



THE "SKOPIAN" CASE

**INITIAL ACTION OF THE AMHRC:
LETTER TO THE MINISTER**

John Pandazopoulos MLA
Minister Assisting the Premier on Multicultural Affairs
55 Collins Street
Melbourne VIC 3000

Dear Mr Pandazopoulos

“Skopians Community, Skopian People and Skopian Material”

I refer to your radio interview on the SBS Greek Language program on 28 November 2002.

As the Minister who effectively has responsibility for the portfolio of Multicultural Affairs, we are writing to inform you, that many members of the Macedonian Community were disgusted to hear you refer to the Macedonian Community of Victoria as “Skopians”.

Elected Ministers are supposed of course, to represent all Victorians *without* prejudice and *with* respect. This behaviour would be unacceptable from any elected representative, however from the Minister for Multicultural Affairs, it is nothing short of horrific. Macedonians do not form, as the Minister derogatorily stated, a “Skopians Community” (“Skopiani kinotita”) they form a Macedonian Community. Macedonian people are not, as the Minister demeaningly stated “Skopian People” (“Skopiana Atoma”) they are Macedonian people. Macedonians do not, as the Minister erroneously stated, write “Skopian Material” (“me grafta Skopiana”) they write Macedonian material.

Considering the Minister’s portfolio, he should be well aware of the critical importance cultural groups attach to the right of self-identification - yet the Minister chose to publicly and flagrantly ignore this right. Considering the timing of the statement, one could assume that this was an attempt to cement Greek votes by pandering to the seemingly prevalent chauvinism that exists within that Community, on the issue of ethnic Macedonians. Whatever the reason, it is totally unacceptable behaviour.

The term “Skopians” was devised by chauvinist elements in Greece during the 1990s, in order to refer to Macedonians as such for two reasons: firstly as a way of totally denying the existence of a Macedonian ethnic identity, and secondly, as a term of abuse. This was pointed out by a Greek anthropologist, Anastasia Karakasidou, in her 1997 study of ethnic origins in the region of Macedonia, we quote: “In 1996, many Greeks still refused to use the word “Macedonia” in reference to the nation-state on their northern border. Instead, the terms “Skopia” and “Skopians”, derived from the name of that country’s capital and principle city, Skopje, have been employed in a demeaning and derogatory manner to refer to the FYROM (Former Yugoslav Republic

of Macedonia), its government, and its population.” (page 265 *Fields of Wheat Hills of Blood*, University of Chicago Press, 1997. Incidentally, Karakasidou, in her book revealed several truths about the Macedonian issue that demolished a number of ultra-nationalist Greek myths, and for her labours she was driven out of her own country.)

Let us make this clearer still, by drawing some analogies. It is as if the Minister in a public media interview, referred to the Aboriginal communities of this country as “boongers” or “niggers”, or the Jewish community as “Kykes” or Eastern Europeans as “Wogs” etc. There is no question that the ensuing uproar caused as a result of a government Minister using such terminology, would eventually lead to his or her sacking/resignation. Despite the fact that the issue of Macedonian human rights does not have a high media profile in this country, the result should be no different.

This whole episode is viewed with particular bitterness by the writer of this letter, who had the opportunity to meet Mr Pandazopoulos during his pre-election flurry of multicultural activity. The meeting took place ironically, on the night of the signing of an ethnic Community Accord apparently fully backed by the Minister himself, as a unified stand against discrimination and for, the respect of Victoria’s diverse cultural identities. We quote extensively from what the Minister himself penned, signed and added to this Community Accord:

“Promoting rights and respecting diversity is a cornerstone of the Bracks Government and a key part of our agenda of building a strong and cohesive society.

Diversity is a fundamental part of the Victorian community. Our State’s cultural heritage and growing diversity distinguishes us from most other places in the world. Victoria has an envied reputation overseas as a culturally diverse, yet harmonious and cohesive society. It is a great testament to the qualities of our communities and to traditions here in Victoria.

Victoria has a good record to build on and while we should celebrate our successes, there is more that can be done. The Bracks Government believes Victoria’s future depends on maintaining and strengthening its diverse communities. To succeed we must all accept responsibility for maintaining and increasing our capacity to live together. *We need to promote the need for understanding and tolerance and not allow fear of difference to be expressed in racial and religious conflict or in discrimination and intolerance.*

The Bracks Government wants to guarantee the rights of all Victorians to participate in the political, social and cultural life of our state. As leaders we all play a role in ensuring that the views and opinions of all Victorians are included in the discourse that determines the direction of our society. *As leaders, we should ask ourselves how we extend the civil, political, economic, cultural and social rights of Victorians.*

...I look forward to continuing our work together in championing diversity, and the mutual enrichment that the development of our communities brings - promoting Victoria to the world as 'the place to be'."

Mr Pandazopoulos, as a leader have you *asked yourself* how your usage of abusive terminology like "Skopians" has *championed diversity and tolerance of difference* in this state? Moreover, how does your use of derogatory terminology fit in with your government's recent adoption of Racial and Religious Vilification legislation?

Furthermore on this same night, in personal discussion with myself and Mr Vasko Nastevski, Secretary of the Australian Macedonian Human Rights Committee, the Minister stated that he would in the future try to be more sensitive to the Macedonian community and agreed that the right to self-identification was of critical importance. However the Minister's performance on SBS Radio, pandering in the safety (the minister wrongly presumed) of the Greek language, to the chauvinist elements in the Greek community, demonstrates that his words, were just that, words!

Minister, our Committee demands that you publicly apologise to the Macedonian community and that you then resign from any and all portfolios you have been given as a result of the Labour Government's re-election. You are obviously unfit to represent the people of this state! If you choose not to resign, we demand that Premier Bracks, live up to his catch cry of "*governing for all Victorians*", by sacking you.

Yours truthfully

George Vlahov
President
Australian Macedonian Human Rights Committee Inc.

CC Premier of Victoria, Hon. Steve Bracks MLA
Opposition Leader, Hon Robert Doyle MLA
Victorian Multicultural Commission
Equal Opportunity Commission Victoria
Ethnic Communities' Council Victoria
SBS Radio and Television

EXPLANATORY NOTE

At this point, the Minister refused to respond. Instead our committee received a letter from the Premier's office suggesting that we ask the Victorian Multicultural Commissioner to sort the matter out. However the Commissioner informed our committee that he would be unable to make any kind of meaningful intervention. Therefore the AMHRC lodged a complaint at the Equal Opportunity Commission of Victoria (EOCV) (see appendix A).

Finally, EOCV procedure compelled the Minister to respond. In his response he argued that the term 'Skopian' is benign. Thus our committee responded by composing the following polemic and history of the term 'Skopian'.

**RESPONSE OF THE AMHRC TO THE RESPONSE
OF THE MINISTER TO THE ORIGINAL COMPLAINT**

INTRODUCTION SUMMARY

The Minister, in the interviews in question referred to the Macedonian nationality, ethnicity and language as “Skopian”.

The term “Skopian” not only represents a total negation of Macedonian identity, but also refers to someone who is culturally inferior, who does not possess a real language, who is a liar, a cultural thief and so on.

The adjectives used in conjunction with the term “Skopian” demonstrate its highly demeaning nature. These adjectives have been used in conjunction with the word “Skopian” so often, that they have infused the term “Skopian” with a clear and highly derogatory meaning – so much so, that the adjectives no longer need to be coupled with the term in order for it to be derogatory and to cause offence.

Section B in particular of this response will aim to demonstrate this by providing objective evidence.

I am aware that the HREOC in Australian Macedonian Human Rights Committee Inc v State of Victoria (2000), supported by decisions of the Federal Court, the Full Bench of the Federal Court and a dismissed leave application of the High Court found that to refer to our language as anything other than Macedonian is “a distinction based on ethnic origin which has the effect of impairing the recognition on an equal footing of a human right in the culture of users of the Macedonian language”.

SECTION A:

IDENTITY

I would like to begin my reply to Mr. Pandazopoulos' response to the original complaint lodged by our Committee, by briefly touching on the importance of identity and its linguistic representation in the modern world.

