



UNITED MACEDONIAN DIASPORA
ОБЕДИНЕТА МАКЕДОНСКА ДИЈАСПОРА

Submission to the Expert Mechanism on the Rights of Indigenous Peoples

*Report on Self-Determination under the UN Declaration on the
Rights of Indigenous Peoples*

- Ethnic Macedonians as Indigenous Peoples

March 1, 2021

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Secretariat of the Expert
Mechanism on the rights of
Indigenous Peoples
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Dear Secretariat,

**Expert Mechanism on the Rights of Indigenous Peoples (“EMRIP”)
Self-Determination under UN Declaration on the Rights of Indigenous Peoples
Ethnic Macedonians as Indigenous People & the Right to Self-Determination**

The United Macedonian Diaspora (“UMD”) appreciates the opportunity to contribute this submission to the EMRIP, in relation to the scheduled Report on the right of Indigenous peoples to self-determination under the UN Declaration on the Rights of Indigenous Peoples, 2007 (“the UN Declaration”).

By way of background, UMD advocates for the protection of the human rights of Macedonians and for the preservation of their identity, language, culture, traditions, and history. The objectives of equality and elimination of discrimination lie at the forefront of UMD’s work. Our response to the Report, in the context of the ethnic Macedonians as Indigenous people, is firmly guided by these principles.

UMD commends EMRIP for determining to prepare the Report, and for engaging with Indigenous peoples directly and with States, human rights organizations and academics to gain a deeper understanding of the issues faced by Indigenous communities in achieving the universal right to self-determination. The UN Declaration is an important means of eliminating human rights violations, and for this reason, it is critical that the right of indigenous peoples to self-determination is vigorously protected at all levels. We note that the EMRIP’s has chosen, in the context of self-determination of Indigenous peoples, to emphasize:

- the procedural aspects of the UN Declaration such as free, prior, and informed consent (FPIC); and
- the participation of Indigenous peoples themselves in decisions that affect them.

In the context of the right of self-determination of ethnic Macedonians, we focus on the importance of nation-states recognizing and cooperating with indigenous people.

It is important to consider the terms “*indigenous people*” and “*self-determination*” in the UN Declaration, to assess whether the intended protection of the right of self-determination applies to Macedonians facing ongoing challenges to their identity. This is the result of the uniquely complex issues encountered by ethnic Macedonians as minorities within the borders of Balkan states, in their continued struggle to achieve the enshrined right to self-determination and to strengthen the preservation of their identity, language, culture, and traditions on ancestral lands they have called home for centuries.

The right to self-determination broadly entitles indigenous peoples to freely determine their political status and to pursue their economic, cultural, and social development. However, for indigenous Macedonians, this right is impeded by the ethnocentric laws and policies of certain European nation-states that do not recognize their existence as distinct minority groups within those states. Accordingly, all the privileges that naturally flow from the fundamental right to self-determination under the UN Declaration become largely ineffective. It is in this respect that we call for measures at the UN level, that are informed by rigorous fact-finding missions, to steer the governments of the relevant states to recognize the ethnic Macedonian minorities and to develop domestic laws and processes that enable the vital right to self-determination of the Macedonians to be safeguarded, and to be afforded practical and effective implementation. This may be also supported by international decision-making bodies and other international forums.

Further, a critical element of the right to self-determination and a focus of the EMRIP is to give agency to Indigenous peoples to participate meaningfully in government decisions that affect their status in the societies in which they live, and to have direct input in decision-making related to the protection of their indigenous culture. Unfortunately, the indigenous Macedonians of Greece and Bulgaria are predominantly invisible and not heard, due to the ongoing official government denial that they even exist as minorities.

With a view to improving the human rights status of Macedonians and other indigenous peoples around the world, we support the presentation of the Report to the Human Rights Council at its forty-eighth session in September 2021, sharing the outcome of the various submissions.

Background

Ethnic Macedonians are indigenous to geographic Macedonia that encompasses the present-day Republic of Macedonia and parts of Greece, Bulgaria, and Albania.

In this submission we refer to the Republic of Macedonia by the name determined by an overwhelming majority of its citizens by referendum in 1991, thereby giving voice and agency to the Macedonian people. The Prespa Agreement between Macedonia and Greece that changed the name of the country was not widely supported in Macedonia with poor referendum turnout, and on what many Macedonians consider being unjust and invalid terms.

