

# **Nacional Minorities in South-East Europe**

**Legal and Social Status at Local Level**

**Friedrich Ebert Stiftung  
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## Foreword

The publication on *National Minorities in South-East Europe. Legal and Social Status at Local Level* is the result of a workshop in Belgrade/Yugoslavia in May 2002, organised by the Zagreb office of Friedrich Ebert Stiftung (FES) in the frame of the regional project of FES "Local Self-Government and Decentralisation in South-East Europe". In the context of the Stability Pact for South-East Europe and in co-operation with national institutions the Friedrich Ebert Stiftung has initiated a regional project to analyse the situation and the reforms of self-government and decentralisation in the countries of the region, covering Albania, Bosnia and Herzegovina, Bulgaria, Macedonia, Croatia, Serbia, Slovenia, Romania, and Hungary. Based on the analysis and the discussion of experts on different experiences in implementing reform steps, and the preparation and distribution of publications resulting from different workshops, the project aims at the stimulation of public discussion with policy makers, researchers, and experts at national and local level.

A first regional workshop with experts on local self-government and decentralisation was organised in Zagreb in April 2001. Friedrich Ebert Stiftung Zagreb has published the results of this workshop, including ten country studies<sup>1</sup>. A second workshop followed end of June 2001 on financing local self-government as one of the top priority areas in local government<sup>2</sup>. Cross border cooperation was identified as a further important issue, which led to another workshop end of July the same year<sup>3</sup>. With regard to the participation of citizens in decisions relevant to their local situation a further workshop end of September 2001 was held in Sarajevo<sup>4</sup>. Decentralising government finally was the topic of another discussion round of our expert group in March 2002 organised in cooperation with the Urban Planning Institute in Ljubljana<sup>5</sup>.

The question of minorities in South-East Europe is doubtlessly still one of the most burning problems of the region. Particularly evident is this problem in the new states of former Yugoslavia after the collapse of the previous federal state and the subsequent wars. As a consequence, former citizens of the same state

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<sup>1</sup> *Local Self Government and Decentralization in SouthEast Europe. Proceedings of the Workshop held in Zagreb, 6th April 2001*, Friedrich Ebert Stiftung, Zagreb 2001.

<sup>2</sup> *Financing Local Self-Government. Case Studies from Germany, Slovenia and Croatia*, Friedrich Ebert Stiftung, Zagreb 2001.

<sup>3</sup> *The Interreg Model. Practical Experience in Cross Border Co-Operation*, Friedrich Ebert Stiftung, Zagreb 2001.

<sup>4</sup> *Citizens Participation in Local Self-Government. Experiences of South-East European Countries*, Friedrich Ebert Stiftung, Zagreb 2001.

<sup>5</sup> *Decentralizing Government. Problems and Reform Prospects in South-East Europe*, Friedrich Ebert Stiftung, Zagreb 2002.

with equal rights suddenly found themselves in the situation of a minority group, often connected with legal or social discrimination. In all the countries concerned the minority question is at present still a highly sensitive issue and in the process of being settled at the political level. In other states of the region, like in Bulgaria or Romania, the situation of national minorities could be settled and consolidated already during a longer period and therefore lost its high conflict potential. The basic precondition to protect minorities against discrimination and to integrate them into society is an adequate legal framework. However, the other side is the practical implementation of laws and the social acceptance of minorities by the majority population. This confrontation takes place at local level in the villages and cities. Different contributions during the workshop and in this publication show the various approaches in the countries of the region, which have been implemented more or less successfully to solve the problem of minorities.

Additionally, in order to come to a more detailed picture of the situation in this respect, we asked the expert group to fill in a short questionnaire covering different aspects of the situation of national minorities. The results including an overview of the variety and similarities of the undertaken approaches in the countries of the region is presented in the workshop summary of this publication. The reader will miss contributions with regard to the situation of Roma, which are large minority group in some of the South-East European countries. We decided not to include this group in our analysis, as their problems are very specific and therefore do not fit into the pattern of the situation of the national minorities. Furthermore, studies on the situation of Roma represent meanwhile an own research field with corresponding publications.

Zagreb, July 2002

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## Local Administration - an Important Playground for Ethnic Minorities in Romania

The present survey aims at presenting the practice in nowadays Romania concerning the legal framework and everyday life in ethnic minority groups. In this respect, Constitutional provisions, Public Administration Law and regulations concerning access to education and culture are crucial. These provide the basis for public participation of ethnic groups and allow them to preserve their identity and influence the local and national decision making processes. The survey uses as "best practice" example the county Timis, where the ethnic composition is very diverse and the institutions belonging to ethnic groups are numerous. The survey is structured in the following chapters:

- I. Historic Legacy (and country profile)
- II. Contemporary legal framework for ethnic minorities
- III. A best practice example
- IV. Education in minority languages
- V. Cultural institutions and strategies
- VI. (Possible) conclusions

### *Historic legacy*

The question of dealing with ethnic minorities, ensuring rights and checking mechanisms arose at the beginning of Romanian modern state, being part of the unification contract between historical provinces. The declaration of unification of Transylvania with the Romanian Kingdom, on December 1<sup>st</sup> 1918 was supported by representatives of minorities "imported" through unification from the former Austrian-Hungarian Empire to the newly formed Romania, as recognized by the victorious powers after World War I: "As basic principles for the future organization of the Romanian state, the National Assembly proclaims the following: 1. Full national liberty for all peoples. Each people will have education, administration and access to justice in its own language, through representatives of its own, and each people will be guaranteed access to legislative and executive bodies proportionately with the number of the individuals constituting the people". Thus, special provisions concerning the possibility of the large puzzle of ethnic groups were included in constitutional

provisions and in subsequent laws, containing elements of interest to these groups. The Constitutions of 1923 and 1938 specifically made reference to non-discriminatory treatment of citizens and access of minorities to public service and political life. The first law to be issued regarding the treatment of minorities is Law 86/1945 On Minority Nationalities. It forbade discrimination on ethnic grounds, it gave access to justice in other languages than Romanian, in areas where the ethnic groups exceeded 30% of the local population, it guaranteed the possibility to use the minority language in relations to public administration without a translation and stipulated the obligation of administrative bodies to present the translated version of decisions into minority languages in the above mentioned case (30% of the region), respectively - translation of laws into the languages of minorities which encountered more than 5% of the total population of Romania, according to the last census. However, further legislation tightened the conditions and limited drastically these provisions.

During Communism, the constitutions still preserved the non-discriminatory treatment of citizens with respect to their ethnic origin, but gradually diminished possibilities for using the minority languages in public life. Thus, the Constitution of 1948 specifically stated that in areas inhabited by ethnic minorities, the respective language may be used in administration and education, with an obligation of public servants to know the respective language (art. 24). The Constitution of 1952 maintained the provision (art. 82) and so did the Constitution of 1965. Yet, in every-day life this possibility was washed away by the state policy of creating "the unified working Romanian people", in the melting pot of molding "the new people". While the Law for Education (28/1978) had a chapter on education in minority languages, progressive and democratic at first sight, since schools were organized for minority groups and access to university training could be sustained in a minority language (art. 106, art. 109), in practice most such schools were overcrowded and threatened to be transformed in Romanian language schools solely.

During the eight decades and more of existence of the Romanian modern state, several waves of emigration diminished the importance of minority groups in the country. Thus, the Jewish minority drastically dropped to insignificant numbers. Also, the German minority shrank due to numerous waves of returning to Germany. Therefore, while having a large number of different ethnic groups, Romania deals on the national scale with only two important minority groups: Hungarians and Roma. The first group manifests itself as an active participant in public life, pushing for larger provisions, for rights, for access to resources but also for symbolic power. The latter group has a self-exclusion reflex. For a very long time, it was not even perceived as an ethnic group, but as a social category of very poor, illiterate persons, not interested in any of the public affairs. Though

very large in number, this group lacks organizational skills, self-confidence and political tradition for establishing a coherent relation with the Romanian majority. It also is the target for special strategies and policies, since it remained a problem on the European arena, being recognized as the most exposed, unprotected group, subjected to all kinds of stereotypes and exclusion practices. Other minorities, though known to the public, play a role only in the area where they are located: e.g. Bulgarians or Czechs in the Banat region, Russian Lipovans in the Danube Delta, Turks or Tartars - in Dobrogea, Armenians and Poles - in upper Moldova, Ukrainians in Maramures and so on.

As a country profile, Romania has, according to the last census (1992), the following ethnic composition:

Main ethnic groups		Percent of total Romania's population
Romanians	20,352,980	89.4%
Hungarians	1,620,199	7.1%
Roma	409,723	1.8%
Germans	119,436	0.5%
Ukrainians	66,833	0.3%
Russian Lipovens	38,688	0.2%
Turks	29,533	0.1%
Serbs	29,080	0.1%
Tartars	24,649	0.1%
Slovaks	20,672	0.1%

The list is larger, but altogether the Bulgarians, Jews, Croats, Czechs, Poles, Greeks, Armenians and other smaller groups form only 0.3% out of the total 22,760,449 Romanian citizens. It has to be said that the percentage of Roma inhabitants is unrealistic and much bigger in reality because many of them declared themselves as Romanians. The real percentage of Roma is much closer to the one of the Hungarian minority, some sources report, even bigger.

### *Local public administration in Romania*

Before presenting the situation of minorities at local level an overview on local public administration display in Romania is necessary. Romania has a territorial public administration and a local public administration.

The territorial public administration unites all the institutions representing the state authorities at the level of the territorial-administrative divisions. They are the following:

- The Prefecture - a decentralized unit representing the Government in each and every county and the Bucharest Municipality. Its main duties are to ensure the protection of national interests and the supervision of law and order and to monitor the legality of administrative documents issued by local and county administration authorities.
- The County Departments - decentralized public services of the ministries and of other central institutions. They are required to advise prefects regarding any directives from the central offices to the decentralized public services.

The local public administration includes: the mayoralty, the local council and the county council. Between the county public administration and the local one there is no subordination. The relations between them are based on autonomy, legality and cooperation in view of solving the issues of common interest. The local councils are deliberating authorities while the mayor is an executive authority.

Generally, each commune or town has one **mayor**, and one deputy mayor. However, county capital and the sectors of Bucharest have two deputy mayors each, while the municipality of Bucharest has a general mayor and four deputy mayors.

The main responsibilities of the mayor is to ensure the observance of citizens' fundamental rights and liberties, constitutional and other law provisions; to ensure the execution of the decisions of the local council and to manage the public services.

**The local councils** are formed of councilors elected by universal, equal, direct, secret and free vote. The number of councilors is established on the basis of size of the population of the respective commune or town as following. The local council has initiatives and decides, within the limits of the law, on issues of local interest, except the ones legally attributed to other public authorities. Its main responsibilities are: to approve the studies, guiding prognoses and the guiding frame regulations elaborated by the Government; to approve the local budget, its design, administration and execution; to approve transfers of credits and the manner of using budget reserve, as well as the borrowings; to establish ordinary local taxes, as well as special taxes; to administer the public and private property and to exercise its legal rights as regards to autonomous services that it established, etc.

The main role of the **county council** is to coordinate the activity of all localities from within its county aiming at performing the public services of county interests. It is also a legislative body at county level. The number of county councilors is established by the prefect through order. The main criteria are size of the population of the county. The main responsibilities of the county council are: to coordinate the activity of the local councils in view of conducting public

services of county interest; to organize and manage county public services; to adopt the county's budget; to manage public and private domains of the county. The county council also establishes county taxes, as well as special taxes for a limited period of time and according to legal provisions. The responsibilities of county councils are also extended in the socio-cultural, health, scientific, sports and youth domains, ensuring the necessary conditions and the material support from them. The executive body at county level is the president of the county council elected by county councilors.

In the same way that the mayor is the executive body of local authorities, the **president of the county council** is the executive authority among county representatives. Besides the tasks to chair the sessions of the county council and of the Permanent Delegation they have other powers. One of their main responsibilities is in distributing funds for equalization of local budgets to local communities. Each county has also an **administrative commission**, which includes the prefect as president of the commission, the president of the county council and the mayor of the county's capital municipality. The administrative commission draws up an annual program of the main projects and activities in the county and it communicates it to the deconcentrated public services as well as to the local and county public administration authorities.

