

## THE APPROPRIATION OF HUMAN RIGHTS PROTECTION BY INTERNATIONAL ORGANIZATIONS - SERBIA AND CULTURAL RIGHTS

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*Abstract:* This article is principally focused on the conceptualization of international human rights protection throughout various international organizations, comprising international and regional ones. The promotion of cultural rights is to be examined from three angles: the ideological one, the operational one, and the practical one. Firstly, this article elaborates on the understanding of cultural rights within International Human Rights Law. While the concept of cultural rights is barely mentioned in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights provides the very first elaboration of their protection on the occasion of peace, which is to be complementary or additional to the guaranteed cultural rights on the occasion of an armed conflict – International Humanitarian Law. Secondly, this article enumerates the international institutional framework rules of cultural rights protection, which smoothly follow the proliferation of international organizations. Finally, the role of Serbia, which undoubtedly contributed to the promotion of cultural rights protection implementation worldwide, is to be considered.

*Keywords:* International Cultural Rights, International Human Rights Law, International Humanitarian Law, National Minority Rights, Cultural Heritage, International Organizations, UNESCO.

### INTRODUCTION

Cultural rights, being a subcategory of human rights within the scope of International Human Rights Law, do not have a clear definition but their

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elaboration can be found in many international instruments such as the International Covenant on Economic, Social and Cultural Rights dated 1966 (International Covenant 1966), the European Convention of Human Rights (European Convention), UNESCO's conventions on the protection of cultural heritage, the Geneva Conventions (1949) and its Additional Protocols (1977), etc. The question of culture is usually linked to a question of identity because the concept of the Nation-State seems to be the concept behind the ratio to establish the principle of national sovereignty and the concept of cultural rights seems to be the elaboration of the principle of self-determination. Both principles of Public International Law, national sovereignty and the right to self-determination, have been recognized universally by the Charter of the United Nations (UN Charter) or by various international treaties and other documents of universal value. Moreover, the proliferation of international organizations, which came after the founding of the United Nations, somehow contributed to the elaboration of both concepts. It is not by accident that after the establishment of the United Nations agencies and programs, such as the United Nations Educational, Scientific and Cultural Organization (UNESCO), or the regional organizations established according to Article 52 of the UN Charter (its wider interpretation meaning that the maintenance of international peace and security comprises the respect of human rights as a precondition to a perpetual and lasting peace), many Member States of the United Nations tried to adopt the basic safeguards for cultural rights because culture has always been the main substance of the identity of nations. If the Universal Declaration of Human Rights (Universal Declaration) is the first universal legally binding document to mention *cultural rights*, it is to stress the difference between this new concept in comparison to a *right to culture*, which is, for instance, related to the provisions of Articles 26 and 27 of the Universal Declaration that guarantee the right to education and the right to the cultural life of a community. However, it should be noted that even if culture has its facet which is inherently related to identity, it also has its facet which is related to universality because culture is a means to have access to valid universal knowledge and to confirm universal values (Faes, 2008, p. 85). This means that the concept of cultural rights includes many rights, not just a particular one or cultural particularities. As well, this concept does not necessarily recognize unicultural or multicultural communities. However, the definition of the cultural heritage of outstanding universal value makes the difference. This definition appears under the UNESCO Convention, a Convention concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention) dated 1972. Concurrently, the birth

of new international organizations, particularly the regional ones, led to definitions of cultural rights which imply specific rights such as a right to practice language or religion and in different fields of community life, such as education, which is linked, as a concept, to a specific national or ethnic community and the concept of national minorities and indigenous peoples. The constitutions of different international organizations, which all have their own fields of mandates according to their constitutional acts, have contributed to a proliferation of international treaties which provide protection of specifically defined cultural rights. Last but not least, a valid occurrence under the auspices of the protection of Public International Law is of a group of human beings whose cultural rights are fostered by many international treaties, such as women, children, refugees, etc. Since the aforementioned agreements belong to the spheres of activity of various international organizations, they risk the possibility of conflicting applicable rules, which can further cause fragmentation of international law and legal uncertainty (Jutronić, 2020). Bearing in mind that Serbia, according to its Constitution, is a country of Serbs and all inhabitants of its territory, it is important to mention that Serbia recognizes national minorities under legally defined conditions, just in line with the national sovereignty principle and the anti-discrimination clause contained in various international treaties. It is important to analyze to what extent the positioning of Serbia within international organizations and the decisions adopted within different international organizations contributed to the elaboration of cultural rights within the scope of international law. First, this article confirms that International Human Rights Law has its roots in International Humanitarian Law, particularly with regard to a definition of cultural rights. Second, it analyzes the roles of different international organizations involved in the protection of cultural rights. Finally, this work will demonstrate how the different foreign policy actions of Serbia are to be valorized as contributions to the development of cultural rights, particularly those of national minorities, which are not universally recognized.