There are two main classic texts that western culture has produced on the issues of ethnic and national identity. These are Benedict Anderson's *Imagined Communities* (1991) and Ernest Gellner's *Nations and Nationalism* (1983). Gellner points out without going into too much detail, that a change in one's culture "... is very frequently a most painful experience" (Gellner 1983:40). Benedict Anderson goes more deeply into the psychological origins of this by explaining:

"What the eye is to the lover – that particular, ordinary eye he or she is born with – language – whatever language history has made his or her mother – tongue – is to the patriot. Through that language, encountered at mother's knee and parted with only at the grave, pasts are restored, fellowships imagined and futures dreamed." (Anderson 1983:154)

To summarise, mother's terminology = mother's affection. Moreover, this quotation, which indicates the invention of continuity, fraternity and optimistic forward glances, is in some situations a natural psychological response to the anonymity and calculative logic of much of modern existence. The nation or ethnic group identity is invoked often to combat the disenchantment provoked by a world that comes to increasingly understand itself in terms of purely causal connections of empirical phenomena.

Terminology is the key here, for cultural groups, ethnicities and nations are constructed mostly on the basis of the modern standardisation of language. And it is a word, whatever it may be, that captures the formation of this or that particular culture. To manipulate this word, or to ignore it entirely, is to negate the existence of this or that ethnicity or culture. Furthermore, such a manipulation involves tampering with deep-seated not wholly conscious memories of parental love in one's infancy.

One could go on discussing these issues for many more pages, but my aim has been simply to point out in a slightly more technical way, what most of us intuitively realize – that the right to self-identification in the modern world is absolutely fundamental. This is why it is singled out in the U.N. Charter, and also why we have developed in Victoria, a specific form of racial vilification legislation. Yet we have a situation in which the very Minister Assisting the Minister for Multicultural Affairs (hereafter referred to as the Minister of Multicultural Affairs), has deemed it appropriate to negate completely and totally the ethno-cultural identity of a community in this State. Moreover, the Minister did this, in the full knowledge that he was breaking with his own government's official policy. Thus, in response to the Minister's statement in paragraph 22, that this point is not pertinent, that it "... is not the issue which is required to be considered under the Act" – my reply is that it is relevant to point out such a fact because it demonstrates the

extremes the Minister is willing to go to in order to please those elements who wish to negate the existence of the Macedonian community.

I reiterate, the Minister chose to publicly and totally negate the existence of the Macedonian community by completely excluding the term "Macedonian" from his description of that community, its ethnicity and its language. Instead the Minister adopted a term which is used by racist elements of another community, he chose to refer to the Macedonian community by a term that it never uses to describe itself, but by one that is utilized by the very elements who negate the very ethno-specific existence of that community. The Minister in his response admits this himself, and I quote from paragraphs 6 and 16: "*...there are elements of the Greek community who are offended by the use of the word Macedonia, or any of its grammatical forms to refer to the Slav-Macedonians.*" "*The expression 'Skopian' is commonly used by the Greek community*". I ask, what could be more offensive to a community to its notion of identity, than to refer to it by a name that was specifically designed by others for the purpose of totally negating the very existence of the community in question?

SECTION B:

THE MEANING OF THE TERM “SKOPIAN” OR “SKOPJAN”

(The term is often spelt in various ways but it is pronounced the same)

Response to the paragraphs where the Minister claims that the term “Skopian” possesses no derogatory connotations and where the Minister claims that he is unaware of the term’s derogatory usage.

The use of the term “Skopian” to describe the Macedonian community, cannot be anything other than offensive. This community understands itself through the term “Macedonian”, to use any other term involves negation, and to exclude the term completely means that one is totally negating the existence of that community. One must take into account here that the term “Skopian” was specifically designed by racist elements for the purpose of denying the very existence of a Macedonian ethnicity.

To perhaps put it in highly crude terms, it is as if the Minister chose to refer to the community of “Triangles” as “Circles”. The “Triangles” respond by saying that we are not “Circles” but “Triangles”, though the Minister chooses to ignore this by stating that the “Square” community prefers the term “Circles” and I am therefore going to ignore your right to self-identification because I want to please elements in the “Square” community who wish to deny your right to be “Triangle”, and thus I have chosen the term “Circles” for you – regardless of all the demeaning and derogatory connotations it possesses. Paragraph 6:

“On the one hand, there are elements of the Slav-Macedonian community who are offended by the use of any description other than ‘Macedonian’. On the other hand, there are elements of the Greek community who are offended by the use of the word ‘Macedonia’, or any of its grammatical forms to refer to the Slav-Macedonians.”

So what did Minister Pandazopolous decide to do? The Minister decided in his role as the Minister for Multicultural Affairs, to publicly breach his own government’s ‘middle of the road’ official policy, and side with those elements who wish to totally negate the existence of the Macedonian community, by adopting their terminology, “Skopian”.

However, this is not the end of the matter. On top of the already highly offensive meaning that the term “Skopian” possesses on its own, (for as explained it was designed specifically to totally negate the existence of a Macedonian identity), there needs to be added the fact that the term is mostly used in further abusive ways. These involve the accusation that “Skopians”, i.e. Macedonians, are people who are trying to deceive themselves and others by adopting a fictitious ethno-specific identity, i.e. Macedonian, and beings that are culturally or racially inferior. How does one demonstrate this, contrary to the Minister’s claims in paragraph 16: that the expression “Skopian” “... is commonly used by the Greek community”, in order “to refer to the people of FYROM [i.e. the Republic of Macedonia = G.V.] in a way that is not intended to be offensive to Slav-Macedonians. It is used in ordinary communication, whether about political or non-political matters. Skopje is the Capital city of FYROM. My understanding of the use of the term ‘Skopje’

in the Greek community is that by focusing on the name of the capital city in referring to people from FYROM, one avoids giving offence to either Slav Macedonians or Greeks”?

Skopje is the name of the capital of the Republic of Macedonia and it is a term that is commonly used by the Greek community in Australia and in Greece. But it is not so benignly used as the Minister asserts. Firstly it automatically serves as a highly offensive total negation of Macedonian ethnic identity. Secondly, I, my fellow committee members, friends, and relatives, have often been referred to as “Skopian” by members of the Greek community. However, the use of this term has always, in my experience and in the Macedonian community’s experience in general, been accompanied with the adjective “gypsy” and or, also with assertions that our culture “is not a real culture”, that it is an “inferior culture”, that we have no right to use the word “Macedonian” to describe ourselves, that we are “not real Macedonians”, that we are “plagiarists”, that we are “cultural thieves”, etc. I feel confident in stating this, not just because of my own personal experience, but also because as a member of the Board of Management of the Macedonian Human Rights Committee for 10 years now, I know from innumerable discussions with other members of the Macedonian community, that this is how the term “Skopian” is utilised.

I must add that I was stunned to read, and I do not for one second believe the Minister when he states that he is “unaware” of such offensive usage of the term “Skopian”, and in particular that the term “gypsy” often accompanies the term “Skopian” (paragraph 17).

In order therefore to demonstrate my argument, I shall cite expert literature on the subject that explains how the term is used, as well as quotations of its derogatory use in print. The latter are easily accessible on the Internet, one merely needs to put in a search for the terms “Skopian” and “Skopian Gypsies”.

I note, the term “Gypsies” in general Australian English usage carries at least a neutral, if not often romanticized connotation of the Romani people. In Europe, and people of European background, however, use the term as a derisive, pejorative adjective. It is unlawful because it is a term of vilification.