### *Contemporary legal framework for ethnic minorities*

The Revolution of 1989 created the legal, symbolic and political possibility for minorities to search for a new position in the Romanian state. Despite lack of legislation, the formation of the Democratic Alliance of Hungarians in Romania (DAHR) immediately after the upturning of Communism (on December 25<sup>th</sup> 1989, much sooner than political parties) and the general search for identity, basis for loyalty and connection to modernity pushed for an immediate response. It came in the form of a Declaration on the part of the then leading force, The National Salvation Front, **On the rights of ethnic minorities in Romania** (January 6<sup>th</sup>, 1990) which promised to include full provisions for minorities in the future Constitution, a new, open law for protecting minorities, access to public life and to local and national levels of administration. Due to the electoral law of 1990, minorities had immediate access to the new Parliament, on preferential provisions, and ever since the organizations of ethnic minorities can propose and sustain candidates for the lower Chamber of the Parliament with the obligation to obtain around 5 000 votes, and not 30 000, as is the quota for the rest of the deputies. Thus, the Parliament in the present legislature (2000-2004) has a large group of representatives of national minorities (18 members, representing the following nationalities: Armenian, Jewish, Polish, Turkish, Czech and Slovak,

Serbian, Russian-Lipovan, Albanian, Bulgarian, Roma, Croatian, Tartar, Slav Macedonian, Italian, Ukrainian and German), other than the Hungarian, which behaves during elections as a political organization. The Parliament ensures the general support for policies concerning ethnic minorities, being the deliberative pillar for a bridge reaching the executive power, since the minorities have special representatives in ministries, linked to preserving ethnic identity (in the ministries of culture, education, public information, public administration). The basis for this policy lays within the 1991 Constitution, which stipulates (regarding the rights of persons belonging to minorities):

- Romania is the common and indivisible homeland of all its citizens, without any discrimination on account of race, nationality, ethnic origin, language, religion, sex, opinion, political adherence, property or social origin (art. 4).
- The State recognizes and guarantees the right of persons belonging to national minorities, to the preservation, development and expression of their ethnic, cultural, linguistic and religious identity.
- The protecting measures taken by the Romanian State for the preservation, development and expression of the identity of persons belonging to national minorities shall conform to the principles of equality and non-discrimination in relation to the other Romanian citizens (art. 6).
- Citizens are equal before the law and public authorities, without any privilege or discrimination (art. 16).
- Constitutional provisions concerning the citizens' rights and liberties shall be interpreted and enforced in conformity with the Universal Declaration of Human Rights, with the covenants and other treaties Romania is a party to (art. 20).
- The right of persons belonging to national minorities to learn their mother tongue, and their right to be educated in this language are guaranteed; the ways to exercise these rights shall be regulated by law (art. 32).

For more than a decade, due to a constant pressure of DAHR, but also to the Council of Europe and OSCE documents on ethnic minorities, Romania has developed a legal system ensuring visibility and access to power for national minorities (which, in Romania, are not differentiated from ethnic groups, unlike the legislation in some neighboring countries). On the local level - under special analysis in the present survey - persons belonging to national minorities play an important role in a double capacity: as citizens empowered to vote and as representatives of their groups in the administrative bodies.

The electoral law specifically regulates the treatment of organizations belonging to national minorities on the same ground with political parties or organizations (art. 105, Law 70/1991 concerning local elections). Unlike the national level, on the local one there is no preferential treatment for minorities to gain access to

representation, but the general feeling is that presence in administrative bodies is ensured enough.

And yet, in Timis county only - where 19 ethnic groups are registered, out of the 4 which had county councilors after the 1992 elections (Hungarians, Serbs, Bulgarians and Germans) only the Hungarian minority is still represented due to being 9% of the electorate. And this is the county, which gave to the Parliament deputies belonging to four minorities (Hungarian, Bulgarian, Serb and Slovak). After continuous pressures for more generous provisions concerning visibility and recognition of ethnic minorities on the local level, it must be said that 2001 represented a leap forward in regulations concerning public administration. In early '90s, the usage of minority languages in relations to the administration was restricted to Romanian. Also, the possibility to mark the names of villages and cities in the native tongue, other than Romanian was not permitted. The new Public Administration Law (215/2001) and the Governmental Order 1206/2001 open the doors for a large usage of minority languages, in communities where the population is at least 20% belonging to an ethnic group.

Thus, on the grass-root level:

- The works of the meetings within local councils are conducted in Romanian, the official language of the state. In the local councils where the councilors belonging to a national minority represent at least one third of the total number, their mother tongue may also be used at the council meetings. In these cases, the mayor shall see to it that a Romanian translation is provided. In all cases, the documents of the council meetings shall be drafted in Romanian.
- In the administrative-territorial units where the proportion of the citizens belonging to a national minority is above 20% of the population, the normative decisions shall also be brought to the notice of citizens in the language of those minorities, while the individual ones are communicated, to request, in the mother tongue as well.
- In relations between citizens and the authorities of the local public administration the language used shall be Romanian. In the administrative territorial units where the proportion of the citizens belonging to a national minority is above 20% of the population, in their relations with the authorities and staff of the local public administration citizens belonging to national minorities may also communicate, orally or in writing, in their mother tongue and they shall be answered both in Romanian and in the mother tongue. Persons who know the mother tongue of the citizens belonging to the respective minority shall be employed for duties involving public relations.
- The authorities of the local public administration shall ensure the display of the names of localities and public institutions within their authority, as well as

the posting up of notices of public interest in the mother tongue of the citizens belonging to the respective minority.

It should be noted here that a great importance is given to the census of 2002, in order to prove the 20% quota of minorities in communities, which will thus apply the new legislation. Highly nationalistic mayors oppose to giving the minority groups the possibility to use their mother tongue in their dealings with the administration, waiting for the census to prove them right. The case of the Cluj municipality is well known for the position of the mayor, who ignores the large Hungarian minority and prefers confrontations on the ground of the "respect for legality". The results of the census are expected during the fall of 2002 and they might be a basis for new policies in the area relevant for minorities.

There still remained the problem of Roma communities, which did not attempt to play a role in public life. The experience of not having a politically conscientious partner from the Roma community - while the problems gather in complexity and difficulty and with an eye to the international community, asking for action - led the Government to adopt a special strategy in the area and to implement Prefect's offices in counties, responsible for integration policies (as described in Governmental order 430/2001). The strategy is devised for a ten-year term, aiming at raising the skills and interest of Roma population in participating in public life, education programme, social provisions and self-representation. The strategy both encourages Roma representatives to work alongside with the authorities to promote Roma interests, and punishes all discriminatory acts against Roma people. The special offices employ 3-4 experts, out of which one is obligatorily a representative of the Roma group.

### *A best practice example*

Generally, in Romania it is fashionable to refer to the richness of ethnic minorities and to praise the tolerance and openness of the majority towards minority groups. Yet, due to a complexity of factors, the presence of minority representatives at the decision-making level is diminishing. A general drop of birth rates, a split within minorities (for instance, Slovaks and Czechs originally voted together, as well as Serbs and Croats, while now these groups tend to go under smaller, but more "ethnically pure" banners) and a migration of interest towards party politics, rather than ethnic representation led to a decrease of ethnically supported councilors in local or county councils. In Timis county, for example, only the Hungarian group enhanced its achievements, winning 42 seats in local councils, 3 on the county level and one mayor. But the German Democratic Forum had 6 local councilors in 1996 and one county councilor, and has - since 2000, only 3 local councilors and no representation on the regional

level. The Bulgarian minority had five local councilors in 1996 and dropped to four in 2000. The Serbian community preserved its 6 seats as local councilors, but the Ukrainian Union dropped from 4 to 3. The Jewish community never could win a seat. The Roma group only has 1 local councilor. The solution came, after the local elections of 2000, on the regional arena, as a response to the local initiative.

Thus, on July 7<sup>th</sup> 2000, the minorities which did not gain access to the county council, formed a **Consultative Council of Ethnic Minorities (CCEM)**, recognized by the County Council, which accepts CCEM members in working groups and sessions, but does not count votes from these partners. CCEM is founded by: Serb Democratic Union, Democratic Union of Czechs and Slovaks, Ukrainian Union, Roma Party, Banat Bulgarian Union, Jewish Community and the German Democratic Forum. Each organization has two representatives in the CCEM. The presidency of this body was offered, by vote, to the leader of the German Forum. Ever since, CCEM took full part in the works of the County Council, enjoying the right of initiative and speech in sessions. Yet, this is a unique experiment and resides solely on the good will of the local partners, since there is no law requesting or recognizing such a cooperation.

Purely local political formations are also present. An example in this respect is Civic Association Pro Odorhei (Odorhei being a local community from Harghita county), having an important impact for the Hungarians in this area. At local elections in 2000 it gained 1/3 of the local seats in Harghita county council. Last year though it had been eliminated from the county council as it has been noticed that it wasn't legally constituted as a political formation.

As regard to the mayors, DAHR has 149 mayors all around the country, occupying sixth place on the list of political affiliation of mayors. Thus the fact that the Hungarian minority is very well politically organized is reflected in their presence on the local political scene being able to build and implement their own local public policies.

Number of mayors belonging to minorities' political formations is shown in the table.

Political Formation	Number of mayors
Democratic Alliance of Hungarians from Romania	149
Democratic Forum of Germans from Romania	5
The Union of Ukrainians from Romania	4
Democratic Union of Slovaks and Czechs from Romania	2
The Union of Croats from Romania	1
The Community of Lipoven Russians from Romania	1



Also, it should be mentioned at least that local arenas depend largely on national arrangements. For instance, the Hungarian minority belonged, in 1992, to the Democratic Convention, a coalition of parties having as hard core the Christian-democrats, the Liberals and the historic Social Democrats. Thus, DAHR did not participate distinctively in local elections. While after 2000 the behavior on the local political scene of DAHR is predetermined by the protocol signed by the leaders of the governing party and DAHR.

Four distinct areas of public life have a clear ethnic relevance on the local level:

- Religious life
- Education
- Culture
- Economic life (and infrastructure).

When religion is concerned, the arrangements depend largely on the national level. Yet, the construction of new worship places (churches, chapels) or preservation of old monuments of architecture may be presented as depending on the local community initiatives. A major role is played by the possibility to gain financial support for such project from the country of origin of the minorities. Such is, for instance, the case of massive repair works of worship places and relics financed by the Republic of Yugoslavia, the Hungarian funding for new churches etc. The same dependence on the programs coming from the countries of origin may be encountered in the case of reviving economic life and building infrastructure. In Timis County, for instance, Slovakia paid for a road connecting an isolated Slovak village, Germany is known for the programme devoted to developing areas where Germans live, while the Hungarian presence may be felt almost on a daily basis.

Yet, while the minorities in this particular county enjoy a larger understanding and response to their requests, there is always room for more. The Ukrainian group, for instance, puts pressure for obtaining a place in order to raise a new church in the city, the Serbs complain about schooling provisions, the Roma, despite integration policies, do not give sign that the situation is improving. A long road is still to be passed.

Education and culture remain the most obvious areas where the local initiative is based mainly on local resources. Since only recently (spring 2002), these areas fall into the responsibility of local administration, it is important to look into the matters reserved for a special chapter.

### *Education in minority languages*

Education in mother tongue is described at large in the Law 84/1995, which stipulates (art. 118/126):

- Persons belonging to national minorities have the right to study and receive instruction in their mother tongue, at all levels including the forms of education within appropriate request, according to the present law.
- Taking into account local needs, groups, classes, sections or school units with teaching in the languages of national minorities may be established, at request and in accordance with the provisions of this law.
- Pupils belonging to national minorities that attend schools with tuition in Romanian shall be granted, at request and according to the present law, the study of the Language and the literature of the mother tongue as well as the history and traditions of the respective national minority, as school subjects.
- Persons belonging to national minorities shall have the right to set up and manage their own private higher educational institutions according to the law.
- Institutions of higher education with multicultural structures and activities shall be encouraged for promotion of harmonious inter-ethnic relations and of integration both at national and European level.
- All Romanian citizens can register and study at all educational forms teaching in Romanian or in the languages of national minorities irrespective to their mother tongue or to the language in which they studied previously.

As a consequence of this law, in the academic year 1999-2000, out of the 4,125,762 pupils attending state schools, 215,542 (5.22%) attended schools in minority languages. 10% of the number of schools and sections provide education in a minority language. Out of these, 86.7% are Hungarian schools. At the university level, out of the 309,735 students in the public system, 16,390 belong to ethnic minorities. To this it may be added the private sector, offering education to 6856 students from ethnic groups, out of a total of 130,298.

