

Special Interview with H.E. Mr. Bogdan Aurescu

Romanian Minister of Foreign Affairs Liviu Olteanu

A career diplomat and university professor, Bogdan Aurescu (b. 1973) defies the conventional notion that associates competence with old age. There is nothing in his impressive background that would hint at his relative youth. He served as Government Agent before the European Court of Human Rights and also as Romania's Agent for the International Court of Justice. From his former position as State Secretary he coordinated European and then strategic affairs. He is a substitute member of the Venice Commission, President of the Romanian branch of the International Law Association, editor-in-chief of the Romanian Journal of International Law, and the list does not end here. His legal skills were best tested as his country's Agent in the Maritime Delimitation in the Black Sea case, a boundary dispute with Ukraine that Romania brought before the International Court of Justice, where he scored a tremendous success. Aurescu was also chief negotiator of the recently signed Ballistic Missile Defense Agreement between Romania and the US and Joint Declaration on Strategic Partnership for the 21st Century Between the two countries. Meanwhile, he teaches university courses in international law, international organizations, protection of minorities a.s.o. He has co-authored or coordinated fifteen books dedicated to these subjects. Aurescu's guiding principle as a diplomat was expressed early in his career – his PhD thesis spoke of the supremacy of international law. He remained faithful to the principle to this very day.

Excellency,

- 1. On its 70th anniversary, the United Nations recalls its role in “Tack- ling Global Challenges and helping those in need since 1945.” What does the work done by the United Nations since the adoption of the Universal Declaration for Human Rights mean for Romania and its human rights policy?**

I share the view that the area where the work of the United Nations has been done in a most substantial and profound way is international human rights law. The world has changed as a result of the spreading of moral, political and, in particular, legal norms of respect for human rights, started by the United Nations with the 1948 Universal Declaration of Human Rights. Its provisions have, over time, been widely accepted as the fundamental norms of human rights that every state should promote, respect, and protect. The Universal Declaration has become the basis from which more than 60 various international human rights treaties and other instruments have grown. For Romania, most of the United Nations human rights conventions, as well as the Council of Europe's Conventions are now part and parcel of its legal system, while the prevalence of inter- national treaties of human rights is unambiguously stated in the Constitution. Romania is a State party to the two International Covenants and other five core United Nations Conventions and established mechanisms and institutions that could monitor the respect of all

human rights or even trigger sanctions, as it is the case in the area of fighting against discrimination.

2. How do you view the cooperation between diplomatic representatives and other governmental officials, on the one hand, and civil society organizations, on the other? Do you believe that the human rights expertise available through the means of national and international non-governmental organizations makes the difference today in the implementation of human rights commitments?

I should point out that diplomats dealing with human rights do not have a monopoly on the related expertise. The subject is too vast and the mechanisms of human rights protection too complex to be left to a handful of specialists. They are rather those who synchronize national and international efforts in improving the legal framework for an efficient protection of human rights. What we have behind is an array of national institutions whose duty is to implement the legislation on human rights, monitor its application, and sanction its violations. In Romania, it ranges from the National Council for Combating Discrimination, to the office of the Ombudsman, the Department for Interethnic Relations, the relevant Parliamentary committees, the National Agency for Roma, the National Minority Council, which also includes representatives of the civil society, the National Audio-visual Council and so on. But this panorama of inter-related institutional actors would be incomplete without the non-governmental organizations active in the field. They bring not just a great deal of much needed expertise, but also the kind of flexibility and swiftness of action that quite often lack in government bodies. The on-going dialogue between the governmental and non-governmental actors is the living proof that the system, in a larger sense, is working. There is still room for improvement, but the ingredients are there and results can already be seen. And if Romania today lives up to the commitments it made in the field of human rights, it is thanks to this balanced mechanism.

3. We remember New York 9/11, Madrid, London, Syria, Iraq, Nigeria, and more recently Paris (Charlie Hebdo), Copenhagen and Tunisia, and ever more numerous/frequent terrorist attacks perpetrated in the name of religion. Do you believe that “religion” has become a growing “problem” for worldwide security and peace?