I shall begin by again citing the (I emphasise GREEK) anthropologist Anastasia Karakasidou who in her study of cultural origins in the geographic part of Macedonia today located within the political borders of Greece, found among other things that -

“In 1996, many Greeks still refused to use the word ‘Macedonia’ in reference to the nation-state on their northern border. Instead, the terms ‘**Skopia**’ and ‘**Skopians**’, derived from the name of that country’s capital and principal city, **Skopje**, have been employed in a **demeaning and derogatory** manner to refer to the FYROM, its government, and its population.” (Karakasidou, 1997:265)

I will next quote the American anthropologist Loring M. Danforth, who based most of his study on the Macedonian issue on fieldwork carried out in Australia. In a section of his book entitled The Negation of Macedonian Identity in Greek Nationalist Ideology and History (Danforth, 1995:30), Danforth explains that Greeks use the term “Republic of Skopje” as a means

of denying that it is in any way Macedonian (Danforth, 1995:32). Those who claim to be Macedonian, Danforth points out "... are generally referred to by Greeks as 'Skopians', 'so-called Macedonians'..." (Danforth, 1995:32) Danforth goes on to highlight that - In the early 1980s, a Minister of the Greek government visited Australia:

"Papatthemelis in a speech presented at a conference in Melbourne in February 1988 referred to them [Macedonians] as 'a falsely named category of people who constitute the so-called ethnicity of Macedonians of the Skopian type.'" (Danforth, 1995:33)

Thus "Skopians" are liars, are deceptive etc. I personally remember this well (for it made all the media headlines on commercial television), yet Minister Pandazopolous claims to be "unaware" of the abusive nature of the term "Skopian". Therefore:

"The Greek position is that no such thing as a Macedonian nation exists. ... The Macedonian nation is described as a 'false' or 'forged' nation. It is an 'artificial creation', 'fabrication' or 'invention' of Tito, ... who in 1944 'baptized' a 'mosaic of nationalities' (Albanians, Serbs, Turks, Vlachs, Greeks, and Gypsies) and with no justification at all gave them the name 'Macedonians'. ... In more extreme nationalist rhetoric, the Macedonian nation is referred to as a 'monstrosity', 'a malignant growth' that Greece's allies, the Serbs, should 'remove' from the Balkan scene. According to Greek nationalists, because the language spoken by the ancient Macedonians was Greek, the non-Greek Slavic language spoken in 'Skopje' today cannot be called 'the Macedonian language'. It is generally referred to in Greek sources as the 'linguistic idiom of Skopje'. What is more, MANY Greeks argue, this 'linguistic idiom' or 'dialect' is not really a language at all. ... The language used by the Slavic speakers of Macedonia was an 'idiomatic form of Bulgarian ... with a very scanty vocabulary of no more than one to one thousand five hundred words' many of which were CORRUPT borrowings from Greek, Turkish, Vlach, and Albanian." (Danforth, 1995:33)

The quotation in other words clearly demonstrates that the use of the term "Skopian" carries with it notions of racial inferiority.

"In the words of Nicholas Martis, a former Conservative Minister of Northern Greece, the 'linguistic idiom of Skopje' was 'a spoken collection of words, without syntax, without grammatical components, without spelling'. As one Greek linguist put it, this language 'is linked so closely to both Bulgarian and Serbian that according to linguistic principles it cannot constitute a language in its own right'." (Danforth, 1995:34)

Just how a language that possesses 'no syntax' can be a language at all is not explained. Not only does the term "Skopians" denote beings who are culturally inferior, but they are "liars" and "thieves". I again cite Danforth:

"From the Greek nationalist perspective, the use of the name Macedonia by the 'Slavs of Skopje' constitutes a 'felony', an act of 'plagiarism' against the Greek people. By calling themselves 'Macedonians' these 'Slavs of Skopje' are 'stealing' or 'hijacking' a

Greek name; they are 'embezzling' or 'appropriating' Greek culture and heritage; they are 'falsifying' Greek history." (Danforth, 1995:34)

In all of this hysteria, Danforth explains that the perception is that "Skopians" are attempting to monopolize the term 'Macedonia', that they are trying to prevent ethnic Greeks who reside in the region or country of Macedonia from referring to themselves as "Greek Macedonian" - yet nothing could be further from the truth. It is only ethnic Macedonians who are being denied their right to self-identification! (Danforth, 1995:37-38) Thus:

"In response to the Greek nationalist argument that there is no Macedonian nation, language, or minority, and that 'Slavs' or 'Skopians' have no right to the Macedonian name, Macedonians accuse Greeks of trying to negate Macedonian identity by monopolizing the name 'Macedonia' and by misappropriating it to mean 'Greek'. They reject the idea that Greeks hold a copyright on the name Macedonia." (Danforth, 1995:47)

However Minister Pandazopolous feels he has the right to discriminate and give to one community this copyright! Moreover, the positive support of such a copyright by a government Minister, promotes within a certain community and the wider Victorian community, support for what we consider highly discriminatory and racist policies.

As Danforth again points out, ethnic Macedonians who reside within the part of Macedonia located within the political borders of Greece, have for some time been trying to preserve their culture from extinction.

The following lengthy quotation is utilised in order to contribute toward an explanation of how the term "Skopian" has been used, how it originated and how it was exported to Australia,

"The inability of Macedonians in the Florina area to register a cultural association with the word Macedonian in its name, like the inability of Turks in Greek Thrace to use the word 'Turkish' in the name of any of their associations, is an excellent example of the way in which the activities, purposes, and by-laws of private associations are subject to detailed regulation and control by the Greek state. It also confirms **the fundamental incompatibility of the Greek nationalist conception of the 'ethnos as an integrated entity embodied in the state' and a philosophy of inalienable human rights.** The issue at stake in this case is an issue of **recognition** - the refusal of the Greek state to recognize the Center for Macedonian Culture. This case, therefore, replicates the central issue of the entire Macedonian conflict - the refusal of the Greek state to recognize the existence of a Macedonian nation, a Macedonian language, or a Macedonian minority in Greece. It also suggests direct parallels to the struggle that was taking place simultaneously in the European community and the United Nations over the recognition of the Republic of Macedonia by the international community. Another trial that offers valuable insight into the situation facing Macedonian human rights activists in Greece involved a lawsuit brought by

Kostas Gotsis, one of the founders of the Center for Macedonian Culture, against the editor of STOCHOS, an ultranationalist weekly newspaper published in Athens. This paper, which is distributed throughout Greece as well as in Greek communities **abroad**, is a testament to the evils of militarism, irredentism, xenophobia, and racism, which are often fostered by extreme nationalism. Calls for the reclamation of Asia Minor, Northern Macedonia (the Republic of Macedonia), and Northern Ipiros (Southern Albania) are standard themes of most issues, as are attacks on ethnic minorities in Greece such as the Jews, the 'Mongols of Thrace' (the Turks), and the 'Gypsy-Skopians' (the Macedonians). STOCHOS frequently publishes photographs of Macedonian human rights activists in Greece and **abroad** and exhorts its loyal 'Greek-minded' readers to 'cut out their tongues' and 'crush the worms who are eating our roots'. It has even offered large sums of money and free trips to Greece as rewards for the 'elimination' of Macedonian activists who are regarded as particularly dangerous enemies of Hellenism." (Danforth, 1995:130)

*Danforth concludes his book by explaining that ethnic identity is created and constructed through social interaction and that therefore it is useless to refer to history or blood to try to resolve such disputes – **identity is a matter of choice**. (Danforth, 1995:231)*

An attempt to interfere with such self-ascription can only be considered highly demeaning – surely the Minister for Multicultural Affairs understands this. Indeed, he confirmed once to me in person that he does so (see the original complaint), and if he truly does not understand, then he has no business being a government Minister. I quote parts of Danforth's conclusion:

"Conclusion

From the Greek nationalist perspective of the author of this letter, 'Petros Sahinis' is really a Greek who has illegitimately adopted the Slavic name 'Pete Filipov'. In the same way, he argues, 'the Skopians' are really Slavs who are attempting to appropriate illegitimately the Greek name 'Macedonians'. While Pete Filipov may have succeeded, the Macedonians, he insists, will fail. ...

At a collective level the governments of Canada and Australia with their explicitly multicultural policies accept the principle of self-ascription and have recognized the existence of Macedonians as an ethnic group. Macedonian diaspora communities in these and other countries, therefore, are generally known as Macedonian communities... . . .

International organizations like the Conference on Security and Cooperation in Europe, which accept the principle of self-ascription, have...recognized the existence of a Macedonian minority in Greece. ...