### **ESTABLISHMENT AND CONCEPTUALIZATION OF CULTURAL RIGHTS**

The codification of cultural rights in a number of relevant international treaties dealing with International Human Rights Law came long after their initial recognition within Public International Law, including the acknowledgment of some rules of warfare devoted to the protection of cultural rights (basically religious rights) to be customary rules of

International Law. As it was explained in the introductory note, the recognition of some cultural rights follows the establishment of the rules of law of armed conflict among states, meaning that the first codification of the rules and customs of warfare recognized some cultural rights. The Convention with Respect to the Laws and Customs of War on Land (First Hague Convention (1899)) established the following rules and regulations for conducting an armed conflict: cultural rights of prisoners - exercise of their religion, including attendance at their own church services (Article 18), rules on the special status of edifices devoted to religion which are to be exempted from the war hostilities (Article 27), and the respect of religious convictions and liberty by the belligerents (Article 46) (Schindler, Toman, 1988, p. 69-93). However, these safeguards for cultural and religious rights at the time of conflict were not sufficient to prevent their massive violations during World War II. Similarly, the UN Charter and the Universal Declaration of Human Rights reaffirm human dignity and equality in their preambles. Further, the clause on the prohibition of discrimination, developed from the principle of equality meaning that all people are born and remain free and stipulated in Article 55 of the UN Charter, explicitly says that everyone is entitled to all the rights and freedoms outlined in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinions, national or social origin, property, birth or other status. However, the absolute anti-discrimination clause was elaborated throughout the affirmation of cultural rights. Article 18 of the Universal Declaration guarantees the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers, whereas Article 19 guarantees the right to freedom of peaceful assembly and association. Moreover, according to Article 20, "everyone has the right to take part in the government of his country, directly or through freely chosen representatives". All these rights indicate that human rights, without elaboration on specific categories of human rights, are to be protected and respected by all Member States of the United Nations.<sup>1</sup> However, the very specific category of cultural rights was confirmed by its enumeration in the International Covenant, adopted by the General Assembly of the United Nations Resolution 2200A (XXI), on December 16, 1966. Even if their codification in terms of economic and social

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<sup>1</sup> The Universal Declaration was adopted by Resolution 217 A of the General Assembly of the United Nations on December 10, 1948.

rights is limited, it is worth noting that State Parties to the International Covenant recognize “the right of everyone to participate in cultural life” in Article 15.1(a). Furthermore, the State Parties are required to take steps to ensure the full realization of the protection of moral and military interests, including those required for the conservation, development, and dissemination of science and culture (Article 15). These universal or quasi-universal instruments do not explicitly define or list specific international cultural rights, but instead, leave room for State Parties to act in accordance with their national specificities in order to protect the cultural rights of their inhabitants.<sup>2</sup> A specific relationship between International Humanitarian Law and International Law of Human Rights reveals that not only cultural rights but the other categories of human rights initially found their conceptualization at the time of the codification of the rules of armed conflicts. In the context of the elaboration of rules of international cultural human rights law, in the case of warfare, i.e., the use of force in the settlement of international disputes, which is generally prohibited by the UN Charter, they allowed a transfer of the protection of cultural rights in the event of an armed conflict to the adaptation of their protection at the time of peace. Normally, the protection of human rights at times of peace and during armed conflicts is compatible or complementary, with a few exemptions.<sup>3</sup> However, the agencies of the United Nations, such as UNESCO, as well as the regional organizations, such as the Council of Europe, contributed substantively far more to the elaboration of international cultural rights protection than universally accepted documents such as the Universal Declaration and the International Covenant (Kolb, 1998, p. 410). With regard to the division of human rights into individual and collective ones, it is important to stress that cultural rights cannot be enjoyed individually because the concept of culture relates to the culture of a community. Cultural rights are broadly defined as “human rights that directly promote and protect the cultural interests of individuals and communities, and are meant to advance their capacity to preserve, develop, and change their cultural identity” (Donders, 2015, p. 3). It is to be noted that cultural rights belong, as well, to a so-called third generation of human

