

Contents

Editorial 5

INDIVIDUAL RIGHTS • COLLECTIVE RIGHTS

Jack Donnelly

Human Rights, Individual Rights and Collective Rights 7

After arguing against the concept of collective human rights; the author largely demonstrates that collective rights are but human rights exercised by individuals as members of a collective group. Being referred to mostly as cultural rights, with a view to establish the specificity of cultural/collective rights, Donnelly points out that most human rights are valued primarily as claims against the community, whereas collective/cultural rights can be exercised only in ways that protect the group. He concludes that cultural/collective rights can be protected only by protecting the already established civil, political and cultural rights.

J. Herman Burgers

The Function of Human Rights as Individual and Collective Rights 33

After a short survey of the growth and implementation of the idea of human rights, Burgers explains that the main dimension of human rights is to protect minorities against the majority, according to the principle of equality. He conceives collective rights as a way to exercise the human rights of the individual. Furthermore, he argues, some of the rights infer obligations, and while human rights belong to the 'lex lata'; the exercise (including collective rights) of human rights belongs to the 'lex ferenda'. He concludes that collective rights do not belong to groups and communities, in the same way that human rights do not belong to the state, therefore he sees no logical argument against considering collective rights as belonging to human rights.

Douglas Sanders

Collective Rights 45

The article explores the differences among individual, group and collective rights and contains examples of judicial cases of the USA, Canada, India, Norway, as well

as of the International Law Fora, that demonstrate that in practice collective rights are recognized when representatives of the groups or communities are designated to further the respective goals. Furthermore, the Courts of Justice very often give priority to collective rights vs. individual rights, and although the doctrinal position is to stress the individual rights, some recent decisions made by Australia, Canada, India, the United States, and the UN Human Rights Committee, indicate a pattern of acceptance of collective rights.

DIALOGUE

A “Good” Nationalism, a “Bad” Nationalism? 64
A debate organized by the Pro Europe League at the premises of the Group for Social Dialogue in Bucharest. Important political analysts, writers and politicians were present, and the debate around the existence of a “good” nationalism vs. a “bad” one concluded that, although important concepts as “national identity”, “cultural identity”, “multi-culturalism”, “localpatriotism” should be taken into account, the nationalist “good” or “bad” practice sweeps away the values of human rights.

CASE STUDY

Bodo — Cosmeanu — Mátéffy —Mărgineanu
Both Alter and Ego as a Minority (Majority. Minority. Victimity) 80
The second part of the case study of the four young sociologists of Timișoara is focussed on the cultural status of the Rumanian and Hungarian communities of Tîrgu Mureș, on the grounds of the articles published between January and March 1990 by the two most important dailies of the respective communities. The main point made by the analysis is that, paradoxically, owing to the cultural and historical specificity, one cannot speak of a majority in the area, leaving aside the ‘number’ criteria, therefore both communities, openly or not, act as minorities.

DOCUMENT

The European Charter of Regional or Minority Languages 93
Renate Weber
Between Sincerity and Impressing the Council of Europe 107
A short commentary on the perspective of the minorities in Romania, following the future implementation of the Charter, clearly points out that no spectacular change could possibly follow in the legal field.

TRANSYLVANIAN CONVERGENCIES

Victor Neumann

- Sinagogues, Rabbis and the Rabbinic Institution in the 18th C Banat 112
A description of the beginning of cultural life of the Banat Jews, the establishment of the Rabbinic institution in Timișoara and Banat, is historically viewed in the context of the European Jewish migration.

Mihály Spielmann - Sebestyén

- The Status of the Transylvanian Jews at the End of the 18th C
(Opinio de Judaeis) 120
The article takes into consideration an important document, though never put into practice, nevertheless viewed as a symptom of the importance and role of the Jews in the social and economic Transylvanian life.

