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THESIS:

Development of minority rights in International law and in the legislation of the Republic of North Macedonia

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Introduction

The attempt to define the minority as a legal entity and holder of rights, either as individual or as a member of a group, is one of the still open issues in international human rights law. Minority rights over time have become an integral part of the single corpus of human rights and without an undivided division over the definition of a minority.

The problem of agreement on the definition of minorities is about the principles by which a minority is organized - linguistic, ethnic, racial, cultural, social, religious, political or a position of social disability of a different kind and similar differences and circumstances. Another issue that is very important is the position of minority rights and the integrity of nation states. The imperative of stability as single national communities, which is based on the principle of self-preservation, tries to reduce internal cultural diversity as a prerequisite for unity, stability and security. With the development of the international community, interdependence, collective security systems, regional organizations increases – hereinafter decreases the imperative for the internal unity of states as a condition for security and coherence and a way of demonstrating sovereignty. In the same process, there is more free space in relaxing the pressure on cultural diversity within states and on the rights of minorities. They have become an integral part of the human rights corpus and develop new dimensions of the relationship between the right to cultural identity and human rights. The first definition of minorities is that it is a group of people who freely associate to achieve their common goals and who differ from those of the majority The second most widespread and accepted definition is that of the United Nations in 1979, in which a minority is a group of people who are less than the rest of the population of a country, citizens of that country and who have ethnic, religious or linguistic characteristics different from the rest of the population and show a sense of solidarity in order to preserve traditions, religion or language.

Research field

Research field In my thesis the focus will be on instruments on the protection of minority rights or more specifically the level of protection of the minority rights. I choose this thesis because I believe that this topic is very important and actual and the same should be in the research field of the future law students especially to those who study International Law. In this thesis I'm going to elaborate level of the implementation of human rights regarding the minority rights, its implementation, its relations and the need of cooperation between countries for its implementation.

Aims of the research

Aim of this research will be to analyze the readiness of the countries to prevent and stop the violation of the minority rights, taking necessary measures in the direction of having better life and better conditions of all the citizens all around the world, to identify or even to solve situations where minority rights are violated or are not completely respected based on European Conventions on Human Rights. Other point of this thesis is to check the implementation of those rights that are guaranteed with the instruments on protection of minority rights by checking if those rights are implemented in practice, which is one of the most important things in this essay.

Hypotheses

To defend and to guarantee minority rights for its citizens, also helping to increase the mechanisms that will help or push forward all states to respect fundamental rights to all its citizens and to be equal to all of them.

Research Methodology

In my research thesis I will use more of basic and specific scientific methods. In that sense, it counted: • Method of analysis – analytical method will serve with purpose to determine the term, nature, prescribed procedure, and the basic features of institutions that are studied. •

Historical method – finding historical data involves logic persistence, and common sense. It is very important method. With historical method will be discovered the causes, perpetrators, and will be resolved specific cases. • Comparative method – comparison is a fundamental tool of analysis. It sharpens our power of description and plays a central role in concept – formation by bringing into focuses suggestive similarities and contrast among cases. • Empirical method - elaboration of practical examples and solving certain cases will apply the empirical method based on which will be applied practice – knowledge of judicial authorities who serve public services. With application of all this mentioned method with who are observed and examined details, performing the conclusion will be based on application on logical methods induction and deduction and with that forming conception about main research problem.

Importance of the thesis

The protection of human rights and freedoms is a key pillar in the democratic world. Protection of minorities has became interesting topic as a result of many factors from the past such as wars, strong regimes in which where people have been treated in worst possible ways, where at the most cases, elderly age people, kids and women's have affected since they at the same time fall under less power category.

1. The notion and characteristics of the rights of members of minorities

1.1. The notion of minority

The attempt to define minorities as a legal entity and a bearer of rights - whether in an individual form, a member of a minority or as a collective - is still one of the open issues in international human rights law. In the meantime, minority rights have become an integral part of the single corpus of human rights, with undivided agreement on the definition of a minority.

The problem of the agreement on an unequivocally acceptable definition of a minority revolves around the plurality of principles around which a minority can be organized: political, religious, social, linguistic, ethnic, racial, cultural, sexual choice or socially disabled, as well as other similar differences and circumstances. All of these criteria are irrelevant to the content of minority rights, in their classical form - often associated with ethnic, racial, religious or cultural differences. In a word, this could be marked as a reason for the complexity of the minority phenomenon.

The second and more important problem is the position of minority rights and the integrity of nation states. The imperative for stability as a single national community, which on the principle of self-preservation seeks to reduce or extinguish internal cultural diversity, has often been seen as a prerequisite for unity, stability and security.

As the development of the international community increases interdependence, collective security systems, institutionalization, and the development of regional organizations, so does the imperative for the internal unity of states as a condition of security and coherence, authoritarianism, and a way of exercising sovereignty. In the same process, space is freed up to relax the pressure on cultural diversity within states and on minority rights. They become, first, an integral part of the human rights corpus, and then develop new dimensions of the relationship between the right to cultural identity and human rights within the so-called new

theory of liberal justice[1]. Some of the authors who deal with this subject state that the problem of minorities and their rights does not appear in the circle of the originally established civil-political and socio-cultural rights because they have the basic principle of EQUALITY of the subjects before the law or their so-called civic status. The problem of the minority arises in the context of the functioning of democracy and the convenient principle of majority rule or decision-making through the constitution of a political majority. Minority issues arise in those areas of public policy where uniformity is not necessary and where tolerance in the form of admissibility of differences and even support for such different practices by the public is needed.

However, the need for a clear definition of the legal terms that formulate the legal norms (and in this case the term minority in the legal sense) arises due to the need to specify the subjects of rights and obligations, to distinguish relations and their dimensioning. The clarity of the legal entities and norms is also needed due to the principle "nulla crimen sine lege" (there is no penalty without a right) or in other words due to the precision certainty of the legal traffic. People need to know how to behave and what they can legally expect, as well as what is punishable behavior and what are the penalties. In other words, the creation of a whole legal structure of a system of norms. This creates an opportunity for operability of the law by testing individual cases in accordance with the adopted standards-norms or applicability of the law for regulation of relations.

[1] See: John Packer, problems in Defining Minorities, in D. foltrell and B.Bowring: Minority and Group Rights in the New Millennium, 1999, Kluwer Law International, Netherlands, pp 223-274; Bhikhu Parekh, Rethinking Multiculturalism, Macmillan Press, London, 2000; Will Kumlicka, Multicultural Citizenship. Clarendon Press, Oxford, 1998, Hurst Hannum, Documents on Autonomy and Minority Rights, Martinus Nijhoff Pub, London, 1993; Joram Dinstein, Mala Taboru, The Protection of Minorities and Human Rights, Martin Nijhoff Pub, London , 1992Universal Minority Rights , ed by; Alan Phillips and Allan Rosas; Patrick Thornberry, International Law and the Right of Minorities etc.

The first general definition of a minority would be that "a MINORITY is a group of people who freely associate in order to achieve their common goals, which differ from those of the majority."[2]

The second, most widespread and at the same time most acceptable definition is given by Professor Francesco Capatorti in the 1979 United Nations Study on the Rights of Ethnic, Religious and Linguistic Minorities, which states that "a minority is a group of people that has a lesser number than the rest of the population in a country, are citizens of that country, but who have ethnic, religious or linguistic characteristics different from the rest of the population and show even just an implicit sense of solidarity in order to preserve traditions, religion or language".[3]

The third definition is contained in the 1949 UN Subcommittee document: "MINORITY refers to non-dominant groups in the population who wish to preserve stable ethnic, religious and linguistic traditions or characteristics markedly different from the rest of the population: Such minorities should contain a sufficiently large number of persons who can develop such different characteristics: members of such minorities should be loyal to the state which they are nationals of".[4]

The fourth definition is found in another UN subcommittee document, written by Jules Deschenes in 1985: "MINORITIES are a group of citizens of the country, who are fewer in number and in a indominant position in the country, who have ethnic, religious or linguistic characteristics different from the rest of the population, have a sense of solidarity and motivation even only implicitly with collective will to survive and achieve equality with the majority population in both within the framework of the law and de facto as well".[5]

[2] See: The protection of Ethnic and Linguistic Minorities in Europe, ed. by John Packer and Kristian Muntti, Abo Academy University, 1995 pp 45.
[3] Francesco Capatorti, UN document E/CN.4 Sub.2/384/Rev.1., 1979.
[4] See: UN Doc.E/CN,4/358.1950.
[5] See: UN Doc. E/CN.4/Sub.2/1985/31.

The fifth definition is contained in the CEI (Central European Initiative Organization) document from 1994, in Article 1:"A MINORITY is a group smaller in number than the rest of the population of the state, whose members are citizens of the state, and who have ethnic, religious or linguistic characteristics different from the rest of the population and is driven by a common will to preserve its culture, tradition, religion or language".

The basic characteristics of the above definitions, especially that of Capatori, are the following:

- numerical non-dominance, or a smaller group compared to the majority population;
- non-domination (in the framework of political and public life);
- citizenship of the state in which they live;
- possession of special ethnic, religious or linguistic characteristics; and
- the last subjective characteristic - solidarity and the will to maintain such characteristics.

In addition to the above features, the other definitions contain two characteristics: the goal of achieving equality in the framework of the law and de facto; and loyality to the country in which they are full citizens.

1.2. Conditions for the formation of the minority

The debate on the completeness of the listed features of the minority, the context of the formation of the minority and the political atmosphere conducive to the realization of the protection of the rights of minorities is crystallized around several problems.

The first is the conclusion that it is necessary to have basic, lower thresholds for the existence of minority rights, which consist of: equality and non-discrimination in political participation and full respect for human rights. The positive and legal recognition of the rights of minorities has a content and procedural dimension.

The second condition for enabling minority rights is the recognition of the individual right to belong to a minority (BELONGING). Belonging to a minority as well as the existence of that

minority, according to the theory of minority rights and human rights in general, is a matter of facts, not a separate decision of anyone, including the state in which they exist. According to the Decision of the Permanent Court of International Law (dated 26 April 1928):"Whether or not a person is a member of a racial, linguistic or religious minority can not be the subject of confirmation, debate or pressure from any institution of authority....".[6]

But that is not enough for the full realization of the right to cultural identity which turns into the right to cultural diversity. As a third condition or envionment, special emphasis and protection of the right to free association is needed, which, in this context, means associations based on ethnic, linguistic and other cultural diversity. It creates a process of so-called GROUP RIGHTS or rights of individuals - in association with others to constitute a minority, namely, a process of free association and maximization of freedom. In this case, the existence is emphasized not of just any free association, but of what Will Kymlicka calls "minority cultural associations".[7]

Namely, minorities that are related to the issue of individual dignity of their members, related to cultural identity and who strive to achieve equality of opportunity to practice that different cultural practice, regardless of the fact that it is a minority cultural practice.[8] Associations of this type are different from other associations, because belonging to a different culture is different from belonging to different interests of another public or private species. In culture, language is the context in which individuals make all their choices and define their identity and the language through which they represent it (identity differences). This means that individuals are not completely "free" to choose a culture or skip from one to another. They

[6] See: Rights of Minorities in Upper Silesia, PCIJ Judgment of 26.04.1928, series A, No.40,at 7
[7] See: Will Kumlicka, Multicultural Citizenship. Clarendon Press, Oxford. 1998.
[8] The term and the topic of MULTICULTURALISM should be distinguished from our topic. Multiculturalism is not directly related to the issue of minorities, as it refers to a relationship between two or more cultural communities where the norms and rules of government and governance (including the notion of justice) cannot be derived from a single culture, but are the result of an open dialogue between cultures.

realize their dignity in their culture, and not in another, and therefore protect and develop it.[9] The difference from all other associations is in the term belonging and free choice of belonging to the group.[10]

There are other peculiarities of the character of the groups which are in some way special and which form minorities (according to the definitions). Some authors divide these groups into two categories: "positive" minorities and "negative" minorities. "Positive" would be those minorities formed by free association to promote a way of life different from the majority; while "negative" are those minorities who fight for the defense and protection of their own way of life and rights against discrimination, violation of the majority . They strive to achieve basic equality of opportunity and rights. The "positive" are also referred to as organic, and "negative" as inorganic associations, minorities.

There is also a division of minorities into "new" and "old" depending on the time of formation and migration or: "indigenous", "non-indigenous" and "new-indigenous" minorities. Namely, sometimes, depending on the historical context, minorities (especially religious ones) acquired different rights - statuses depending on the countries, wars and post-war agreements. They have strengthened these rights in relation to some new minorities formed in the meantime and have established differences that reflect such divisions among them. But mainly, from an international legal point of view, most of such differences cannot be substantiated. For example, indigenous or territorial minorities were permanently inhabited in a certain territory, but due to migration became a minority; "Non-indigenous" minorities arose by the immigration

[9] From this should be distinguished the so-called Subcultural Minorities, namely those who develop different cultural practices in order to liberalize, decentralize or "open" their culture, but not to replace it with another culture.

