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INDIVIDUAL RIGHTS • COLLECTIVE RIGHTS

Nigel S. Rodley

Conceptual Problems in the Protection of Minorities:

International Legal Developments 7

The purpose of this essay is to consider how international law addresses three related problems that bedevil political and legal discourse in the field. The first is the problem of how to reconcile the demand for the provision of special rights for members of minority groups with respect to the rights of others, that is, with the principle of nondiscrimination and equality under the law. The second is how to reconcile special arrangements for minority groups with respect to the individual human rights of members of the minority. The third is how to reconcile such arrangements with respect to the rights of minorities within the minority. The notion of minority rights — concludes Rodley — is and should be treated as a conceptual diversion. The issues at stake are essentially those of equality under the law, nondiscrimination (direct or indirect), and respect for substantive human rights, read either independently or together. Demarcation disputes would remain to be resolved by the reasonable and objective justification test.

Gáspár Bíró

The Rights to „Otherness” as Group Rights 30

According to the author, the right to collective identity can be a result of the right to self-determination, and viceversa: both these universal liberties being subject of continuous application. Bíró notices that the international treaties may be enforced only if the minorities' situation is the focus of a multiple juridical activity. Only in these circumstances one can expect the international standards to be used in current practice, and also that the various requests of the minorities will be considered through the mediation of an indisputable reference point, while the internal guarantees system would be closely associated with the international monitoring system. As the European experience proves, both the reliable inter-ethnic conflict resolution and its orientation towards the legal and political instruments may only be achieved in a highly formalized juridical system.

Valentin Stan

The Romanian-Hungarian Treaty and the issue of collective rights 53

The author compares H.D.U.R.'s (Hungarian Democratic Union of Romania) program and Romania's official statement in the field of local autonomy with a special status. The signing of the Romanian-Hungarian Treaty is delayed as a result of the controversies regarding the autonomy and the Recommendation 1201 of the Council of Europe, which includes the possibility to grant a special status local autonomy. Stan reaches the conclusion that the collective rights problem raised by the Recommendation 1201, if this document would be included in the Romanian-Hungarian Treaty it is not an issue.

Miroslav Kusy

Collective Rights of Minorities 62

The Modern, pluralist society, as Kusy sees it, is made of groups or communities whose rights must be respected by the State. The author states that the very essence of the self identification process is the practical use of the collective rights. This self-identification should be a multiple one, since the same person belongs to several groups. When a person considers oneself as belonging to a single group, this mentality is a totalitarian one. Therefore, the collective rights enrich the human being only in their plurality, many-sidedness and complementarity.

DIALOGUE

Temptation of Intolerance 68

A debate organised by the Intercultural Center of the Pro Europe League on the occasion of the „Week of Tolerance” in Tîrgu-Mureş. The participants — Gabriel Andreescu, Magda Cârneci, Smaranda Enache, Rudolf Herbert, Andor Horváth, Claude Karnoouh — discussed the problem of intolerance in Central and Eastern Europe, with a special focus on Romania.

CASE STUDY

Liviu Malița

The meanings of a polemic 85

In 1921, Octavian Goga, the Romanian Ministry of Cults and Arts, had launched the idea of organizing a General Conference of Arts. A group of artists of the Hungarian minority have expressed their wish to participate at this meeting. The large majority of the Romanian writers have attacked vehemently this intention. Malița studies the tremendous debate around this issue, presenting also the outstanding views of those who have decided not to follow the collective mentality patterns of the time.

DOCUMENT

The Law on the Special Juridical Status of Gagauzia 102

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The Special Juridical Status of Gagauzia 110

A short commentary which concludes that the special juridical status for the Gagauzians would provide them with a legal instrument which would allow the foundation of a state within the state, which could always separate itself from the Republic of Moldavia.

Alexei Tulbure

Gagauzians in the Republic of Moldavia 117

The author explains the reasons behind the gagauz leaders wish to selfdetermination. Tulbure sees the autonomy as a wayout in the regional crisis.

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The Crimean Tartar Movement & Ukrainian Strategy

in the Crimea: a Chronology of Defeat 160

Both authors are presenting the delicate situation of the autonomy in Crimea, and the problems of Tartars who were deported from Crimea in the communist era and who returned in this territory.

ECUMENICA

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Christianism and Democracy 166

Analysing the situation in the light of post-communist events, Father Novik is dismantling the theories refering to the incompatibility between Eastern Orthodoxy and the democratic values.

ALTERA PARS

William Tolok

The „Malta” Syndrome

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According to the author, during the last six years the hook market has been invaded by chauvinistic-oriented editorial products, based on the historic revisionism ideology. Tolok suggests that the end in view for this invasion is to induce a psychosis to the politically confused, and innocent readers, making them to believe that Romania is a perpetual victim of the hostile powers plot.

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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 1991 and 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) și BILANCE (Olanda), cărora editorii le adresează mulțumiri.*
- *Opțiunile exprimate în articolele publicate aparțin autorilor.*
- *Articolele nepublicate nu se restituie.*
- *Drepturile de publicare sînt rezervate.*

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