Classes for education in minority languages may be formed upon request with a much smaller number of participants than the average accepted for a class in Romanian (to serve small communities). In those cases when the minority speaks a dialect, and not a language, the literary variant of the language is taught. Thus, the Schwab from Banat learn German, the Ruthenians learn Ukrainian etc. The pupils who learn their mother tongue are also taught the history and elements of culture regarding the minority to which he/she belongs (in the 6<sup>th</sup> and 7<sup>th</sup> grades). According to the Ministerial Order 3811/1998, handbooks produces in countries of origin for minorities may be used in education, provided they are subjected for approval to the Ministry of Education.

The compiling of proper sets of handbooks in mother tongues is in progress, lacking of books being the main complaint of the ethnic groups, which want to pursue education in their respective languages. Also, there is a constant need of teachers, able to address the audience in the mother tongue, pedagogical

institutes being "under siege" for providing more experts in a larger variety of languages than before. Special classes for educating Roma teachers are in place.

At the higher education level, universities have special classes for providing future experts in the areas relevant for preserving minorities. Thus, languages and literature of minorities are taught as follows:

- Bucharest University: Hungarian, Slovak, German, Turkish, Russian, Ukrainian, Bulgarian, Roma;
- Babes-Bolyai University in Cluj: Hungarian, German, Roma, Yiddish;
- Academy of Theatre in Targu-Mures: Hungarian
- Medical Sciences University in Targu-Mures: Hungarian
- Polytechnic University Bucharest: German
- Polytechnic University Timisoara: German
- Academy of Economic Sciences, Bucharest: German
- West University Timisoara: Czech and Slovak
- Suceava University: Ukrainian and Polish
- Constantia University: Turkish.

In all these universities, the principle of interdisciplinarity is being applied. Also, Babes-Bolyai University in Cluj takes pride in being multicultural.

The General Directorate in the Ministry of Education set as a priority of action the drafting of a new culture of education, starting with new curricula and handbooks up to encouraging multicultural approaches and integration strategies.

Classes in minority languages are not, necessarily, part of a school where the whole educational process is in that respective language. Here again Timis county has the largest variety of high schools in minority languages: German (two), Hungarian (two schools, one being vocational, Roman-Catholic), Serbian, while in other counties usually one other language may be dominant, apart from Romanian.

### *Cultural institutions and strategies*

Theaters (in Hungarian, German, Jewish), professional folk groups, (even an Opera in Hungarian, in Cluj), museums and memorial houses concerning the culture of minority groups, a publishing house, newspapers and magazines in minority languages existed even during Communist times. The Revolution of 1989 and the new emphasis put on minority policies opened new possibilities. Since the minorities are represented in the Parliament and gather around a Consultative Council on the national level, they decide how to split the budget for minority activities, such as sustaining the cultural institutions, publications and festivals. In most cases, there has been a tendency to maintain the already traditional institutions. With a dramatic shrinking of minority press - since the

Government supports only one informative publication per minority, but we must add that new publications appeared, since an Armenian or a Turkish newspaper did not exist before 1989. So, while being more diverse, the press in minority languages has a more restricted circulation. The publishing house supported by the state, *Kriterion*, recently disappeared (in 2002), leaving worries regarding the editorial possibilities of minorities other than Hungarian and German. As a compensation, the broadcasting time guaranteed on public radio and TV stations increased and became more generous. On Radio Timisoara solely minorities have broadcast possibilities in 8 languages, proportionate to their number in the Western part of Romania. The same is true for public TV, where the minorities have special programs in their mother tongue. To ensure a proper functioning of the broadcasting policy, minorities are represented in the administrative board of public service media.

At the local level, again Timis county is an example of not only "best practices" in developing cultural services for minority groups, but also in terms of producing a coherent cultural strategy, where the value of multiculturalism and ethnic diversity are addressed and praised. Partners for this strategy are foundations and NGOs belonging to minority groups, institutions supported until recently by the state budget (since 2002, transferred in the competence of local authorities) such as the German-Hungarian Theatre and the Serbian Folk Assembly, other actors from the Euro region (this being the cooperation framework for border regions from Romania, Yugoslavia and Hungary). Thus, the Cultural strategy of Timis county 2002-2005 contains as a declaration regarding Traditional culture and civilization the following: "Multicultural and multiethnic area, the Timis County may be envisaged as a model of interethnic cooperation, based on respect of values and traditions of each minority group. Through the ensured framework, the local public administration brings its contribution to the cultural self-assertion of each ethnic group". Each minority is presented with its institutions and visible NGOs: Hungarian, German, Serb, Roma, Bulgarian, Czech and Slovak, Jewish. This lead to developing a strategic direction entitled Preserving of multiculturalism, as a key element for social cohesion in the Timis area, with two general objectives: Support of the development of the associative cultural life of national minorities and Encouraging the development of intercultural projects (based on the existence in Timisoara of an Intercultural Institute, sponsored by the Council of Europe, but also on the existence of a large cultural infrastructure and on the sensitivity of the public). While recognizing a washing out of cultural institutions in villages and small towns (where many memorial houses and small museums ceased to exist), the authorities are proud to encounter a special interest in new institutions, focused on local traditions and personalities, belonging to a large variety of ethnic and cultural affiliations. Also, it is remarkable that the chairman of the Committee for Culture in the County

Council is Hungarian (and the election did not pose special problems, although the Hungarians have 3 out of 45 seats in the County Council). The access to funds and projects is granted through a transparent system, based on the Cultural Strategy, it being the result of a large partnership involving over 60 local and national actors, administrative bodies, cultural institutions, NGOs, academics.

### Possible conclusions

Romanian public life is marked by a new dynamics in majority-minority relations. The evolution of legal framework and the practice are due to a constant pressure and negotiation performed by the representatives of minorities, who bring as examples best practices from European Union countries and who use largely the Council of Europe in order to increase their possibilities to act, in the light of the European Charter for Local and Minority Languages, of the European Charter of Local Self-Government and of European Cultural Rights Declaration. The result is visible in the development of a network of institutions aimed at preserving ethnic identity, with the hope that national cohesion of all Romanian citizens can be best served in this manner. To this rather bright picture dark spots can be traced, since the practice gives enough counterexamples. However, it was not the purpose of the present survey to search for these. Where to go from this point? Three scenarios are possible:

1. **Preservation of the status quo.** Not likely, since strategies are in progress for an inclusive attitude towards Roma community and special policies are developed as a response to the requests of minority groups.
2. **Breaking of national cohesion.** This is the darkest scenario, present in the political discourse of nationalistic parties, who believe that more rights for minorities mean less rights for Romanians. Yet, never in the last decade this position gained an upper hand. On the contrary, DAHR is a partner to ruling parties, even after a radical change at the top. Also, the participative attitude of minorities waves away the idea that segregation is a possibility.
3. **Development of new standards concerning majority-minority relations.** This is the most probable, in our view, since Romania is deeply involved in the European processes, favorable for such a development. How far and how deep these transformations will occur depends largely on the European trends and legislation.

### References

Andreescu, Gabriel, Stan, Valentin, Weber, Renate, *Study on the conception of Democratic Alliance of Hungarians in Romania on the Rights of National Minorities*, The Center for Human Rights APADOR-CH, 1994

Cernicova, Mariana, Buca, Marin, *Dictionary of Timis public life after December 1989 (1989-2000). Parties, organizations, personalities*, Resita, Intergraf, 2000

Lehman, Ali, Cosmatu Christine, Kovaci, Ivan, Sarau, Gheorghe, Timar, Viersoslava, *Ethos of education for national minorities in Romania*, 2000

Muraru, Ioan, *Drept constitutional si institutii politice*, ACTAMI, Bucharest, 1997

Perotti, Antonio, *Plea for interculturality*, The Intercultural Institute of Timisoara, 1998

*Blue Book of Democracy. A guide of central institutions in Romania*, 3<sup>rd</sup> edition, 2001

*Local Self Government and Decentralization in Southeast Europe*, Friedrich Ebert Stiftung, Zagreb, 2001

*The legal and institutional framework for national minorities in Romania*, The Romanian Institute for Human Rights, Bucharest, 1994

*Romania and minorities*, Pro Europe League, 1997

*The Cultural Strategy of the Timis County - Model of social dialogue*, Timisoara, 2002

## Access to Employment in Public Sector Concerning Ethnic Minorities in Vojvodina

### *Introduction - definition of the problem*

It is widely accepted in both theory and politics that ethnic minorities should be integrated in the society of the state in which they live, at the same time being able to preserve their different identity. However, there is much less consensus around the nature, content, scope and level/volume of integration of ethnic minorities. What does integration really mean? The scope of this article does not make it possible to discuss this problem thoroughly. However, from the author's standpoint one should clearly distinguish between the integration and assimilation of ethnic minorities. While the integration of ethnic minorities can mean that the integrated minority is still different from the rest of the population, the assimilation means that the difference is erased, so there is no substance to be integrated. As stressed earlier, the article has no ambition to completely discuss and define integration; it is well known that the integration of an ethnic group requires that the members of the minority ethnic group actively participate and take part in the overall commerce, public life, education system, political life, media and all levels of public administration.

This paper focuses on the participation of ethnic minorities in representative bodies, public administration, public services and judiciary. One may argue that there is no substantial and effective equality between minority and majority, if the members of the ethnic minority group do not have equal and effective access to public employment or if the minority population is not adequately represented in the public sector. It is difficult to speak about equality and integration of a minority group if the members of this group are not adequately represented in law enforcement agencies, courts, local and regional administration, school-boards etc. But, what does it mean - adequately represented? Does it mean non-discrimination in public employment, or something more like proportional representation, relative to the ethnic proportions of the territory?

This paper has the ambition to analyze and discuss the situation in public sector employment in the Autonomous Province of Vojvodina (APV), the Federal Republic of Yugoslavia (FRY).

In the first section of this article some basic data on APV will be presented, and in the second the international and domestic legal rules governing the issue of

public employment of ethnic minorities will be presented and discussed. The third section will analyze the ethnic proportions in the local and provincial administration and services, in Courts and in Prosecutors Offices in APV, while the concluding remarks will be formulated in the fourth section.

### *Vojvodina - Unique ethnic mosaic of Europe*

There are few, if any, such demanding challenges like ethnicity and multiethnic coexistence in post-communist East-Central Europe and Balkan countries. The unique ethnic mosaic of this part of Europe was created during and after the Ottoman rule, taken together with lack of democratic traditions and late and never completed establishment of modern nations and nation-states, which makes the management of ethnic diversity especially complicated. Vojvodina province of FRY is a unique European region where one can face both the challenge of multiethnic coexistence with all its difficulties and successful management of ethnic diversity with large-scale ethnic tolerance.

The APV is the autonomous political and territorial unit in the northern part of the Republic of Serbia (RS) with more than two million inhabitants and with the territory of approximately 21,000 square kilometers. The APV is the most developed region of the Federal Republic of Yugoslavia (FRY) with specific ethnic, cultural, historical, economic and geographical features making it substantially different from other parts of FRY and Serbia. Although the ethnic picture of Vojvodina substantially changed (not for the first time in history) after the post-World War II expulsion of ethnic Germans from Vojvodina, and the subsequent Serb colonization, Vojvodina still has a unique ethnic picture. According to the latest completed census of 1991, there are 1,143,723 Serbs, 339,491 Hungarians, 74,808 Croats, 63,545 Slovaks, 38,809 Romanians, 24,366 Roma, and 17,652 Ruthenians etc. On the territory of 46 local municipalities in APV, Hungarians make up the majority of the local population in eight, Slovaks in two, while Serbs constitute the majority in the rest of the municipalities. Even though the results of the latest 2002 Census are not yet completed, it is to be expected that the number and proportion of ethnic Serb population has become higher due the immigration of more than 250,000 Serb refugees mainly from Croatia and Bosnia to Vojvodina. According to the estimates the proportion of Serbs in Vojvodina is around 65-70%.

The roots of the autonomy of Vojvodina date from the XIX century, when the Austrian Crown established it within the Empire as a form of Serb territorial autonomy<sup>1</sup>. It was reestablished in 1945 as an autonomous province within

<sup>1</sup> See more in: Boarov, Dimitrije, *Politička istorija Vojvodine*, CUP, Novi Sad, 2001.

Serbia. While the level of autonomy varied substantially in the last six decades,<sup>2</sup> the autonomy of Vojvodina remained a constitutional category.