[10] The differences between the liberal and communist views on this issue are not in the character of the group, but in the emphasis on the term BELONGING and its rigidity of change. Namely, the communitarians believe that belonging is defined by the birth of the individual in a cultural group and determines it completely. While liberals believe that BELONGING, even after the fact of birth, the individual can freely determine for himself by choosing which culture to develop and form. Hence there is often a coincidence of the identities of people who are not unambiguously defined or are called individuals with situational or transient character identity. See more in : John Packer, On The Content of minority Rights, во J. Raikka (ed) Do We Need Minority Rights, Kluwer Law International, Netherlands, 1996, pp 121-178.

of new ethnic groups to non-indigenous territories, and "new" indigenous minorities are a phenomenon of "awakening" forgotten cultures and languages of certain territories within certain nations, as an expression of the postmodern development of the plurality of cultural identity.[11]

There is also a problem of the number, namely what is the "non-dominance" in the number that justifies talking and engaging in minority rights. Should every minority group, no matter how small, be given the same attention? The number of the group is important from two aspects: first to establish, in general, a consistent group that can be called a minority; and to determine the authorization for the rights.

Although it is often said that numbers do not determine rights, this is not entirely true. And it is not true because the resources of the state that guarantees the rights are not infinite, at best not even in rich countries. Namely, it is considered that the minority should be, not only smaller than the majority, but also to constitute a sufficient number of people to be able to define themselves as a different part of society and to justify the state efforts to protect and promote their rights. They should, however, be a group, not just a set of several individuals.[12]

Recognition of too small minority groups can cause the state to misuse too much of that minority's resources. This is due to the fact that regardless of the number of the minority, the activities of the state around, for example the opening of schools, media and cultural institutions in the minority language require the same or, almost the same resources, costs. Hence, it is practically impossible to make efforts for the whole range of large minorities, and the border where this kind of supportive activities of the state will stop depends on the traditions of the country, the history of protection of minority rights in that country, the number of minorities in it, etc.

[11] Some authors do not consider the term "time" relevant at all because they argue that enough time to define a group as a minority is the time it takes to formulate a "request" and engage in making demands, to define oneself as the group making demands.

[12] See: G. Gilbert, The Legal Protection Accorded to Minority Groups in Europe, Netherland Year Book of International Law, Vol.XXIII, 1992 pp72-73.

1.3. State policies towards minorities

The possible policies of the state towards minorities can be divided into several types. The first policy is POLICY OF ASSIMILATION – which is further divided in two subtypes: forced assimilation and voluntary assimilation (right of assimilation). This policy, in its forced form, is realized when the dominant group implements an extreme kind of ethnocentrism through which minorities are prevented from practicing their religion, language and culture. The most common condition for the "success" of such a policy is the use of repression and coercion in assimilation and punishment for different cultural practices, as well as the size of the dominant ethnic group and its "internal ability to assimilate". Voluntary assimilation is a significantly different policy and is achieved through active use of the right to assimilation in the larger ethnic group of the smaller such groups. Such systems tolerate the existence of a minority, but do not recognize special rights and refer to the only system of protection of human rights in the country. This policy leads to majoritarianism and ethnodominance of the majority population. In this context, the "right to assimilation" is emphasized, which consists in the openness of the dominant groups for "entry" and adaptation of individuals from other cultures to its cultural matrix. Of course, it is always difficult to determine whether that assimilation really became "voluntary" or with the so-called conformist behavior and avoidance of tensions and clashes with dominant groups. Whether such assimilation will be successful also depends on the size of the ethnic group being assimilated; its internal closure or openness; living in a coherent territory or dispersed; from factors of cultural similarity, religious closeness or differences, system integration or ghetto living; as well as the absence of prejudice and the level of conflict in the mutual relations of the ethnic communities.

The second policy is PLURALISM or institutional and socio-political practice that respects cultural differences. This respect and recognition of cultural differences can only be located in cultural practice, and it can also be structural. This policy has several subtypes: Legal protection

of minorities, or recognition of minority rights by constitutional, legal and diplomatic means, as well as the implementation of international standards for the protection of minorities.

A third possible state policy towards minorities is POPULATION EXCHANGE. This policy can also have two subtypes: peaceful and violent population transfer. Even the mildest variants of these policies are violent and related to the violation of many individual human rights. Although they have historically been successful in a few cases, they have in fact been associated with great brutality and repression. Today no one can publicly defend such a policy of solving minority problems.

The fourth possible policy towards minorities is GENOCIDE. Of course, in the case of ethnocide, which means the destruction of the culture of a group, and even more so the genocide, which is connected with the physical destruction of the group - we can not talk about politics in the true sense of the word, but about criminal policies or illegal policies, forbidden and sanctioned by international law. Genocide in more detail means: acts committed with the aim of destroying all or part of a national, ethnic, racial or religious group. This can be done by: killing members of the group; causing serious physical or mental abuse; establishing such living conditions of the group that will cause its destruction, in whole or in part; imposing such conditions that would cause obstacles or prevent the group from reproducing and forcibly taking and moving the children from the group.

2. Minorities and self-determination

The question I intend to discuss is one of the open, controversial and most delicate issues in international law, the so-called post-cold war period. The inconvenience that the period I am mentioning has no name - and is marked with a "post" is partly caused by the absence of a decisive answer to the topic we are opening. We will try to present in the least controversial way the idea of "self-determination of nations", which, otherwise, has a very controversial legal interpretation. It is an example of the very essence of the international order where ideas spill over from political to legal and thus, good wishes into less good practice. History is full of "betrayed expectations" along the way. Great hopes and energies are extinguished when the realism of the anarchist international order and the role of power in it perform the "reduction" of political ideas into legal principles of contemporary international law.

Otherwise, the idea of "self-determination of nations" goes through Wilson's and Bolshevik "admiration" of it or its revolutionary capacity - through the (maturing phase) attempt to turn it into a legal principle (the debate in the 1970s at the United Nations - UN decolonization) - until the post-cold-war period, when a kind of decomposition of the term takes place from the aspect of the entities that lead it and the ways in which it can be applied. This time the idea went from a "solution" to the problems, to a "problem" in international relations. But regardless of the treatment, it was always followed by the release of exceptional political energy and its realization always depended on the political circumstances and the relations of forces in a particular constellation (which is ironic for any legal principle).

The attempt to legally formulate the idea of self-determination of nations, which means labeling entities, procedure and arbitration for disputes - was followed by internal contradictions that could not be legally resolved and which were always "cleared" politically. The consequence of such an experience was that the "principle of self-determination" was set

aside after the period of decolonization and re-actualized after the collapse of the so-called socialist federations in the process of the fall of communism.

The end of the Cold War produced two intersecting international relations trends: an explosion of ethnic conflict and tension in transitional democracies or in post-communist countries; and in parallel, the reduction and even elimination of the "Great Blockade" of international institutions from the time of the bipolar division in them and the flourishing of instruments for action in the field of prevention of ethnic conflicts and appropriate development of international law. The starting point of that development was the question of the self-determination of nations, its borders and interpretation.

2.1. Definition of the nation as a subject of self-determination

For the sake of clarity in the discussion on the principle of self-determination of the peoples, two previous issues should be resolved; which is the entity authorized to exercise this principle (the holder); and what are the previous conditions and procedure for this "right" to be able to be effectively implemented?[13]

The discussion of the first question introduces us to a previous, practically inconspicuous topic - the definition of the nation. The number of different views on it can be discouraging, so we will make a more radical reduction to the basic definitions, those that are dominant today in international law and the basic dilemmas. The discussion of the definition of the nation in international law in the UN Subcommittee on Prevention of Discrimination and Protection of Minorities, of the Economic and Social Council, will be of tremendous help to us. The proposal

[13] See: Tomuschat, C. (ed) Modern Law of Self-determination, 1993, Dordrecht; J. Crawford, The General Assembly, The International Court and Self-determination, in A.V. Lowe and M.Fitzmaurice (ed) Cambridge, 1996; Right of Peoples, Oxford, 1988;

of the other definitions, properly systematized, will serve to systematize the definition that we consider predominant today.

Historical definition of the nation

In all sets of definitions there is always a reduction of the notion of the nation into features that the authors consider particularly important, decisive. In this group, it is the sum of the characteristics of the nation that appear historically, that is, they are chronologically related to the term - and synthesized by definition, at the end of that process. Two major subgroups of such definitions of the nation can be distinguished: generic and structural.

The former emphasize the processes by which the nation is constituted. Namely, on the chronological, temporal sequences of grouping the peculiarities, while the latter on the basic substratum of the term which in some way "through time, out of time" make the nation. In the second subgroup, several other subtypes can be distinguished, depending on the selective criterion, for example: factors of material life; collective consciousness; cultural characteristics.

Despite the clear interdependence of individual definitions of the nation, however, they create special models of analysis, useful for illuminating the detailed aspects of the term.

Generic definitions

Generic definitions emphasize the "historicity" of the creation of a nation as: "a permanent community of people, created on the basis of a common language, economic life, culture and .... historical destiny" (Claude Willard). Or: "A historically created permanent community of people, shaped on the basis of a common historical destiny, culture, language, territory, economic life ... and which appears in the national consciousness of its members."[14]

[14] Ibid.

The second definition varies the same elements, but also adds a new ideological binding element to national government.

Structural definitions

These definitions rely on the same set of characteristics of the nation, but they are separated from the historicity of their emergence (making different priorities between them), with emphasis on the essence of the marks, and not on the chronological sequence of their emergence. In American encyclopedic dictionaries it is: "A permanent historically shaped community of people, which has a common territory, economic life, special culture and language"[15] or: "a set of people who live in a separate territory, who come from different races, but have a common culture, inherited and taught through a common history .... have a common will to create a separate state to achieve and express that will".[16]

For us, an important subtype of structural definitions for the nation is the so-called political definition of a nation or nation as a political community. In it, the nation is defined as the totality of citizens in a state or as "the essence of the state and political institutions", or (slightly Hegelian) as an "informed political community". In these definitions, ethnic groups (for example) become nations when they receive the state as their support. Thus the nation is: "a people living in the same country under the same rule." The nation here is a product of state life and without the state the nation cannot be born; or: ".... the nation is a necessary moral content of the state ... and the state is a necessary political form of the nation." The basis of these quotations about the nation is in Hegel's philosophy of law: "the nation does not exist without the state ... the political condition for the existence of the state is the nation, which without the state is an ethnic substance ... without its own eyes and in the eyes of others“[17]

[15] Wabster's new world Dictionary of American Language, Cleveland, 1960.
[16] Hans-Kohn, The idea of Nationalism, New York, 1946; Smith Antony, Theories of Nationalism, 1971.
[17] G.W.F Hegel, Philosophy of Rights, oxford 1979: види и во: James Mayall, Globalization and Future of Nationalism.

This is followed by Didro's famous definition: "... a group of people in a given territory who are under common law and political institutions ... these people have the right to participate and to exercise sovereignty ... ".[18]

To these definitions can be added the kind of "reinforcement" made by Thomas Payne, introducing the notion of sovereignty: "... sovereignty is a question of a right that belongs only to the nation, not to the individual. Only the nation at any time has an internal and indivisible right to promote a form of government that it finds appropriate ... ".[19]

If we were to deconstruct all the above definitions and their additions - we should start from the fact that the nation is a sovereign political community or state: that it is, at the same time, a population that is connected in a cultural community and a community of consciousness; as such it has a common experience of past, present and future; and finally that population lives in a certain territory under a common government. In this case, the mark "state" is superior to the mark "consciousness", and this one in front of the mark "territory" cultural patterns.[20] The idea of the state unites the ethnic groups into nations.