Macedonians trace their history to the land on which they live, and this connection is significant to informing them of their rich culture and identity back to the times of Philip of Macedon, Alexander the Great, and the Roman and Byzantium Empires. For over five centuries up to the beginning of the twentieth century, Macedonia was occupied by the Ottoman Empire. This was followed by the Balkan Wars when Macedonia was partitioned between Greece, Bulgaria, Serbia in 1913, and later a portion ceded to Albania. As a result of the partition of ancestral lands, the creation of borders of modern states, and the exchange of populations, Macedonians as the Indigenous people of their land for centuries and more, with a common identity, language, traditions, cultural, and social ties, became subsumed into the populations of Greece, Bulgaria, Albania and then the newly constituted federated states of Yugoslavia.

The ethnic Macedonian populations of Greece and Bulgaria have long endured assimilation policies and laws that deny their very existence. In promoting a homogenous national identity, Greece suppresses all aspects of Macedonian identity, culture, and language. Several leading members of the Macedonian minority have faced trial for speaking the Macedonian language. Macedonian towns and villages have been renamed throughout. On the other hand, Bulgaria claims the culture and language of Macedonians as their own (i.e., Bulgarian) and thereby curbs the rights of Macedonians. These discriminatory policies, together with the impact of traumatic and turbulent periods of modern history such as the Greek Civil War (1948-1952), have their intended effect of profoundly disempowering the Macedonian minorities, considered unworthy of being given freedom of expression even in respect of their own identity, let alone the right to self-determination (either individually or collectively). Notwithstanding the existence of international declarations protecting the right to self-determination, the domestic policies of Greece and Bulgaria have effectively rendered these protections useless with the Macedonian minorities lacking both visibility and agency.

Upon the dissolution of Yugoslavia in the early 1990s, the Macedonian republic that formed part of Yugoslavia, proclaimed its independence as the Republic of Macedonia. In the almost three decades since then, Macedonians have been impacted heavily by the continued denial of their cultural identity by others. States like Greece and Bulgaria not only deny the rights of the Macedonians minorities within their borders but also contest the legitimacy of the Macedonian state and the basis of the identity and heritage of the Macedonian people, in attempts to justify their own discriminatory policies on minorities. This is evidenced by their domestic laws openly denying the existence of the Macedonian identity and thereby the right to self-determination. Moreover, there has been prolonged impetus by these states for Macedonia to enter into international agreements (*Prespa Agreement, Bulgaria Friendship Agreement*) that ebb away at the right to identity and self-determination of the Macedonian people within the sovereign state of Macedonia, with some present arrangements expressly in consideration for privileges such as membership of NATO/European Union.

Macedonians as Indigenous Peoples

According to the United Nations Permanent Forum on Indigenous Issues, an official definition of “*indigenous*” has not been adopted by any UN-system body, in recognition of the inherent

diversity of indigenous peoples worldwide. Rather there is a modern interpretation of the term as set out below which, based on the principles of self-identification, aims to *identify* rather than *define* indigenous peoples:

Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal system.

Ethnic Macedonians have a historical continuity and strong ties over the territory of Macedonia for an extended period of centuries, by virtue of their:

- occupation of their ancestral lands;
- common language and culture;
- common ancestry, traditions and religion; and
- determination to preserve and maintain their ancestral lands and ethnic identity (despite historical injustices).

It is considered that the indigenous Macedonian minorities in the Balkan states qualify as indigenous people as they identify as Macedonians with common traits and should be protected by the UN Declaration in asserting their rights to self-determination. It is not the task of the modern states like Greece or Bulgaria where Macedonians live today to seek to define Macedonians as being members of their mainstream populations, but rather to recognize those individuals and groups that self-identify as Macedonians, and to take proactive government measures to protect their rights under UN declarations. UMD considers that UN supervision and observation are required to ensure that the process of such recognition is initiated.