## ***International and domestic legal standards***

### ***1. International Law***

FRY is the member of the UN, OSCE and a party to the Council of Europe Framework Convention for the Protection of National Minorities. Therefore in the following section the relevant international law provisions will be presented, concerning the participation of ethnic minorities in the public sector.

UN Charter and UN Conventions, including the Human Rights Covenants contain very limited protection to ethnic minorities. These conventions guarantee no right to ethnic minorities for proportional or adequate representation in public administration, parliamentary bodies or judiciary. They only protect ethnic minorities from discrimination on ethnic grounds in the enjoyment of the guaranteed rights.

UN soft law on ethnic minorities like the 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities<sup>3</sup> goes somewhat further and in Article 2, paragraph 3, states that:

*Persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation.*

Although the above paragraph is formulated very generally it has some connection with the employment and representation of ethnic minorities in the public sector, because the participation in decision-making is hardly imaginable without the presence of the members of a minority group in places and offices where these public decision are made.

Regional international organizations and conventions went further in regulating the rights of ethnic minorities. The Council of Europe made a pioneer role in standard setting in the field of minority protection. The Charter of Regional and Minority Languages (1992) and the Framework Convention for the Protection of National Minorities (1994) are the first multilateral International Conventions protecting the rights of ethnic minorities. The Framework Convention Article 15 reads as follows:

<sup>2</sup> The level of self-administration of APV varied from legislative, executive and judicial autonomy in the period between 1974 and 1989 to more or less symbolic self-government 1993-2002. In February 2002 the Serbian National Assembly enacted a Law on the powers of the Autonomous Province that enlarged the autonomous powers of Vojvodina after a decade of centralism.

<sup>3</sup> General Assembly Resolution 47/135 adopted 18 December 1992. UN Doc.A/RES/47/135.

*The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.*

The Explanatory report of the Framework Convention makes the effective participation clause clearer<sup>4</sup>. Effective participation in public affairs requires presence in public sector, but this provision makes no clear obligation to states to create an ethnically sensitive employment policy in public administration or judiciary.

The Organization for Security and Cooperation of Europe also made efforts to protect ethnic minorities. The Paragraph (35) of the CSCE Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (1990) states that:

*The participating States will respect the right of persons belonging to national minorities to effective participation in public affairs, including participation in the affairs relating to the protection and promotion of the identity of such minorities. The participating States note the efforts undertaken to protect and create conditions for the promotion of the ethnic, cultural, linguistic and religious identity of certain national minorities by establishing, as one of the possible means to achieve these aims, appropriate local or autonomous administrations corresponding to the specific historical and territorial circumstances of such minorities and in accordance with the policies of the State concerned.*

From the above quoted provisions one may conclude that FRY or any other state party to those Conventions and international organizations has no clear obligation emanating from the international law to ensure proportional representation of ethnic minorities in public bodies. However, states parties to those conven-

<sup>4</sup> This article requires the parties to create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, particularly in those affecting them. It aims above all at encouraging real equality between persons belonging to national minorities and those forming part of the majority. In order to create necessary conditions for such participation by persons belonging to national minorities, Parties could promote - in the framework of their constitutional system - inter alia the following measures:

- consultation with these persons, by means of appropriate procedures and, in particular, through their representative institutions, when parties are contemplating legislation or administrative measures likely to affect them directly,
- involving these persons in the preparation, implementation and assessment of national and regional development plans and programmes likely to affect them directly,
- undertaking studies, in conjunction with these persons, to assess the possible impact on them of projected development activities,
- effective participation of persons belonging to national minorities in decision-making processes and elected bodies both at national and local levels,
- decentralised or local forms of government.

tions should make efforts to ensure effective participation of ethnic minorities in public decision-making.

At this point it has to be noted that in some states there are legal provisions that require proportional representation of public employees on ethnic or linguistic bases. Two characteristic examples are Italy (Alto-Adige - South-Tyrol) and Canada (federal administration). In these cases legal rules provide for the proportional representation of German and Italian speakers in South-Tyrol and English and French speakers in Canada federal administration<sup>7</sup>. Regardless that they are the results of specific historical circumstances and policies these systems function rather successfully.

## 2. Domestic legal standards

### Constitutional framework

In the Yugoslav constitutional system there are three Constitutions. The Constitution of the FRY (1992), the Constitution of the Republic of Serbia (1990) and the Constitution of the Republic of Montenegro (1993). While the FRY and Serbian Constitutions have only non-discrimination provisions, the Montenegro Constitution, Article 73, has clear provision on the representation of ethnic minorities in public administration and bodies. This provision states that national and ethnic groups have the right to proportional representation in state organs, public services and local authorities<sup>8</sup>.

### Laws

The only law regulating the representation of ethnic minorities in FRY is the newly adopted Law on the Protection of the Rights and Freedoms of National Minorities<sup>9</sup>. Article 21 of the federal law states:

*In the course of employment in public services, including the police, it is obligatory to take care of the national composition of the population, adequate representation and the knowledge of the languages spoken in the territory of the authority or service.*

<sup>7</sup> See more on official language policies in Italy and Canada in: Magnét, Joseph Eliot, *Official Languages of Canada, Perspectives from Law, Policy and Culture*, Les Éditions, Yvon Blais Inc, Covansville, 1995; Goldbloom, C. Victor - Commissioner of Official Languages, *Annual Report 1998*, Minister of Public Works and Government Services, Ottawa, April 1999; Dobriković, Nina, *Južni Tirol model rešavanja položaja i statusa nacionalnih manjina?*, *Međunarodni problemi* 3-4, 1992, pp.272-286.

<sup>8</sup> *Ustav Republike Crne Gore, Official Gazette* 48/1992.

<sup>9</sup> Law on the Protection of the Rights and Freedoms of National Minorities, *Official Gazette of FRY*, 11/2002.

This provision, however vaguely requiring direct proportional representation in all public services - that would commensurate to the ethnic proportions of the population - clearly requires specific policies of employment in public services and administration.

### *Ethnic proportions in the local and provincial authorities and services, in Courts, in Prosecutors Offices in APV*

Before presenting the data on the representation of different ethnic groups in APV it is important to note that primarily from late sixties of last century special policies of ethnic equality were implemented in Vojvodina. First, the policy of ethnic keys requiring proportional ethnic representation in public authorities that commensurate to the ethnic proportions of the local population. This policy was never enacted in the form of Law, but it was the official policy of the Communist party. Second, there was a policy of five equal official languages that requires employment of only bilingual personnel in public services communicating with the population.

However the above mentioned policies were often malfunctioning<sup>\*</sup> and never completely implemented, when the nationalist Milošević regime destroyed the autonomy of Vojvodina, it first smashed these policies claiming that they favored national minorities and discriminated Serbs. Shortly after, The Serbian Constitutional Court ruled unconstitutional the requirement of minority language knowledge in (the course of) public employment<sup>†</sup>. The effects of these new policies were tremendous on the official language use of national minorities in Vojvodina and on the overall employment of national minorities in public authorities.

The Federal Ministry for National and Ethnic Minorities and the Provincial Secretariat for Legislation, Administration and National Minorities launched a wide public survey in order to determine the real ethnic proportions in local authorities, public authorities and judiciary. In the following section some results of this survey will be presented.

#### 1. Local municipal authorities<sup>10</sup>

The ethnic proportions at local level seem rather well balanced, very much

<sup>\*</sup> Due to the shortcomings of the one party political system in Yugoslavia the party loyalty was the primary criterion for eligibility and employment. Ethnic keys were implemented only within these limitations.

<sup>†</sup> Decisions of the Constitutional Court of Serbia IU/52/89 and IU/58/89 from April 1990, *Official Gazette of SRS*, 28/1990.

<sup>10</sup> In local municipalities the following categories were studied: Presidents and vice-presidents and members of the local councils (local "legislative" body with elected members) and members of the executive boards (local executive body).

commensurate to the proportions in the overall population of Vojvodina. However, the representation of the Roma ethnic group in local authorities is far below their general ethnic proportions in overall population. This is probably connected with the poor social status, low education level and dispersed settlement of this group.

The representation of the ethnic groups in local authorities is the following:

	Serbs	Hungarians	Croats	Slovaks	Romanians	Ruthenians	Roma
Presidents of Municipal Councils	30 70%	7 16%	-	1 2.3%	1 2.3%	1 2.3%	-
Secretaries and Deputy Presidents of Municipal C.	61 61%	26 26%	2 2%	5 5%	1 1%	-	-
Members of the Municipal Council	1023 6%	269 17%	28 1.8%	70 4.5%	39 2.5%	16 1%	9 0.6%
Presidents of the executive boards	27 63%	9 21%	-	4 9.3%	-	1 2.3%	-
Members of the executive boards	206 60%	71 21%	6 1.8%	21 6.2%	8 2.4%	2 0.6%	-
Staff of the local administration <sup>11</sup>	2872 64%	664 15%	165 3.7%	132 2.9%	90 2%	32 0.7%	No data

## 2. Courts

	Serbs	Hungarians	Croats	Slovaks	Romanians	Ruthenians	Roma
Municipal Court Judges	276 72%	37 10%	7 1.8%	11 3%	6 1.6%	3 0.8%	1 0.3%
District Court Judges	71 79%	4 4.4%	2 2.2%	1 1%	-	-	-
Commercial Court Judges	41 84%	5 10%	1 2%	-	1 2%	-	-
Municipal Prosecutors	75 75%	8 8%	3 3%	3 3%	2 2%	1 1%	-
District Prosecutors	25 78%	3 9.4%	-	2 6%	-	-	-

In the Judiciary in Vojvodina there is much larger ethnic disproportion than in local municipal authorities. While the ethnic proportions in local authorities are primarily the reflection of the will of the local electorate, the functions in judiciary are dependent on the policy at central level. The holders of juridical functions are overwhelmingly Serbs ranging from 72% in Municipal courts to 84% in Commercial courts. These figures show large disproportion compared

with the proportions of the local population. It is a notorious fact that the representation of ethnic minorities in Serbian jurisdiction dropped substantially during the nineties of the last century. The reasons are diverse, but the overall nationalistic policy, the relatively small number of lawyers among minority population and discriminative employment policy are certainly among the reasons to be considered.

## 3. Provincial authorities

During the Milošević era the staff of the provincial administration substantially diminished from around 600 to 300 (excluding the technical service staff). The cuts were explained by the centralization of the administration.

Bearing in mind that the APV was governed by the same political party as the Belgrade central government (Serbian Socialist Party of Milošević) it implemented the same employment policy, neglecting the ethnic proportions and language requirements. To correctly estimate the present figures it should be mentioned that almost half of the Hungarians, Slovaks, Romanians and Ruthenians are employed in the Translation Service of the administration, to translate into the five official languages of the APV.

	Serbs	Hungarians	Croats	Slovaks	Romanians	Ruthenians	Romany
Members of the Vojvodina Parliament	78 65%	20 17%	3 2.5%	2 0.8%	1 0.8%	1 0.8%	-
Staff of the provincial administration	175 66%	18 7%	8 3%	11 4.2%	7 2.6%	5 1.9%	1

## 4. Police, Customs Office, Military

Ministries of interior and defence, and the customs office are not yet ready to display the data on the ethnic proportions in these law enforcement agencies. However, it is more than clear that in these law enforcement agencies the ethnic proportions are even more distorted than in judiciary. Even in municipalities and settlements with 80-90% minority population the vast majority of police officers are from the Serb ethnic group. Similar situation was in South Serbia in the region of Preševo and Bujanovac where recently with OSCE assistance the project of the multiethnic police forces was initiated and implemented. However, it was not planned in Vojvodina, even though confidence building might require similar measures and projects, notwithstanding the fact that inter-ethnic relations are much better in Vojvodina, and that local residents have relatively more trust in Belgrade authorities than in regions populated by Albanians and Bosnians.

<sup>11</sup> The latest data are from 1997. Source: Analyses of the Human and Material Resources of the Municipal Administration, Executive Council of APV, February 1997, p.33.

## Concluding remarks

As it was stated at the beginning of this paper, there is no integration of various ethnic groups without proper involvement and representation of minorities in public authorities. However, there is no legal rule that obliges courts, prosecutor offices, police forces, local and provincial authorities to adhere to employment policy that reflects the ethnic proportions of the population. There is legal obligation to take care of the "adequate" representation of minorities in the course of employment in these authorities. Although there is no authoritative interpretation what "adequate" means, it seems reasonable that it means that the proportions in public authorities and in population should not substantially differ without objective and legitimate reasons.