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<sup>2</sup> The International Covenant on Economic, Social and Cultural Rights has 171 States Parties, in comparison to the Universal Declaration, which is universal in terms of acceptance, which further means that its provisions become part of Customary International Law.

<sup>3</sup> The right to life is the most debatable human right in the context of this comparison.

rights, meaning that the active role of the state is needed to be assured with regard to their implementation (Vasak, 1984, p. 839-840). This is why different conceptions of cultural rights translated into national rules of states can be observed. If the Western conception, meaning the European conception of tolerance of cultural rights *vis-à-vis* the principle of state sovereignty throughout history, gives credit to Thomas Hobbes, the translation of the respect of cultural rights in other continents than Europe lies principally in the promulgation of the principle of self-determination of peoples (Ssenyonjo, 2010, p. 37).

### INTERNATIONAL ORGANIZATIONS AT THE SERVICE OF CONCEPTUALIZING CULTURAL RIGHTS

If the UN Charter (Chapter VIII) recognizes the role of regional arrangements in the promotion and maintenance of international peace and security, there are no such provisions referring to universal organizations dealing with specific fields of competence, but according to Article 57 of the UN Charter, “the various specialized agencies, established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the United Nations” (Jutronić, 2018). As a result, these two types of international organizations, universal and regional, that deal with cultural rights require special attention. The universal organizations or organs with a mandate to promote cooperation among states in the field of culture or to promote the protection of cultural rights belong to the UN *family* of international organizations. In the aftermath of the Second World War and the creation of the United Nations, the states agreed to create UNESCO. According to the Preamble of the UNESCO Constitution, adopted in 1946, it is “created to advance, through the educational and scientific and cultural relations of the peoples of the world, the objective of international peace and of the common welfare of the mankind for which the United Nations was established” (UNESCO Constitution, 1945, p. 1). There is no mention of cultural rights as a part of the mandate or purposes of the creation of UNESCO. However, under the UNESCO mandate, many *cultural* conventions were adopted and those conventions contributed to the adoption of definitions of important concepts such as *cultural heritage*, particularly in comparison to cultural property defined by international humanitarian law, *intangible cultural heritage*, etc. For instance, the Convention Concerning the Protection of the World Cultural and Natural Heritage (World Heritage

Convention) identifies what can be considered cultural heritage and establishes the conditions for its protection (World Heritage Convention, 1972). Likewise, the Convention for the Safeguarding of the Intangible Cultural Heritage (Intangible Heritage Convention) identifies what can be considered intangible cultural heritage, but in comparison to the World Heritage Convention, in its Article 11, it makes reference to communities practicing and safeguarding their intangible cultural heritage (Intangible Heritage Convention, 2003), which implies the existence of cultural rights of specific communities to whom these practices belong. Moreover, the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (Diversity of Cultural Expressions Conventions), after defining *cultural diversity*, *cultural content*, and *cultural expressions*, goes a step forward because its articles 1(h), 2, paragraph 2, and 6 affirm the sovereign rights of states to maintain, adopt, and implement policies and measures that they deem appropriate for the protection and promotion of the diversity of cultural expressions on their territory (Diversity of Cultural Expressions Conventions, 2005), which indirectly confirms that cultural rights belong to a so-called third generation of cultural rights. These provisions are significant because they both confirm and indicate the existence of different cultures on the territory of a state, which may have different content and expressions, as well as the importance of respecting the cultural rights of communities, despite the lack of explicit mention. However, none of these conventions has the mandate to deal with cultural rights themselves as particular rights. The monitoring of the protection of cultural rights in the United Nations Member States has found its place within the Human Rights Council and the United Nations Treaty Bodies.