The nation as a cultural phenomenon would represent: "a group of people separated from other groups according to similar cultural features that unite it and have an origin in a common past ..... ".[21]The nation, according to the author, is a phenomenon in the field of culture (national and professional), reflects and creates a system of cultural values accepted by individuals as autonomous beings. The element of community across culture is considered to be lasting and predominantly influential in social solidarity. Namely, it"creates" the nation. The next subset of structural definitions are those of collective consciousness. Definitions that form the set of cultural values emphasize the will of individual and collective energies and assume them above the remaining traits. The front notion of these definitions is that of "national

[18] D.Diderot, 1756-65, Encyclopedie, Paris; vol. II.
[19] Т.Пејн, Права Човека, Филип Вишниќ, Белград, 1987.
[20] Laroose Pourtous, Warszawa, 1957: T.Balicki, Szwice o narudowusci, Warszawa, 1898, J.G Stoessinder, The Night of Nation, World Politics in our Time, N.Y. 1961; K.W. Deutsch, Nationalism and Social Communication, N.Y. 1963; K. Kaucki, Nationalitat und Internaliotat, Stuttgart, 1908.
[21] R. Schlesinger, Marx his Time and ours, London, 1950.

consciousness". Otto Bauer says that: "... the nation is a whole which, as a consequence of a common destiny, unites people in a community of character ...", or "The nation is a spirit, a spiritual principle ... created by the historical, dedicated sacrifice of the ancestors where the cult of the ancestors, their glory, create the national idea ... to have a common glory from the past, and to have a common will in the present - that is the basic condition of the existence of the nation ... ".[22]

The will to be a nation, according to these authors, is the basic hallmark of a nation. It is a postulate on which the other marks stand. The definition of "national consciousness" is only nuanced on this notion of nation: it does not have the metaphysical pathos and drama of the "will", but is more pragmatic, decomposable into parts that can be measured. Namely "... National consciousness must exist for a group of people to be a nation ... without national consciousness groups that have a special language and culture can remain an ethnological mass for other nations ...". Without national consciousness, ethnological material is only a potential, which can, but does not have to, become a nation. Max Weber defines a nation as: "a community of feelings that strive to create a state ..... that term means that a group of people has a specific sense of solidarity .... consequently, the basic connective tissue for the nation is in the sphere of values". [23] This circle of definitions also includes that of Hugh-Seton Watson: "the nation is a community of people associated with a sense of solidarity, a common culture and a national consciousness."[24]

All these authors respect the factors of the emergence of the nation, such as territory, language, common culture, common economic life, religion, but do not value them as "features" of the nation. The hallmark or basic element of the nation is the "national consciousness" that arises from the previous conditions but constitutes the nation.

[22] E.Renan, Quest-ce quone nation?, Paris 1882; See also: Karl Deutsch, Nationalism and Social Communication, Cambridge, Mass 1953.
[23] M. Weber, Essays in Sociology, H.H Gerth/L.W. Mills, N.Y.1946.
[24] Ibid

Max Weber also believes that nation-building takes place along two additional lines: nations always strive to form their own states ... but only "mature" nations emphasize state postulates ... or have a state consciousness as part of the national consciousness. It should be noted that this type of definitions clearly follows the gradation of the sense of ethnic solidarity or ethnic consciousness - towards national and finally towards state-building consciousness..

Consequence is a criterion for the "maturity of the nation" and if we try to make a synthetic definition of the above characteristics it would read: The nation is a historically shaped permanent community of people, created on the basis of a common culture, characterized by a sense of statehood - as a basic element group consciousness.[25] This definition answers the question - how does a nation differ from other groups of collective consciousness and culture and what is the basis of all nations. So it singles out the discrete feature of the term.

The question that remains open is the relationship of the individual and his individual identification with the nation. Namely, belonging to the nation is a subjective attitude and it differs from the institute of citizenship - which is an objective status. Awareness of that affiliation is most often manifested by practicing the matrices of culture, religion and everyday life - unlike again, citizenship, which is a political and legal institute. The question is delicate as this subjective attitude may differ from the objective characteristics of the person, from his ethnic or racial origin.[26]

To this group of definitions belongs a modern one formulated by Benedict Anderson, who also emphasizes the imaginary-volitional component: “The nation is an imaginary political community in two directions: conceived as sovereign and at the same time conceived as limited. "The nation is conceived as sovereign because its members, although they have not met each other, feel a common sense of solidarity and there is a sense of community in their

[25] See: Jerzy Wiatar, ibidem pp. 35; Anthony Smith, Theory of Nationalism, 1979.
[26] L.M Ginsberg, Reason and Unreason in Society, London. 1960; Carlton Hayes, The Historical Evolution of Modern Nationalism, 1948.

minds".[27] Nations, according to this author, do not differ in whether they are real or imagined - namely, they are all imagined - but in the way they imagine themselves (according to the system of values and beliefs). A nation is a limited creation in that, regardless of size, there are boundaries beyond which other nations begin. Even extremely Messianic nationalisms do not claim to unite nations into a single one (excluding Byzantium and its dream of a Christian universe. But it is again not a nation, but a religious totality). The nation is conceived sovereign in that its dream is to be free and to define its own state. Finally, the nation is conceived as a - community - because regardless of social, class and political divisions - it is always in its collective subconscious an original horizontal brotherhood of similarities. In the last two centuries, millions of people have died in wars, because of that sense of belonging to "their" imaginary community.

European Liberal Experience with the notion of Nation

From 1830 to 1880, the principle of nation and nationality changed the map of Europe in a dramatic way. Two great powers were created on the principle of the nation: Germany and Italy, and the third was disintegrating on the same principle: Austria-Hungary. This trend continues from Belgium to the Balkan countries, successors to the Ottoman Empire.

Friedrich List, Giuseppe Mancini and Alexander Hamilton formulate the described trend by connecting the nation and the liberal state. They find the "individual" nation of the effectuation of liberal principles. These "liberals" single out three features and conditions for the emergence of modern nations: a historical community of peoples expressed in belonging to the "old states" and still living states; existence of ancient cultural elites of nations, which have traditions of national literature and administrative vernacular; and third, the capacity and power to rule and conquer.

[27] B. Anderson, Imagined Communities, Verso, London, 1992.

The arbitrariness of the "principles" reflects the spirit of the times, which is best expressed by a famous sentence of Massimo D'Azeglio- "we created Italy, now we have to create the Italian nation." Otherwise, this nationalism differs from the later one in Europe (1880-1914) in that it is more elitist, while the later wave is called the wave of democratization of Europe and "mass politics". It differs from this first wave of Mancini by three characteristics: the so-called "threshold" principle - namely, every nation that forms a nation can strive for the right to self-determination and the creation of a state; ethnicity and language remain central themes of nation-building and the potential for state-building; and national symbols, flags, emblem and anthems, which reflect the aforementioned shift to ethnicity - become particularly important. Consequently, the themes of; race - nation and qualifications come to surface: Aryans, Nordics, Alpines, Mediterranean, Semites, etc., and they are valued and hierarchized. These themes become the energy of the drama and the unfolding of the First and Second World Wars.

The second characteristic of European nationalism (from this period) is a combination of national and social demands. They culminated with the October Revolution of 1917. Although in this ideological construction the basis was internationalism, that policy was, in fact, a wave of nationalism. Therefore, it becomes clear that nationalism as a political ideology is compatible with different, often opposing political ideologies, from the far right to the left. It turns out that nationalism satisfies a desire of people to melt into the collective consciousness of belonging and security in a wider-partly imaginary community of like-minded people. It is interesting to see why liberal political ideology is most successful in articulating nationalism and offset its destructive tendencies? This is especially evident in the confirmation of the identifying force of nationalism and its inherent collectivism, after the fall of communism in the countries of Central, Eastern Europe and the Balkans.[28]

[28] E.J. Hobsbawn, Nations and Nationalism since 1780, Cambrige University Press 1990; Norman Rich, The Age of Nationalism (1850-1980). W.W. Norton, 1977; Ernest Gallner, Encounters with Nationalism, Blaccwell, Oxford 1994.

The development of the situation on this issue in the 20th century paved way towards two directions: the collapse of the great composite empires in Central Europe, Turkey and Russia, and at the same time the development of the supporting pillars of the national idea. Especially those like: "national economies", "national cultures" etc .... of the newly created state. In a word, the coverage under the epithet of the national - of all key determinants of the economic, cultural and political field. A byproduct of this trend has been the increased pressure on minorities who feel they are an obstacle to building the nation's monolith. It is well known the attempt from that time to reconcile these opposing trends in the system of protection of minority rights of the First International Multilateral Organization (with ambitions of universality) - the League of Nations. Although very ambitious and unrepeatable until the modern time of Europe, this system failed because it was abused by the aggressive nationalist schism, and in fact used it as an occasion to start World War II (to be the irony even bigger, very similar "occasions" were sought in the beginning of the war in Bosnia after the disintegration of the SFRY).

The nationalism after the Second World War and the defeats of fascism and Nazism, shows again, two directions: one is the so-called nation building process - most pronounced in the USA, Germany, France, Italy etc. (Greece is a Balkan violent example of this); and the second is the bizarre form of "nationalism at heart" or the emancipation of the national under the ideological form of communism. The last freeze of the meeting on nationalism-liberalism-democracy, "melted" and erupted into new forms of aggressive ethnic nationalism after the fall of communism.

On the other hand of these two trend, the so-called "small nationalism" appeared. It developed in "in and out" of the shadow of dominant nationalism and was essentially "negatively divisive". From forms of "Gandhi" secessionism quickly turned into terrorism, with long destabilizing consequences.

After the fall of depersonalizing communist collectivism, there was a paradoxical release of the nationalist energies that filled the empty collectivist identity of "stressed" communities.

Instead of democracy and liberalism, there was a "transition", namely an often uncontrollable equilibrium of authoritarian political experiences, combined with formal democratic constitutions, rising crime and economic crisis - which answered the key question of security and safety by closing ethnic borders and authoritarianism. This surge of nationalism in the post-communist countries strangely coincided with a completely authentic process of segmentation and decentralization in the countries of parliamentary democracies, which represented a crisis in "nation-building" and a new kind of cultural pluralism. The awakening of personal and group identity in the postmodern situation was violated over the issues of decentralization and Europe of regions; locally-globally, the symbolic identity ethnos and language and so on, new indigenous minorities, in a word new cultural struggles.

The process of cultural segmentation in postmodern Europe took place on three levels: political-structural or institutional integration and the creation of superstructures of economic, financial and political coordination; creation a cultural and identification of that community, which is significantly decentralized and anarchic (organic level); and the spiritual integration or creation of "Europeans." Two integrations and one important decentralization between them. The process underscores the creation of composite states by the period 1867.

In contrast, in post-communist countries, the process of ethno-nationalism is significantly pre-modern. Namely, it is not on a symbolic level, but with all the baggage of clashes of ethnicities with projects for large or "clean states".

2.2. Self-determination of nations

Unlike the notion of nation, the notion of "self-determination of nations" has a different line of creation. Namely, it arises from the corpus of "natural human rights". It is a western-logocentric tradition of the Greek-Stoic, Jewish-Christian, Reform-modern-rationalist tradition. At the heart of that tradition, however, anthropocentrism prevails; an assessment of what is the basis of human nature, the role of "reason" and the values appropriate to it.

In the 1795 Declaration of Rights, the principle of self-determination is defined as: "....every nation is independent and sovereign, regardless of the number of individuals that make it up and the territory in which it lives .... sovereignty is indivisible." The declaration does not define the term "people", although the context implies individuals with French citizenship (and the ethnic origin of the citizens was secondary). The determination of self-determination in the Declaration is the first "step" of this right from an individual human right to a "right" of the collectivity - the people. In the initial sense, it includes freedom from arbitrary authority, namely the right to determine the authority that will govern individuals. It is at this moment of displacement of this right, I would say, from its normal functionality and connection with the individual, that further embedded contradictions arise, which the term fails to legally overcome on the way to the legal formulation.

In today's sense, the notion of self-determination of nations is formulated after the First World War. Linguistically derived from the German word: selbstbestimmungsrecht. The equivalent of this term is French: droit ou principle de libre disposition; self-disposition; or in English: self-determination.[29]

Prior to this, the term was first mentioned in the Proclamation of the Polish Birth, at the London Conference of the First International. The term was also used in the period around 1865, but without later influence. Its emancipation is due to two different political experiences and needs, which in one part of the time coincide. The first is the promotion of the notion of self-determination of nations by US President Woodrow Wilson (after World War I); and the second is the use of the term by the Russian Bolsheviks (primarily through their message in

[29] Rigo Soredh, The Evolution of the Right of Self-determination, 1973; J. Crawford, The Creation of States in International Law, 1979; The Right of Peoples, Oxford 1988; The General Assembly, The international Court Of Justice, anf Self-determination, Lowe/Fitcmaurice, Cambridge, 1996; H.Hannum, Rethinking Self-determination, 34Va JIL I, 1993; M. Pomerance, Self-determination in International Low and Practice, 1982.

April 1917 - peace without annexation of territories and liberation on the basis of self-determination of peoples). [30]

In the words of Woodrow Wilson: ... every nation has the right to choose the sovereign government under which it will live ... there is no lasting peace unless the principle that governments are based on the consent of the rulers is recognized and there is no right to keep people out sovereignty .... the sovereign rights of the affected population should have the same weight as the demands of governments over a given territory.[31]

In the document "Fourteen points" of W. Wilson in a politically influential way, the right to self-determination as a human right (rule by consent) extends "officially" to the "right of the people". Thus, the internal contradiction with this shift of the right holder becomes a general place of confusion.