The results of the survey conducted in Vojvodina show that the situation in different public authorities is rather colorful. While in local authorities the ethnic proportions seem well balanced, and commensurate very much to the overall ethnic proportions of the population, in other mostly centralized authorities and services the ethnic proportions are far from being balanced. In this latter case the ethnic proportions are always biased to the detriment of ethnic minorities and in favor of the Serb majority. The ethnic proportions are mostly unbalanced in the case of higher judicial authorities and law enforcement agencies.

To sum up all, one may conclude the following:

First, decentralization of public powers has positive effects concerning the involvement of ethnic minorities in public authorities. The scrutiny of all local powers and functions including political bodies, executive and administration revealed a rather balanced ethnic picture. However, in the case of individual municipalities there are disproportions, and the overall picture seems more balanced than in the case of the centrally directed authorities. It means that further decentralization of power may have positive effects in the judiciary and law enforcement as well.

Second, beside the necessity for further decentralization, it seems necessary to create programmes for the stimulation of ethnically balanced employment in authorities where the ethnic proportions are very much unbalanced. Yet, these measures require patience and careful preparation in order to escape any discrimination or ethnic conflict.

Third, there is a constant problem of the Roma population that is underrepresented or almost not present in authorities notwithstanding whether we deal with local, provincial or central authorities.

## References

Boarov, Dimitrije, *Politička istorija Vojvodine*, CUP, Novi Sad, 2001

Bašić, Goran ed., *Demokratija i nacionalne manjine*, Biblioteka ctnos, Belgrade, 2002

Dimitrijević, Nenad ed., *Managing Multiethnic Local Communities in the Countries of the Former Yugoslavia*, LGI/OSI, Budapest, 2000

Korhecz, Tamás, Vojvodina - The Next Stage of the Dismantling Process?, *Cambridge Review of International Affairs*, Vol. XII/2

Dimitrijević, Vojin, Paunović, Milan ed., *Prava i Slobode - Međunarodni i jugoslovenski standardi*, Beogradski centar za ljudska prava, Belgrade, 1995

Marković, Milenko ed., *Samoopredeljenje između autonomije i otepljenja*, Helsinki Committee for Human rights in Serbia, Belgrade, 1998.

*Instrumenti Saveta Evrope - Ljudska prava*, Beogradski centar za ljudska prava, Belgrade, 2000

Macura, Miloš, Stanović, Vojislav ed., *Položaj manjina u Saveznoj Republici Jugoslaviji*, Serbian Academy of Sciences and Arts, Belgrade, 1996



## Legal and Social Status of the Minorities at Local Level in the Republic of Macedonia

### *Foundations for human security and rights*

To respect and protect the basic rights and liberties is inbuilt in the foundation of elementary security of a citizen relating to his/her existence and growth. In order to provide human security in terms of rights and liberties, the state should create an environment, in which it could be practiced, set living standards that will enable this practice and create appropriate mechanisms for its protection. The issue of security is a question of extent to which the state responds to its obligation to implement the concept of human rights and liberties. One special aspect of the concept of human rights is the issue of minority rights. Their peculiarity is that they do not go out of the framework of the global treatment of human rights and liberties, but they infuse them with a different dimension that brings the element of the group and the collective up to a level of a significant factor. This is especially important in a country such as Republic of Macedonia, where over 30% of the population consists of members of various ethnic groups different from the majority of population.

### *Ethnic structure in Macedonia*

The population structure in the Republic of Macedonia is multi-ethnic, with some variations in the percentage share of the different ethnic groups due to purely migration movements<sup>1</sup> or combined migration and birth rate movements<sup>2</sup>.

<sup>1</sup> This is the case with the Turkish nationality, whose number drastically decreased in the period 1956-1970 due to the agreement with the Republic of Turkey for exchange of population through optional change of citizenship, from 1956.

<sup>2</sup> This is the case with the Albanian nationality especially during the former SFRY.

**Table 1** Population in the Republic of Macedonia

	1953	1961	1971	1981	1991	1994
<b>Macedonian</b>	860699 66.0	1000854 71.2	1142375 69.3	1279323 67.0	1328187 65.3	1288330 66.5
<b>Albanian</b>	162524 12.5	183108 13.0	279871 17.0	377208 19.8	441987 21.7	442914 22.9
<b>Turks</b>	203938 15.6	131484 9.3	108552 6.6	86591 4.5	77080 3.8	77252 4.0
<b>Roma</b>	20462 1.5	20606 1.5	24505 1.6	43125 2.3	52103 2.6	43732 2.3
<b>Vlachs</b>	8668 0.7	8046 0.6	7190 0.4	6384 0.3	7764 0.4	8467 0.4
<b>Serbs</b>	35112 2.7	42728 3.0	46465 2.8	44468 2.3	42775 2.1	39260 2.0
<b>Other</b>	13111 1.0	19177 1.4	38350 2.3	72037 3.8	84068 4.1	36922 1.9
<b>Total</b>	<b>1304514</b> <b>100.0</b>	<b>1406003</b> <b>100.0</b>	<b>1647308</b> <b>100.0</b>	<b>1909136</b> <b>100.0</b>	<b>2033964</b> <b>100.0</b>	<b>1936877</b> <b>100.0</b>

Source: Annual Report 1997, Statistical Office of the Republic of Macedonia, Skopje

### *Legal basis for human and ethnic rights*

Taking the point of formal legal treatment and acceptance of international obligations, the Republic of Macedonia largely complies with the standards of the international community. Macedonia has ratified the International Pact on Civil and Political Rights, the Convention on Prevention and Punishment of Crimes of Genocide, International Convention on Prohibition and Punishment of the Crime of Apartheid, Convention on the Status of Stateless Persons, International Convention on Elimination of All Forms of Racial Discrimination, European Convention in Human Rights and Framework Convention on Protection of National Minorities. The Republic of Macedonia has signed (but not ratified) the Charter on Regional and Minority Languages.

Macedonian laws contain no provisions that could be interpreted as discriminatory against any ethnic community. Ethnic minorities (under the designation "nationalities") are mentioned in several Articles of the Constitution (7, 8, 9, 19, 20, 29, 48, 54). The Constitution stipulates establishment of Ethnic Relations Council as a permanent body of the Assembly of the Republic of Macedonia. Discrimination cases may be directly reviewed and judged by the Constitutional Court (Article 110 of the Constitution).

The rights of individuals of minority ethnic affiliation are regulated by several laws, including the Local Government Act, Criminal Code, Telecommunications Act, Political Parties Act, Personal Identity Documents Act, Primary Education Act, Secondary Education Act, and Higher Education Act. This legislation involves regulation of the use of minority languages, practice of indigenous culture and development of identity, as well as express prohibition of any form of discrimination based on the ethnic origins. Particular attention is given to providing full primary and secondary education in minority languages. In general, there is a 'positive approach to the legal regulation of ethnic minority rights'. Therefore, we may come to the general conclusion that there are legal assumptions for integration of minorities in the Macedonian society and state.

### ***Participation of ethnic minorities in the local political scene***

Participation of the minorities could be seen both through their position in elections, participation in the work of the electoral bodies (conducting elections) and through the activities of the local government bodies: Mayor, as an executive body, and Council as the legislative one. However, in order to see their real opportunities of decision making concerning local issues, we would like to familiarize the reader with the local government range of competencies.

Distribution of functions between different levels of government, according to the regulation of 1995, that is still partially effective<sup>3</sup>, is shown below.

**Central authorities or ministries** decide on conducting macroeconomic policies and national defense.

In addition, **ministries** with their territorial administrative departments or offices are in charge for maintaining, developing, staff hiring and financing of:

- a) **Education,**
- b) **Social welfare,**
- c) **Health services,**
- d) **Culture,**
- e) **Sports,**
- f) **Environmental protection,**
- g) **Police,**
- h) **Some economic services like gas and electricity.**

**Local governments** are in charge of maintaining, developing, financing and (not necessarily) staff hiring of:

- a) **Local infrastructure**
  - Construction and maintenance of roads, streets
  - Drinking water supply
  - Drainage of rainwater and sewerage
  - Settlement cleaning, garbage collection
  - Lighting
  - Maintenance of parks, greenery
  - Maintenance of public cemeteries, etc

- b) **Local public transport**

- c) **Municipal secondary vocational schools**

- d) **Local government units**

- To adopt a general urban plan after the approval of the state urban authorities;
- To adopt detailed urban plan and prepare urban documentation for the inhabited areas on the territory of the municipality after the approval of the state urban authorities.

The general conclusion is that the local government competencies in local service delivery are very narrow. Therefore, the opportunities of resolution of the problems by local population, including minorities are very limited.

### ***1. Local elections***

Every citizen of the Republic of Macedonia upon reaching 18 years of age acquires the right to vote. This right is equal, universal and direct, and it is exercised in free elections by secret ballot. Besides, a citizen must be a permanent resident in a particular municipality where he/she votes.

Both the proportional and majority electoral systems are applied at local elections.

Proportional voting according to the D'Hondt method elects councilors. The candidates and the citizens supporting them must be both Macedonian citizens and permanent residents in the municipalities where they are nominated.

The citizens do not vote particular candidates, but lists. In accordance to the applied proportional electoral system, the number of elected councilors of any particular list is in proportion to the votes gained for the list.

The nomination procedure and legal conditions for electing mayors are identical to those regarding the councilors. It means the mayoral candidates must be both Macedonian citizens and permanent residents in the municipalities where they are nominated.

In this case, the majority electoral system is applied. The majority of the votes of the citizens elect a mayor, if at least half of the entire constituency in a particular

<sup>3</sup> Mirjana Najchevska: *Insecurity Derived from Unsettled Ethnic Relations*, National Human Development Report Macedonia 2000, UNDP, Skopje, 2002.

<sup>4</sup> Local competencies are stipulated in the Local Government Act, *Official Gazette of the Republic of Macedonia*, Skopje 52/1995.

municipality takes part in elections. If not, there will be a second round of elections for those candidates obtaining more than 10 % of the total number of votes in the first round.

According to this, minorities can be proportionally represented in the local bodies.

The bodies in charge of conducting the local elections are the State (National) Electoral Commission, the municipal electoral commissions and the Electoral Commission of the City of Skopje and electoral boards.

The State (National) Electoral Commission appoints both the members of the municipal electoral commissions and the Electoral Commission of the City of Skopje for a mandate of four years. It is composed of five members each, two of them belonging to the ruling parties and other two to those opposition parties which obtained at least 5 % of the total votes at the national elections in 1994.

The municipal electoral commissions are in charge of preparation of the elections from a technical point of view: the preparation of the lists of candidates, the appointment of the members of the electoral boards who are directly involved in the voting procedure, the decision on the parties' or citizens' complaints against the work of a particular electoral board and verification and public announcement of the election results in the municipalities.

The electoral boards are composed of three members: one belongs to the ruling parties (or coalitions), and the other is a member of the opposition parties. They are in charge of implementation of the voting procedure in the voting districts: which both means explaining the voting technique to the citizens, as well as following their adherence to the voting rules. The *Local Election Law* provides opportunity for the opposition parties to be entitled to supervise directly the regularity of the elections.

#### Aggregate data on the last (1996) local elections<sup>1</sup>

The minorities have their own parties. The Albanian parties are PDP, DPA and NDP; the Roma party is the Democratic Progressive Party of Roma, the Turkish party is the Democratic Party of Turks, the Serbian party is the Democratic Party of Serbs. It can be seen from the above provisions that the minorities participate as equal citizens at local elections where they are represented through their parties in the work of the electoral bodies. As well, in the municipalities where the prevailing population belongs to some ethnic minority, the most of the

<sup>1</sup> These data can be found in: *Bulletin of the State Electoral Commission*, Skopje, 1997.

Stojmen Mihajlovski, Dušan M Verigic, *Multiparty Elections in the Republic of Macedonia*, Institute for Sociological, Political and Juridical Research, Skopje, 1998.

councilors belong to the same minority. It can be noticed that the most exclusive are the Albanian parties. The other ethnicities (especially Serbs and Vlachs) vote and participate in the parties where the majority consists of ethnic Macedonians.

