

AUSTRALIAN MACEDONIAN HUMAN RIGHTS COMMITTEE INC.

Media Release

18 March 2004

The Australian Macedonian Human Rights Committee strongly condemns the statement on 2 March 2004 by the Director of the Private Office of the Secretary General regarding utilising discriminatory terminology to refer to people of an ethnic Macedonian background.

Utilising the term "Slav" to refer to people of ethnic Macedonian background is deeply offensive and denies these people the very recognition that various international laws proffer on communities. The term "Slav" is merely a generic provision used to describe a broad racial and linguistic sub-category of the Indo-European peoples and languages, just as terms such as Latin or Germanic may be used. These terms do not in any way represent modern notions of ethnicity or national identity.

Indeed it is poignant to discern that it is Greek nationalists who have used the nomenclature "Slav" in attempts to denationalise and consequently "Hellenise" the significant Macedonian minority living within the political borders of Greece. The policies adopted by successive Greek governments in denying the ethnic identity of its Macedonian minority has been widely condemned by various international human rights organizations. It is important to note that the context in which it is applied by Greece suggests that the Macedonian minority is "subhuman" and inferior to the Greek nation. (This is corroborated by citing any Greek dictionary, which relates the meaning of the term "Slav" with that of "Slave"). It is noteworthy that many Macedonians have been forced to flee from the violent repression in Greece based on this subjugating policy. Parallels can be drawn to the "dehumanising" reference used against African-Americans in the United States as "niggers". Thus any reference to people of an ethnic Macedonian background as "Slav" is highly offensive and considered by these people as being nothing more than racist.

Describing the Macedonian people with an insulting term such as "Slav" is also factually incorrect anyway. Whilst Slavic tribes might have invaded and settled in the Balkan peninsula in the 5th and 6th centuries, Macedonian ethnicity has developed from a range of different peoples and cultures, as have all the other contemporary ethnic groups in the Balkans.

This issue is not new. It has previously been introduced into the Australian political and legal landscape and consequently it has already been tested under the racial discrimination laws of this country, which themselves have been adopted based on international law and opinion. Indeed, the Victorian government in Australia was only recently found to be in breach of Racial Discrimination Laws for imposing a directive on the Macedonian language to be referred to as "Macedonian (Slavonic)". The decision handed down in the *Australian Macedonian Human Rights Committee Inc and State of Victoria (2000)* case clearly determined that the government had;

“...engaged in conduct rendered unlawful by section 9(1) of the [Racial Discrimination] Act by the act of issuing the directive...which involved a distinction based on ethnic origin in re-naming the language Macedonian and had the effect of impairing the recognition on an equal footing of a human right...[and] the respondent should not continue such unlawful conduct.”

The government has since withdrawn the use of this insulting terminology. It is important also to note here the effect international law must play on this issue. International human rights obligations begin with the Charter of the United Nations, which is essentially a human rights instrument from which a large body of international human rights law is built. Most nations around the world, including in Europe have undertaken to promote and encourage “respect for human rights and for fundamental freedoms *for all* without distinction” on multiple grounds. “For all” clearly inferring complete equality.

The concept of equality has played an important part in the protection of minority groups and has been a concept that has developed over a considerable period of time. International norms that deal with discrimination, including racial and ethnic discrimination, form the “cornerstone of international human rights law’s commitment to equality.... Principles of equality should be seen as the thread that draws together human rights.”¹ Certainly the theme of non-discrimination has permeated throughout most international human rights documents, including the vast European experience in this area. It is a principle that should be respected by European authorities now.

The International Covenant on Civil and Political Rights (ICCPR), which is a binding document of substantive and precise human rights principles, asserts in Article 1 that “All peoples have the right of self-determination.” For the present purposes, this non-discrimination provision should be read alongside Article 27, which is a statement that is essential to the defence of minority identity, therefore it also reflects a ‘right to an identity’. It represents “the essence of the case for minorities within the corpus of human rights - the claim to distinctiveness.”² It reads;

“In those states in which ethnic...minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture...”³

The Human Rights Committee clarifies that “the persons designed to be protected [by Article 27] are those who belong to a group and who share in common a culture...”⁴ In order to enjoy one’s culture, it must be understood that this includes the right to belong to a particular ethnic identity, which is defined by the cultural group itself. In discussing Article 27, Patrick Thornberry asserts that “the right to an

¹ Jonathan Cooper, (ed), *Race, Religion and Ethnicity Discrimination: Using International Human Rights Law*, JUSTICE, London, 2003, p.9.