The thesis of self-determination of nations turns into an echo in the hearts of people and nations. It became a driving force and an object of desire throughout the First World War. In this sense, as a principle provided in Articles 1 and 55 of the United Nations Charter (there were no additional procedural remarks on how to achieve this, but it was considered something "natural" and indisputable).

The principle of self-determination, however, had a political energy that transcended these acts. He created states and disintegrated them, dominating with his political but not his legal side. Through all that experience, more precise legal conditions and procedures have never been built, the fulfillment of which sets in motion self-determination. Nor was definitively located its holder - the holder of the "right" (especially: when the nation becomes a nation and when the nation in a composite state can use this right?). The right to self-determination has grown into something similar to a mandatory (potentially) principle. No one answered whether

[30] Wallker Connor, Nation-building and nation destroying, World Politics,, 3, pp, 331, 1972, Quazi Muhammad Maarij- Uddin, Wat is the Nation, background Papers, 21 Centurytrust , 1993, pp. 11; G. Stelkloff, History of the First International, N.Y. 1968.

[31] Woodrow Wilson, The fourteen Points, World Politics, V.2. Chicago, 1957.

it was a principle or a right and what was the difference in this case. At the same time, there were also mandatory legal norms in international law (jus cogens) that directly contradicted this "law", such as: prohibition of interference in the internal affairs of sovereign states (by explaining something like that in an illegal act), the non-existence of the obligation to recognize parts of territories that are declared states, etc. In a word, it was missing - a defined subject, procedure and arbiter for the realization of the right to self-determination in international law. This stripped it of its strictly legal character (despite attempts to find him) and inconsolably imprisoned it in politics and power relations.

In a doctrinal sense, three groups of theories of self-determination have been developed, which in some way correspond to the periods of the use of the term: idealistic, realistic, and so called radical.

According to Michla Pomerance; "An idealistic interpretation of self-determination is characteristic of the post-World War I period; the realism between the two world wars; and the radical is a post-Vietnamese phenomenon ".[32]

The idealistic interpretation sees self-determination as a central factor for world peace, for two reasons: it is an initial principle and thus an essential guarantee of peace. It can be consistently implemented and this theory does not see a political problem in the so-called domino effect atomization of the communities in which the principle is realized. The authors of this circle criticize Woodrow Wilson for being inconsistent in applying the principle of self-determination of peoples and for having double standards towards different peoples and nations. The reasons for this inconsistency are found in the pressures on Wilson to deviate from the universal application of the principle.

Realistic theory reduces self-determination from a universal to a contextual principle. Namely, according to this theory, the principle is not universal, applicable without analysis of

[32] M. Pomerance, The United States and Self-determination: Perspectives on the Wilsonian Conception, AJIL, Vol. 70, 1 1976.

the circumstances in which its actualization occurs. If the principle of self-determination is applied universally, it would lead to a state of permanent instability and disruption of the whole of the international order, and international law would be practically impossible. With it, the atomization of a huge number of multiethnic states becomes a constant threat and blackmail to extort political concessions and ad hoc solutions. The "subject" of self-determination is also problematic. Namely, is it "race, community - population, or is it a right that is realized for a certain territory"? Finally, the realist theory denies self-determination as a "right" (whose promotion evokes unjustified hopes and conflicts), but also offers a definition of the so-called "Situation of self-determination". It is an important political (rather than legal) situation in which the balance of power between national and ethnic groups determines whether the principle of self-determination will be applied and a new international entity will be created.[33]

A radical theory of self-determination reduces the notion of an ideological instrument to the struggle for domination of a major power in some part of the world (most often its proponents cite "American interest in Third World countries").

If any common, at least a minor part of the complex notion of self-determination can be derived from all previous views - then it is its mainly political dimension. As such, that idea was the front notion of several important outcomes in history. In the four major stages of modern history in which we follow this principle: From the Peace of Westphalia (1648) to 1815; the second is dominated by the so-called European concern, from 1815 to 1914; the third from 1914 ends with the demotion of the League of Nations in 1939; and the fourth is the period of the United Nations, which begins in the 1940s and lasts until today - three waves of realization of the self-determination of the people can be identified: the one with the disintegration of the great European empires Austria-Hungary, Turkey and Russia (1914-210); the period of decolonization within the UN (early 50s to 70s); and the disintegration of the socialist federations (USSR, SFRY and Czechoslovakia) after the fall of communism. The only example of

[33] Robert Lansing, Self-determination, S.E.P, 1921; J Craword, Democracy in International Low, British Yearbook of International Low, 113. 1993; J. Duursma, self-determination, Statehood and the International Relation of Micro-states, Cambridge, CUP, 1996.

self-determination outside of these waves is the case of East Pakistan and its secession from Pakistan (formation of Bangladesh, 1971).

In all these cases, that principle remains political and contextual, which disputes to some extent its universality and opposes legal regulation. The entity that is authorized to "carry" it is determined, also contextually - from the ethno-nation to the population of a defined territory.

In the later phase, two types of self-determination are distinguished: the so-called external (in terms of the formation of a new state) and internal self-determination (in terms its expression within the permanent state).

2.3. Minorities and self-determination

Naturally, the relational aspect of minority-majority-human rights will have to be discussed, and in that context the relationship - ethnic and national identity and finally the principle of integrity of a civil state.

For that purpose, the initial topic for analysis will be the conclusion of the debate in the UN Subcommittee on Prevention of Discrimination and Protection of Minorities. That conclusion is contained in two issued documents: Resolution 1989/44 (Asborn Eid and Kalr Peli); which resulted in a final report entitled "Possible Ways to Provide Peaceful and Constructive Solutions to Minority Issues."[34]

[34] E/CN 4/Sub 2/1989/43, EC/4 Sub 2/1993/34. See: Nathan Lerner, Group Rights and Discrimination in International Law, M. Nijhoof Publ, London 1991; Gundmondur Alt-Redson/ D Turk, International Mechanism for the Monitoring and Protection of Minority Rights,A.Bloed/ Nijhoof, 1993; Hannum Horst, Autonomy, Sovereignty and Self-determination, University of Pennsylvania Press, 1990; H. Horst, Documents on Autonomy and Minority Rights, M Njihoof, 1993, Elazar J.Daniel, Federal Systems of the World, Longma, UK. 1991; Vernon van Dyke., The Individual the State and Ethnic Communities in Political Theory, World Politics 29/3, 1977; Ted Robert Gurr, Minorities at Risk; a Global View of Ethno- political Conflict, Washington, UN Institute of peace press, 1993.

In the mentioned documents the border frame with all group rights and in that context - minority rights are human rights - as such. Which means that the basic principle due to which minority rights exist at all, is to achieve a degree of real equality the rights of individuals - as one of the basic principles and rights in the corpus of human rights. This is an important framework and starting topic because it initially eliminates the directions of setting "group rights" in a way that acquires a privileged position of any group (minority or majority). As a working definition of a minority we will use the following: a minority is a group of citizens of a state that is numerically non-dominant in relation to the other population, which differs from it by its own special ethnic, religious, linguistic and other cultural characteristics; and which shows awareness and willingness to maintain and develop those characteristics as different from the rest of the population.[35] The second thesis or topic is related to the moment of the so-called recognition of the existence of the minority and the affiliation of the individual to it. Namely, that situation, which is important for the definition of the minority situation, is resolved in a way that the existence of the minority is a matter of facts (which are determined in different ways), and not of "special recognition of the state" in which they exist.

The facts about the existence of the minority are determined by the statements of its members, by the reports of the non-governmental organizations in that area, by the statements of the interested parties and finally most of all by the internal and international activities of the minority itself. Countries in whose territory minorities exist cannot invoke their possible constitutional provisions to deny the rights of minorities under international law.

The fact of belonging to a minority or majority is a matter of individual choice and no discrimination can arise in connection with the exercise of this right of choice. Consequently, minority rights cannot be constituted in a way that establishes a privilege for a group, but on the contrary should effectively enable the principle of equality. This means that the term used more recently for affirmative action of the state in the use of some of the minority rights or the so-called positive discrimination - should be set in a way that will enable real equalization of the

[35] See: Меѓународно јавно право, Фрчковски/ Тупурковски/ Ортакоски, Табернакул, 1995, стр. 117.

use of rights (in process)[36]. The whole corpus of minority rights is exercised by the citizens (members of the minority) of a certain state. They thus differ in principle from the so-called migrant rights, intended for non-citizens for temporary work in a given country. The quality of rights between these two categories, in modern human rights law were approaching, through the so-called passive minority rights (provided for migrants), but still do not match.[37]

Minority rights are not grounds for secession, in any of their dimensions. This danger is the basis for the delay in the emancipation of the corpus of minority rights within the framework of human rights. With the experiences of ethnic wars in the post-communist world - the emancipation of minority rights is withdrawn also from solutions for them that include territorial autonomy, except in cases where they are historically present as a reality. This is especially because the experiences that were examined led to the conclusion that with the formation of territorial autonomies - the result is atomization and transfer of ethnic conflict to a "lower level" (which does not mean less violence) between entities with reversible numbers, but with the same resentment and methods of violence. In fact, sometimes the conflict escalates to the malignant form of ethnic projects - ethnically pure communities. In a word, the view that minority problems are solved by making the minority the majority was annulled.

The conclusions are in the opposite direction - multiethnic communities should remain so, and any form of division of such community should be prevented. The second pillar of the projects is the strong guarantee of human and minority rights in the constitutions and legislation of such countries and at the same time openness to international monitoring and

[36] Affirmative actions; reverse discrimination; positive discrimination – first used in 1960.

[37] The main instruments in international law for the protection of minorities are: the International Covenant on Civil and Political Rights (Article 27); The Declaration of the Rights of Persons Belonging to National, Ethnic, Religious or Linguistic Minorities; The Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religious Feelings; Provisions for the protection of indigenous peoples in the conventions of the International Labor Organization (ILO, No. 107, 1957, and 169 of 1989); Article 31 of the Convention for the Protection of Employees and their Families; Article 5.1.s UNESCO Convention against Discrimination in Education (1960); OSCE Final Document (Articles 31, 32, 33, 34, 35) 1990; European Charter for Regional or Minority Languages; Framework Convention for the Protection of National Minorities, Council of Europe (1995).

effective protection of rights. The international community must be effectively present as a moderator of the points of "conflict" - and that is civil rights.

A set of legal and political solutions in the area, puts the emphasis on internal self-determination and is therefore particularly interesting for the topic. In the part of internal self-determination, the emphasis is on the forms, the division of power and the direct participation of individuals and groups in decision-making, at different levels, and the danger posed by the strong links between ethnic collectivity and individual rights in a democracy is clear. The texts that analyze this problem definitely operate with the notion of a nation - as an aggregate of the permanent population in a sovereign state. In contrast, the term ethno-nation is defined as an aggregate in a region in which the population has a common ethnic origin.[38]

A new notion in the circle of minority political and legal relations is the notion: a situation involving a minority. It is a situation that automatically refers to a set of problems and principled approaches. Therefore, it is not the most important whether the situation creates tension which is a product of objective opposition of interests or it is about their imaginary conflict. The effects of destabilization can be similar, due to the strong motivational energy, the sense of threatening the collective ethnic identity. Important is the fact of the existence of collective frustrations of population groups and possible tensions due to them, in a given country. Groups' frustration is expressed by making "demands" on the government and feeling discriminated against.

From what was mentioned above, there is a need to constitute a scheme of institutions and procedures through which in peaceful and constructive way such situations of interethnic conflict or tension would be resolved. If, on the other hand, self-determination through secession is ruled out (legally and politically), and even territorial autonomy is avoided as a solution - then it is clear that this scheme of solutions is mainly located in the instruments of internal self-determination and separation of powers. Ruth Lapido believes that "in ethnically

[38] See text: Protection of minorities. E/CN.4 Sub.2/1993/34.

heterogeneous countries, the principle of self-determination will be considered satisfactory if the government represents the entire population ...."[39] which means that the opposite practice of forcing cession can have no support in international law and politics.

- Let us return to the obligations of states towards the rights of minorities. These are mainly the following:
- To accept and respect universally recognized human and minority rights and to incorporate them explicitly into the internal legal order;
- To incorporate criminal law, administrative law and civil legal protection of such rights; and
- To help (from the state) the creation of conditions in which people will be able to exercise their rights, and especially members of minorities who with incentive measures of the state will be able to have equal treatment in the enjoyment of rights.