This is perhaps one of the most harmful misconceptions being circulated these days in connection with the afore mentioned tragedies. Not one of the major religions is a problem for peace and security. Not one of them preaches anything other than peace, love and generosity. Religions inspire and give a sense of direction. Crimes have been made in the name of lofty ideals since the dawn of history. Lofty ideals do not justify crimes, just as crimes cannot taint these ideals. Let us be clear: this is about the abusive use of religion by a handful of fanatic, misguided or simply interested groups. And while governments have a duty to protect their citizens and provide the entire set of instruments to avoid radicalization of religious or ethnic groups, I think the duty in addressing the content of religious propaganda inciting violence lies mainly with religious leaders. They can and must clarify the true meaning of their religion

for “the misguided,” and dismantle the toxic narratives of “the interested.” It is a duty to their followers, who are quite often confused by the developments in our contemporary world. The handiest example is the harm done to Islam by the various jihadist terrorist groups.

4. Do you believe that “diplomatic-interreligious meetings” and “diplomatic-civil society/NGOs meetings” can help, and may in fact have a positive impact on contemporary religious liberty challenges? Is freedom of religion a significant challenge for diplomats and politicians? Should they do more?

Are these meetings useful? Definitely. I would mention only two such recent events: the one organized in March by France as Chair of the Security Council, on ethnically and religiously motivated violence in the Middle East, and the high-level debate one month later in the UN General Assembly on promoting tolerance and reconciliation. These meetings help build that critical mass needed to act decisively in addressing current challenges. They are excellent for sharing ideas and expertise, for finding solutions. Last but not least, they restore in a symbolic way that sense of communion threatened by the sectarian approach of all contemporary “holy warriors.” Freedom of religion is becoming more of an issue because religious and cultural diversity are a fact in present-day societies and a resource for the democratic ones. And, indeed, more can and must be done by politicians, diplomats, religious leaders, journalists and civil society alike, because the complex question of religiously motivated violence and discrimination must receive a comprehensive answer. This means not just combating the phenomenon, but also addressing its roots – social, economic, ideological, political. Dysfunctional economies of certain third countries and failed social integration policies in Western European ones can produce individuals that fall prey to radical ideologies. These youths are especially vulnerable to their propaganda, because these ideologies actually give some of these youths a sense of direction; only the wrong way. The causes of this vulnerability must be looked into and it takes a collective effort to reach results.

5. Article 18 of the Universal Declaration of Human Rights, article 18 of the ICCPR, also the 1981 Declaration, have a special relevance on the issue of religious liberty regarding the right of every person to religious liberty and freedom of conscience, and also the freedom to adopt or to change a religion. However, when we regard these freedoms from a geopolitical and globalization context, and when we consider the increasing threat of fundamentalism, extremism, or terrorism, is it your belief that we do now need more international laws on freedom of religion?

We need to be cautious about the excess of legislation, and also about its possible infringement on other liberties, like for instance freedom of speech. As I have already said, the legal norms set forth by the United Nations and the ensuing international treaties represent a solid package for dealing with challenges to the human rights, including freedom of religion or belief. There have been attempts to introduce new international standards related to religion, but they in fact introduce restrictions on other liberties, which is unacceptable. What we need is rather new mechanisms to address the threat of

extremism. Romania has recently suggested for reflection the usefulness of establishing an international criminal court that would prosecute the criminal offence of international terrorism. The idea was well received by our European and other partners and we are currently working on developing the concept. Fight against terror also requires unanimous and coordinate action of states and institutions. Last but not least, as I have said previously, solutions must be sought for the causes of terrorism, because the preventive approach has been, in our opinion, somehow neglected.

6. After 9/11, we have noticed more resolutions, documents and guidelines on religious freedom or belief circulating within the UN which have been initiated by Western countries and also by Islamic countries over recent years. There have also been numerous meetings, conferences, and symposiums, along with guidelines that have been adopted by international organizations at a global or regional level. Do you believe that governments empower the international and regional bodies to a sufficient extent in the implementation of those resolutions?

As there are still violations of rights related to religious freedom of beliefs, hate speech and violent forms of intolerance based on religion, one cannot say that governments have done enough. On the contrary, they should do more than ever because the crimes committed in the name of religion not only infringe upon basic human rights, but also foster confusion about the values and role of religions and their significance for the individuals and societies.

Yet, I believe that governments all over the world reacted firmly and responsibly within the United Nations system, by giving high priority to the fight against religious intolerance, as well as to education and raising awareness about the dangers of religious extremism. Much has been done at regional level, in particular by the Council of Europe and all its institutions: the Committee of Ministers, the European Commission against Racism, the Commissioner for Human Rights, and the Venice Commission. The latter issued together with the OSCE Office for Democratic Institutions and Human Rights valuable guidelines for legislative reviews of laws affecting religion or belief. Moreover, I should emphasize the special role played by the European Court of Human Rights which developed a significant case law and principles in the area of freedom of conscience and religion. Let us add to that the campaign against the hate speech among young people, initiated and successfully led by the Council of Europe recently. It is work in progress and it should continue.