The Human Rights Council, the successor of the Commission on Human Rights, is a subsidiary intergovernmental organ of the UN General Assembly, created to monitor the respect of human rights by the UN Member States, assure their promotion, and make recommendations to the UN General Assembly for further development of international law in the field of human rights, while recognizing human rights as a third pillar of the UN system (UN General Assembly Resolution A/RES/60/251, 2006, pp. 2-3). After the explanation in its preamble that all human rights must be treated in a fair and equal manner, where cultural rights are explicitly mentioned while taking into account national and regional particularities, the Preamble stresses that states, regardless of their political, economic, and cultural systems, have a duty to promote and protect all human rights. The Resolution in its Article 5(e) tasks “the Human Rights Council to undertake the universal periodic review of fulfillment by each State of its human rights

obligations (...), a mechanism which will not duplicate the work of treaty bodies", established in accordance with human rights conventions adopted within the UN system, among which is the International Covenant. Finally, as a department of the United Nations Secretariat, the Office of the High Commissioner for Human Rights was established with a mandate "to promote and protect the enjoyment and full realization of all rights established in the United Nations Charter and international human rights laws and treaties" (UN General Assembly Resolution A/RES/48/141, 1994, p. 3). This is how the United Nations system organized its institutional framework in order to monitor the respect of cultural rights by its member states, in accordance with existing international legal instruments in the field of cultural rights. This system can be considered universal because all member states of the UN are obliged to fulfill the same duties. However, this universal system of protection of cultural rights lacks an efficient system of legal responses to violations of cultural rights because the documents and declarations that these institutions adopt usually have moral but not legally binding strength, basically because not all states have the same understanding of cultural rights. If the anti-discrimination clause prohibits unequal treatment of any kind based on race, color, sex, language, or religion, the cultural rights system fails to qualify those different national or ethnic minorities that have or may have different affiliations with regard to culture, religion, and language. If a group of individuals have certain characteristics in common in terms of ethnicity, language, and religion, which are undeniable parts of one culture and differ from the majority of the inhabitants in one state, there is a minority that represents a national minority (Ivanov, 1998, p. 2). Moreover, the Human Rights Committee in its General Comment No. 23 underlines that "the existence of an ethnic, religious, or linguistic minority in a given State party does not depend upon a decision by that State party, but requires to be established by objective criteria" (General Comment adopted by the Human Rights Committee, 1994, p. 2). This general comment was adopted two years after the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (UN Declaration on Minorities) by the UN General Assembly. This Declaration does not define national minorities, but it does recognize people who are members of national, ethnic, religious, or linguistic minorities. This declaration lists the cultural rights which the UN Member States shall protect, such as the "right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination" (UN Declaration on National Minorities, 1992).



However, the UN Declaration on National Minorities does not have a legally binding force, and the definition and enumeration of concrete cultural rights to be assured by states remains at the UN Member States' disposal. Nevertheless, some legally binding provisions regarding the protection and promotion of cultural rights found their place in treaties and other documents adopted under the auspices of some regional organizations in Europe and Latin America. For the purpose of this article, which examines the role of Serbia in the promotion and development of cultural rights throughout international organizations, only regional organizations in Europe and their documents will be examined.

### **SERBIA AND ITS CONTRIBUTION TO THE DEVELOPMENT AND PROTECTION OF CULTURAL RIGHTS WITHIN REGIONAL INTERNATIONAL ORGANIZATIONS**

The birth of the Council of Europe in 1949 has particular importance for human rights protection and promotion in the UN Member States on the European continent. With respect to cultural rights, the European Convention is significant because it elaborated through its articles specific cultural rights that States Signatories of the European Convention are bound by and it founded the European Court of Human Rights (European Court) with the jurisdiction to decide on individuals' complaints in cases of human rights violations by states but as well on complaints submitted by states against another state (European Convention on Human Rights, 1950). It means that the provisions of the European Convention are legally binding and that the violation of cultural rights by states can be sanctioned. Even if *cultural rights* are not explicitly mentioned in the European Convention, they are contained in other rights and freedoms such as freedom of thought, conscience, and religion (Article 9), freedom of expression (Article 10), freedom of assembly and association (Article 11), and the prohibition of discrimination, which lists even discrimination based on *association with a national minority* (Article 14). Furthermore, the case-law of the European Court contributed to the elaboration of the protection of cultural rights and their safeguards. However, cultural rights, such as the right to artistic expression, access to culture, cultural identity, linguistic rights, education, cultural and natural heritage, historical truth, and academic freedom, were elaborated through the case-law of the European Court. The growing importance of cultural rights before the European Court can be explained by the fact that persons and groups of people belonging to national minorities brought complaints regarding the right to maintain a minority

identity and to lead one's private and family life in accordance with the traditions and culture of that identity (Report of the European Court on Human Rights: *Cultural Rights in the case-law of the European Court of Human Rights*, 2017, p. 4).