For in the last analysis it is only with tolerance and a respect for the self-ascribed nature of ethnic and national identities that we can avoid the destructive tendency inherent in all nationalist ideologies to impose definitions of national

identity from above, from the outside, definitions that all too often conflict with those arrived at through a process of self-ascription. Local Macedonians live in many different places – the Republic of Macedonia, Bulgaria, Greece, Canada, and Australia. They define themselves in many different ways...‘**Skopians**’, **however, are not terms of self-ascription**...Similarly people from Florina who identify themselves as Macedonians are not ‘Skopians’; they are Macedonians.
...

It is also preferable to a solution that, in what could be called a kind of symbolic ethnic cleansing, simply denies the existence of a Macedonian nation and a Macedonian minority in Greece. For that solution is an expression of the same kind of ethnic nationalism that in times of economic chaos and political collapse can all too easily lead to a literal, not just a symbolic, form of ethnic cleansing, the kind of ethnic cleansing we have recently witnessed to our horror, in the former Yugoslavia and other parts of the world as well. (Danforth, 1995:248-251)

Australian author John Shea in his study on Macedonia and Greece, states the following about the term “Skopian”:

*“Although this argument was not vigorously promoted by the Greek government till about 1988, when the province of Northern Greece was renamed Macedonia, the Greek nationalist perspective now says that the use of the name Macedonia by the “Skopians” is like an act of **plagiarism** against the Greek people. Some Greeks actually accuse the Macedonians of falsifying Greek history” (Shea, 1994:156)*

*“The official Greek position is that there is no Macedonian language and never has been. The Greeks claim that the Macedonian language was invented in 1944 at the same time as the nationality “Macedonian” was created by Tito. They take the view that because the language spoken by the ancient Macedonians was Greek, the Slavic language spoken by the “Skopians” cannot be called “the Macedonian language.” Official Greek writings refer to Macedonian as “the linguistic idiom of Skopje” and describe it as a **corrupt** and **impoverished dialect** of Bulgarian.” (Shea, 1994:192)*

Furthermore, Panayote Elias Dimitras from the Greek Branch of Helsinki Monitor (the leading European organisation on issues of minority rights, racism, etc.) and Minority Rights Group - Greece writes:

*“Likewise Serbs, Bulgarians and Greeks have never come to terms with the presence of culturally distinct Macedonians...the Macedonians have been considered as ‘Southern Serbs’ by the Serbs, ‘Western Bulgarians’ by the Bulgarians, and ‘Slavophone Greeks’ by the Greeks (Raufer & Haut, 1992:11), who have **regularly demeaningly** called in the 1990’s the Republic of Macedonia ‘Skopjan statelet’ and its inhabitants ‘Gypsy-Skopjans’, ‘Balkan Gypsies’, ‘Skopjan Vlachs’ (Elefantis, 1992:39).” (Dimitras, 2000:51)*

In another piece, Dimitras comments on the Greek media's reporting of Macedonians during the early 1990's, citing various examples of highly offensive and contemptuous terminology used by journalists. Below is an excerpt from that article:

*"The nearly hysteric crowds at the rallies were displaying not a mere opposition to the choice of a name but a **profound hatred** against ethnic Macedonians. This was inevitable when the mainstream Greek media had been using **systematic hate speech against Macedonians, or more precisely "Skopjans."** Greek media referred to Macedonians as "a non-viable sorrowful mix of fluid consciousness,"..."bare-footed," "professionals of servitude," "barbarian embezzlers of blood-stained territories of Greece," "Slav Gypsies," "a people of criminals," "thieves," "hungry," "wretched, ragged, desperate." (Dimitras, p.1)*

Yet the Minister is "unaware" that the term "Skopians" has derogatory connotations.

The Greek journalist Takis Michas reiterated the above when he noted that:

*"...the **overwhelming majority** of the Greek media and political class continue using the **demeaning term "Skopje" for Macedonia**, "Skopians" for its inhabitants and "Skopjan for the Slav Macedonian language." (Michas, 2001:2)*

Mariana Lenkova in a report also published by Greek Helsinki Monitor, entitled "Media Monitoring in Greece" wrote the following:

*"... [the concert constituted] a concrete disapprobation of all the nationalistic hysteria which had led to the embargoes, the **humiliating statements about 'Skopian gypsies'** and to the development of enmity and **hatred** towards a neighboring people..." (Lenkova, 1997:2)*

In another example, Greek author George Nakratzas of the University of Thessaloniki was so dissatisfied at the demeaning nature of references towards ethnic Macedonians that he wrote a book about it. I quote a highly relevant paragraph located in the preface of the book:

*"As the overtones of the modern Greek nationalist mythology came into focus, culminating in such nationalist cliches as the assertion that 'the Greek nation has no kin', that the '**Skopjans**' are '**Gypsies**', or that the (Former Yugoslav) Republic of Macedonia is an 'ethnic hotchpotch', I was taken aback, and eventually got down to writing this..." (Nakratzas, 1997:11)*

Another leading Greek intellectual, Nikos Dimos expressed similar views in an essay entitled "The Apology of an Anti-Hellene":

"Yet even today our intellectuals call the Greeks "the aristocracy of nations." Even today many (most) Greeks believe in their hearts that we are a chosen people. This is why we're always complaining about the way we're treated. Like spoiled children, we demand of everyone their unconditional support-even when we're wrong. And we insist on believing that we're always being cheated, ignoring the fact that we happen to be the only

country in the region to have doubled its size in the last 150 years. We've woven endless conspiracy theories so as to absolve ourselves of responsibility, and to cast blame on others instead. Our belief in our superiority shows up clearly in our racist attitudes. What Greek doesn't consider himself better than the Turk, the Albanian, or the "Gypsy-Skopjan"?" (Dimou, 1997:5)

Moreover, Vinozhito/Rainbow, an ethnic Macedonian political party in Greece has explained that "Skopian" "is a vulgar Greek reference for Macedonian. Its use has been encouraged by authorities including government ministers and the clergy." Also, graffiti was found in Greece which read "Death to the Skopian Gypsies". (See Appendix A). (http://florina.org/html/1998/1998_rainbow_trial/1997_graffiti.html).

The term "Skopian" began to be used for the purpose of totally denying the existence of a Macedonian ethnicity and or nationality as early as the 1960's. This process was carried out by Greek academics. To cite one example I shall quote from the book *The Federative Republic of Skopje and its Language*, 1966, which was authored by Nicholas P. Androitis and states the following:

"The Slavs have no right to the name "Macedonian" which belongs to the Greeks; "Macedonia" is exchanged by "Republic of Skopje"."

More recently, another example of the highly derogatory manner in which the term "Skopian" is used can be found in a letter to the editor of the "Balkanfolk 2002" website. On this occasion, Mavros Kleitos objects to the use of the term Macedonian and writes:

"Can you take more care with your terminology on your web site, as it is incorrect. The correct term for the people in the group you mention is Skopjan Slav. Today's so-called Macedonians are not Macedonians. The only people that can lay claim to "Macedonia" are the Ancient Greeks. Today's Skopjan Slavs are cultural thieves."
(<http://www.geocities.com/Vienna/4677fda71.html>, 12/5/03)

More typical and everyday examples of the use of the term "Skopian" can also be found on Internet discussion sites such as "Macedonia is Greece" created at Network 54 (<http://www.network54.com>). Some of the vulgar and racist messages posted on this site include:

"...dirty skopians" (14/6/02, 7:09am)
"The Skopjans are clear gypsies" (24/9/02, 1:45am)
"Many pages of Gypsy Skopjans are found all over the web" (24/9/02, 1:45am)
"Skopjans are 100% Gypsies from Egypt" (24/9/02, 2:13am)
"The Skopjans must decide wh[a]t they are, Bulgarians or Gypsies? (24/9/02, 8:46am)
"You are Skopjan Gypsies not [M]acedonians" (7/10/02, 9:32am)

No doubt the above remarks would be found to also be offensive, by Romani people.