Lya Benjamin

- Considering the Specific Jewish Identity in Transylvania
between the Two World Wars 128
An essay on the historical involvement of Transylvanian Jews in the political and cultural life of the region, between the Wars. Although most Jews were viewed as Hungarians, Benjamin argues that they maintained their own cultural identity.

ALTERA PARS

Andrei Roth

- Who “Brought” the Communism in Romania? 136
A polemical essay arguing that, in the perspective of the cliché that Jews, among other minorities have been ‘scape-goats’ for historical disasters, facts and numbers demonstrate that their role in the general landscape of the communist invasion was far less important than it is said to have been.

FACES OF EUROPE

Anthony Alcock

- Italy – The South Tyrol 147

Klaus Carsten Pedersen

- Germany and Denmark. The German Minority of Denmark and
the Danish Minority in Germany 161
Both authors largely survey the historical background and the solutions found in order to solve the minorities problems in the three countries.

ECUMENICA

Paul Mojzes

Religious Human Rights in Post — Communist Balkan Countries 170
The text of a conference of the reputed editor of the Journal of Ecumenical Studies, focusses on Bulgaria and the “religious” wars in former Yugoslavia, establishing patterns of the clergy status and analysing the situation in the light of post – communist events.

REVIEWS

The Deportation of German Ethnicities from Romania in the Soviet Union (1945)	188
Roma/Gypsies: A European Minority, in MRGI Report, 4/1995	189
The REGIO Review — a Prestigious Instrument for Concept Clarification	191
National Minorities. Who Are they?	193



PRO EUROPE League

The PRO EUROPE League (Liga PRO EUROPA) is one of the most well-known civic NGOs in Romania, founded in the Transylvanian town of Tîrgu-Mureş, on December 30, 1989, immediately after the fall of Ceauşescu's dictatorial regime.

The PEL has become respected due to its involvement in promoting human rights, pluralism and multicultural values. From the very beginning of the transition the PEL has played a significant role in the political reality of Romania, joining different civic movements and alliances committed to mobilize public opinion against the restoration of the former communist structures. In the specific area of the multicultural society of Transylvania, the PEL has had a remarkable role in monitoring discriminatory policies against minorities and in promoting tolerance between Romanians and Hungarians, as a key issue for peace and democratic progress in Central Europe.

For more than six years, the PEL has organized an impressive number of workshops, seminars, round-table debates, summer camps, conflict resolution missions and meetings for teachers, local authorities, judges, prosecutors, students, local, political and civic leaders.

The PEL is actively networking with other Romanian NGOs committed to rebuilding the civil society and collaborates with European and American institutions and foundations.

The PEL has over 500 members, is mainly based in the Transylvanian area, and has a branch in the town of Satu Mare. The PEL consists of five departments:

- The Human Rights Office, monitoring mainly minority rights abuses;
- The Center for Pluralism, promoting civic education at local and regional level;
- The Intercultural Center, initiating research on multiculturalism and practical approaches of this issue; it is also the department that publishes pro-democracy brochures, the PEL newsletter and the ALTERA quarterly.
- The Women's Group, aiming to promote women in the Romanian public life;
- The Environmental Group, aiming to stimulate a responsible attitude towards environment.

These departments aim to mobilise local public opinion and authorities for implementing democratic values.

Between November 1991 and September 1993, the PEL edited the „Gazeta de Mureş” weekly, supporting democratic and pluralist ideas.

The PEL is member of the Centers for Pluralism network (initiated by IDEE, Washington, DC), having permanent connections with other NGOs from the former communist block.

- *Acest număr a fost realizat cu sprijinul Fundațiilor Heinrich. Böll (Germania), (EBEMO (Olanda) și National Endowment for Democracy (S. U. A.), cărora editorii le adresează mulțumiri.*
- *Opțiunile exprimate în articolele publicate aparțin autorilor.*
- *Articolele nepublicate nu se restituie autorilor*
- *Drepturile de publicare sînt rezervate.*

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