumanovska, 2018)

This could be detected with comparison of several polls conducted during the summer of 2018, after the referendum date was set and before the voting day. The IPRS “conducted and published two polls,” (IPRS, 2018) first conducted at the beginning of August and the second in middle September, two weeks prior to Referendum Day. The comparison of the surveys shows that in the first one, 43% of the participants stated that they will vote YES, 22% NO and 23% will boycott. In the second survey the percentages were 43, 11 and 29% respectively. The trend for those opposing the Prespa Agreement was clearly in favor of the initiative which urged for boycotting the referendum. The assumptions were that this trend will continue until the Referendum Day. Furthermore, the percentages given for those respondents who stated that they

will vote, were additionally decreased by IPRS, since the Election Roll is incorporating all citizens over suffrage, including people who immigrated overseas and have permanent residence in those countries (therefore is unlikely to return and vote). Their assumption was that around 42% will vote on the referendum at that moment.

As expected, the number of those in favor of the boycott furthermore increased (for additional 5%) in the last two weeks of the campaign and the boycott of the referendum was successful. Only 37% of the registered voters went to their ballots, although majority of them (91%) voted FOR the Prespa Agreement. On September 30, 2018 after the ballots were closed, “Zaev stated that the referendum was successful and he will respect the will of the people.” (Georgievski, 2018) He was trying to find a legitimacy in people’s decision while in the same time “the State Election Committee proclaimed that the referendum was unsuccessful since it failed to reach the necessary minimum votes.” (Neshkova, 2018)

As explained in above text, the uncertainty of the Referendum outcome and the possibility of voter turnout below threshold, were the main motives behind the retreat of the Government from its promise of binding referendum and referendum question formulated on consensual base with the opposition. This provoked opposition to remain silent and away from the process which gave additional stimulus to the Bojkotiram (boycott initiative) which gained a much wider political space and a new potential for additional support. During last two months before the Referendum they continuously converge the opponents of the Prespa agreement from “NO voters” to abstainers. This process contributed for further radicalization of the attitudes and the arguments in both camps (supporters and the opponents of the Prespa Agreement) creating irreconcilable gap in society and transforming the political opponents to political enemies. From the other side, given the consultative character of the referendum, the boycott was the worst possible solution for the opponents of Prespa Agreement. If they motivate enough supporters, the results could have been in their favor and the Prime Minister and the Government would have had much more difficult position if they attempt to ignore that. But what was the purpose of the Referendum which was not constitutionally prescribed? In short, to reconcile, to share the responsibility and to legitimize the process of the name change (if successful). Did he manage to fulfill the expectations?

1. The referendum was envisaged as an instrument for legitimacy in the process of decision making
2. The first obstacle towards successful fulfilment of its goals was the failure of the political elites to reach compromise on its character and the referendum question
3. The question proposed and adopted by the governing parties was misleading and biased
4. The opposition calculated and remains aside of the process
5. The initiative for boycott of the referendum filled the gap which opposition created with their indecisiveness and gain in popularity
6. The referendum was not successful since it failed to reach the threshold and therefore to legitimize the decision making process which followed

Beside the fact that the referendum failed to reach the threshold, the Government and the Parliamentary majority continued to push the process of adoption of the Prespa Agreement which also included constitutional changes. Since the Referendum was consultative and not

constitutionally prescribed the continuation of the process was probably legal, but not legitimate. In addition, due to necessity to reach the two third majority for constitutional changes, “Government pursued some opposition MP’s, some of which under criminal charges and (or) in detention, to vote YES in exchange for amnesty” (Dimitrieski, 2018) which further derogate the whole process.

The main goal of the referendum to calm the tensions and legitimize the decisions through honoring the will of the people was not fulfilled due to its failure to reach the necessary threshold. Instead of tool for reaching compromise, share the responsibility and calm the tensions in society, the referendum only deepened the divisions among supporters and opponents of the Prespa Agreement. Instead of creating shared responsibility of the name change, this burden remained solely on its signatories. The failure of the Government and main ruling party to compromise and its sudden changes of attitudes, could be pointed out as the main reasons why the referendum didn’t fulfill its purpose, although the opposition also has its share in this development, with its indecisiveness and staying aside of the whole process. Therefore, maybe the most viable solution for the referendum could have been its cancelation, considering the negative effects it produced, as some political analysts suggested, among which the author of this essay.

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