

Identity Resilience

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Abstract

*On the basis of the ethnic communities there is the ethnic identity consisting in common values such as language, culture, costumes. Because these values represent the hardcore of the community way of living, many times the relation between different ethnic communities within a larger society were characterized by dispute or even conflicts. From the national and international security point of view, important is not only to prevent an identity conflict, but also to restore a situation after such situation, to find solution for restoring the social system, balancing different sets of values in a national or multinational society. This article intends to identify ways and means for setting up a coherent legislative and institutional framework which can assure a peacefully coexistence between a majority and different ethnic groups and/or national minorities within the existing society, at the national or international level, this process being nominated as **identity resilience**.*

Conceptual remarks

National minority concept defines a social group within a certain society, having ethnic differences to majority and others minorities. Even is a relative new concept, being established at the beginning of the XX century, it refers to an older social reality called ethnic group, which define a community having common features as language, costumes, traditions and sometimes even the religion faith.

Ethnic groups found in various periods of time and because of different reasons. For example, during Middle Age or even earlier, the pilgrims settled in areas inhabited by a certain population living there. Another situation is the exodus of the indigenes from their motherland to the colonial metropolis where

they have settled, or vice versa, the colonist settled in the colonial realm, and the inhabitants became an ethnic minority. One of the most frequent reasons for the ethnic groups' settlers is the economical one, individuals migrating to find better live conditions[1].

For our paper, it is important to focus on another historical context generating ethnic groups, the end of the First world war, and the new international system based on Woodrow Wilson principles.

As the national states have founded on self-determination basis, all the people had been within the three Emperies (Austro – Hungarian, Tsarist and Ottoman) have set up their sovereign state.

Obviously, that were impossible to have in each new state a pure nation, anyway it would have been drawn the borders, having in mind the rich and diversity of the migration and the populations shifts in Europe during the history[2].

Because of the above mentioned, the principle of drawing the borders was to have an ethnic majority and one or more minorities within the same national state, altogether forming a nation.

Therefore, the ethnic minorities, which consented to be part of a nation, have called national minority. The nations have the absolute right to organize themselves without any influence from abroad, sovereignty principle creating the legitimacy for the nations to set up their own domestic social, political and economic environment, and to choose the international partners abroad and to set up the foreign policies within the international community.

Because of the learned lesson of the European history teaches about the fate of different people having been under various dominations, the independence declarations of the new Central and East European countries include the commitment to respect the ethnic identity of each national minority who form that nation. Starting from these fundamental documents, each sovereign country makes its commitment through the constitutional disparities to allow the national minorities to preserve their ethnic identity, respecting their rights to be treated on equal footing with the majority. Because of this, there are some authors who consider irrelevant a definition of this term[3], and others who doesn't consider necessary to define in abstract terms this concept[4].

Therefore, national minority is a concept based on ethnic identity, and all the norms regulating the national minorities' status are belonging to the domestic law. The national state is the only one, which is in charge to decide about the policy in that matter and no other states or international organization.

At the same time, in order to avoid any slips from the imperative norms of the international laws, especially from the human rights and the national minorities rights as a part of human rights, there are international mechanisms for monitoring and determine governments to fulfill their state commitments concerning preservation the ethnic identity of the national minorities living there.

Identification of the national minorities needs

In the international researches, the doctrine and specialty literature include in national minority concept all the ethnic groups settled in a country, regardless the provenience way (pilgrims, individuals from colonies, economic reasons, part of a nation). Therefore, it is very difficult for specialists or politicians to reach to a conclusion about national minorities' definition.

On the other hand, each country has its own specificity, according to which the national authorities should identify the needs of those groups, and to find solution to meet them, as much as possible.

In Romania at the beginning of 90' have been tensions, apparently based on identity issues, in Tg. Mureş and Hódmezőkövesd, between majority and Hungarian minority, respectively gypsy community.

Because of the lack of legislative and institutional framework necessary to avoid the increasing of the

process, these tensions turn into conflicts destabilizing for a while the political and social environment. Were no any mechanism to restore the system, therefore it has used empirical methods, being for the authorities the most important learned lessons.

The first step was to identify the needs of the national minorities groups. It needs to be known that all these ethnic groups have organized itself within the frame of non-governmental organizations, according with the domestic law. Romanian authorities have identified three major groups of demands. The largest group have characterized by the cultural demands, asking for the preservation of their cultural identity as language, costumes, traditions and fate. The second group has had political demands, asking for its participation to the political life together with the majority, but not in the political parties representing different political winds but as representative of the Hungarian community interest in the political life of Romania. The third group targets social and economic needs and include only the gypsy community.

Having in mind these needs, the national authorities' institutions start to elaborate the identity resilience mechanism, necessary to be used for avoiding further potentially conflicts or to restore the social and political system after an identity conflict. It has been in mind two acting levels, legislative and institutional, in order to establish both the rules of conduct and the implementation system of these rules.

Institutional mechanism in the identity resilience process

At the **legislative level** was included in the fundamental law of Romania the main principles applicable in the entire legislative and institutional framework. The second step was to insert in the main organic laws articles related to the national minorities, in order to reflect the specificity of their demands. It is very important to underline that the national minorities' rights, recognized by the Romanian authorities, there are included in the human rights' issue, as a part of it. Therefore, the national minorities' demands are not special ones, but specific ones, within the larger group of human rights[5].