Whilst the focus of this submission is on the right to self-determination of Macedonians in states like Greece, Bulgaria, and Albania where they are minorities, it would be remiss to not acknowledge the shared linguistic, historical, and cultural ties of the indigenous Macedonians of these states to the mainstream ethnic Macedonian population of the Republic of Macedonia. This is particularly having regard to the burden that Macedonians in the Republic of Macedonia continue to endure in having their identity, both as individuals and collectively, questioned by neighboring states. A relevant factor in defining indigenous peoples is that they belong to the indigenous population through *self-identification* as indigenous (group consciousness) and are recognized and accepted by these populations as one of its members. We consider that the concept of *indigenous* in the context of the Macedonian people should have a broader scope. In this way, the right to self-determination can be protected fully and certain other rights in the UN Declaration can be applied appropriately. For example, Article 36 provides:

1. *Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.*
2. *States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.*

The current situation of the Macedonian people in the Balkans requires a re-evaluation of the concept of *indigenous peoples* and the way it intersects with the right to self-determination. There is a trend of neighboring states such as Greece and Bulgaria to treat the Macedonian minorities within their borders as having no separate existence as a people and hence no connection to the Macedonians in the Republic of Macedonia. As such, they consider that rights such as those under Article 36 of the UN Declaration do not apply to them. This is evident in bilateral agreements put forward by Greece and Bulgaria that systematically diminish the right to self-determination of the Macedonian people. Quite clearly, UN Declaration states in its recitals that “*nothing in this Declaration may be used to deny any peoples their right to self-determination, exercised in conformity with international law*” and that “*indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples.*” Further, it is stated that “*the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration.*”

The Right to Self-Determination for Indigenous Macedonians

Article 3 of the UN Declaration provides:

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

According to the Greek and Bulgarian governments, an ethnic Macedonian minority does not exist within their territories, thereby nullifying the basis for the indigenous Macedonian population to freely practice the rights that self-determination affords them. Accurate census data does not exist in Greece as the collection of census data on religious, ethnic or linguistic differences was abandoned in 1951, and with that any recognition of unique indigenous minority populations within its borders. This is despite the UN Declaration outlawing discrimination against indigenous peoples and confirming their rights to remain as distinct groups from the majority population. On the other hand, the Bulgarian government suppresses the Macedonian, along with the Pomak, identity, claiming their respective cultures and languages as Bulgarian.

Greece’s official response to the 2009 European Commission Against Racism and Intolerance (ECRI) report stated that Greece does not have an obligation to recognize a Macedonian minority, nor grant human rights guaranteed by treaties, as a Macedonian minority does not

exist. Greece's stance is in violation of the European Court of Human Rights (ECHR), as highlighted by the case of *Sidiropoulos and Others v. Greece*, where a Macedonian cultural and artistic association was denied registration on the grounds that its members were promoting the idea that there is a Macedonian minority in Greece. The ECHR decided that Greece's ruling was in violation of Article 11 of the ECHR. Similar recent ECHR rulings have been held against the Bulgarian state.

For the Greek and Bulgarian governments to implement effective policies to assist the indigenous Macedonian populations, UMD considers that it is crucial that data collection processes about Macedonians are improved. The denial of the right of self-determination stems historically from the classification of Macedonians under the descriptions of Greeks or Bulgarians, thereby reducing the visibility of Macedonians on official records. Reliable data and statistics would support the truth of the Macedonian indigenous populations and hence pave the way for measures to enable the participation of Macedonians in decisions that affect them.

Besides the lack of recognition in Greece and Bulgaria for minority indigenous populations, including the Macedonian minority, they have been subjected to social and governmental discrimination, further threatening their right to self-determination, as they give in to assimilation policies in an effort to avoid intolerance and prejudice. Discrimination of minority indigenous populations is evident in areas such as employment, education, housing, health and state allowances, and the administration of justice. Racism against minorities is present in public discourse, at times escalating to violence.

Protection for the rights of indigenous populations needs to be supported by government recognition and cooperation within state boundaries. The right to self-determination requires that, when indigenous populations are found to be existing as minorities, their human rights are inherently respected. This is the key to preventing further border changes in a volatile part of the world. Balkan states must be willing to recognize and acknowledge the minority indigenous populations within their borders and in this regard, to implement legislative and constitutional change. Without recognition first, the right to indigenous self-determination, and processes such as free, prior, and informed consent (FPIC) and active participation, are futile.