**Table 2** Election of councilors

Political Parties	Votes gained	%	Mandates gained (Elected Councilors)	%
Social Democratic Alliance of Macedonia	203,084	25.51	554	29.45
VMRO - Democratic Party for Macedonian National Unity	152,591	19.16	370	19.67
Socialist Party of Macedonia	66,307	8.33	166	8.83
Democratic Party	66,532	8.36	131	6.97
Liberal Party	59,706	7.50	111	5.90
Party for Democratic Prosperity	78,944	9.91	205	10.88
Party for Democratic Prosperity of the Albanians	56,175	7.05	147	7.82
VMRO - Democratic Party	12,385	1.56	5	0.26
Democratic Party of Turks	10,616	1.33	40	2.13
Rest	89,866	11.29	152	8.09
<b>Total</b>	<b>796,206</b>	<b>100.00</b>	<b>1,881</b>	<b>100.00</b>

**Table 3** Elected mayors of municipalities by party or coalition affiliation

Party affiliation	Number	%
Social Democratic Alliance of Macedonia (coalition)	54	43.54
Coalition of VMRO - Democratic Party for Macedonia		
National Unity, Democratic Party, MAAK - Conservative	28	22.58
VMRO - DPMNE	1	0.81
Democratic Party	1	0.81
Party for Democratic Prosperity (PDP)	15	12.09
Socialist Party	10	8.06
Social Democratic Alliance of Macedonia; Socialist Party	1	0.81
Party for Democratic Prosperity of the Albanians (PDPA)	5	4.03
PDPA, NDP	3	2.42
PDPA, NDP, PDP	1	0.81
Democratic Party of the Turks in Macedonia	2	1.61
Democratic Party of Serbs	1	0.81
Democratic Progressive Party of Rhomas	1	0.81
Independent candidate	1	0.81
<b>Total</b>	<b>124</b>	<b>100.00</b>

The above conclusions refer to the election of mayors, also.

## 2. The Municipal Council

The Council is the legislative body of the local government unit. The Council shall:

- Adopt the Statute of the municipality and Rules of Procedure of the Council;
- Adopt the budget and the annual balance of accounts;
- Adopt working programs and plans in conformity with law;
- Make decisions implementing the local government competencies;
- Establish public services, public institutions and public enterprises and supervise their work in conformity with law,
- Appoint members of the managerial boards of the public services, institutions and enterprises established by it,
- Appoints directors (general, managers) in public services (public utility companies and public institutions).

## 3. Mayor

Mayor is a representative and executive body in a local government unit.

The Mayor shall:

- Represent the local government unit,
- Take care of and secure the implementation of the decisions of the council,
- Take care of the implementation of the work entrusted to the local government unit by the central authorities,
- Propose to the council adoption of decisions and other general acts within its competence,
- Publicize the acts and decisions passed by the Council of the local government unit in the municipal official gazette,
- Issue individual acts if specially entitled to do so in conformity with law and the Statute of the local government unit,
- Manage the municipal administration,
- Manage the municipal property in conformity with law and the Statute of the local government unit,
- Appoint and dismiss employees in local administration.

From the above tables and local bodies' competencies it can be seen that the minorities are, through their mayors and councilors, in a position to decide on issues of local relevance.

## Instruments of minority rights protection

### *Access to employment as fair treatment of ethnic minorities*

If we see the list of the competencies of the local organs we can notice that local council appoints the managers of municipal utility companies and mayor appoints the local administration. Thus any minority that prevails in the territory of one municipality has the opportunity to recruit or hire people of its own nationality for the work in the administration or utility companies. The former conclusion on elections refers into the case of local employment. The Albanians recruit only Albanians for these positions, Roma mainly Romas, and in the prevailing Macedonian municipalities both Vlachs and Serbs and others, in addition to the Macedonians can be employed. In addition, there is a provision in the *Local Government Act* saying that endeavours will be made in order that the proportional representation of the nationalities in their election and appointment in the organs of the local government units with mixed ethnic population will be provided.

### *Access to effective legal remedies for protection of minority's rights*

The Macedonian citizens can acquire their rights before the state institutions - regular courts, Constitutional court, state administration. Ombudsman, etc. Thus their protection is not at local level, and there is not special regulation dealing with minorities. The empirical research show that some groups in the Republic of Macedonia, including minorities like the Albanians and Romas have an aggravated access to the former institutions.

### *Legal and political frames for administering the relationship between multiethnic groups at local level*

The law provides that in the municipalities with a mixed population, more precisely where all other nationalities but ethnic Macedonians represent the majority or considerable number of the total population, a Commission for Inter-Ethnic Relations should be established, including representatives of all nationalities living there. The statutes of these local government units will operationalize this legal provision in respect of the composition and election of committee members, etc.

In addition, there are informal negotiations among parties of various ethnic groups on these issues.

### *Language and educational politics*

The local government units in which the population of other nationalities (ethnic Albanians, ethnic Turks, ethnic Serbs and all other but ethnic Macedonians) exceeds 50 % of the total number of population according to the last census (1994) are considered local government units with a majority of other nationalities.

The local government units in which the population of other nationalities (ethnic Albanians, ethnic Turks, ethnic Serbs and all other but ethnic Macedonians) exceeds 20 % of the total number of population according to the last census (1994) are considered local government units with a considerable number of other nationalities.

At the sessions of the councils and other bodies in the local government units with a majority or considerable number of other nationalities, their languages and alphabets are also in official use, in addition to the Macedonian language, and its Cyrillic alphabet.

The statute, decisions and other general acts will be written and officially published both in Macedonian language and its Cyrillic alphabet, and the languages and alphabets of the nationalities which form a majority or a considerable number in particular local government unit. The same will apply to the official use of the languages in the public services; public institutions and public enterprises established in such local government units.

In a local government unit with the majority of the inhabitants belonging to other nationality, the signs of the settlements, public services, institutions and enterprises established by the local government unit will be written both in Macedonian language and Cyrillic alphabet and the language and alphabet of the nationality. The same will be done in a unit of local government with a considerable number of inhabitants belonging to another nationality, if the Council of the local government unit decides so.

The signs with the names of the cultural and educational institutions which serve to promote and develop the cultural identity and education of the nationalities will be written both in Macedonian language and alphabet and the language and alphabet of a certain nationality, even in areas consisting of a small number of inhabitants of the respective nationality.

Teaching in primary and secondary schools is in mother tongue, according to the law. When teaching if the language in use is not Macedonian, Macedonian language is obligatory taught as a subject.

The existing regulation endeavours to set the inter-ethnic relations on sound and fair basis by proportional representation of nationalities in local organs and

bodies considering their number in respective local government unit, by establishing Inter-Ethnic Commission and stipulation of the right to use the language of minorities in municipalities where there is the majority, or considerable number of them so as to be in official use together with the Macedonian language. In spite of this, the relations between ethnic Macedonians and ethnic Albanians in the western part of Macedonia are tense. The reasons for these tensions or the roots for the discontent of the ethnic Albanians do not come from the local affairs but are much deeper. They are dissatisfied by their social status, their lack of opportunities to find jobs in governmental and social services, as well as in many economic activities, difficulties in enrollment to secondary and tertiary schools (faculties), etc. i.e. their disproportional representation and frustrations mainly in the fields of state administration, police, army, economy, education, etc. the fields in which the local authorities and population has no real impact<sup>4</sup>.

The members of the different ethnic communities perceive each of the presented elements as an expression of threat to their own ethnic community, its integrity and equal position within the framework and with respect to the state, and as a basis for their permanent insecurity.

The lack of a precise statistical record (i.e. record recognized and accepted by everybody)<sup>5</sup> that would reflect the real dimensions of the presented situations adds heat to the existence of this insecurity. This especially pertains to the lack of sufficient cross-ethnic data in the areas of health, social welfare, employment and the structure of the state administration, as well as the lack of data regarding per capita income by municipalities.

### *Formal employment and ethnic origins*

As it can be seen from Table 4, there are differences in the employment rates of different ethnic groups in the Republic of Macedonia. The employment rate of Macedonians and Vlachs is the highest, and that of Roma and Albanians the lowest. Ethnic Macedonians constitute 66.6% of the total population and 83.5% of the employed, ethnic Albanians constitute 9.8% of the employed and 22.7 % of the total population; Roma constitute 0.7 % of the employed and about 2.2% of the total population, which means that the last two ethnic groups are underrepresented in the employed population by a factor of about 2.5 compared

<sup>4</sup> For instance, the Albanians that constitute 22,9% of the total population in the Republic of Macedonia, cover 10,4% of the total labour force in Macedonia; 14,04% of the total number of students in secondary schools, etc. Source: *Draft Report on Minority Rights in the Republic of Macedonia 2000*, Helsinki Watch Committee, Skopje.

<sup>5</sup> The members of the Albanian and Roma nationality have special remarks with respect to the official data from the Statistical Office.

to the total population. This indicates that there are differences (i.e. exclusions) of some ethnic groups - Roma, Albanians and Turks with respect to employment, which means that jobs have been available to a lesser degree than to ethnic Macedonians, for example. It should be noted, however, that the above statistics refer to formal or recorded employment - and do not take into account the fact that a large proportion of the working age population in Macedonia and especially of minority groups are engaged in the grey economy.

**Table 4** Employees by occupation and ethnic origin

Ethnic origin	Total employed	Total population
Macedonian	83.5	66.6
Albanian	9.8	22.7
Vlach	0.3	4.0
Roma	0.7	2.2
Turk	2.3	2.1
Serb	1.3	0.4
Other	2.1	2.0
<b>Total</b>	<b>100.0</b>	<b>100.0</b>

Source: Bureau of Statistics. Labour Force Survey 2000

**Table 5** Population aged 15 and older, economic activity, and level of education in the Republic of Macedonia

Education	Total population	Total employed
1. No education	5.8	1.6
2. Unfinished education	12.1	6.4
3. Elementary education	34.5	27.9
4. 3 years secondary education	10.5	14.1
5. 4 years secondary education	27.5	35.8
6. Higher Education I degree	4.1	5.8
7. Higher education II degree	5.3	8.1
8. Master's degree	0.1	0.2
9. Doctoral degree	0.1	0.1
10. Other	0.1	-
<b>Total</b>	<b>100.0</b>	<b>100.0</b>

Source: Bureau of Statistics. Labour Force Survey 2000

**Table 6** Population aged 15 and older, ethnic origin and education

	Incomplete Primary	Primary education	Secondary education	Higher I degree	Higher II degree	Total
Macedonians	18,6	28,9	41,2	4,2	6,9	100,0
Albanians	20,9	61,3	14,0	2,1	1,6	100,0
Roma	41,7	45,1	12,6	0,3	-0,2	100,0

Source: Census 1994: Population by education, Statistical Office of RM, Skopje 1994

The above tables show that ethnic Albanians and Roma have on average lower educational level than ethnic Macedonians and it can be a significant reason for their underemployment because everywhere in the world there is a positive correlation between the level of education and the employment rate (the higher educational level the higher employment rate).

### Special case of the Roma

The existence of the factual inequality in terms of employment<sup>4</sup>, social and educational<sup>5</sup> status<sup>6</sup> represents a significant basis for the furthering of the structure of distrust and insecurity or, when talking about the Roma population, exclusion from the social and development processes. One result of this type of insecurity is the lack of trust that the needs and interests can be fulfilled in the Republic of Macedonia<sup>7</sup>.

<sup>4</sup> Employees according to national participation in the Republic of Macedonia

Macedonian	Albanian	Turks	Roma	Vlach	Serbs
402507 (84.5%)	35904 (7.5%)	9586 (2%)	5176 (1%)	3098 (0.6%)	11976 (2.5%)

<sup>5</sup> From the 569 regular professors in the institutions of higher education in the Republic of Macedonia, 528 are Macedonian, 3 Albanian, 4 Vlachs, 2 Roma, 4 Turks, 2 Austrian, 2 Bulgarians, 13 Serbs, 2 Croats, 2 Muslim, 3 have not specified, 2 have specified only regional participation and 1 Yugoslavian, *Statistical overview 310*, Skopje, July 1998.

<sup>6</sup> In the total number of books and brochures published in the Republic of Macedonia in 1997 the relationship is: 76% in Macedonian, 10% in Albanian, 3.4% in Turkish, 0.1% in Roma, 0.2% in Vlach, 0.2% in Serbian language, *Statistical overview 313*, Skopje, October 1998. In the school year 1998/99, the universities were attended by 88% Macedonians, 5.4% Albanians, 2% Serbian, 1% Vlach, 1% Turks, 0.1% Roma. *Statistical overview 329* Skopje.