In a publication entitled "The Macedonian Affair : a historical review of the attempts to create a counterfeit nation", the Institute of International and Strategic Studies in Athens demeaningly used terms such as:

"Skopje Republic" (p.3), "Skopje's Theoretical Sleight of Hand" (p.11), "[t]he groundlessness of Skopje's contentions concerning the alleged existence of a nation of Macedonians" (p.12), "[t]he Pseudo-Macedonian Church of Skopje" (p.21), "Slav (Bulgarian) dialect which Skopje persists in calling the 'Macedonian language'..." (p.23). (Institute of International and Strategic Studies in Athens, 1995).

Other examples of derogatory use of the term "Skopian" by Greek academics include "[t]he Skopian idiom is not a language" (Philippides, 1992:2) and "the Skopian pseudo state" (Papathanasis, 3).

SECTION C:

REPLY TO THE 23 PARAGRAPHS OF THE MINISTER'S RESPONSE

PARAGRAPH 3 "Every citizen is entitled to be treated with equal dignity and respect."

Yet the Minister denies to the Macedonian community a right he denies no other community - the right to self-identification. Moreover, he carries out this denial with highly contemptuous terminology.

PARAGRAPH 4

Not only was I offended by the use of the term "Skopian", so were quite a number of other Macedonians. Moreover, the Macedonian community of Victoria is not only comprised of people from the Republic of Macedonia, it also consists of ethnic Macedonians from Greece - over two thousand according to the latest census figures. The Minister here further denies that the term "Skopian" can only be viewed as racist and offensive. I have demonstrated above from concrete scholarly independent sources, that the term "Skopian" is a wholly negative and extremely offensive term. Mr. Pandazopolous nowhere in his response presented any evidence that shows the term "Skopian" in a positive light.

In addition, by stamping his Ministerial authority upon such terminology, the Minister not only incited hatred towards the Macedonian Community, by racist and chauvinistic elements, but also would have caused, or is likely to have caused fair-minded members of the community to also adopt such terminology and the racist notions that come with it.

PARAGRAPH 5

A highly ambiguous statement. The Republic of Macedonia has been referring to itself as such, since it was formed in 1944. Greece on the other hand had never, prior to 1988, ever officially referred to its northern province, which borders the Republic of Macedonia, as Macedonia. The two prior names had been the "New Territories" and the "Province of Northern Greece". This poses the question, what "long history" could the Minister be referring to?

PARAGRAPH 5.1

Again an ambiguous statement. The Macedonian nationality did not suddenly come into being in 1992. It was one of six founding national republics in 1944 which came together to form a federation - Yugoslavia. It is merely that the Republic of Macedonia seceded in 1991 and declared its full independence.

PARAGRAPH 5.2

There are many people in both Greece and Macedonia who are willing to share the word "Macedonia". Moreover, the Republic of Macedonia does not claim exclusive ownership of the term "Macedonia", and has never asked Greece to rename its northern province of Macedonia, even though Greece only started using that name in 1988. It is the Greek state, and many Greeks in general as the Minister himself points out in paragraph six of his response, who want exclusive ownership of the word "Macedonia". It is they who are demanding that the Republic of Macedonia and Macedonians change their name.

PARAGRAPH 6

There are not just "elements" of the Macedonian community who are offended by any other description – this is a nonsensical statement. The Macedonian community refers to itself as Macedonian and of course the manipulation of one's identity by others, is bound to be found offensive. People who consider themselves just Australian, will only accept the term "Australian".

"On the other hand, there are elements of the Greek community who are offended by the use of the word "Macedonia", or any of its grammatical forms to refer to the Slav-Macedonians." The Minister has, either consciously, or otherwise, chosen to side with these elements by adopting terminology which was designed for the purpose of totally negating the existence of a Macedonian ethnic identity and has further numerous demeaning connotations. The Minister, a member of the Greek community himself, seems to think that these "elements" of the Greek community should possess the privilege of being able to rename another community – there can obviously be no more fundamental breach of the principles of equality, respect of difference, and multiculturalism! Thus when the Minister states that there are elements of the Greek community who are "offended" – it needs to be explained that they are "offended" by the fact that the Macedonian Community is exercising its right to self-identification.

PARAGRAPH 7

The Minister quite rightly points out the that renaming of the Macedonian language constituted racial discrimination. Yet the Minister in his interview chose also to refer to the Macedonian language as "Skopian", something he himself had just pointed out is unlawful.

PARAGRAPH 9

Other countries have not joined Australia in changing the name of Macedonians to "Slav-Macedonians".

PARAGRAPH 13

The Minister here explains that "... the government does not have the right to determine how the language of ethnic communities should be described. This is a matter for the ethnic community itself. I expressed the view on these programs that in a multicultural society this was the correct approach to take."

This is really too absurd, for we here find the Minister affirming the right to self-identification – that is of course after the HREOC forced him and his government to do so. Yet the rest of the Minister's response is devoted to a defence of his total negation of the Macedonian nationality, ethnic identity and language, of the Macedonian community's right to self-identification. If nowhere else, then the Minister here inadvertently confirms that he took the incorrect approach, for the "correct approach" was to recognise that government Ministers do "... not have the right to determine how ... ethnic communities should be described".

PARAGRAPH 14

Nothing in this debate demonstrates that the Minister tried to "bridge the divide between the Greek and Slav-Macedonian communities so to avoid offending either of them". The tenor of both of the interviews was that of a Minister under fire speaking as an apologist for his, or the cabinet's decisions because of the law. All the Minister did, was affirm, as he had to, the findings of HREOC in *Australian Macedonian Human Rights Committee Inc v State of Victoria* (2000). But as the Minister felt he was free from the constraints of the HREOC findings, and speaking in Greek, he chose to use the highly derogatory terminology, "Skopian".

PARAGRAPH 15

It is true as the Minister states, that usage of any term other than "Macedonian" would have offended our community, yet it is ridiculous for the Minister to suggest that he used the term "Skopian" "... in an endeavour to minimise the likelihood of offending anyone...". It is first of all both Commonwealth and State policy to use the term "Slav-Macedonian". As the Minister well knows, our Committee is currently preparing legal proceedings against the Federal government in order to remove the prefix "Slav", just as it successfully removed the suffix "Slavonic" from the name of the Macedonian language through similar proceedings. Yet if the Minister used the approved governmental terminology, none of this would have been necessary. But instead the Minister chose to adopt the totally negative and extremely derogatory term, "Skopian". I put it, that it could not have been anything but obvious to the Minister that if we are "Circles", then we would rather be "Semi-Circles" at the behest of the government than "Triangles" at the behest of a particular group of racist "Square" citizens. Moreover, I am advised, the Minister's stated motives for utilizing the term "Skopian" are irrelevant

in determining whether he contravened the provisions of the Racial and Religious Tolerance Act 2001.

PARAGRAPH 16

I have already commented on this paragraph and have demonstrated the wholly negative and offensive nature of the term "Skopian" above.

The Minister fails to cite any evidence that the term "Skopian" is used in some non-offensive or positive sense. Moreover, the following sentence is nothing short of an attempt to distort the facts: "I am also aware that the term 'Skopian' is used in Slav-Macedonian publications". If the Minister is prepared to make such claims, he again should back them up with evidence. (If a Macedonian publication chose to refer to Macedonians as "Skopians" - the uproar would be deafening). Aboriginals do not in publications refer to themselves as "niggers" and "boongers". All I can think to say here, is that the Minister is making a conscious effort to obfuscate. The word "Skopje" might be found in a Macedonian newspaper for example, in the weather section - after all it is the name of the capital city, but it would never be used to describe Macedonians in general - especially as Macedonians are acutely aware of the fact that "Skopian" is a Greek term of abuse. To my knowledge, and confirmed by my research, the noun is used as a descriptor of, or in reference to people born in, residing or having resided in the city of Skopje or its environs. Not in the context as posited by the Minister.

PARAGRAPH 17

The independent evidence I quoted above, emphatically demonstrates that the terms "Skopian" and "Gypsy-Skopians" are commonly used in a derogatory sense by Greeks from all walks of life - journalists, scholars, politicians, and "many Greeks" in general as Danforth and others explained. I have been called a "Gypsy-Skopian" on a number of occasions - as have many friends and relatives of mine. For the Minister to claim that he has never heard the expression "Gypsy Skopians" or that he is "... unaware of any derogatory implications in the term 'Skopian'," is with respect a disingenuous assertion by the Minister who is not only fluent in the Greek language but is also of Greek origin. In any event, I am advised his purported ignorance is an irrelevant consideration pursuant to Section 9 of the Act.