This raises several dilemmas: If secession is ruled out, how will the international community react if it does de facto happen? What are the conditions and criteria for assessment - what kind of internal self-determination is appropriate for the specific situation? Who is the arbiter in the circle of the international legal community? And finally, what does this whole process look like in transition countries?

[39] Q.M.M. Uddin, see; R Lapidoth, Sovereignty in Transition, journal of International Affairs, Vol 45, 2,1992 pp 344. Allen Buchanan, self-determination and the Rights to Secede, Journal of International Affairs, Vol. 45, 2, 1992, pp 353.

3. International and European protection of national minorities

Despite the fact that the "minority question" has a "global label," it has a very particular significance in Europe as the "home" of "nation-state ideology" and the "classical" issue of national minorities. Today, "the dignity of minorities and their respect" is one of the unique aspects of the European legal order in the field of human rights. Until recently, there was only one "slow process of maturation" of international human rights standards and values that applied to minorities. However, after the fall of the Berlin Wall, this "answer" took on a new and very important connotation and weight, as most of the former Eastern and Central European countries joined European intergovernmental organizations. The size of the "minority issue" and the scope of the previous "international" response, both of which were required to address the question, grew: the growing importance of "ethnicity" resulted in the emergence of realistic opportunities for developing frameworks for preventing or resolving conflicts and fostering "accumulation" between groups and between groups and states, as well as measures (community-based) to increase interethnic understanding, tolerance and mutual respect. From "one-line individualism" to "recognition of the social aspect in the human dimension," legal strategies have increasingly evolved. In this regard, the ECHR plays a crucial role in the emergence and growth of "democratic stability," since it "firmly encompasses the activities of all European intergovernmental organizations."

The political and legal evolution of the European system for minorities security is an indication of the "interconnectedness and complementarity" of all previous activities and outcomes of individual European intergovernmental organizations in this region, such as the Council of Europe, the OSCE, and the European Union. In this context, the OSCE, which characterizes human rights and national minority issues as the "foundation of a modern Europe," i.e. as "the foundation of the new European legal order in the field of human rights," coined the conditionally agreed term "European minority law" at the political-declarative level. In this regard, the Copenhagen Document of 1990 (adopted at the OSCE Conference on the

Human Dimension) has a unique significance. The Copenhagen Document's "political" material on national minorities provided an apt foundation for:

Strengthening the OSCE's overall political and legal infrastructure in the area of the "OSCE human dimension," especially its protection of national minorities, as exemplified by the role of the OSCE High Commissioner on National Minorities today, and

Its required transformation into a "internationally binding" form by the Council of Europe, as evidenced by the adoption of the Organization's "Framework Convention for National Minorities" in 1994.

A separate presentation of the most important outcomes of European intergovernmental organizations in that region will be the focus of further consideration in this perspective and context. However, the first part of this chapter will elaborate on the international global perspective of minority rights before delving into the European dimension.

3.1. International legal protection of national minorities within the framework of the UN

After the Second World War, the main priority was the promotion of international legal protection of human rights. Based on individual human rights, this concept does not encompass and completely suppress, secondarily, the rights of individuals belonging to ethnic, linguistic or religious minorities. Such a concept based on universalism and individualism, implies that through individual human rights all aspects of human identity can be realized, based on the principle of non-discrimination, they should be equal for all individuals, regardless of their religion, ethnic, cultural or other affiliation. As a result, such an approach to the Universal Declaration of Human Rights does not mention minority rights or the specific rights of individuals belonging to ethnic minorities. The rights of members of ethnic and other minorities

at the UN were first taken into account when defining the International Covenant on Civil and Political Rights.[40]

Article 27 of the International Covenant on Civil and Political Rights

Article 27 of the ICCPR provides that “in countries where there are ethnic, religious or linguistic minorities, persons belonging to such minorities shall not be deprived of the right, in community with the remaining members of the group, to nurture their own culture, to preach and practice their own religion or use their own language ".

The style of Article 27 is not surprising, given the many obstacles faced by the drafters of the Covenant. First of all, they could not reach a consensus on the definition of the term "minority", so it was not clear which minorities should enjoy the protection of Article 27. This question is important because it is not specified whether the terms "ethnic", "linguistic" and " "religious" are final or the term "minority" includes, as some countries would like, migrant workers or other social minorities.

No consensus has been reached on the issue of recognizing the "collective" rights of minorities, and the debate on these issues has been particularly heated. Most states have expressed extreme neglect of guaranteeing "collective rights" to minority groups. They feared that such groups would abuse such rights, causing political problems and demanding autonomy. The words, "in communion with the other members of the group", which are also used in other international instruments, are evidently ambiguous and represent a skillfully articulated compromise. A literal interpretation would mean that rights are given only to individuals, but in essence it enables the enjoyment of collective rights. Finally, the wording, "their right will not be denied ..." indicated that states do not intend to undertake a negative obligation to tolerate, ie the obligation not to interfere in the enjoyment of the rights of ethnic, linguistic or religious minorities, but not to take measures for their realization.

[40] Bokatola, I.O. (1992); Thornberry. P. (1991): Ermacora.F (1983).

In any case, the article is important, because the violation of the rights provided by it can be the subject of an individual petition before the Human Rights Committee. The committee has so far ruled on a number of minority cases, with liberal interpretations prevailing.[41]

Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

Taking into account the ambiguities of Article 27, as well as the pressure of events related to the fall of the Berlin Wall, the UN General Assembly adopted on 14 December 1992 the Declaration of the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. The Declaration contains a set of rights for persons belonging to national or ethnic, religious and linguistic minorities such as: "the right to nurture their own culture, to practice their own religion and to use their own language, privately and publicly freely without interference and without any form of discrimination "(Article 2.1). They also have the right to "actively participate in decision-making, at national and, if appropriate, regional level, concerning the minority to which they belong or the region in which they live" (Article 2.3), "to establish and to participate in the work of their own associations "(Article 2.4)," to maintain, without any discrimination, free and peaceful contacts with the remaining members of their own group ... as well as contacts across state borders with the citizens of other countries with which they are close on national or ethnic, religious or linguistic grounds ". (Article 2.5).

The obligations of the states are not precise and are limited. The state should first "protect the existence of the national or ethnic, cultural, religious and linguistic identity of the minorities on its territory and ..... assist in creating the conditions for the promotion of such an identity" (Article 1). Similarly, the state should protect the "physical" existence of national minorities, especially from ethnic cleansing, destruction, or expulsion, either by the state, the majority, or other minorities. In addition, states should take measures to preserve the identity of their own

[41] Case No.24/1977,Sandra Lovelace of 30 July 1982; Case No. 197/1985, Kitok v. Sweden of 27 July 1988; Case No. 167/1990 Ominayak v. Canada of 26 March 1990.

minorities by improving the conditions for development and preserving the essential elements of their identity. Therefore, states must refrain from policies that lead to the assimilation of members of national minorities against their will.

The text of the declaration, from a European perspective, is certainly not a revolutionary step. However, for the UN, it can be treated as such, as it is the only UN document dedicated to sensitive minority issues. It is an expression of political consensus, which is particularly difficult to achieve when it comes to minority rights. Although a number of states recognize the need to protect the existence and identity of different minorities, they are unwilling to take on an obligation which, in their view, could jeopardize the principles of sovereignty, territorial integrity and political independence. Accordingly, the Declaration articulates the balance between the need to ensure the protection of minorities and the desire to define minority rights broadly enough so as not to impede the freedom of states to formulate specific policies on this issue. In other words, the Declaration is an expression of the international community's ambivalent stance to protect minorities, who often manifest nationalism and separatism, while avoiding the risk of state break-up, ethnic conflict and the trend of secession. Consequently, the Declaration is not a legally binding document, but only a political declaration. However, it has considerable moral authority.

3.2. Council of Europe

Protection of national minorities is currently one of the Organization's major areas of concern, as shown by the introduction of its framework Convention for the Protection of National Minorities (hereinafter CPNM). The Convention was signed on November 10, 1994, and went into effect on February 1, 1998.

Despite not being the first instrument related to the protection of national minorities to be established within the Council of Europe, this Convention is the first and most detailed legally binding multilateral document on the subject.

One of its defining characteristics is that it primarily includes provisions of the "Program kind," that is, provisions that are not strictly applicable in the national laws of its contracting parties. The object of this Convention is to "specify (generally) the legal principles" agreed by its Contracting Parties concerning the security of national minorities in this regard, given the variety of situations and problems to be resolved within this area. As a result, it is up to national legislation and practice to put those values into practice. This characteristic of the Convention is often seen as one of its major flaws.

The Convention, for example, lacks a description of the word "ethnic minority," despite the fact that it refers to national minorities. This is often considered to be one of the Convention's major flaws. The convention's "open character" for ratification by non-member states of the Council of Europe is the convention's final function.

3.3. European Charter for Regional or Minority Languages

One of the Council of Europe's attempts to establish comprehensive safeguards for ethnic and regional languages as an endangered part of Europe's cultural heritage is the European Charter for Regional or Minority Languages. The key reason for the charter's adoption was to ensure the survival of languages that were on the verge of extinction (extinction). As a result, it includes not only an anti-discrimination provision, but also active security measures**.**

Given the Charter's cultural definition of "language," it does not describe language usage subjectively as an individual right "to speak one's own language." As a result, individuals who speak regional or minority languages have neither individual nor collective rights under the

Charter. Its aim is to preserve and support local or minority languages rather than linguistic minorities' rights as a community.

Given the fundamental value of language as a fundamental element of national minorities' cultural and ethnic identity, this international document should be considered as part of the study of international legal rights for representatives of ethnic minorities within the European legal order.

For most European countries, the question of minority language protection is highly sensitive or unacceptably controversial (11 years required to adopt the Charter). As a result, the Council of Europe made significant political efforts to avoid the project's complete collapse, endorsing and enforcing it as a requirement on Eastern European countries upon their admission to the organization. However, the Charter's current status reveals that eight of the ten countries that have ratified it are Western European, with only two being Eastern European.[42] The Charter was pushed to the background after the implementation of the Framework Convention for the Protection of National Minorities in 1995.... In this regard, most Eastern European countries have favoured ratification of the Framework Convention, in line with Council of Europe policy, in order to address or avoid ethnic conflicts in Eastern European countries during the transition to democracy. The Charter entered into force in 1998. Although only 5 ratifications were required, 5 years passed from its adoption to entry into force.

The Charter has the status of a Convention in terms of its structure and responsibilities (Legal Binding). Section III, in addition to Article 7's general principles and goals, provides particular provisions for security in the fields of education, the judiciary, administration and public service, the media, culture, economics, and social life, which provide more options for acceptance and implementation. The Charter's a la carte design allows for a more open relationship between states, as the only requirement is that each state choose 35 of the 99 options in Part III.

[42] On July 25, 1996, the Republic of Macedonia signed the European Charter for Regional or Minority Languages, which was one of the commitments that came with Macedonia's membership in the Council of Europe.

The chosen alternatives, expressed in the form of a declaration, are included in the ratification instrument and are legally binding on the state. The languages to which the chosen alternatives relate should be specified in the ratification instruments. In theory, the chosen alternatives for each of the defined languages should be distinct, i.e., they should represent the language's current situation. Alternatives that offer a higher level of security for the minority or regional language should be selected in the absence of other appropriate metrics for the languages spoken by the larger and regionally homogeneous population. Nonetheless, some countries' comparative solutions (Croatia and Hungary) deviate from this idea, and the chosen alternatives apply equally to all listed languages.[43]

The charter is based on the principle of territory. As a result, languages are preserved in the countries where they are spoken. In this context, the ratification instrument should also define the area or region in which the chosen language alternatives will be introduced. Articles 8 paragraph 2 (education), 12 paragraph 2 (culture), and 13 (economic and social life) include exceptions to this rule. Article 13 (economic and social life) extends to the entire territory of the country. Interestingly, Germany has applied this concept the most frequently, defining not only the regions in which the chosen alternatives are introduced, but also different alternatives for the defense of the same regional or minority language in different regions.[44]

The Charter provides for so-called "Non-territorial" languages (those whose use is not specifically related to a specific territory, such as the Vlach language in the Republic of Northern Macedonia) to apply Article 7 paragraph 5, i.e. the state, mutatis mutandi, to respect and apply the same principles and goals to them as it does to other languages, the so-called "Non-

[43] This approach is needed to strike a balance between the various needs for minority language security, which is imposed in principle. deciding on less-protective options (which can, without problem, be implemented in relation to all specified languages equally, regardless of their specific state and need for protection). Some countries adopted a similar strategy, selecting different options for each of the listed languages.