<sup>7</sup> Big influence of this aspect is the fact that 67.3% of the Albanians belong to the rural population (where the global ratio of urban/rural population in the Republic of Macedonia is: 59.7% to 40.3%, or for Macedonians 70% to 30%)

<sup>8</sup> 18% of the surveyed have stated that they see their future in another state, while 8.2% are absent from the country for one or more years. From them 66.6% are Macedonians, 26.3% Albanians, 2.7% Turks, 2% Roma, Statistical Office, *Book II, Census 1994*.

Of special concern in this field is the position of the members of the Roma nationality (which could be identified as the only factually excluded group on the basis of ethnic affiliation). In the case of the Roma nationality, we are dealing with an exceptionally high degree of social marginality and exclusion that moves along the line of failure to fulfill the basic existential needs.

Next source of dissatisfaction comes from the ethno-national definition of the symbols of the state - especially the text on the state anthem, and to an extent the state flag (that corresponds only to the ethnic Macedonians) without an appropriate legislation that would regulate the use of symbols related to other ethnic communities, which in practice causes complete disrespect of the state symbols by the members of certain ethnic communities in the Republic of Macedonia (especially the members of the Albanian nationality):

### *Insecurity of ethnic Macedonians*

The insecurity of ethnic Macedonians is mainly based in the different birth rates (especially in the ethnic Albanian community) that change the ethnic map of Macedonia, both regionally and nationally. The Macedonians fear that it will end in ethnic cleansing and secession as the ultimate result<sup>12</sup>.

The war in 2001 between Macedonian armed forces and ethnic Albanian extremists resulted in the enactment of some regulations that reflect on the political system of Macedonia, i.e. influence its functioning. Namely, an opportunity and a condition for cessation of the war was the signing of the Framework Agreement in Ohrid, on August 13, 2001. This document stipulated changes in the Constitution - Amendments IV-XVIII enacted in November 2001 (*Official Gazette of the Republic of Macedonia* 91/2001) and the new Local Government Act in January 2002 (*Official Gazette of the Republic of Macedonia*, 5/2002).

The new Local Government Act (2002) extends the local competencies including public services, urban planning, rural planning, protection of the environment, local economic development, local public finance, communal infrastructure (construction, repair and maintenance of local roads, streets, water pipes, sewerage system, lighting, etc.), culture, sports, social welfare protection, protection of children, primary and secondary education, primary health care, fire protection and other issues prescribed by law. Thus, this act transfers many competencies to local government or municipalities, but they will become effective and elaborated after the change of many of the existing laws (Primary Education Act, Secondary Education Act, Health Care Act, and Social

Protection Act, etc. where at the time being (competencies) belonged to the central authorities or ministries. This transfer of competencies will have been finished up by the end of the year 2003.

This law introduces a new and specific provision protecting minorities that in some municipalities can be the ethnic Macedonian population, formulated as:

"The regulations referring to culture, use of the languages and alphabets spoken by less than 20% of the citizens in the municipality, determining the use of the coat of arms and flag of the municipality, shall be adopted by the majority of votes of the present council members, within which there must be a majority of votes of the present council members belonging to the communities which do not form the majority of population in the municipality."

The new local government act enlarges the rights of the minorities in use of the official language. According to this, it is the Macedonian language and its Cyrillic alphabet that is official language on the whole territory of the Republic of Macedonia and in its international relations.

Another language that is spoken by at least 20% of the citizens is an official language with its alphabet, as this article determines it.

The New Constitutional amendments (2001) extend these rights in reference to the state administration that will become local after the above changes of competencies (within a year and a half).

"The personal documents of the citizens speaking an official language different to the Macedonian, will be issued both in the Macedonian language and its alphabet and in that language and its alphabet, as prescribed by law.

Every citizen living in local government units where at least 20% of the citizens speak an official language different to the Macedonian, in communication with the local branches of the central administration (local branches of the Ministries) may use that official language and its alphabet. The local branches of that Ministry are obliged to give their response both in the Macedonian language and its Cyrillic alphabet and the official language used by the citizen. Every citizen in communication with the ministries may use one of the official languages and its letter, and the ministries are obliged to respond both in the Macedonian language and its Cyrillic alphabet and the official language used by the citizen.

The following priorities can be drawn in this context:

- Developments of programme raising the educational level of the members of certain ethnic communities aimed at surpassing the educational misbalance among various ethnicities;
- Special training of the administration and the staff police in order to raise the ethnic sensibility and civic orientation;
- Establishment of a special body within the European Union dealing with all kinds of support to the Roma population in the Balkan region.

<sup>12</sup> Mirjana Najchevska: *Insecurity Derived from Unsettled Ethnic Relations*, National Human Development Report Macedonia 2000, UNDP, Skopje, 2002.

## References

- Survey Results and Legal Background Regarding Ethnic Issues in the Republic of Macedonia*, Institute for Sociological, Political and Juridical Research, Skopje 1995
- Implementation of International Standards in the National Legislation of the Republic of Macedonia, in *Inter-Ethnicity: Turning Walls Into Bridges*, Skopje, 1996
- Myriam Vander Stichele: *Globalisation, Marginalisation and WTO*, WTO Booklet Series Volume I, Transnational Institute, 29 September 1997
- Stojmen Mihajlovski, Dušan M Verigić: *Multiparty Elections in the Republic of Macedonia*, Institute for Sociological, Political and Juridical Research, Skopje, 1998
- Sources and Factors of Interethnic Tensions in the Process of Education*, Institute for Sociological, Political and Juridical Research, December 1998
- Situation Analysis of the Position of Roma Women and Children in the Republic of Macedonia*, (UNICEF 1999)
- Final report on the research Results of Watching the Multicultural Show Nase maalo, *Search for Common Ground*, Skopje, 1999
- Mirjana Najchevska: *Insecurity Derived from Unsettled Ethnic Relations*, National Human Development Report Macedonia 2000, UNDP, Skopje, 2002
- Ilija Todorovski: Local Government in Macedonia, *Stabilization of Local Governments*, Open Society Institute, Budapest, 2001
- Constitution of the Republic of Macedonia, *Macedonian Official Gazette*, 52/1991, articles 114 - 117
- Constitutional Amendments IV-XVIII, *Macedonian Official Gazette* 91/2001
- Local Government Act, *Macedonian Official Gazette*, 52/1995
- Local Government Act, *Macedonian Official Gazette*, 5/2002
- Law on Local Elections, *Macedonian Official Gazette*, 46/1996
- Law on the City of Skopje, *Macedonian Official Gazette*, 49/1996
- Law on the Voters' Lists and Voter's Identity Card, *Macedonian Official Gazette*, 49/1996
- Primary Education Act, *Macedonian Official Gazette*, 44/1995
- Secondary Education Act, *Macedonian Official Gazette*, 44/1995
- Law on Public Attorney, *Macedonian Official Gazette*, 7/1997

Svetlana Budisavljević

## The Status of National Minorities in Montenegro with Particular Insight into the Rights Accomplished at the Local Level

The events that have significantly been influencing the creation of a new, political, legal and cultural setting for the last ten years also influenced the issues of national and ethnic identities relating to groups being constitutional in the past and being the minorities in the Federal Republic of Yugoslavia and the Republic of Montenegro, now. The national awareness and the national identity, as the sense of difference on the one hand, and as the sense of affiliation on the other, got the special and unambiguous expression within the society that sees its orientation in formation of civil and national state. Starting from the fact that the national minorities are the results of the creation of contemporary and national state, it can be understood why the acceptance of international legal protection (which is actually a very young concept) has been spread and intensified either in Montenegro or, broader, in Yugoslavia.

There exist data that reflect the status of national minorities in Montenegro and they include:

- Demographic,
- Social,
- Political facts relating to minorities.

It is rather hard to assess the current demographic structure of Montenegro on the basis of the long time distance and the conflicts within the region of former Yugoslavia. A great number of Slavic people and Gypsies moved from the neighbouring areas, and this also influenced the change of ethnic and national configuration.

The Table below indicates the number of citizens in Montenegro according to the Census in 1991, and the number of the members of minority nations.

Declared nationality	Number	%
Montenegrins	467.666	76.06
Bosnian Moslems	89.614	14.57
Albanians	40.415	6.57
Croats	6.242	1
Other	11.098	1.8
<b>Total</b>	<b>615.035</b>	<b>100</b>



Taken the concept of a civil state and by promoting the principle of citizens' sovereignty, we have provided a firm constitutional and legal basis for the realization of legal and political, as well as philosophical principle of equality in general. All citizens enjoy the same rights and fundamental freedom regardless of any particularities and / or other personal attributes or belonging to a group: ethnical-national, religious, linguistic, cultural, ideological...

The defining of the concept of national minorities has not been unified either in international, or in our law. The terms that Federal legislations apply (national minorities) are not equal to the terms that are used in Montenegrin legal standards (national and ethnic groups).

The Federal Constitution defines the rights of national minorities in general, whereas the Constitution of the Republic of Montenegro elaborates those rights, but without defining the national minorities and the meaning of that term.

Regardless of different titles, the common characteristics that design their frame are the same and relate to the particularity (language, religion, culture), inferior position in the state and number's inferiority comparing to the citizens of the state.

Most of the rights that belong to the members of national minorities in FRY, which were provided for by the Federal and the Republican Constitutions, are mainly within the jurisdiction of Republic that solve those issues by numerous laws, the implementation of which is accomplished in the local communities. All those regulations are based on international documents and guarantee numerous rights, starting from those relating to preservation, development and the expression of ethnic, cultural and other particularities and going further to the various forms of guaranteed rights. The guaranteed rights mean:

- The use of mother tongue,
- Education and informing in the mother tongue,
- The use of ethnic symbols,
- The establishment of educational, cultural and religious associations supported by the state subventions,
- The presence of their history and culture in the national programs,
- The use of their own language in the proceedings before the state authorities,
- Proportional employment with the public services, the state administration and with local self-government bodies
- The rights to religious holidays,
- The rights of the preservation of contacts with other compatriots outside of Montenegro,
- The right of participation in regional and international NGOs, as well as
- The applying to the international institutions for the protection of their rights.

The overall regulating of this issue, along with the elaboration of the principles that should enable the realization of national minorities rights within democratic political ambient, experienced its completion by the passing of Federal Law on the Protection of National Minorities Rights in 2002. For the first time, the definition of national minorities has been established by the introduction of this Law. At the same time, their enumeration has been avoided, and the application of that definition has been extended to the groups of nationals that are called people, national and ethnic community, national and ethnic group, as well as nationality and population. Therefore, the Gypsies have started to be the nation without parent state and to have the status of national minority. They have exclusively been treated as an ethnic group up to now.

The new Law foresaw the prohibition of the violation of the national minorities rights. Any activity that can lead to the change of national composition of the population shall be prohibited in the areas where members of national minorities live.

This regulation also, introduced the special rights of national minorities to self-governance in the field of education, the use of language, the informing and culture.

The Law envisaged also the establishment of the National Minorities Council, which has existed within the territory of Montenegro for years.

Keeping pace with democratic processes in the world and along with evolution of awareness relating to protection of members of ethnic, religious or linguistic minorities, Montenegro was one of the first states that, apart from rights and freedoms in general, explicitly codified in its Constitution, Special Rights of National and Ethnic Groups which guarantee protection of national, ethnic, cultural and linguistic identity. The Constitution of Montenegro defined these rights in 1992, and in order to protect national, ethnic, cultural, linguistic and religious identity of those belonging to national and ethnic groups and to exercise their special rights it prescribed the establishment of the **Council for the Protection of the Members of National and Ethnic Groups** under the leadership of the President of the Republic, where as the composition and the competence are determined by the Parliament. The members of the Republic Council, fifteen of them, are the representatives of religious, national and ethnic groups together with the President, and they are the prominent representatives from cultural and political life of the Republic. In the same aim the Government of Montenegro establish **Center for protection and development of culture of national and ethnic groups**.

In compliance with its economic potentials, with strong political will, Montenegro has been undertaking measures both to protect and develop and affirm conditions for protection and promotion of identity of national and ethnic

groups. On equal basis, along with other citizens in Montenegro, members of national and ethnic groups, as well as majority population, exercise social rights in various segments of the society at local level.