Another important document adopted within the Council of Europe is the Framework Convention for the Protection of National Minorities from 1994 (Framework Convention), which provides the scope for Signatories to implement its provisions into a specific country's situation through national legislation and appropriate governmental policies, with a special focus on language, education, and participation rights. Even if this document is a *framework* convention and it gives a wider set of possibilities for states to protect and promote the cultural rights of national minorities, some states remain unwilling to sign it, and the Framework Convention has 39 signatories, among whom is Serbia. However, cultural rights, such as the right to artistic expression, access to culture, cultural identity, linguistic rights, education, cultural and natural heritage, historical truth, and academic freedom, were elaborated through the case-law of the European Court. The growing importance of cultural rights before the European Court can be explained by the fact that persons and groups of people belonging to national minorities brought complaints regarding the right to maintain a minority identity and to lead one's private and family life in accordance with the traditions and culture of that identity (Report of the European Court on Human Rights: *Cultural Rights in the case-law of the European Court of Human Rights*, 2017, p. 4).

Serbia's role in the development of cultural rights and their safeguarding within international organizations is significant. Besides the ratification of legally binding instruments in the field of protection of cultural rights at the universal level, such as the Universal Declaration, the International Covenant, the Hague Conventions, the Geneva Conventions and its Additional Protocols, and the UNESCO Conventions, Serbia ratified almost all relevant treaties at the universal and regional level.<sup>4</sup> It is also worth noting Serbia's commitment to cultural rights and cultural heritage protection, as Serbia has been a core group member of the Human Rights Council Resolution "Cultural Rights and the Protection of Cultural Heritage," which develops the link between the enjoyment of cultural rights and the

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<sup>4</sup> "The Convention on Offences relating to Cultural Property" aims to prevent and combat the illicit trafficking and destruction of cultural property. It is adopted within the Council of Europe.

protection of cultural heritage, and which notes that the destruction or damage to cultural heritage may have a negative and irreversible impact (Human Rights Council Resolution A/HRC/33/L.21, 2016, p. 1). This Resolution as well introduces the concepts developed under the UNESCO Conventions into a work of the Human Rights Council, such as tangible and intangible cultural heritage, but also refers to International Humanitarian Law obligations of States when it mentions “unlawful military use or targeting of cultural property, or calls for enhanced international cooperation in preventing and combating the organized looting, smuggling, theft, and illicit trafficking of cultural objects and in restoring the stolen, looted, or trafficked cultural property to its countries of origin” (Human Rights Council Resolution A/HRC/33/L.21, 2016, p. 2). This Resolution clearly links the cultural rights that fall under International Human Rights Law and the protection of cultural property, which is to be protected under the Hague Conventions, the Geneva Conventions and its Additional Protocols, but it also introduces the cultural heritage defined by the UNESCO World Heritage Convention. Moreover, this Resolution invites all States “to consider becoming a party to all relevant treaties that provide for the protection of cultural property” (Human Rights Council Resolution A/HRC/33/L.21, 2016, p. 2). Moreover, besides its active role in the development of cultural rights expressed in the willingness of Serbia, as a subject of International Law, to be bound by specific duties in order to protect cultural rights, its passive role, despite the controversy on passivity when it comes to defining the role of willingness in international relations, Serbia also has an important passive role in the conceptualization of cultural rights. Namely, the Conference for Peace in Yugoslavia in 1991 contributed to the development of cultural rights within the Organization for Security and Co-operation in Europe (OSCE). Since Serbia, as a successor of Yugoslavia, was one of the signatories to the Final Act of the Conference for Security and Co-operation in Europe (Helsinki Final Act), which undoubtedly makes reference to the protection of cultural rights (Chapters VII and VIII), an active role of the European Community to mediate the negotiations between opposed parties in the conflicts in Yugoslavia imposed some new rules with regard to cultural rights, particularly the rights of national minorities. Concretely, the Declaration on the Guidelines on the Recognition of New States in Eastern Europe and the Soviet Union (Declaration), adopted on 16 December 1991 by the Council of Ministers of the European Union (European Economic Community at the time), *unprecedentedly* made a conditional connection between the recognition of states and guarantees for the rights of ethnic and national groups and