[44] The Netherlands also defines the geographical area where the mentioned language is spoken. Croatia ties this territory to local self-government decisions taken under domestic law. Some countries do not adhere to this principle, and their security does not extend to the territories where the same language is spoken. The non-specificity of the region implies that the chosen defense would be applied to the entire territory of those countries. This subject is most likely governed by state domestic law.

territorial". Certain alternatives to the "territorial principle" can be chosen in relation to these languages in the areas that allow for an exception to the "territorial principle" listed above. The comparative solutions of the states in relation to the so-called "Non-territorial" languages shall follow the principle set out in Article 7.5.5.

It is especially important that States can choose additional alternatives at any time, in addition to the alternatives chosen for protection in ratification of this international instrument, without affecting the higher level of protection given by domestic law or another bilateral or multilateral international agreement for regional or minority languages. In this context, choosing lower-cost alternatives does not exclude potential domestic law solutions. The Charter's defense is just a complement to the minority language protection that already exists. In theory, only countries that accept the presence of minority or regional languages and already have programs in place to protect them are eligible to ratify this instrument.

Only amendments to Article 7, pp. 2–5, which include general principles, are permitted under the Charter. These principles and goals serve as the foundation for states' policies on the security of regional and minority languages, which are driven by the territorial principle. If the decision to ratify the Charter has already been taken, making a reservation to this article makes little sense.

A monitoring structure for periodic reporting is included in the Charter. A Committee of Experts, comprised of experts from all responsible parties, reviews the findings. This body prepares its own report and formulates specific recommendations for the specific contracting party based on state reports and other relevant details. The Committee of Ministers adopts final recommendations for strengthening the execution of the commitments made based on its study proposals.

3.4. Organization for Security and Co-operation in Europe and the Rights of Minorities

As mentioned at the outset of this chapter, this organization is critical for the normative-political creation of complex issues such as national minority security at the European level. In particular, the outstanding importance of the 1990 Copenhagen Document (adopted at the OSCE Conference on the Human Dimension), which, like all other politically relevant OSCE documents, with its "political" of minorities was an appropriate basis for further strengthening the overall OSCE political and legal infrastructure in the field of the protection of national minorities and its proper transformation into an "internationally binding" form by the Council of Europe through the adoption of the Framework Convention on national minorities of this Organization in 1994.

Despite the fact that this document lacks a "legal" character, it must be considered "politically" binding on its members; that is, it establishes obligations that must be carried out by the contracting parties. In this regard, it may be useful to recall Bergenta's thought, which goes as follows:

"The Magna Carta, the American Declaration of Independence, the French Declaration of Human Rights, and the Universal Declaration of Human Rights have all been rejected as legal documents. But, since they have captured the human imagination as eloquent expressions of common expectations and desires for human rights and freedoms, they have become a historical turning point for what they reflect today. This, rather than their legal status, describes their most significant political and moral behavior and power."[45]

In the sense of national minorities, the Fourth Part of the Copenhagen Document was the key source of inspiration for the Council of Europe Framework Convention on National Minorities, which aimed "to turn these OSCE political obligations as far as possible into legal obligations." However, due to political considerations, The Copenhagen Document (primarily a political instrument) contains a "freer use" of language that may be less precise than would be desirable for a legal text, and it contains "more general obligations" than those that the states

[45] Buerenthal Thomas (1990), The Copenhagen CSCE Meeting: A New Public Order for Europe, Human Rights Quarterly, Vol. 11, Parts 1-2.

themselves have. As a result, the Framework Convention does not fully reflect the content of the obligations set out in the Copenhagen Document, that they may be charged with each individual infringement from a legal standpoint. Of course, the Copenhagen Document's content largely reflects the political climate that governed Europe in June 1990, i.e., the euphoria surrounding the end of the Cold War . In comparison to the situation in the UN, the resultant attitude toward the security of national minorities is a product of Europe's unique past and current political growth, i.e. the democratization process. The additional importance of OSCE standards stems from the fact that not all of its participating States are simultaneously bound by UN or Council of Europe instruments, so they are particularly relevant in those countries, even though they are not legally binding.[46]

OSCE HIGH COMMISSIONER FOR NATIONAL MINORITIES

As previously noted, the OSCE demonstrated its continued instrumentalism in fostering reform in Europe, as well as (in that context) its constant "instrumental adaptation" to new challenges in Europe (specifically "racial conflict"), at the Helsinki Summit in (1992).[47]

In accordance with paragraph 23 of the above-mentioned Helsinki Document, the High Commissioner is designed to function as an "instrument of preventive diplomacy" to identify and promote "early action" in the face of tensions involving national minority issues that have the potential to endanger peace, stability or relations between the OSCE participating States. The title of his post sometimes creates the false impression that his term is in the function of acting as an "ombudsman for national minorities" or as a "researcher of violations of individual human rights."

[46] Elaine Eddison (1993), The Protection of Minorities at the Conference on Security and Co-operation in Europe, Colchester: Human Rights Centre, University of Essex, Papers in the Theory and Practice of human Rights, No. 5.
[47] The first OSCE High Commissioner on National Minorities was named by then-Dutch Foreign Minister Max van der Stoel, who took office in January 1993. The office is located in The Hague (Netherlands). Otherwise, the decision to establish this Function was part of a large series of decisions aimed at concretely further strengthening of the OSCE institutions and structures.

Specifically, the High Commissioner is allowed to conduct field missions and participate in preventive diplomacy between the disputed parties in the early stages of their conflicts, operating independently of all parties involved in the tensions. The High Commissioner seeks to foster interaction, trust, and cooperation between the parties concerned, in addition to obtaining firsthand information from them.

In this case, he is not a judge or a lawyer who decides whether or not the law has been broken; rather, he must first find "compromises" that are acceptable to all directly concerned parties and satisfy the needs of the situation. He will decide to send a "report on the factual situation, together with his related recommendations to the Government concerned" during the course of his work.

An examination of the High Commissioner's responsibilities reveals that he has a dual mission: first, to "localize" (i.e., contain) certain tensions and prevent them from spreading, and second, to serve as a "OSCE warning instrument" when tensions threaten to escalate to a level that he cannot maintain with the resources at his disposal.

Although the High Commissioner's term is mainly focused on "short-term conflict prevention," he cannot neglect the critical long-term aspects of such situations if he is to be successful in his task. The "long-term outlook," in particular, is critical for achieving restrained solutions. Immediate escalation prevention can only be the first step in a process of "reconciling interests" among particular parties involved in a conflict.

The goal is to begin, sustain, and expand the parties' exchange of views and cooperation, leading to meaningful measures that would prevent tensions from rising and (if possible) resolve the most basic issues in that context.

The High Commissioner has not always come up with universally appropriate solutions when dealing with issues that fall under his mandate. It is a function of the fact that such cases are often unique, and each case must be assessed in light of its unique characteristics and

circumstances. However, the High Commissioner's existing practice may be able to cure certain general observations, the most critical of which are as follows:

First and foremost, the security of members of national minorities must be seen as being in the state's best interests. In other words, ensuring the effective exercise of the rights of representatives of national minorities is the best way to ensure peace and security (in general). In this context, if the state shows loyalty to members of national minorities, it may expect "loyalty" in return, contributing to the unity and well-being of the state.

Second, as much as possible, solutions to ethnic problems should be found within the country itself. The promotion of a stronger and more harmonious relationship between the majority and the minority in the country is the most significant contribution to the reduction of minority problems (as "destabilizing elements in Europe"). It is important to promote constructive and meaningful dialogue between the majority and the minority, as well as successful minority involvement in public relations. As a result, the High Commissioner often encourages the formation and creation of inert councils or roundtables.

Furthermore, national minorities' rights and interests can be easily exercised within the state. This does not actually require "territorial language," but could be realized through legislation that encourages the advancement of the national minority's identity in various areas such as culture, education, local self-government, and so on.

Finally, in terms of the position and significance of the High Commissioner's work, particular emphasis should be put on the need for a "comprehensive approach" to conflict prevention activities. This also refers to the High Commissioner's mandate, but its "thematic" framework is not as wide as the OSCE's overall. Particularly important is the fact that he must include his "considerations" for the OSCE's human dimension in his evaluations and recommendations.. Specifically, while its function is not described as a "instrument of the OSCE human dimension," nor as a "spokesperson" or "ombudsman" for national minorities or individuals who belong to them, it does naturally involve many aspects of the human

dimension, despite the challenges it faces. Respect for basic human rights is the foundation for the protection of national minorities. All people, including representatives of national minorities, are entitled to these rights.[48]

[48] But in this context, other measures are also special. For example, in his recommendations to relevant governments to date, the High Commissioner has paid particular attention to the need for ongoing dialogue between governments and minorities, as well as to the establishment of institutions designed to guarantee such a structural dialogue. Long-term conflict prevention always takes a long time, so the support and encouragement of the international community will always be needed. Effective addressing of minority issues often requires investment in certain projects, such as language education. With relatively small amounts of money, important results can be achieved in the conflict prevention plan, and if the conflict results then the cost of state aid would be much higher.

3.5. Trends in the development of International Law for Human Rights

Talking about and explaining all of this phenomenal development in international human rights law (IHRL) institutions and practice, we are now in a position to take a little step forward and look at what that extensive knowledge is and where this development is headed in the future. There is no other word than "dramatic growth" of the IHRL in any text that deals with it. And the conclusion is unmistakably right. But the real question now is: Are there any limits achieved where the quantity of new instruments developed will be supplemented by the number of ratifications, implementations, and functional revivals of those instruments? Are independent agencies and organizations capable of effectively monitor human rights violations? Is there a common framework for interpreting human rights obligations, or are states applying double standards when it comes to applying the rights? Is the human rights movement vital enough to create new material and universalize human rights, or will its modest foreign institutionalization exhaust them? etc. Only by addressing these and other related questions can a rational and well-founded wave of new growth be unleashed.

The International Law on Human Rights (IHRL) of the Universal Declaration of 1948 (UN), which first mentions human rights in a "constitutional" document of an international organization - with a high level of politicization, develops into a legal systematization and practice of universal , regional, problem level. Human rights are increasingly becoming an international problem that transcends national jurisdiction. Except for the Universal Declaration of Human Rights, which is of a general nature, a sequence of UN actions, such as the Covenants on Civil, Political, Economic, Social, and Cultural Rights of 1966, reflect the universal normative level of growth.

The universal level then proceeds with a series of controversial Conventions in specific fields, the most important of which are: the 1966 Convention on the Elimination of All Forms of

Racial Discrimination; the 1979 Convention on the Elimination of All Forms of Discrimination against Women; and the 1982 Convention on the Elimination of All Forms of Discrimination against Children; The Convention against All Forms of Torture and Inhuman or Degrading Treatment or Punishment, the Geneva Conventions on Humanitarian Law, and the conventions of the International Labor Organization and the like. The European Convention on Civil Rights and Fundamental Freedoms of 1950, the African Charter of 1981, and the American Convention of 1969 all represent the regional level of human rights growth. In modern conditions, the problem level has evolved on both a global and regional level, encompassing issues such as minority and cultural rights (identity issues), as well as the rights of the so-called third generation and others.

The second line of development and problems revolves around the question of incorporating current foreign instruments into member states' domestic legislation. Acceptance of acts (ratification, accession) and their execution in practice are the two sub-levels of this level (legal, judicial and administrative adjustment for the implementation of norms). To formally broaden its base, international law must establish structures for increased political pressure, resulting in wider adoption of its norms. However, there are a variety of mechanisms for procrastination and non-compliance "with the norms," as well as their open breach. This inequity of states in the international community's anarchic order should be "parried" by including binding precise rules for the execution of the acts' decisions - upon their accession. Alternatively, this can be done by applying pressure to embrace the instruments' optional protocols (which usually refer to the establishment of control mechanisms for the implementation of contracts or the establishment of institutions for trial and arbitration).

The establishment of an increasing number of autonomous bodies dealing with conflicts and the successful application of norms in this field is a significant issue related to the enforcement, but also to the institutionalization of the IHRL . It started with the UN Human Rights Committee and the Subcommittee on Combating Racial Discrimination, and the process spread on a universal and regional level: The European Court of Human Rights and the Inter-

American Court, the Permanent Criminal Court, the Committee on the Elimination of Discrimination against Women, the European Commission against Racial Discrimination, and numerous quasi-judicial and non-judicial bodies.

This trend was accompanied by a significant increase in the number of international non-governmental and national human rights organisations, as well as their networking, resulting in a diverse and practical international human rights community. The process should be evaluated as stabilizing for the IHRL, and the process should be reversed: from the "right to paper" to the "right to action."