² Patrick Thornberry, *The UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities: Background, Analysis and Observations*, Minority Rights Group, London, 1993, p.6.

³ *International Covenant on Civil and Political Rights*, above n 90, Article 27.

⁴ CCPR General Comment 23, (1994) ‘The Rights of Minorities (Art. 27)’, (Fiftieth session), 8 April 1994, para. 5.1.

identity must remain a key element in any overall system to protect minorities.”⁵ He warns “what is at stake is the ability of ethnic minorities to preserve their cultural identity and their cultural inheritance, *their own culture*.”⁶ Hence recognising that the right to an identity is implicit in Article 27. A decision to change the name by which a people identify with, also redefines the whole culturally and historically evolving process by which they come to identify as such.

In considering cases pertaining to alleged violations of Article 27, the Human Rights Committee has recognised the need to preserve the identity of particular groups.⁷ In *Kitok v Sweden*, although finding no violation of Article 27, the Committee did raise concerns over legislation implemented by Sweden that limited membership to a particular ethnic group, indeed it effectively divided members of the same group into two. An individual, who was ethnically a Sami, could be held not be a Sami by the legislation. The Committee was of the view that this ignored “objective ethnic criteria in determining membership of a minority”.⁸ Hence, exhibiting doubts over the government’s manipulation of an ethnic identity and its compatibility with Article 27. The Council of Europe appears now to similarly ignore “objective ethnic criteria” in determining the membership of Macedonian minority groups who exist outside of the Republic of Macedonia.

Article 27 has also inspired the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Whilst it is not a binding instrument, it does establish standards to which states should aspire.⁹ The Council of Europe should pay due regard to the norms established by this Declaration. At the outset, Article 1 asserts that;

“States shall protect the existence and the national or ethnic...identity of minorities...and shall encourage conditions for the promotion of that identity.”¹⁰

The cultural and ethnic dimensions of existence are fundamental to the Declaration, since ethnic minorities could be effectively denied their existence through malevolent policies.

Moreover, self-determination forms part of the United Nations framework of human rights protection. Its application (for individuals) is manifested through the broader cultural group, especially through the ancillary right to self-identification. One of “the most sacred rights of humanity is to be ourselves and be in control of the making of ourselves. Our group identity and control over our lives is symbolised by the name we associate with ourselves.”¹¹ Hence, “recognition of a peoples fundamental right to self-determination must include the right to self-definition and to be free from control and manipulation”. This includes the “right to inherit the

⁵ Patrick Thornberry, *International Law and the Rights of Minorities*, Clarendon Press, Oxford, 1991, p.141.

⁶ *ibid* 187.

⁷ For example see *Sandra Lovelace v Canada* CCPR/C/R.6/24, 29 December 1977, para.17.

⁸ *Kitok v Sweden* CCPR/C/197/1985 27 July 1988, para.9.7.

⁹ Jonathan Cooper, above n 1, p.28.

¹⁰ *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities*, GA Res 47/135, UN GAOR, 47th sess, 92nd plen mtg, UN Doc A/47/49 (1992), Article 1.

¹¹ Richard Broome, ‘Shall we call a Koori a “Koori”?’ (1991) 68 *Australian Historical Association Bulletin* 45.

collective identity of one's people and to transform that identity creatively according to the self-defined aspirations of one's people."¹²

The statement issued on 2 March 2004 by the Director of the Private Office of the Secretary General is clearly discriminatory and is very likely in breach of international human rights law, which Europe has unequivocally championed in the past. Europe should not be pressured into adopting such derogatory terminology by a nationalistic element that appears to have consumed the state of Greece. Rather, Europe should be seeking to moderate racial prejudices and bring all of Europe's members into line with European (and International) human rights standards. The fact that Macedonians exist is not the issue here, the issue is the ongoing racial prejudice towards the Macedonian people.

The Australian Macedonian Human Rights Committee implores the Director of the Private Office of the Secretary General of the Council of Europe to review this misjudged statement and withdraw the discriminatory proposition immediately.

Australian Macedonian Human Rights Committee Inc.

***** Note: The above is an edited extract from a letter sent to the Council of Europe*****

¹² Michael Dodson, Aboriginal and Torres Strait Islander Social Justice Commissioner, 'The End in the Beginning: Re(de)finding Aboriginality', Speech made at the Wentworth Lecture, Australian Institute of Aboriginal and Torres Strait Islander Studies, 1994, p.6,
<http://www.hreoc.gov.au/speeches/social_justice/end_in_the_beginning.html>