PARAGRAPH 18

Again I respond to the argument by the Minister that the use of the term "Skopian" was by him an attempt to minimise offence to all sides, by reminding him of his own words in his very response to our complaint. The Minister adopted the very terminology utilised by elements within the Greek community that refuse to accept the use of the word "Macedonian" in any shape or form to describe the identity of those people who refer to themselves as "Macedonians".

In other words, the usage of the term “Skopian” could only please such elements and could only invest the ethnic Macedonians listening to the broadcast with a total sense of worthlessness! I need to explain here that many ethnic Macedonians who have come to this country from the state of Greece, are able to speak both Macedonian and Greek, and therefore sometimes listen to the Greek radio broadcasts as well as the Macedonian ones. It was by them that our committee was contacted and informed that the Minister had used the abusive and offensive terminology.

The Minister here also again states that the expression “Skopian” cannot be deemed to demonstrate contempt for the Macedonian community. The sources I have quoted above, demonstrate that the term is used in no other than contemptuous and offensive ways.

The Minister states that “... Mr. Vlahov, beyond making his assertions, has not provided any evidence that my use of the expression did incite hatred, serious contempt or revulsion, or severe ridicule of, the Slav-Macedonians”. How can a total negation of a cultural group’s identity, a complete denial of its existence, not constitute severe ridicule of that group? As I have stated over and over again, the very act by a government Minister of ignoring the terminology chosen by a cultural group for itself, and utilising in its stead a term given to it by others (who consciously devised it as a means of total negation), in a multicultural society, can constitute nothing other than the most severe contempt for that group.

Moreover, I point out that I now have presented independent objective evidence on the offensive nature of the term “Skopian” and it is the Minister who presently stands alone with nothing but his assertions.

Furthermore, as pointed out in the Danforth section of quotations, the term “Skopian” is used in Greece in conjunction with state machinery designed to be incompatible with “a philosophy of inalienable human rights”. (Danforth, 1995:130)

Lastly on this point, it is difficult to see how the Minister can believe that by stamping ministerial authority on a total public negation of Macedonian ethnic identity, he is not inciting racial hatred. As I understand it, the program in question is listened to by a large Greek audience. The Minister’s remarks are therefore, likely to have had, or reasonably likely to have had an incalculable influence on these listeners generally and more particularly, provided succour to those of the listeners who do not accept the existence of a Macedonian ethnic community.

The discussion in both interviews was in the context of criticisms that the Minister and/or the Bracks Government had allegedly reached an accommodation with the Macedonian Community. While ostensibly stating the law and what is appropriate behaviour in our multicultural community, in an apparent attempt to appease his critics, he adopts contrary language and the descriptive terminology used by those who would negate my right to self-identification and the existence of a Macedonian Community – thus legitimising, perpetuating/or reinforcing such opinions. I am advised this

constitutes “conduct that incites hatred against, serious contempt for, or revulsion or severe ridicule of ...” any person or persons who identify themselves as Macedonian.

PARAGRAPH 19

As I have shown throughout this response the term “Skopian” not only was designed as a total negation of Macedonian identity, but also refers to someone who is “culturally inferior”, who “does not possess a real language”, who is a “liar”, a “cultural thief” and so on. These adjectives have been used in conjunction with the word “Skopian” so often, that they have infused the term “Skopian” with a clear and highly derogatory meaning - so much so, that the adjectives no longer need to be coupled with the term in order for it to be derogatory and to cause offence.

PARAGRAPH 20

On the night of our meeting with the Minister, I did not just make it clear that any term other than “Macedonian” was offensive, I also specifically singled out the terms “Slav-Macedonian” and “Skopian” in particular. At this point the Minister replied that the Victorian government had no choice about using the term “Slav-Macedonian”, as it was Federal government policy (this incidentally is not entirely true, as other State governments in this country have refused to use the term “Slav-Macedonian” in respect to the Macedonian community’s right to self-identification). Mr. Vasko Nasteovski (Secretary of the AMHRC) and I, replied that we partially understood this reasoning, and that it is precisely why the AMHRC was in the process of preparing legal proceedings against the Federal government. However, the point is that the Minister ignored our explanation of the fact that the term “Skopian” is highly derogatory. Therefore the Minister cannot claim that he was “unaware” of the derogatory connotations associated with the term “Skopian”.

Moreover, the documentary evidence quoted earlier, emphatically demonstrates that it is common practice for Greeks to utilise the term “Skopian” in a derogatory manner. I put it to the Minister that it is simply impossible to be fluent in the Greek language and a member of the Greek community as the Minister is, and not be aware of the offensive nature of the term. More fundamentally, it is inconceivable that the very Minister for Multicultural Affairs, should be “unaware” that he is ridiculing and holding in contempt a community when describing it, by using a term that was not devised by it, but by an altogether different term devised by racists in another community - with the express purpose of denying the existence of the community in question.

Finally in this paragraph, the Minister asserts that “I was in the broadcast defending the right of the Slav-Macedonian community to determine for itself what it would like to be called”. We have already commented on this contradiction earlier. How can the Minister really claim in one breath to be defending the right to self-identification and in the very next, actively and completely negate this very right? When the Minister felt

that he was free from the constraints of the HREOC findings, he went so far as to ignore even his own government's policy.

PARAGRAPH 21

I am advised, for all the reasons previously stated, the Minister's choice of language was neither reasonable or in good faith. It does not fall within the exception contemplated by Section 11 of the Act.

PARAGRAPH 22

I have already commented earlier on this paragraph.

PARAGRAPH 23

I am advised the use of the term 'Skopians' as an ethnic descriptor, for all the reasons discussed in the preceding paragraphs does constitute vilification as prescribed by the Racial and Religious Tolerance Act 2001. Further, use of the words "written documents in Skopian" constitute a breach of the Racial Discrimination Act (Cth) 1975 and is unlawful. Moreover, Malco's case is distinguishable and in any event is no longer good law.

I would like to conclude by stating that the Minister's response is totally unsatisfactory – not even a hint of remorse is evident. The Minister appears to maintain that there is absolutely nothing wrong with him referring to the Macedonian community as "Skopians". This is curious, because throughout his entire response, he chose to revert to official Victorian government policy by referring to our community as "Slav-Macedonians". If "Skopians" was the 'right' way to go November 27 and 28, 2002, why is it not on April 30, 2003?

In any case, I reiterate my demand that the Minister recognise his error by making a formal public apology to the Macedonian community and by resigning from all his Ministerial posts.

BIBLIOGRAPHY

Anderson, Benedict, *Imagined Communities*, London, Verso, 1991.

Androit, Nicholas P., *The Federative Republic of Skopje and its Language*, Athens, 1966.

Danforth, Loring M., *The Macedonian Conflict : ethnic nationalism in a transnational world*, New Jersey, Princeton Academic Press, 1995.

Dimitras, Panayote Elias, "Writing and Rewriting History in the Context of Balkan Nationalisms" in *Southeast European Politics*, October 2000, Vol. 1, No. 1, pp. 41-59.

Dimitras, Panayote Elias, "The Astonishing Advance of Greek-Macedonian Relations", downloaded at http://www.iwpr.net/archive/rmc/rmc_05_eng.txt on 12/5/03.

Dimou, Nikos, "The Apology of an Anti-Hellene" in *Apologin Ehos Anthellina*, Athens, Opera Publishers, 1997. Downloaded on 12/5/02 at <http://www.ndimou.gr/e-anti-2.html>

Gellner, Ernest, *Nations and Nationalism*, London, Blackwell, 1983.

Institute of International and Strategic Affairs, *The Macedonian Affair : A historical review of the attempts to create a counterfeit nation*, Athens, 1995.

Karakasidou, Anastasia N., *Fields of Wheat, Hills of Blood : passages to nationhood in Greek Macedonia, 1870-1990*, Chicago, University of Chicago Press, 1997.

