

Internationale Konferenz vom 20.11.-22.11.2008 in Nürnberg

Prof. Krzysztof Drzewicki

Vortrag: Der Helsinki-Prozess: Demomokratisierung und Menschenrechte: Konsequenzen für die Menschenrechtsbildung?

Abstract

During Cold War there were two approaches reflecting separatist policies in Europe. One was institutionalized co-operation of the West, notably in the Council of Europe, based upon pluralist democracy, the rule of law and human rights. Second was Eastern European centralisation with Soviet dominance and hostility to democracy and human rights. In 1975 a bridge was built between these two separate approaches - a pan-European arrangement - the Conference on Security and Cooperation in Europe (since 1994 – OSCE).

Its another innovation was bringing together as its objectives the demands for democracy, the rule of law, human rights and other humanitarian issues which constitute the so-called human dimension (formerly a third basket). Human dimension was coupled with security in their complex interaction as a part of the concept of comprehensive security of the OSCE. It actually means that the effective achievement of one value reciprocally depends on guaranteeing the other.

However, unlike CoE and EU, the OSCE did not make requirements of respect for human rights, the rule of law and democracy among the conditions for admission of new members. Like in the UN, security considerations prevailed over those of democracy-related values. It is in this context that we need to address a dilemma of whether and how the achievement of security in Europe can better be contributed to by democratic governance.

Zur Person:

Professor für Völkerrecht an der Universität Gdańsk, Polen (seit 1997 beurlaubt); 1994 Ernennung zum Stellvertreter der polnischen Regierung vor der Europäischen Kommission und dem Menschenrechtsgerichtshof durch den polnischen Außenminister; in dieser Eigenschaft von 1999-2003 als Minister Counselor der ständigen Vertretung Polens beim Europäischen Rat in Strasbourg tätig; gleichzeitig fortgesetzte Tätigkeit als Verteidiger vor dem Europäischen Menschenrechtsgerichtshof; seit 2003 Senior Legal Adviser des OSZE Hochkommissars für Nationale Minderheiten, Den Haag; Arbeits- und Forschungsgebiete: internationaler Schutz der Menschenrechte, Humanitäres Völkerrecht in bewaffneten Konflikten.

Ausgewählte Publikationen:

- "The Enlargement of the European Union and the OSCE High Commissioner on National Minorities", [in] *The Protection of Minorities in the Wider Europe*, ed. by M. Weller, D. Blacklock and K. Nobbs, Hampshire: Palgrave Macmillan, 2008, pp. 154-170
- "The Framework Convention as a Pan-European Instrument. A Perspective of the OSCE High Commissioner on National Minorities", [in] *The Framework Convention for the Protection of National Minorities: A Useful Pan-European Instrument ?*, ed. by A. Verstichel, A. Alen, B. de Witte and P. Lemmens (eds), Antwerp – Oxford – Portland: Intersentia, 2008
- "Improving Domestic Remedies with Particular Emphasis on Cases of Unreasonable Length of Proceedings", [in] *The Improvement of Domestic Remedies with Particular Emphasis on Cases of Unreasonable Length of Proceedings*, Workshop held at the initiative of the Polish Chairmanship of the Council of Europe's Committee of Ministers (Strasbourg, 28 April 2005), Strasbourg: the Council of Europe, 2006
- "The Right to Work and Rights in Work", [in] A. Eide, C. Krause and A. Rosas (eds), *Economic, Social and Cultural Rights. A Textbook*, 2nd Edition, The Hague-London-Boston: Kluwer Law International, 2001
- "The Possible Shape of a Reporting System for International Humanitarian Law: Topics to be Addressed", [in] M. Bothe (ed.) *Towards a Better Implementation of International Humanitarian Law. Proceedings of an Expert Meeting Organised by the Advisory Committee on International Humanitarian Law of the German Red Cross*, Frankfurt/Main, May 28-30, 1999, Berlin: Berlin Verlag Arno Spitz GmbH, 2001
- "Protection of Human Rights and the Formation of Civil Society", [in] R. Dehousse (ed.), *An Ever Larger Union. The Eastern Enlargement in Perspective*, Baden-Baden: Nomos Verlags, 1998