minorities in accordance with the commitments subscribed to in the framework of the Conference for Security and Co-operation in Europe (CSCE) (Caplan, 2005, pp. 93-95). Even if the recognition of (new) states is solely the responsibility of other states, one regional international organization, the European Union (EU), developed conditions for the recognition of new states in Eastern Europe, including Serbia (Yugoslavia), which included the respect of national minorities' rights. This is to reflect how one regional instrument such as the Helsinki Final Act was used and interpreted so that new standards of respect for cultural rights were applied in order to serve the political interests of other states. Even if different branches of International Law do not levitate separately, due to the presumed unity of International Law which connects them by their basic principles, it is illegitimate to impose quasi-judicial interpretations with the view of reaching a political compromise.

The equality of states implied by the principle of national sovereignty guaranteed by the UN Charter does not permit differentiation among states based on cultural rights protection criteria, and the protection of cultural rights of individuals and persons belonging to minorities cannot determine statehood. However, despite the illegitimacy of the Declaration, it served as a basis for the engagement of states to improve cultural rights protection, particularly in Serbia, which developed many legal safeguards for cultural rights and especially for the protection of cultural rights of national minorities (Nikolić, 2019, pp. 74-75). When it comes to the positive engagement of Serbia in the promotion of cultural rights, it should be noted that Serbia is preparing a nomination of "Slovak naïve painting", in order to have it inscribed on the UNESCO Representative List of the Intangible Cultural Heritage of Humanity, which unequivocally demonstrates that Serbia highly appreciates and safeguards the Slovak national minority, guaranteeing that they exercise national rights in the domains of culture, education, information, and official use of language and script. Finally, it is important to point out that there is no case against Serbia in the field of cultural rights that has been brought before the European Court in Strasbourg.<sup>5</sup>

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<sup>5</sup> In the case of *Milanović v. Serbia* (Application no. 44614/07), the European Court, in its judgement of December 14, 2010, held that there had been a violation of Article 3 of the European Convention (prohibition of torture), but as well of Article 14 (prohibition of discrimination), taken in conjunction with Article 3 of the European Convention.

## CONCLUSIONS

Since the introduction of the anti-discrimination clause, which includes religion as a potential ground of discrimination against war prisoners and belligerents in the Law of Armed Conflict, the protection of cultural rights in times of peace has been developed recently and gradually. Furthermore, its development was implemented not only throughout the International Law of Human Rights instruments but also throughout various treaties and organs dealing with concepts related to the protection of cultural rights by their nature, such as the protection of cultural heritage and the rights of national minorities, on a global and regional scale. In this sense, various international organizations have been continuously trying to foster cultural rights protection. With regard to the role of Serbia in the development of the safeguards of cultural rights, it was demonstrated how its active and passive roles within and under the auspices of numerous international organizations significantly contributed to the elaboration of mechanisms dedicated to the promotion of cultural rights, and specifically the promotion of the cultural rights of national minorities. Bearing this in mind, we should stress the devotion of Serbia to respecting cultural rights at an international level, which has unprecedentedly contributed to the protection of cultural rights at a national level. However, the case of Serbia, which is an extraordinary example of cultural rights protection, especially with regard to the countries in Europe, also serves as an example of fragmentation in international law because the phenomena of Public International Law fragmentation confirms the fact that law-making treaties are tending to develop a number of historical, functional, and regional groups, which are separate from each other and whose mutual relationships are in some respects analogous to those of separate systems of municipal law (Jenks, 1953, p. 403). The appearance of special rules whose implementation differs from the implementation of general rules on cultural rights can be detrimental to the unity of international law, as it was reflected in the case of the Declaration, and it leads to deviations and the loss of legal certainty, which is to be separately explored in other research.

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