

The Treaties That Divided Macedonia Now Online

By Victor Bivell

Macedonians can now access and read the key treaties that divided and shaped Macedonia under a new project by Pollitecon Publications which brings these documents together on the internet for the first time.

The new web page is titled Treaties and Legal Cases, and has the full text of 16 international treaties and when complete will have the texts for at least 22 treaties. See <http://www.pollitecon.com/html/reprints/index.html>.

The key treaties that affected Macedonia and Macedonians were the:

- * Secret Protocol Between Greece And Serbia,
- * Treaty of Bucharest,
- * Treaty Concerning The Protection Of Minorities In Greece,
- * Convention Between Greece And Bulgaria Respecting Reciprocal Emigration, and
- * Convention Concerning The Exchange Of Greek And Turkish Populations.

It is interesting, if not coincidental, that I found some of these were also the treaties most difficult to find and some were not available on the internet. Their republication on the Pollitecon web site now makes all of them easily accessible for the first time.

Other treaties in the project include the major treaties signed at the end of the First World War: the Treaty Of Neuilly between the Allied Powers and Bulgaria, and the Treaty Of Sevres and the Treaty of Lausanne between the Allied Powers and Turkey.

A second section of the project reprints major legal and human rights cases by Macedonian political and other organizations. There are eight initial legal cases in the project - five by Macedonians against Bulgaria, two by Macedonians against Greece, and one by Macedonians against the State of Victoria.

The aim of the project is to enable Macedonians to have a better understanding of the legal documents and procedures that divided the Macedonian land and people. At present most Macedonians are aware of these and their contents only through second hand sources and have not read the primary documents themselves.

It is also possible that a better understanding of these documents could lead to improved human rights for Macedonians in Greece and Bulgaria. International law is certainly one method that Macedonians should explore further to begin to right the many current and historical wrongs against the Macedonian people. Sidiropoulos and Others, Vinozhito, and OMO Ilinden-Pirin have already had initial success in the European Court of Human Rights. But these ground-breaking cases should be seen as only the beginning. Macedonians have many more injustices that need to be rectified. There may also be other international courts and forums available to the Macedonian people.

It would be an interesting exercise to commission one or several of the leading practitioners in international law to give an expert legal opinion on the current standing of all of these key treaties and whether there are any opportunities that can

be utilized to improve the well being of all or part of the Macedonian people, particularly in Greece and Bulgaria which are the most difficult countries for Macedonians.

It would also be useful for the Macedonian people to have a more vigorous and rigorous public discussion about these treaties. With that objective in mind I would like to make three observations of a general nature that could be relevant to understanding these treaties, and which I hope will be interesting topics for public discussion.

The first is that there is not one signature on any of these treaties by a Macedonian Government, Macedonian organization, Macedonian individual or anyone appointed to represent the Macedonian people.

Since the Macedonian people were not signatories to these documents, many Macedonians cannot see how there could be any expectation that the Macedonian people should agree with or be bound by these documents.

To take one example - the Treaty of Bucharest that divided Macedonia between Greece, Serbia and Bulgaria. It is a fact that Macedonians have never accepted this Treaty and never will. Macedonians find it extraordinarily unjust that the fate of their land and their fate as a people was decided without their input or consent. The Treaty does not have the consent of the native population, and particularly the Macedonians of Aegean Macedonia and Pirin Macedonia, nor of the other ethnic groups who lived in these lands at the time. Without this consent, there will always be the shadow of moral illegitimacy over the Treaty and over the initial occupation and continued possession of these lands by Greece and Bulgaria.

It would be interesting to explore these issues at the highest levels of international law, including whether the Macedonian people have options for any legal redress, or whether the problem ultimately requires a political solution?

The second observation I would like to make is about the Treaty Concerning The Protection of Minorities In Greece.

Apart from its initial intent, nothing kind can be said about this Treaty. While the document purports to protect all ethnic and religious minorities in Greece, the fact is that in the years after signing this piece of paper Greece went on to commit cultural genocide against the Macedonian people and to this day does not recognize a single ethnic minority and only one religious minority within its borders. This comprehensive failure makes this Treaty a major international tragedy and probably one of the great failures of international diplomacy and law.

The question about this Treaty is not which article Greece may have broken, but whether there is an article it has not broken. Encyclopedias could be filled with examples of where this Treaty has been ignored, particularly in regard to:

- * Article 7 paragraph 1
- * Article 7 paragraph 3
- * Article 7 paragraph 4
- * Article 7 paragraph 5

- * Article 8
- * Article 9 paragraph 1
- * Article 9 paragraph 2

Let's look at a small number of examples.

Article 7 paragraph 1 states "All Greek nationals shall be equal before the law and shall enjoy the same civil and political rights without distinction as to race, language or religion."

