

### Dear Secretariat of the Human Rights Council,

In the name of the Szekler National Council we would like to suggest the following specific amendment to the Draft recommendations on preventing and addressing violence and atrocity crimes targeted against minorities:

In order to prevent conflicts the Human Rights Council of the United Nations reaffirms the principles and recommendations of the Council of Europe's Resolution 1334 (2003) on the level of the international community, so as to transform these principles into promoters of human rights, democracy, and peace all around the globe. Accordingly, the Human Rights Council repeatedly draws the attention to some of the findings of the mentioned resolution of the Council of Europe, and recommends the adoption of these by the national governments, as follows.

- Most of the present conflicts can often be traced to the dichotomy between the principle of the indivisibility of states and the principle of identity, and are rooted in tensions between states and minority groups which demand the right to preserve their identities.
- States must prevent tensions from developing by introducing flexible constitutional or legislative arrangements to meet minorities' expectations. By giving minorities powers of their own, either devolved or shared with central government, states can sometimes reconcile the principle of territorial unity and integrity with the principle of cultural diversity.
- There is no denying that autonomy is a concept which can have negative connotations. It can be seen as a threat to the state's territorial integrity and a first step towards secession, but there is frequently little evidence to sustain this view.
- Autonomy, as applied in states respectful of the rule of law which guarantee their nationals fundamental rights and freedoms, should rather be seen as a "sub-state arrangement", which allows a minority group within a state to exercise its rights and preserve its cultural identity, while providing certain guarantees of the state's unity, sovereignty and territorial integrity.
- The term "territorial autonomy" applies to an arrangement, usually adopted in a sovereign state, whereby the inhabitants of a certain region are given enlarged powers that reflect their specific geographical situation and protect and promote their cultural and religious traditions. The term "cultural autonomy" implies enabling linguistic and cultural rights to be exercised. In the majority of cases, this should go hand in hand with the application of the principle of decentralisation.
- Autonomous status may be applied to various systems of political organisation, ranging from a type of decentralisation in unitary states to a genuine division of powers, either symmetrically or asymmetrically, in regional or federal states.
- In the past, autonomy was introduced in two stages, and had three sources, being established by regional entities when central states were founded, introduced to resolve territorial tensions, or sponsored by the international community.
- Autonomous status must always be tailored to the geography, history and culture of the area concerned, and to the very different characteristics of specific cases and conflict zones.
- With a view to relieving internal tensions, central government must react with understanding when minority groups, particularly when they are sizeable and have lived in an area for a long period of time, demand greater freedom to manage their own affairs independently. At the same time, the granting of autonomy must never give a community the impression that local government is a matter for that community alone.

- Successful autonomy depends on balanced relationships within a state between majorities and minorities, but also between minorities themselves. Autonomous status must always respect the principles of equality and non-discrimination, and be based on the territorial integrity and sovereignty of states.
- It is of great importance that the increasing benefits which autonomous entities gain from their rights do not undermine the internationally recognised borders of states.
- All interpretation, application and management of autonomy shall be subject to the authority of the state, and to the determination and motivation of the national parliament and its institutions.
- Positive discrimination, i.e. favourable representation in the organs of central government, can often be used to involve a minority or minorities more effectively in the management of national affairs.
- The Human Rights Council of the United Nations calls on the governments of member states to respect the following basic principles when granting autonomous status:
  - i. autonomous status, which by its very nature depends on co-operation and co-ordination between central authorities and autonomous authorities, must be based on an agreement negotiated between the parties concerned;
  - ii. central authorities and autonomous authorities must recognise that autonomous status is part of a dynamic process and is always negotiable;
  - iii. it would be appropriate for the statutes and founding principles underlying autonomous status to be included in states' constitutions rather than in their legislation alone, so that amendments can only be made in accordance with the constitution. To avoid later disputes, agreements on autonomous status must explicitly define the repartition of powers between the central and autonomous authorities;
  - iv. agreements on autonomous status must guarantee the appropriate representation and effective participation of the autonomous authorities in decision-making and the management of public affairs;
  - v. autonomous status must provide autonomous entities with legislative and executive authorities, which are democratically elected at local level.
  - vi. autonomous status must provide for funds and/or transfers which allow autonomous authorities to exercise the extra powers conferred on them by central government;
  - vii. to ensure that powers are not abused, special machinery must be established to resolve disputes between central authorities and autonomous authorities;
  - viii. if tensions between central authorities and autonomous authorities persist, the international community should sponsor the negotiation process;
  - ix. devolution of powers to autonomous entities must imperatively protect the rights of minorities living within them.