The next result of the above process is an increase in the quantity and quality of opinions and judgments, explanations of the principles and results of the IHRL - "legal material" in a narrower legal field - practiced law. For example, extensive experience under the European Convention has resulted in substantial jurisprudence and harmonization of the interpretation of legal terms: the meaning of the terms "criminal charge" has been equated; the term "discrimination" in language disputes (with the Belgian language dispute); "forced labour" (Van der Misl case); the term "at a reasonable time," and so on. All of this has enhanced the foundation of human rights as one of the most important topics in international law.

In summary, what are some of the fundamental patterns in the IHRL's modern evolution? The first is similar to the previous ones, but with renewed vigor, reducing the room for states to evade their obligations under the IHRL and applying double standards in their dealings with it (political dimension). The next one is: Strengthening its institutionalization and legal authority through increased work by independent judicial and arbitration bodies, as well as creating "Soft rights" - resolutions and declarations that pave the way for new legal norms and positive rights. Then there's one of the theoretical efforts for: integration of the "system of human rights" governed by the IHRL (theory of human rights), which involves an effort to compile a list of priorities and "weak points" in the realization of rights, particularly in some areas - rights of women and children, minorities, indigenous peoples, cultural diversity rights, and so on.

The following trend is: the creation of a framework for monitoring and regulating human rights violations, especially by making it easier and faster for individuals to access rights-protection instruments; - the development of sound theoretical principles for human rights and economic development.

Maintaining the vitality of the "human rights movement" (the network of the NGO Networks and Free Universities) and the debate on human rights and their growth are particularly important. Topics and dilemmas which include the instrumentalization of rights or their use as an assertion of identity; rights and the power structure or rights and socio-cultural movements (soft power); rights as "demands" - political, social, and cultural; and rights as a practice of alternative values and identities, among others.

Human Rights and Legal Jurisdiction

Every debate on human rights is, in fact, a debate on legal theory, jurisprudence and the philosophy of law.[49] The relationship between cultural relativism and the theoretical discourse of postmodern fragmentarism and deconstruction constantly dimensions the universality of human rights. Between the impending globalization and the reaction to the current particularism, new problems emerge on a regular basis (somewhere intensified to ethnic nationalism and fundamentalism). [50]

At the end of that theoretical (more positivist) reductionism of the most necessary foundations for "defense" the theoretical foundations of human rights, which can be declared universal, were reduced to "..... the direct relation of the necessary conditions for action. .. ”(equal for all actors everywhere) (Alan Gewirth). Universalism of human rights took on new dimensions (well expressed by Richard Rotri in "Deconstruction of the Bypass") as: ".... a series of small

[49] For more details on these debates, please see: : J.J. Shestak , The Jurisprudence of Human Rights, T. Merton ed. Human Rights in International Law, Oxford 1988, or T. Merton, On Hierarchy of International Human Rights , American Journal of International Law, LXXXX, 1986.

[50] What are the differences in the approach to values in modern society around their hierarchy is shown by a scheme by Herman van Gunsteren, A Theory of Citizenship (Organizing Plurality in Contemporary Democracies) - where the author compares what he calls "modern society" with the future " unknown society ”(or emerging society).

pragmatic questions about which parts of the great tradition of human rights can be used for today needs of free individuals .... to avoid the "logocentric repression" of the theories - romantic and revolutionary and to walk the path of freedom, imagination, argumentation and pragmatism .... ".

4. Minority right in the context of North Macedonia

4.1. The issue of minority rights in North Macedonia

The literature takes into consideration two types to resolving the status of national minorities. According to one approach, human rights, as the right to education or freedom of expression are guaranteed at the level of the individual with all its peculiarities. For example, the ECHR and the Framework Convention are explicit in that they protect individual rights, not collective rights, that would belong to a community in society. The second approach treats the rights of minorities as collective rights, i.e. it is considered that without guaranteeing group rights, the culture of non-majority groups in society would be endangered.

The international community has provided special provisions and procedures in order to prevent discrimination and fully realize the rights of members of non-majority vulnerable groups. Within the smaller social communities, there are also vulnerable categories of persons, such as women, children, the elderly or the extremely poor, who may be victims of double discrimination, as a member of a non-majority community, but also as a member of a particularly vulnerable social group.

The rights of communities in the fields of culture, education, communication, access to civil and public service and the use of languages are elaborated in a number of UN instruments. They differ in whether they are general or specifically regulate their rights, or protect a particular right, as well as in legal force, ie whether they are legally binding or not. The international bodies in charge of protecting, supervising and reporting on the implementation of the above instruments contribute to clarifying the application of international standards through general comments, commentaries on country reports and their views when deciding on individual cases[51].

The 1992 Declaration of the Rights of Members of National or Ethnic, Religious and Linguistic Minorities is a separate instrument entirely devoted to the rights of minorities.

[51] Declaration on the Rights of Members of National or Ethnic, Religious and Linguistic Minorities, 1992.

Although not legally binding, it is globally a catalog of minority rights, which has been unanimously adopted by UN member states. The protection of the existence of minorities, the principles of non-discrimination and equality before the law are the pillars on which the Declaration is based. It provides for cultural, religious, educational rights, the right to association, the right to use the language in public, contacts with members of one's own, other communities and the state with which one feels a connection on the basis of identity, participation in all spheres of public life and protects human rights defenders who advocate for the promotion and realization of minority rights in accordance with the law

Interethnic coexistence is of wide social interest. The main currents in which countries move in relation to the rights of ethnic communities lead to increased respect for the rights of national communities that lead to the main goal, which is an interethnic integrated functional society. Hence, it becomes clear that for integration and successful functioning, it is necessary primarily interethnic integration at the state and local level, which requires building an appropriate mood and social conditions.

The legal framework that should ensure progress in the practical realization of the rights of the members of the communities, specifically of the communities that are less than 20% in the Republic of North Macedonia is legally regulated by the Law on Protection and Promotion of the rights of the members of the communities that are less than 20 % of the population in the Republic of North Macedonia. This law consists of a total of 24 articles, of which only 6 articles refer to the rights that these communities had. They are stated in general terms and this Law derives the following rights and principles: the principle of equitable and adequate representation in employment in state bodies and other public institutions, the right to education in all levels in its own language, the right to information in its own language , establishing associations and foundations for achieving cultural, educational, artistic and scientific goals and the right to use their own symbols[52].

[52] Закон за употреба на знамињата на заедниците во јавниот и службениот живот („Сл. весник на РМ бр.58/2005, 100/2011)

The rights of citizens belonging to non-majority communities, after the adoption of the constitutional amendments In North Macedonia are as follows: the right to adequate and equitable representation of members of all communities in state bodies and other public institutions at all levels (Amendment VI); the right to use the symbols of non-majority communities (Amendment VIII); the right to free expression of nationality (Article 8 (2) (2)); freedom of expression of identity (Article 48 (1)); the right to establish cultural and artistic institutions and associations (Article 48 (3)); the right to establish educational institutions (Amendment VIII); the right to be taught in their own language (Article 49) and the right to use their own language as an official language (Amendment V).[53]

In North Macedonia the protection and promotion the rights of communities are regulated through various institutions and commissions, both locally and nationally such as Ombudsman Institution, as a central institution in the protection of human rights and the rights of communities. and as a key institution for monitoring the situation with the implementation of its provisions, and operationalized through the Constitutional Amendments and special laws related to the rights of communities[54].

In 2008, the Law on the Use of Language, spoken by at least 20% of the citizens in the Republic of North Macedonia and in the local self-government units, was also adopted. This law regulates the use of another language spoken by at least 20% of the population in the country and in the local self-government units. Namely, the law specifies the use of the other official language in the Assembly of the Republic of North Macedonia, the communication between the citizens and the ministries, the use of the other official language in criminal and misdemeanor procedure, in administrative procedure and in other judicial bodies, in the bodies competent for execution of sanctions ombudsman, in the election process, personal documents, personal records, police powers, broadcasting, infrastructure facilities, local government, finance, education and science, culture and free access to information.

[53] Law on promotion and protection of the rights of members of communities less than less than 20 less than population in the Republic of North Macedonia, 2019

[54] Fifth Report submitted by North Macedonia, Pursuant to Article 25, paragraph 2 of the Framework Convention for the Protection of National Minorities – received on 24 June 2020

Equal representation of minorities

The protection of citizens' rights in relation to violations of the principles of non-discrimination and adequate equitable representation of members of the communities is one of the areas to which the Ombudsman pays special attention. After the constitutional amendments in 2001, the adoption of the Law on the Ombudsman and the constitutionally established powers, the Ombudsman monitors the situation with adequate and equitable representation of all communities, thus gaining a dual role: one, which from a formal-legal point of view is a representation of the quantitative implementation of this approach, and another, more immanent to the human dimension of the institution - to monitor the balance of the realization of the rights of the communities and their sense of belonging to the institutions of the system.

Employment rights of minorities

It is the obligation of the state, as it has been more or less successfully implemented by the Republic of North Macedonia for the past ten years, to devise ways for inclusion and employment of members of the smaller communities in the public sector. According to the Ljubljana Guidelines, special attention should be paid to employment in those public sectors and activities that are essential for the realization of the rights guaranteed by international agreements and the Constitution, such as the judiciary, law enforcement agencies, social protection, health care and educational institutions. The participation of persons belonging to national minorities in public administration can also help it better respond to the needs of national minorities.

As an example, here could be cited Article 60 of the Law on Secondary Education ("Official Gazette of the PM" 52/02 of 11.07.2002), which stipulates that when selecting professional associates, educators and other non-teaching staff in public high schools, the principle of adequate and equitable representation of citizens belonging to all communities is

applied. According to the reports in terms of equitable representation, about a quarter of all newly employed civil servants are from non-majority communities. The reports states that the overall representation of civil servants from non-majority communities is approximately 29%, but Roma and Turks remain underrepresented[55].

Significant progress has been made with equitable representation in some ministries, such as the Ministry of Economy, Ministry of Health, Ministry of Foreign Affairs, while the Ministry of Education and Science can be said to have reached an optimal number. It should be mentioned here that in the election of judges and jurors, without violating the criteria prescribed by law, will ensure adequate and equitable representation of citizens belonging to all communities.

Education rights of minorities

Education is one of the key forms of acquainting the members of the minority groups with their peculiarities, culture and language, and at the same time a primary mechanism that ensures the integration of the individual in the society. According to the so-called Hague recommendations of the High Commissioner on National Minorities the ideal medium for teaching in preschool is the mother tongue of the child, and at the same time teaching in primary education should be conducted in minority languages, while the minority language (the mother tongue of the child) should be taught as a regular subject. Within secondary education, a significant part of the teaching should be taught in the minority language[56].

Members of non-majority communities have the right to education in all levels in their own language (Article 5 of the Law on Promotion and Protection of the Rights of Members of Communities that make up less than 20% of the population in the Republic of North Macedonia). Article 3 of the Law on Primary Education regulates some of the goals of primary education, including the provision for developing literacy and abilities of pupils to understand,

[55] Донче Бошковски, Спроведување на правата на заедниците – практики, механизми и заштита, 2012
[56] Препорака 11-13, Хашки препораки во врска со образовните права на националните малцинства, Висок комесар за национални малцинства, ОБСЕ, 1996

inform and express themselves, in addition to the Macedonian language and its Cyrillic alphabet, and in the language and a letter to members of communities sp As far as higher education is concerned, the teaching of the higher education institutions is conducted in Macedonian language (Article 95 of the Law on Higher Education "Official Gazette of the PM" 64/00 from 03.08.2000). The members of the communities, to express, nurture and develop their identity and other peculiarities, have the right to teach in the state higher education institutions in the language of the community, which is different from the Macedonian language. The same law stipulates that the state will provide funding for higher education in the language spoken by at least 20% of the population in the Republic of North Macedonia speaking a language other than Macedonian.

Other minority rights

Members of communities that are less than 20% of the population in the Republic of North Macedonia can establish associations of citizens and foundations to achieve their cultural, educational, artistic and scientific goals (according to Article 7 of the Law on Promotion and Protection of the Rights of Members of Communities which are less than 20% of the population in the Republic of Macedonia), and have the right to use their own symbols, as stated in Article 8 of the Law[57].

The decentralization process in Macedonia encourages and aims to institutionalize the principles of inclusive democracy through increased participation and participation of citizens in decision-making processes at the local level.

The Commissions for Inter-Community Relations are a direct product of the Ohrid Framework Agreement, ie the constitutional changes that occurred with its signing. These Commissions are the only institutional framework for inter-community dialogue at the local level, within the municipality. Pursuant to paragraph 1 of Article 55 of the Law on Local Self-

[57] Правилник за примена на одредбите поврзани со заштитата и негувањето на културниот идентитет (Совет за радиодифузна дејност, 17 октомври 2006 година).