Lenkova, Mariana, "Report on Greece" in *Media Monitoring*, Greek Helsinki Monitor, Athens, 1997.

Michas, Takis, "Greece's Major, yet Incomplete, Change in its Policy towards Macedonian", AIM, Athens, 2001, downloaded at <http://www.aimpress.org/dyn/trae/archive/data/200104/10414-001-trae-ath.htm> on 12/5/03.

Nakratzas, George, *The close racial kinship between the Greeks, Bulgarians, and Turks*, (3rd ed.), Thessaloniki, Batavia Publications, 1997.

Papathanasis, Anastasios, "French theatrics and Greek vital interests" in *The Hellenic News of America*, downloaded at <http://www.econ.ccsu.edu/papathanasis/Research/french.htm> on 28/3/03.

Philippides, Elias, "General Information on Macedonia", Piraeus, 1992, downloaded at <http://geocities.com/antibaltak/macedoniatruth.html> on 5/12/03.

Shea, John, *Macedonia and Greece : the struggle to define a new Balkan nation*, North Carolina, McFarland & Co., 1997.

CONCLUDING REMARKS

The unfortunate part about the Minister's media release (see appendix C) is that he failed to inform the public that the Commission did in fact find that the term 'Skopian' had offended and distressed us. Moreover, a quick reading of the finding (see appendix B) demonstrates that 'lacking in substance' merely means that the Minister escaped his fate because the Commission decided to interpret the word 'incite' in a highly dubious manner.

A careful re-reading of the second and third sentences of the fourth paragraph, demonstrates just how bad this decision was. The key words and phrases here are 'may', 'no indication', 'may' again and 'context'. Considering the evidence presented by our committee, and we may add here that the Minister gave nothing more than his own assertions about the inoffensiveness of the term 'Skopian', it was extraordinary that the Commission ruled that there was *absolutely no chance* the term 'Skopian' could have, i.e. 'may have' in their words, incited feelings of contempt and hatred etc. The words 'may' and 'no indication', mean that the Commission considered it *impossible* for a term they found to have offended us and that we have demonstrated to be wholly derogatory, to incite contempt. As for the word 'context' it needs simply to be pointed out that the Minister *without any qualifications* referred to our community not once, but three times in the one interview, as 'Skopians'.

At this point we of course considered appealing to the tribunal level. But this would have involved obtaining legal representation and considerable costs. Furthermore the hearing would again have taken place within the confines of Victoria - i.e. we feared that the same dubious and probably politically influenced interpretation of the word 'incite' would be made.

The other option we considered was transferring the complaint to the much older federal racial discrimination legislation. The advantages here were that it would probably have put the case beyond the bounds of the Minister's influence and more importantly, this legislation contains no clauses based on the word 'incite'. To our great disappointment, we found that the federal Human Rights and Equal Opportunity Commission would not entertain a case that had already been heard once by the EOCV. In the end we decided not to pursue the matter further, as it would have put at risk our preparations and finance of the much more important and difficult legal task of removing the federal government's 'Slav' prefix. We reminded ourselves that the prefix is actual official policy, whereas the 'Skopian' statements of the Minister were nothing more than an expression of his personal prejudices. At least we had convinced the Commission that the term 'Skopian' is 'offensive' and 'distressful'. Moreover, the likelihood of the Minister ever again publicly uttering his biases, has dropped to nil.

Our case against the 'Slav' prefix is due to begin around December 2003. The risks will be similar to the ones in the case just described. That is, while on the surface it may appear that Australia has model laws protecting pluralism and multiculturalism, underneath, one regularly encounters the problem of ambiguous terminology. The difference here will of course be that we will pursue the Australian government on this issue - 'right to the end of the line'.

SECTION III.

**A NOTE ON AUSTRALIAN LAW
IN RELATION TO HUMAN RIGHTS**

There is no obvious mechanism in Australia for the protection of Macedonian human rights. Despite being a party to various international human rights instruments, Australia has been reluctant to implement domestically most of the rhetoric it manifests in the international sphere. Hence, there are considerable limitations for Macedonian human rights activists when it comes to protecting the Macedonian Community from different forms of human rights abuse in this country. The Constitution of Australia expressly declares only a few rights. These include things such as the right to vote, the right of the Commonwealth to acquire property on just terms, right to trial by jury, free trade between the States, freedom of religion and freedom from disabilities or discrimination on the basis of a person's residency.¹ Hence, on its own this appears disturbingly inadequate to provide any form of rights protection to individuals.

The absence of an explicit 'Bill of Rights' in Australia further suggests that there are no constitutionally guaranteed human rights and freedoms. Unlike other parts of the world, Australia does not have any substantive document that outlines its commitment to guaranteeing certain human rights for individuals within their jurisdiction. The High Court of Australia has in recent times attempted to address this conspicuous deficiency of rights protection by identifying a number of 'implied freedoms' within the Constitution. Through this purposeful interpretation, it may be argued that the High Court has begun redeeming the noticeable absence of guaranteed rights in Australia's principal legally binding document. The best example of this could be the constitutionally implied right of freedom of political communication,² or commonly referred to as Australia's version of 'free speech'.

However, whilst the High Court has been active in establishing certain implied freedoms, even this is confined as the Court can only hear matters that appear before it, therefore still leaving unprotected numerous vulnerable members of society. Australian legislatures have attempted to fill this void and provide protection through an assortment of anti-discrimination legislation.³ Nevertheless, even this ostensible miscellany of rights protection is sometimes inadequate, as the provisions often appear ambiguous and difficult to satisfy in a common law country. The most significant is the *Racial Discrimination Act 1975* (Cth), which was implemented as a direct result of Australia's ratification of the International Convention on the Elimination of All Forms of Racial Discrimination. It is also the "first discrimination law enacted by the Commonwealth" and represents a landmark in social legislation in this country.⁴ Indeed it is perhaps the one piece of federal legislation that offers the best avenue for protecting Macedonian human rights in Australia, especially given the institutionalised discrimination our Community faces. Moreover it was on the basis of this statute that the integrity of the Macedonian language was eventually restored following the

¹ *Australian Constitution*, Ss 41, 51(xxxi), 80, 92, 116 & 117.

² Patrick Parkinson, *Tradition and Change in Australian Law*, 2nd Edition, LBC Information Services, New South Wales, 2001, pp.134-135. (See also *Lange v ABC* (1997) 189 CLR 520, which definitively established this right.)

³ For example see *Racial Discrimination Act 1975* (Cth), *Sex Discrimination Act 1994* (Cth) and *Disability Discrimination Act 1992* (Cth).

⁴ Laksiri Jayasuriya, *Racism, Immigration and the Law: The Australian Experience*, The University of Western Australia, Nedlands, WA, 1999, pp.37-38.

Victorian Government's infamous imposition of a qualification on the language with a derogatory suffix. Ironically, following the successful legal campaign by the Australian Macedonian Human Rights Committee in association with the Macedonian Teachers Association, the Macedonian language now also has privileged protection under the common law of Australia.

It is also important to note the role of the Human Rights and Equal Opportunity Commission, which is established by the *Human Rights and Equal Opportunity Commission Act 1986*. This is a national independent statutory government body that has responsibility for inquiring into complaints made regarding alleged breaches of human rights under Australia's discrimination legislation. Some of its other roles include monitoring the Australian Government's compliance with various international human rights instruments such as the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, as well as advocating for human rights generally.⁵ It is also a compliant member of the 'Paris Principles', which sets out minimum standards for National Human Rights Institutions as endorsed by the UN Commission on Human Rights (*Resolution 1992/54 of 3 March 1992*) and the UN General Assembly (*Resolution 48/134 of 20 December 1993, annex*).

However, legislated amendments made to the HREOC in 1999 have diminished its capacity to hear complaints of unlawful discrimination, transferring this power to the Federal Court and Federal Magistrates Service. Also the more recent *Australian Human Rights Commission Legislation Bill 2003*, which is currently being considered by the Government, further proposes removing the Commission's power to make recommendations for compensation or damages following certain inquiries. Hence, for the purposes of human rights protection for the Macedonian Community in Australia, the HEROC cannot issue binding determinations and potentially it will not be able to offer any remedy; therefore any substantive claim must be pursued through Australia's court system. Inevitably this renders any action against discrimination both cumbersome and time consuming given the formalism involved in the judicial process. Nevertheless, it is a process that the Australian Macedonian Human Rights Committee is prepared to submit itself to in order to guarantee human rights protections for the Macedonian Community in Australia.