7. How can existing and emerging obstacles to the enjoyment of the right to freedom of religion or belief –in forum externum– be identified and solved?

I am afraid we do not have a problem in identifying the obstacles these days, as they are pretty obvious especially in certain regions of the world. And they do not affect only the practice of one's religion, the *forum externum*, but also the inner religious beliefs, the *forum internum* and violent attacks on the Christians and other religious minorities in the Middle East by radical groups have gone beyond merely

denying freedom of practice; they deny freedom of religion in private too. For most countries, the solution is democracy; a democratic system that creates and guarantees the legal and institutional framework for the free exercise of religious beliefs. But different denominations have lived together for centuries, much before democracy as we know it even existed. So, it all comes down to the States. Governments are responsible for the fate of their citizens under all aspects, and should be held responsible according to the international agreements they are part of. To what extent some of them have control over their territories is quite another matter, but it goes beyond the scope of this interview.

8. As a country with an Orthodox majority, how much attention does Romania pay to religious minorities? Could you give us some examples of the support provided in favor of the fundamental rights and practice of freedom of religion or belief, freedom of expression and for religious minorities in your country?

Romania is a country of 18 legally recognized denominations; 10 of them belong to national minorities. It is Orthodox indeed, by a large majority, but ecumenical in spirit. Romania was the destination of the first visit ever made by a head of the Catholic Church in an Orthodox country: the historical visit of Pope John Paul II in 1999. I think the first explanation of this situation lies in the common sense of the local people of all denominations who have learned to live together through good and bad times, having their religion as support and guidance. Then, it was the work of several post-'89 governments and parliaments who provided the necessary legal and institutional framework that guarantees true freedom of religion. The 2003 Constitution stipulates the principle of non-discrimination based on religion and also the principle of freedom of conscience and religion. Moreover, the drafting of the 2006 Law on freedom of religion and religious denominations was based on a wide process of consultation, both internally and internationally. This process took almost 2 years, given the numerous consultations with representatives of religious denominations, civil society and public institutions, as well as the symposia and round table discussions dedicated to the subject. The outcome was a solid piece of legislation that can cope with the complexity of religious life in Romania. As a result, all religious denominations are supported financially by the State, and ethnic minorities have access to religious services in their mother tongue. Why do we attach such importance to religious minorities? First, because Romania means to live up to its commitments in the field of human rights. Second, because we believe in the ethic of reciprocity: as religion is an essential part of one's identity, we expect the Romanian minorities in other countries to receive similar treatment. There is one last point that I would like to make: we also have a native Muslim minority – the Turkish and Tatar communities in Eastern Romania. They have made an important contribution to the building of Romania as EU and NATO Member State. This is to answer those who consider that some religions are incompatible with Europe, democracy or certain security arrangements.

9. What about the influence that interreligious dialogue, respect for differences, tolerance and the role of religious minorities may have for peace and worldwide security?

One must be aware that religious diversity is an asset, not a problem. Ignoring or mismanaging it means depriving the society of a valuable resource for democracy. The religiously motivated tensions and violence of the past several years make it clear that States should attach more importance to freedom of religion in order to create a climate of peace and security in multi-cultural and multi-religious communities. Social cohesion does not mean eliminating cultural and religious identity, or assimilation; it means integration in the social life of the larger, culturally diverse community. Interreligious dialogue is therefore of paramount importance. This dialogue must be promoted by all relevant actors, governmental and non-governmental. In this respect, I cannot but express my highest appreciation for the work done over the years by the International Association for the Defense of Religious Liberty (IADRL) in fostering interreligious dialogue. This is an effort that I would like to see multiplied at this time of dramatic evolutions on the world scene.

10. What final message would you like to share with the worldwide readers of the journal, Conscience and Liberty?

The creation of a comprehensive package of international human rights laws is perhaps one of man's most important achievements in over half a century. It set a standard for the civilized world and represents a useful instrument in addressing human rights issues. It is therefore our duty to safeguard – and improve, to the best of our abilities – what has been achieved by some of the best legal and political minds.

I would like to take this opportunity to thank you whole heartedly for your time and the insights you have shared today, Excellency.