If so, why does Greece allow the return to Greece of fighters from the Greek Civil War who are "Greek by genus" but not the return of those who are Macedonian by genus? Why is the concept of "Greek by genus" necessary if everyone is equal?

Article 7 paragraph 3 states "Differences of religion, creed or confession shall not prejudice any Greek national in matters relating to the enjoyment of civil or political rights, as, for instance, admission to public employments, functions and honours, or the exercise of professions and industries."

Yet Macedonians, and especially those employed in the public service, still fear they will suffer discrimination if they openly identify as Macedonian.

Article 7 paragraph 4 states "No restriction shall be imposed on the free use by any Greek national of any language in private intercourse, in commerce, in religion, in the press or in publications of any kind, or at public meetings."

Yet Macedonians have been forced to take pledges not to speak their Macedonian language, and to this day languages other than Greek and religions other than Greek Orthodox are restricted.

Article 8 states "Greek nationals who belong to racial, religious or linguistic minorities shall enjoy the same treatment and security in law and in fact as the other Greek nationals. In particular they shall have an equal right to establish, manage and control, at their own expense, charitable, religious and social institutions, schools and other educational establishments, with the right to use their own language and to exercise their religion freely therein."

Ethnic Macedonians in Greece have been struggling for decades to have their own religious and social institutions but are prevented from establishing these.

Article 9 paragraph 1 states "Greece will provide in the public educational system in towns and districts in which a considerable proportion of Greek nationals of other than Greek speech are resident adequate facilities for ensuring that in the primary schools the instruction shall be given to the children of such Greek nationals through the medium of their own language. This provision shall not prevent the Greek Government from making the teaching of the Greek language obligatory in the said schools."

Is there a single primary school in Greece that teaches the Macedonian language?

Macedonians are not alone here. Other ethnic minorities including the Turks, Albanians and Vlachs, and other religious minorities including the Catholics, other Orthodox, and Muslims also face similar discrimination.

My third observation is really a question: can Greece be held accountable, and do the Macedonians and other minorities have a remedy?

Under Article 16 Greece agreed for its obligations to be placed under the guarantee of the League of Nations, and that "any Member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction, or any danger of infraction, of any of these obligations, and that the Council may thereupon take such action and give such direction as it may deem proper and effective in the circumstances.

"Greece further agrees that any difference of opinion as to questions of law or fact arising out of these Articles between the Greek Government and any one of the Principal Allied and Associated Powers or any other Power, a Member of the Council of the League of Nations, shall be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations. The Greek Government hereby consents that any such dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the Covenant."

Although the League of Nations was dissolved, its successor organization is the United Nations. Likewise, although the Permanent Court of International Justice was dissolved, its successor court is the International Court of Justice.

Article 37 of the Statute of the International Court of Justice says "Whenever a treaty or convention in force provides for reference of a matter to a tribunal to have been instituted by the League of Nations, or to the Permanent Court of International Justice, the matter shall, as between the parties to the present Statute, be referred to the International Court of Justice."

Thus the International Court of Justice has jurisdiction to hear a dispute regarding a League of Nations Treaty or Convention.

The next question is who has standing to bring a dispute, and who would be prepared to do so? As well as Greece, the signatories to the Treaty were: Britain, France, Italy, Japan, Canada, Australia, New Zealand, South Africa, and India. What legal and moral obligations do these countries have to enforce the Treaty? Can one or more of these countries be persuaded to bring an action?

Article 20 states "All rights and privileges accorded by the foregoing Articles to the Allied and Associated Powers shall be accorded equally to all States, Members of the League of Nations." Does this mean that any member of the United Nations may also bring a dispute? Could the Republic Of Macedonia do so? If so, would it be prepared to do so? If not, is there another country that could do so, either on behalf of the Macedonians or on behalf of some or all of the ethnic and religious minorities in Greece?

It is obvious that Greece had no intention of fulfilling the Treaty, and to this day continues to violate the spirit as well as the letter of the law. Greece claims that the Treaty only refers to a "Moslem" minority. Yet the Treaty clearly speaks of "racial, religious or linguistic minorities" in the plural. Perhaps a country with standing could bring a dispute to clarify this and the many other issues that arise from Greece's behaviour.

Action by the signatory countries could in one move redeem their past inaction, and at the same time offer the international community a relatively quick and painless way to improve the very low level of human rights in Greece and raise them to an acceptable European standard.

If these issues are not resolved, the treaties that divided Macedonia will continue to raise legal and ethical questions and continue to generate discontent among the Macedonian people around the world. My hope is that the answers to these questions may lead to a better life for Macedonians and other ethnic and religious minorities in Greece.

Published in Australian Macedonian Weekly, 11 September 2007

Source: www.pollitecon.com