Government, in the municipality where at least 20% of the total number of inhabitants of the municipality, determined at the last executive census are members of a certain community, a Commission for Inter-Community Relations must be established. In practice, most municipalities follow this rule, but there are still municipal commissions that do not have an equal number of community representatives. Such a situation is serious and may cause controversy of certain decisions of the Municipal Council. Also, another problem in the constitution of the Commissions is the high political influence of the nomination process of its members[58].

There is a need to formalize the channels of communication and cooperation between the Committee on Inter-Community Relations, the Parliamentary Committee on Inter-Community Relations and the Secretariat for Implementation of the Framework Agreement, which would improve the quality of work and convey to legislators all issues facing at the local level, as well as cooperating to overcome them.

4.2. Ohrid Framework Agreement and Minority Rights

North Macedonia's politics have been strongly influenced by an ongoing political dialogue between ethnic Albanians and ethnic Macedonians since the country's independence in 1991. Albanian parties have been a part of coalition governments in the past. Albanians, on the other hand, tended to be marginalized, both in the private and public sectors. Tensions also arose over the Albanian university in Tetovo. In North Macedonia, no alternative facilities were built, and higher education was conducted almost entirely in Macedonian. The effort to open a private Albanian-language university in Tetovo was thwarted by the authorities. Tensions reached a peak in 2001, when violent interethnic violence erupted. The Ohrid Framework

[58] Донче Бошковски, Спроведување на правата на заедниците – практики, механизми и заштита, 2012

Agreement brought an end to the war, and ethnic Albanians' situation has improved since then, though problems remain[59].

The Ohrid Framework Agreement (OFA), signed in August 2001, aimed to promote the peaceful and harmonious development of civil society, while respecting the ethnic identity and interests of all citizens of the Republic of North Macedonia. Relying on the OFA, amendments to the Constitution of the Republic of Macedonia were adopted in order to establish a broad list of minority rights, of which particular importance have the principle of adequate and equitable representation of non-majority communities in state authorities and other public bodies at all levels, the use of the mother tongue as an official language, the right to education in the mother tongue at all levels and the local self-government[60]. The Constitution also introduces a provision which stipulates that the Assembly decides by a special majority of votes when adopting laws that directly affect culture, the use of languages, education, personal documents and the use of community symbols. Namely, for these laws, in addition to the majority of the present MPs, a majority of votes is required from the present MPs who belong to the communities that are not a majority in the country (the so-called Badinter majority).[61]

The multiethnic character of the North Macedonian society must be preserved and reflected in public life. The development of local self-government is essential to encourage citizen participation in democratic life and to promote respect for the identity of communities. The OFA has opened the door to stability and security, paving the way for EU and NATO integration. The agreement brought with it new opportunities, perspectives and hope. However, the question of whether and to what extent the OFA manages to establish and promote a multiethnic and multicultural concept in the Republic of North Macedonia will continue to be debated. Of course, some advocates will selflessly support it and continue to seek to deepen the fulfillment of obligations, others will seek to bring the implementation of

[59] Ристо Карајков & Марија Димитровска, ПОДОБРУВАЊЕ НА УЧЕСТВОТО НА ПОМАЛИТЕ ЕТНИЧКИ ЗАЕДНИЦИ НА ЛОКАЛНО НИВО: ИЗВЕШТАЈ ОД ИСТРАЖУВАЊЕ, 2016

[60] Sreten Koceski, Realizimi dhe mbrojtja e të drejtave të komuniteteve etnike në nivelin lokal - përvoja dhe rekomandime, 2014

[61] Law on promotion and protection of the rights of members of communities less than 20% of the population in the Republic of North Macedonia, (Official gazette бр. 92/2008, 22.07.2008).

the agreement to a final stage, believing that it has already been successfully implemented, while others will continue to see it as a tool to many opportunities and rights have been established, but their small number do not allow them to experience the benefits in reality.

Objectively speaking, assessing the situation before 2001 and today, the twenty-year implementation of the OFA enabled a certain development of democratic processes, strengthened the internal cohesion of Macedonian society and became an important pillar for the development of multiethnicity and deepening inter-community relations in North Macedonia. The novelties of the OFA, which is composed of several separate parts, are seen primarily by enabling the development of decentralized government, establishing the principles of non-discrimination and equitable representation, designing special parliamentary procedures to protect against majoritarianism, developing the mother tongue education process, expanding the use of languages at the central and local levels, as well as enabling free and unhindered expression of identity[62]. The rights of citizens belonging to non-majority communities after the adoption of the constitutional amendments in 2001 are as follows:

- Amendments IV and VIII - The term "nationalities" is replaced by the term "communities", which upgrades the status of ethnic Albanians, Turks, Vlachs, Roma and others from "nationality" to "community". The Serb and Bosniak communities gain the status of a constitutionally protected category by their inclusion in the Preamble, as well as in other amendments arising from the OFA.
- Amendment V - stipulates that the Macedonian language with its Cyrillic alphabet is an official language on the entire territory of the Republic of North Macedonia as well as in its international relations. At the same time, this amendment stipulates that another language spoken by at least 20% of the citizens in the Republic of North Macedonia is also an official language, and also formalizes the use of other languages in the local self-government units, which are used by at least 20% of the citizens in that unit.

[62] Габриела Лосковска, ЧОВЕКОВИ ПРАВА И ПРАВА НА ЗАЕДНИЦИТЕ -ПРАКТИКИ, МЕХАНИЗМИ И ЗАШТИТА, 2009

- Amendment VI - promotes the principle of adequate and equitable representation of communities in state bodies and other public institutions at all levels, as a fundamental value of the constitutional order of the Republic of North Macedonia. This is one of the basic and most important principles of the agreement which aims to ensure equality for ethnic communities in public life and improve the quality of public services for members of the communities.
- Amendment X - introduces the so-called "badinter majority" (double majority) for laws that directly affect culture, the use of languages, education, personal documents and the use of symbols. For the adoption of such laws, the Assembly decides with a majority vote of the present MPs, whereby there must be a majority vote of the present MPs belonging to the communities that are not in the majority.
- Amendment XII - Committee on Inter-Community Relations with basic competence to review issues of inter-community relations in the Republic of North Macedonia and gives opinions and proposals for their resolution. The members are elected from among the MPs, and Macedonians and Albanians have an equal number of members in this committee, while the other five communities (Turks, Vlachs, Roma, Serbs and Bosniaks) have one representative each.
- Amendment XVI - This amendment is very important for the smaller communities and refers to the introduction of double majority voting for the Law on Local Self-Government, the Laws on Local Financing, Local Elections, Municipal Boundaries and the City of Skopje.
- Amendment XVII - promotes the principle of effective participation of communities in decision-making processes. In the local self-government units, the citizens directly and through representatives participate in deciding on issues of local importance, especially in the areas of public services, urbanism and rural planning, environmental protection, local economic development, local financing, communal activities, culture, sports, social and child protection and education.

- Amendment XVIII - This amendment establishes the principle of a double majority to decide whether to proceed with the amendment of the Constitution, the amendment of the Preamble, the articles of the Constitution for local self-government and any provision concerning the rights of members of communities. For these changes, in addition to a two-thirds majority vote of the total number of MPs, a majority vote of the total number of MPs belonging to the communities that are not a majority in the Republic of North Macedonia will be required[63].

The Ohrid Framework Agreement is composed of ten parts: basic principles; cessation of hostilities; development of decentralized government; non-discrimination and equitable representation; special parliamentary procedures; education and use of languages; expression of identity; implementation; annexes; and final provisions. The three annexes to the agreement address constitutional amendments, legislative and implementation changes, and confidence-building measures. The international community is the guarantor of the implementation of the Ohrid Framework Agreement. The legal changes (constitutional and legislative) resulting from the Ohrid Framework Agreement have been completed. The Assembly adopted most of the changes in the time frame provided in the agreement itself. There were a few exceptions, especially with the Law on Languages which was adopted seven years after the signing of the Agreement.

The main responsibility of implementing the Ohrid Framework Agreement are Secretariat for Implementation of the Framework Agreement (now Ministry Political System and Inter-Community Relations) and the Agency for Realization of the Rights of the Communities. The function of these two state bodies, that is the basic priority of both is to ensure adequate and equitable representation of citizens belonging to all communities in the state government bodies and other public institutions at all levels.

The Agency, for the realization of the competencies determined by law, cooperates with the competent bodies and bodies regarding the issues related to the realization, promotion, and

[63] The Constitution of Republic of North Macedonia.

protection of the rights of the members of the communities. The Agency cooperates with non-governmental and other organizations that deal with the rights of the members of the communities, as well as with the municipalities and with its opinions and proposals participates in resolving the issues related to the realization of the rights of the members of the communities. As an independent body of state administration, it is a kind of advisory body to the Government of the Republic of North Macedonia and monitors the execution and implementation of activities related to the position, rights, obligations and development opportunities of members of communities that are less than 20% of the population in the Republic of North Macedonia[64].

[64] Law on promotion and protection of the rights of members of communities less than 20% of the population in the Republic of North Macedonia, 2019

Conclusions and Recommendations

Conclusions:

- The existence of minorities is as much a historical reality even the current one, to whom special attention has been paid in order to concretize a good relationship, where tolerance is expressed, coexistence and understanding between members of the respective minorities and the rest of the population. With the establishment of democracy in the countries, the treatment of minorities has taken on a new dimension, a fact which is clearly evident in the commitments that the states have to undertake for this purpose.

- There is currently a lack of a general definition of minorities in the international acts. However the lack of this definition has not prevented different countries to recognize categories of certain minorities based on indicators of an objective nature and subjective of certain communities.

- Recognition of minorities highlights the need to protect them, through affirmation of a number of rights specifically recognized to minorities. These rights has to bee guaranteed in the Constitution, as well as in a number of other acts internationally signed, or ratified by the state, as well as in the current legal framework in force.

- The most important elements in resolving the issues facing today societies are constructive and continuous dialogue as well intercultural cooperation between state institutions, civil society and citizens, in order to address the issues and the process of analyzing and resolving them to be as much as possible comprehensive and all accepted. This way of thinking and acting brings us closer to the European community, where we aspire to join soon.

- Despite the positive steps in adopting a basis normative as affirmative as possible on the rights of minorities, the need is felt of improving and enriching this legislation

- Effectively today, despite the census processes of undertaken by the state, we are faced with the fact of a debate between the official declaration of the figures of minority population in the countries and on the other hand of non-acceptance and their contestation by the minorities themselves. This moment ascertains lack of accurate statistical data on the minority population, these data to be acceptable to all parties.

- Recognition of normative acts guaranteeing the rights of minorities appears at the unsatisfactory level.

- Regarding the measures that the state should take to preserve the identity of minority, (understood here measures for the preservation and development of culture, religious belief, language, traditions and cultural heritage), is identified that measures have generally been taken by the state, but they still considered insufficient by minorities.

- The rights that children in minorities and other communities should have enjoy specifically, because of their origin and affiliation of different in the elements that address cultural and linguistic diversity from the rest of the non-adult majority population.

Recommendations:

- Detailed implementation of the Ohrid frame agreement

- Improving the legal framework for the protection of minorities remains one of key issues, as shortcomings are noted. In this context it is necessary the adoption of a law, which defines the definition and criteria of "de jure" recognition of minorities, in accordance with the provisions of the Councils of Europe Framework Convention "On the protection of minorities".

- It is necessary to complete the process for ratification of the Charter European for Regional or Minority Languages.

- Improving the legal framework for protection against discrimination

- Taking adequate measures and expanding opportunities for education of minorities, including the teaching of minority languages, the promotion of identity and the development of minority culture.

- Taking concrete legal and administrative measures for improvement of access to housing, education services social services and participation in public life especially of the minorities.

- Real integration of minorities and communities others in everyday life, especially in governance structures at the local or central level.

- Guaranteeing the rights of minorities, and taking measures for their respect in daily life and the protection of the vulnerable population.

- Development of a constructive and continuous dialogue as well intercultural cooperation between state institutions, civil society and members of minorities, in order to address issues and the process of their analysis and solution to be as comprehensive as possible and I all accepted.

- Carrying out a census process, of uncontested and universally accepted by minorities and other communities, which would give the real figures of the minority population or even of the communities others.

- Creating conditions for increasing welfare in areas where minorities live and other communities, including budget funding adequate for local government units, where there are minority communities and other communities to a distinctive extent with the rest of the population majority.

- Increasing the role and activity of all state institutions in framework of respect for minority rights, especially the expansion of the activity of independent institutions in the protection of human rights and supporting them in the function of affirmation, recognition and respect of minorityrights.

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