The right to self-determination for indigenous peoples as provided by the UN Declaration in the traditional sense does not achieve the requisite protections for indigenous Macedonians in Balkan states, as well as for ethnic Macedonians in the Republic of Macedonia. Given the historical partition of Macedonia and the present-day location of indigenous Macedonians both in states where they represent minorities and in the Republic of Macedonia where they represent the mainstream population, the concepts of "*indigenous peoples*" and the "*right to self-determination*" which are inextricably linked in the UN Declaration may need to be re-examined across the various European states within which Macedonians live. This is especially relevant in light of the way the Republic of Macedonia is being currently dealt with in the global political arena.

The right to self-determination in the Republic of Macedonia has been surrounded by the debate over the state's right to its name, flag, and unique history, despite the historical ties to Macedonian land. Pressure has even been exerted on Macedonia to prevent it from having a say about the protection of the rights of the indigenous Macedonian minorities in Greece and Bulgaria. There are serious questions that require consideration about whether self-determination has been permitted to develop and evolve freely in the Republic of Macedonia, without coercion from neighboring states and other vested players in the region. The majority of the population expressly declared their will in 1991 for an independent and sovereign state. It is concerning that the current government has implemented fundamental changes (including to the name of the country) without the legitimacy of a majority referendum. When presented with the choice of foregoing certain aspects of the right to self-determination (such as the state's name, etc.) or entry into the EU and the promise of economic stability, does a nation-state like Macedonia that is not very economically developed have a real choice? After three decades of coercive measures against Macedonia by Greece and achieving a name change, the Bulgarian state increased pressure on Macedonia in 2020 and currently in 2021 for Macedonia to accede rights to its language and the identity of its people in return for entry to the EU. These concerted and unrelentless efforts against a small state are directed towards the undermining of the rights of identity and self-determination of the ethnic Macedonian people wherever situated in the Balkans.

Recommendations

The effective implementation of the right to self-determination under the UN Declaration requires novel and more rigorous approaches to ensuring that indigenous peoples, like ethnic Macedonians, are fully supported on their path to pursuing self-determined development.

Our recommendations include:

1. The rights of indigenous populations to self-determination be supported by nation-states through legislative and constitutional recognition and protection of such rights. This may require that states acknowledge that multicultural democracy and diversity be accepted and that assimilation policies like those in Greece and Bulgaria be abandoned as they are not consistent with rights under UN declarations that form part of legal norms and reflect the commitment of states to abide by the principles of these declarations.
2. That the UN requires countries like Greece and Bulgaria to adopt participatory approaches to indigenous issues, through consultation and partnerships with indigenous Macedonians, providing agency for Macedonians to be heard, and to collaborate with the government on the policies that affect their political, economic and cultural standing. It is acknowledged that this process will take time to change entrenched assimilatory and discriminatory policies and to recognize historic injustices. However, even small steps can have benefits for the indigenous Macedonians whose rights have been stifled for decades.

3. In the area of domestic legislation, the importance of Greece ratifying and enforcing the Framework Convention for the Protection of National Minorities (FCNM) is emphasized, while Bulgaria focuses on enforcement.
4. In regard to the 75th session of the UN General Assembly, the Special Rapporteur on Freedom of Religion or Belief should undertake a fact-finding mission in both Greece and Bulgaria to expose the barriers preventing the Macedonian Orthodox Church minority and other religious minorities from enjoying their rights.
5. Greece and Bulgaria be required to issue progress reports on what they have implemented at a domestic level to enshrine international human rights, including the right to self-determination of their indigenous minorities, most notably the Macedonian minority. These states must take positive measures in accordance with Article 27 of the ICCPR to ensure that minorities have their fundamental human rights respected as recommended by the Human Rights Committee.
6. The implementation of efficient census data collection methods to reflect true indigenous minority population sizes, along with an ideological shift by the governments in their willingness to acknowledge such minorities. International pressure in this respect will be crucial.

Conclusion

The indigenous Macedonian people, who live as minorities in Bulgaria and Greece, have constantly faced discrimination and had their identities denied or questioned. This submission focuses on the right of self-determination of Macedonians who live within boundaries where they are minorities but also covers the particular challenges to self-determination facing Macedonians in the Republic of Macedonia in the current international political arena. Balkan states must recognize and affirm the human rights, culture, and identity of minority indigenous populations that live in their states so that Macedonians have the full protection of the right to self-determination under the UN Declaration.

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Thank you for the opportunity to make a submission to the EMRIP. Should you have any questions in relation to this submission, please contact Metodija A. Koloski.

Yours sincerely,

United Macedonian Diaspora

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President

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