

IN THE INTERNATIONAL COURT OF JUSTICE

**THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA,
APPLICANT**

V.

**THE HELLENIC REPUBLIC,
RESPONDENT**

MEMORIAL OF THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

COMES NOW the former Yugoslav Republic of Macedonia and for their Memorial to the Court states the following:

STATEMENT OF LAW:

1. Under the Interim Accord of September 13 1995, the former Yugoslav Republic of Macedonia and Greece formalized bilateral relations and the formerly known “Republic of Macedonia” was henceforth referred to as “the former Yugoslav Republic of Macedonia”. The Accord also established a framework under which the two states would work to resolve the naming dispute.
2. Paragraph 1 of article 11 of the Interim Accord states that: “The Party of the First Part (Greece) agrees not to object to the application by or the membership of the Party of the Second Part (the former Yugoslav Republic of Macedonia) in international, multilateral and regional organizations and institutions of which the Party of the First Part is a member”.

STATEMENT OF FACT:

On September 18 1991, Macedonia gained independence from the Socialist Federal Republic of Yugoslavia, established state sovereignty, and strived for greater recognition amongst the international community. Greece’s refusal to recognize Macedonia under the ‘Republic of Macedonia’ name constituted a detrimental impediment to such recognition. The interim accord of September 13 1995 between the Hellenic Republic and the former Yugoslav Republic Macedonia normalized relations between the two states and established the international laws and regulations that each party had agreed to abide by.

Relations between the two states endured a setback in 2008 when the former Yugoslav Republic of Macedonia sought membership to join the North Atlantic Treaty Organization at the 20th NATO summit in Bucharest. Its bid to join was unsuccessful due to a Greek veto, asserting that the name dispute be resolved as a precondition to joining NATO. Furthermore, Greece has made it evident that it will continue to block to any future Macedonian attempt to become a part of NATO. Greece has also made it clear that it intends to obscure any potential Macedonian attempt to join the European Union, based on the same grounds that the naming dispute must be resolved in order to gain Greek approval.

The former Yugoslav Republic of Macedonia has adhered to all the regulations

within the accord thus far.

STATEMENT OF JURISDICTION

1. The application is brought under Article 36, Paragraph 1 of the Statute of the court: “The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force”.
2. Article 21, Paragraph 2 of the Interim Accord of which both the Applicant and Respondent are parties of states that: “Any difference or dispute that arises between the Parties concerning the interpretation or implementation of this Interim Accord may be submitted by either of them to the International Court of Justice, except for the differences referred to in Article 5, paragraph 1”. A dispute between the parties over Article 11 therefore falls within the compulsory jurisdiction of the court.
3. The Interim Accord entered into force on October 13 1995 and has been binding on both parties since. It remains in force given that it has not been superseded by a definitive agreement or withdrawn from by 12 months’ notice from either parties, pursuant to Article 23, paragraphs 1 and 2 of the Accord.

ARGUMENTS

1. The Hellenic Republic has blatantly violated its obligations under Article 11, Paragraph 1 of the Interim Accord by objecting to the former Yugoslav Republic of Macedonia’s application join NATO.
2. The former Yugoslav Republic of Macedonia contends that Greece will continue to disregard its obligations under Article 11 of the Interim Accord, of which is legally bound to, by continuing to oppose any Macedonian attempts to join NATO, the EU, or any other international, multilateral and regional organizations, as they have made such indications clear by their own manner.

SUMMARY AND REQUESTS

Reiterating the fact that Greece has disregarded its obligations under Article 11, Paragraph 1 of the accord, the former Yugoslav Republic of Macedonia prays the court to adjudge and declare that that Greece was in violation of the terms that it is bound to in Article 11, Paragraph 1 of the Accord. The former Yugoslav Republic of Macedonia further requests the court to order Greece to take all the compulsory steps that it is obligated to adhere to within the Accord by ceasing any Greek attempts to block Macedonian membership to NATO or any other international, multilateral and regional organizations and institutions of which Greece is a member of.