In Law of education, includes rights preserving the ethnic identity, such as the right to be educated in mother tongue, regardless the level of education (primary, college or university studies). For gypsy community are included affirmative measures as special places without admittance test in some state University.

In the Criminal Code there are dispositions related to national minorities rights, qualified as affirmative measures, such as the right to have an interpreter in front of the Court. Even the official language is Romanian, according to the fundamental law, being compulsory for all citizens to be known, the article permitting an interpreter give the possibility for the individuals belonging to national minorities to express in their mother tongue, supposing he can be more explicit.

The Law for local and general election includes affirmative measures allowing the Rumanian citizens belonging to national minorities to participate in the election process. The legislative mechanism allows the organizations of the Romanian citizens belonging to the national minorities to participate in the electoral process on the same foot with the political parties. Doesn't mean the non- governmental organization of the national minorities are considered political entities, but only from the procedural point of view the candidates of the national minorities organizations can be voted on the electoral lists, as the candidates of the political parties. (Local and general election law).

If the number of the citizens votes are over the threshold necessary for the parties to send candidates in Parliament (5%), then that minority group will have a number of parliamentarians (senators and deputies) according to the percentage obtained in the elections. Another positive measure allows the national minorities organizations, which don't obtain the necessary threshold to have one representative in the

Parliament, elected by the members of that minority. All these representatives formed a special parliamentary group in the Deputy Chamber called the Parliamentary Group of National Minorities, other than Hungarian one. In this way, the Romanian citizens belonging to the national minorities can take part to the domestic legislative process, to express opinions or to have alliance with different political groups for promoting their interest.

Under the Parliament is working an Institute for Human Rights, its aims having focused on national minorities' issue, among other human rights. The Institute experts conduct round tables, conferences, public debates, researches, thematic surveys and many other activities. The conclusions, which result from all its activities, became theoretical basis for the politicians and all other stakeholders, being useful not only for the legislative fore but also for the executive and juridical powers.

At the **governmental level**, the national minorities' representatives participate directly to the executive activity, creating the legislative frame to be part of various governmental coalitions, as it is the Hungarian minority case. Also, within the governmental spectrum there is a special department, called Department for Interethnic Relations, to support the national minorities organizations, subsidizing their existence, as the organizations headquarter rent, utilities monthly expenditure, money for a representative journal (weekly, monthly), financial support for cultural events and so on.

Another important governmental body is the Council for Combating Discrimination, seeks to reduce and eliminate the discrimination facts, based on the legislative frame, having the competence to give pecuniary sanctions. Obvious, because non-discrimination is the main principle of exerting national minorities' rights, the Council activity has many cases on the topic, and nowadays recorded good results, being one of the most important state institutions with a significant role in the identity resilience process.

The immigrant's case

One of the most sensitive provocations in present is the immigrants' status in the European countries. Europe has been always an attraction region for the citizens from the poorer countries from other continents. In present, not only the economic reasons and a better standard of life forced millions from Middle East countries to migrate in Europe, but the conflict areas disasters, and the war fear. The international principles and specially the European values favor the immigrants' flow, European Union promoting the human rights and the fundamental freedoms, such as the right to choose personal domicile, the movement's freedom.

Above all, the international concern for the statelessness' situation determined the international community to create under UN auspices a legislative frame to protect those individuals. Several treaties have signed and ratified by almost all the countries, and each state has taken domestic measure, legislative and institutional, to implement its international commitment in this matter.

Therefore, cumulating international principle with European values, Europe has to deal with the immigrant's flow provocation, even the economic situation in many European countries is not a good one. Beside the institutional rules, both at the continental level, and in the domestic states laws, one of the main question mark was the social integration of the migrants, regardless their provenience and migration reasons. These persons coming from different countries have settled in the national states, whose authorities should find a solution to foster their status within the national legislative frame.

National authorities should take measure to integrate migrants in the society; in every country, they have settled, according to the human rights imperative norm, after their border registration and following the domestic procedure to foster them in an adequate social environment. Should be noticed that the essential

demands of migrants, as a community settled into a region or a city in a national state, are similar with the national minorities demands, mostly cultural ones (education in mother tongue, freedom to practice costumes and tradition) which preserve their ethnic identity.

The main difference consist in the nature of the rights would be given to each category. While national minorities, as a part of the nation, are legitimate to exert the entire human rights (civil, political, economic, social and culture), for the migrant's community are accessible only the second generation of rights, such as economic, social and cultural rights. Of course, there is the opportunity for migrants in time to exert the entire human rights conditioned by the national state legislation

Conclusions

Identity resilience is a process that unfolds after an identity conflict that has destabilized the socio-political system or even the economic situation in a region, either at the national level, or between sovereign states. The country or the regional agreements between the states should have a legislative and institutional frame to act in case an identity conflicts occur, or better is to prevent such situation.

The Romanian study case above presented in guide lines prove efficiency of the correct identifying the needs, and also solution to create a climate of all the national minorities' participation to the social and political life of the country are belonging to. In such a way the national authorities have set up a legislative and institutional framework both for preventing identity conflicts and to restore the social and political system if such an event would happen.

Obvious, is not a perfect system but an improving one, and cannot be multiply as such in all other countries, taking in account the specificity of each national state in all its aspects political, social and economic ones. In the nowadays world the social movements and the migration flow, at any levels continental, regional and national, are serious challenges both for national authorities and the international organizations. Therefore, in presence the identity resilience process has become more and more necessary, therefore should be analyzed in a wider context including the international and national security.

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