It is evident that the Macedonian Community faces a daunting task having to protect its human rights in a country that offers limited avenues of redress. However the Australian Macedonian Human Rights Committee is determined to continue its pursuit for justice and human rights of Macedonians in Australia, as well as elsewhere.

⁵ See generally HEROC web page <<http://www.hreoc.gov.au>>.

Appendix A:
STATEMENT OF COMPLAINT

STATEMENT OF COMPLAINT

COMPLAINANT: Australian Macedonian Human Rights Committee Inc.
(AMHRC)

RESPONDENT: John Pandazopoulos MLA

Complaint of racial vilification under the Victorian *Racial and Religious Tolerance Act 2001*

The President of the **Australian Macedonian Human Rights Committee Inc., (AMHRC)** wish to lodge a racial vilification complaint on behalf of the (AMHRC).

Complaint Details

On 27 and 28 November 2002, Mr John Pandazopoulos the Minister Assisting the Premier on Multicultural Affairs was interviewed on SBS radio by the SBS Greek Language program. I believe that during Mr Pandazopoulos' interview he racially vilified the Macedonian Community when he referred to the Victorian Macedonian community as "Skopians".

I further believe that Mr Pandazopoulos did so with a clear understanding of offensive and demeaning nature of this term as this issue had been raised with him prior to his interview on SBS. Moreover I believe that Mr Pandazopoulos knowingly breached Victorian government policy on this issue because in correspondence received by our organisation for the Victorian government both prior to and after Mr Pandazopoulos' interview, it was made clear that the Victorian Macedonian community's ethnicity is officially recognised by the Victorian Government as "Slav-Macedonian". (Incidentally, this terminology is also considered offensive by the Victorian Macedonian Community).

'Skopians' is a term that was devised by chauvinist elements in the Balkans during the 1990's in order to refer to Macedonians. However its historical origins date back even further to texts published in the 1950s - for example "The Federative Republic of Skopje and its language" Athens, 1966. Firstly, as a way of totally denying the existence of a Macedonian ethnic identity , and secondly, as a term of abuse. I believe that Mr Pandazopoulos as the Minister Assisting the Premier on Multicultural Affairs is there to represent all ethnic communities in Victoria equally. His use of the term "Skopians", when referring to the Macedonian Community of Victoria incites and encourages racial hatred. In order to understand this one must consider the fact that when this terminology is utilised the form it most often takes is "Gypsy Skopians". By utilising such terminology one is asserting that members of the Macedonian community are culturally inferior beings. Mr Pandazopoulos should be using his position as the Minister Assisting the Premier on Multicultural Affairs to unite communities and to set an example. Offensive terms such as 'Skopians' do not promote tolerance and the only purpose it serves is to incite racial hatred.

Please refer to 'Attachment A', a letter dated 5 Decemebr 2002, that I wrote to Mr Pandazopoulos. This letter sets out the details of my complaint.

Please refer to 'Attachment B', a letter received from the Office of the Premier of Victoria fated 29 January 2003 in response to the letter that I wrote to Mr Pandazopoulos.

'Attachment C', is a letter fated 26 September 2001 that outlines the governments current Macedonian language directive.

Conclusion

I believe that the above and 'Attachment' A, B and C' clearly demonstrate that Mr Pandzopoulos made comments that vilify the Macedonian community of Victoria and incited racial hatred. Accordingly, I believe this constitutes racial vilification.

President
Australian Macedonian Human Rights Committee Inc.
28/3/03

Appendix B:
AN AMBIVOLENT DECISION BY THE EOCV



An independent statutory body
accountable to the Victorian Parliament

27 May 2003

Mr George Vlahov
President
Australian Macedonian Human Rights Committee Inc.
PO Box 364
DONCASTER VIC 3108

Dear Mr Vlahov,

**COMPLAINT OF RACIAL VILIFICATION BY THE AUSTRALIAN MACEDONIAN
HUMAN RIGHTS COMMITTEE INC AGAINST JOHN PANDAZOPOULOS**

I refer to your complaint of racial vilification lodged with the Equal Opportunity Commission ("the Commission") on 28 March 2003, against John Pandazopoulos under *the Racial and Religious Tolerance Act 2001* ("RRTA").

Section 23 of the RRTA states that the provisions of Part 7 (Complaints and their resolution) of the Equal Opportunity Act 1995 ("EOA"), apply to any complaint made under the RRTA as if it were a complaint lodged under the EOA. What this means is that after a complaint has been lodged under the RRTA, the Commission is to use the same procedures to handle such complaints as it would if the complaints were lodged under the EOA. This also means that the provisions relating to the Commission being able to decline to entertain complaints similarly apply to complaints lodged under the RRTA.

On 27 May 2003, the Commission decided to decline to entertain this complaint. The Commission made its decision pursuant to section 108(1)(a) of the *Equal Opportunity Act 1995* on the basis that it considers the complaint to be lacking in substance.

In making this decision, the Commission acknowledges the offence taken and distress felt by the Australian Macedonian Human Rights Committee at Mr Pandazopoulos' referral to the Macedonian community by the term "Skopian". However, for a complaint to be successful under the RRTA, the Commission must be satisfied that the alleged conduct may *incite* hatred, serious contempt or revulsion or ridicule on the basis of race. The Commission has made this decision after considering Mr Pandazopoulos' use of the word "Skopian" or its derivatives in the context of the two interviews of 27 and 28 November 2002 and consider there is no indication that the words may incite feelings of hatred etc in this context.

Please note that the Commission does not have the power to review its decision to decline your complaint. Similarly, it cannot re-open a file on the basis that there is a disagreement concerning the decision it has made.

3/380 Lonsdale St
Melbourne
Victoria

Telephone
(03) 9281 7111
Facsimile

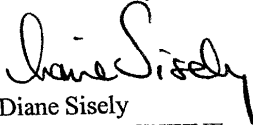
Country Calls
1800 134 142
TTY

The EOCV complies with Victorian privacy laws and the confidentiality provisions of the *Equal Opportunity Act 1995*. For a copy of the EOCV's privacy policy, please contact:

Under section 108(2) of the *Equal Opportunity Act* the Australian Macedonian Human Rights Committee Inc may, in writing, within 60 days of receiving this notice, require the Commission to refer this complaint to the Victorian Civil and Administrative Tribunal, Anti-discrimination List for hearing.

If you do not request referral, the Commission may dismiss the complaint and no further action may be taken in relation to the subject matter of the complaint.

Yours sincerely



Diane Sisely
CHIEF EXECUTIVE

Our Ref: 309594SC

Appendix C:
MEDIA RELEASE FROM THE MINISTER

Note: Subsequent to the EOCV decision the Minister released the following statement.



Media release

From the Minister Assisting the Premier on Multicultural Affairs

Tuesday 3 June, 2003

STATEMENT FROM JOHN PANDAZOPOULOS ON EOC CASE

The Minister Assisting the Premier on Multicultural Affairs John Pandazopoulos said today he was pleased that the Equal Opportunity Commission Victoria had dismissed a complaint lodged against him by the Australian Macedonian Human Rights Committee Inc.

Mr Pandazopoulos said the Commission had made its decision on the basis that it considered the complaint was "lacking in substance".

The complaint related to terminology used by Mr Pandazopoulos on SBS Radio's Greek language program in November last year.

"I regret any distress or offence felt by the Australian Macedonian Human Rights Committee," Mr Pandazopoulos said.

"I now hope that we can go forward and concentrate on the things that unite us as a successful multicultural community in Victoria."

Mr Pandazopoulos said he would be making no further public comment on the matter.

Under the Equal Opportunity Act the complainant may appeal against the decision in the Victorian Civil and Administrative Tribunal (VCAT) within 60 days.