## **Education**

Everyone is entitled to education under equitable conditions. Primary education is mandatory and free of tuition fees. According to Article 9 and 68 of the Constitution of the Republic of Montenegro teaching instructions are in Albanian language, both in elementary and high schools, in several municipalities in Montenegro (Muslims speak Serbian, which is an official language in Montenegro). In the municipalities with majority of population or its meaningful part being members of national and ethnic groups their language and alphabet are in official usage. A number of Albanian children attending elementary schools are almost 100%. Teaching instructions are in Albanian in 11 regional elementary schools, which have 33 classrooms in the region. All inhabited places are covered. There are schools in the area of Ulcinj, Podgorica, Plav and Rozaje municipalities.

The Proposal of a new law anticipated that the local self-government unit shall mandatory introduce the equal, official use of the language and the alphabet of the national minority if the percentage of the members of such national minority reaches 15% compared to total number of citizens within its territory, according to the last census.

Apart from securing quality teaching staff, efforts are made to provide appropriate textbooks. In our Republic we have history and reading book in Albanian language for all classes in elementary school. Other books are used from the editors in Pristina.

There are school libraries with over 80% of titles in Albanian language and over 18,000 books in all regional schools with teaching instructions in Albanian. The competent Ministry secures, in compliance with the potentials of the Republic, that all schools in the Republic obtain necessary school material and audio-visual equipment. Lacking foreign magazines and technical literature, due to sanctions imposed by the international community, adversely affects following of technically and methodically pedagogic innovations in the world, and it equally affects teachers in schools both with the Serbian and the Albanian language.

Excellent results have been achieved in Montenegro considering the possibility of acquiring a high school diploma, for entire high school generation, regardless of national and ethnic belonging. High school education, including "technical and skilled training", became almost obligatory, taking into account a number of

children attending high school and the fact that it is free of charge and available for all. In high schools, Albanian pupils can follow the teaching instructions in the mother tongue. Therefore, for example, a number of pupils attending high schools if compared with those attending elementary schools, as well as a number of pupils in the first grade of high school, are at the level of Republic average. In our Republic there are three high schools in which the Albanian language is used for teaching instructions: Plav, Tuzi and Ulcinj. As far as these schools are concerned teaching instructions are organized in over 30 classrooms and for about 900 pupils.

There are six programs in these schools starting with general, and then there is linguistic and scientific one, including all specific local requirements. Teaching instructions are organized for 13 different educational profiles and there are over 80 teachers with appropriate qualifications. A number of Albanians realizes teaching instructions of certain subjects in schools with the Serbian language. At the Republican level, the Albanians are employed in the Ministry of Education and Science, in the Teacher's Council, in the editing department, as inspectors and they are qualified to follow educational processes and in compliance with the state policy and to take care of its quality realization.

Montenegro pays a large amount of money for editing books in the Albanian language and the funds for one book, in average, are 3 to 4 times larger than those paid for the books in Serbian language and yet, the selling price is the same. For example, the selling price for a high school history book was 6 dinar, while the funds earmarked for the same book went over 30 dinar, or, for example the class books for elementary and high school were sold for 40 dinar while printing costs for one book were to 69,43 to 86,40 dinar. The reason for this is a very small circulation.

The proof of position of national and ethnic groups is data on national structure of the employed staff in elementary and high schools. Out of 7,806 employed in schools, at the beginning of school year 1994/1995 there were 746 Muslims or about 10%, 287 Albanians or about 4%, the rest are the Montenegrins, the Serbs and the Croats. Out of total number 2,386 of the employed in high schools there are 214 Muslims or 9%, 99 Albanians or about 5% at the level of Montenegro. In the municipalities in which majority or larger part are members of national or ethnic groups in elementary and high schools and not only in those, number of the employed persons correspond to national structure in these regions.

In schools, programs for instruction encloses history and culture of national and ethnic groups, and in the Ministry of the Republic of Montenegro the efforts are made towards advancement of the causal system, including the teaching instruction in the Albanian language.

## *Possibilities of maintenance of cultural identity*

Cultural institutions undertake measures towards preservation of cultural identity of national and ethnic groups. Apart from the activities in the field of education, preservation of language, editing activities, adequate Ministry takes care of protection of material and nonmaterial culture, regardless of the national background. These have been registered, and continuous members of national minorities, both the individuals and the institution, to keep their tradition, customs, and folklore... to develop creative potentials.

### *1. Information*

Members of national and ethnic groups keep being informed by creating informative programmes by way of local radio stations, Montenegrin television and press. There is news in the Albanian language, over the state radio, from Monday through Friday, and on Saturday there is a musical and information program "The End of Week", which is edited by the journalists - the Albanians. Apart from daily information regarding the events in the country and in the world, these programmes include important reports relating to life and activities of the Albanians in Montenegro and elsewhere. Within the programmes being broadcast by the Ulcinj radio station, the Albanians in Montenegro have the opportunity to listen extensive programmes in the Albanian language regularly. The Ulcinj radiobroadcasts 6 hours of programme daily, proportionally in the Albanian and Serbian language. The majority of the employed persons on the Ulcinj radio are the Albanians. The Bar Radio broadcasts "Chronicle in the Albanian Language" and of course in the Albanian language. The Albanians in Montenegro can watch informative and other programmes in the Albanian language prepared by the Serbian Television and can watch Albanian TV. "Tribina", the Newspaper Public Agency from Podgorica, the capital of Montenegro, publishes an 8 pages long feuilleton in the Albanian language, once a month, in the periodical "Polis". Independent periodical "Fati" is issued in Ulcinj, and this periodical contains fiction, poetry and all kinds of stories. The Albanians living in Montenegro have at their disposal the press in the Albanian language, which is issued in other parts of Yugoslavia.

### *2. Religious Freedom*

Everyone has the right of professing his own religion. Members of national and ethnic groups in Montenegro are equal and free in the performance of their religious rites and affairs and customs and to build sacral buildings. There are 148

Roman Catholic churches and 70 other sacral buildings here in Montenegro. Islamic religious community has 85 mosques and 45 other buildings. According to Constitution all the fiats are equal and free in the performance of their religious rites and affairs. All the religious denominations will independently arrange their interior organization and religious denominations. Inter-ethnic and inter-denominational relations are at a very high level in Montenegro. Getting used to differences and taking them as something of mutual interest is inseparable part of tradition in this region.

## *Health and social protection*

In Montenegro, meaningful results have been achieved in the sphere of health and social protection of children and elderly persons. The number of medical workers: general practitioners, specialists, stomatologists, pharmacists, and other medical workers keep getting higher. It is a fact that natural growth of population in certain municipalities, predominantly inhabited by the members of national and ethnic groups, is far above the average of the Republic (15,6%), (for example, it is 24,4% in Rozaje), and the fact that death-rate is below average of the Republic (6,4), (4,2% in Rozaje, 5,9% in Ulcinj), with the tendency off getting lower, and this proves that health protection of the population, in the region where members of ethnic and national groups predominantly live, adheres to standards which are set in the developed parts of the world and that, in this region, standard of living, in general, keeps going upward.

As far as social protection is concerned Montenegro pays considerable funds for these needs. We are pointing out that the Muslims and the Albanians predominantly inhabit the municipalities with households of 5, 6, 7 and 8 members. In spite of this fact, in this regard Montenegro's population policy is not a restrictive one, and it firmly supports the view that freedom of giving birth is inalienable right of every woman and the matter of children planning within a family.

## *Political rights*

When the awareness of the ethnicity is on stage, it is significant to point out the Constitutional orientation of Article 73 of the Constitution of RM that guarantees the right of proportional presence in the public services, state administration and in the local self-government. It is interesting to say that this right, introduced by the Constitution of the Republic of Montenegro, is under the consideration of the Federal Law on the Protection of the National Minorities Rights for the territory of the whole FRY.

Members of national and ethnic groups are allowed, without any discrimination and in compliance with general conditions, to work in the state authorities bodies and departments of local self-government. Members of national and ethnic groups can apply for any position in the bodies of legislative judicial and executive power. In the municipalities which are predominantly inhabited by the members of national and ethnic groups, the structure of members of committees and workers is quite appropriate, and in certain parts even more favorable for the members of national and ethnic groups (see the table).

That fact that the members of national and ethnic groups in Montenegro can participate in creation of political life and in decisions of national interest passing, and that they can be employed in the bodies of local and republican authorities, and that they can articulate their political and other interests shows a data that, for the former elections in November, several parties have been registered, independently or within a coalition, aspiring to express a political attitude of the electoral body of the members of national and ethnic groups. This right flows from constitutional norm according to which the citizens are guaranteed freedom of uniting into political bodies, trade unions, without any kind of authorization, but the improvement is necessary regarding the competent bodies.

Four political parties of minority nations (the Moslems and the Albanians) have their councilors in four Municipalities in which their population is the majority. A very liberal attempt of granting the special rights to national parties composed of minority nations is realized by the implementation of the Elections of Councilors and Representatives. This Law prescribes proportional system for the elections in such manner that a single electoral unit covers the whole territory of the Republic. Only those nomination lists that got 3% of the total number of votes of the constituency participate in the distribution of terms of offices. Five representatives, from the total number of representatives for the Republic as a single electoral unit, are elected at the polling places designated by a separate decision of the Republican Parliament. For the purpose of the last Parliamentary elections, a special agreement was reached for those areas in which the Albanian minority has the majority population, so that the polling places involving the Albanians as the majority were treated as a separate unit within the single electoral unit.

The election list for the election of councilors, or representatives is approved if 1% of constituency in an electoral unit supports it at least. Exceptionally to this rule, for political parties or groups of citizens that represent the Albanians in Montenegro (as minority nation), the election list is approved if 200 signatures of the constituency support it at least (at the local level). For the election of representatives the list is approved if 1000 signatures of the constituency support it at least (for the Republic Parliament).

Members of national and ethnic groups can take part in regional and international non-governmental organizations, and they can address international institutions in order to secure the protection of their freedoms and rights guaranteed by the Constitution.

According to the data of the Ministry for the National and Ethnic Rights Protection, the presence of the members of minority nations in state authorities is expressed in the following manner:

Bosnian Moslems	125	7,07 %
Albanians	40	2,26 %
Croats	14	0,79 %
Other	8	0,45 %
<b>Total</b>	<b>187</b>	<b>10,58 %</b>

#### The presence in the local self-government bodies

Ord No.	The title of authority or the organization	Total number of employees	Bosnian Moslems in %	Albanians in %	Croats in %	Other in %	Total in %
45.	MA Žabljak	32	no employed members of national and ethnic groups				
46.	MA Cetinje	98	1 (1,02%)	1 (1,02%)	1 (1,02%)	-	3,06
47.	MA Ulcinj	109	3 (2,75%)	86 (78,8%)	-	4 (3,6%)	85,15
48.	MA Tivat	77	-	-	24 (45,2%)	23,77%	68,97
49.	MA Plav	87	61 (70,1%)	9 (10,9%)	-	-	85,2
50.	MA Danilovgrad	64	no employed members of national and ethnic groups				
51.	MA Berane	230	8 (7,14%)	-	-	1 (0,89%)	8,03
52.	MA Majkovac	31	no employed members of national and ethnic groups				
53.	MA Podgorica	37	-	1 (2,7%)	-	-	2,7
54.	MA Ražaje	72	65 (95,5%)	-	-	-	95
55.	MA Kolašin	no employed members of national and ethnic groups					
56.	MA Kotor	93	-	-	3 (3,2%)	12 (12,9%)	16,1
57.	MA Andrijevica	22	no employed members of national and ethnic groups				
	<b>TOTAL</b>	<b>952</b>	<b>138 (14,64%)</b>	<b>97 (10,19%)</b>	<b>28 (2,94%)</b>	<b>17 (3,68%)</b>	<b>31,45</b>

\* The Ministry prepared these Tables for the National and Ethnic Rights Protection

We are aware of the fact that the regulation in itself does not insure the right and that for the insuring of right there need to be both the awareness on its appropriate application and also the global awareness of the human rights and freedoms concept. That is the reason for giving this portrayal of facts showing to

what extent the declared protection in the field of minority rights has been implemented in practice. It can be concluded that this kind of protection in Montenegro is harmonized with international standards with the constant engagement of the governmental authorities for its improvement, both concerning the compliance with and the elaboration of the constitutional principles and also concerning the material conditions for their development.

Nora Ananieva

## The Role of Self-Government for the Consolidation of the Bulgarian Ethnic Model

### *The Bulgarian ethnic model*

The peaceful and relatively devoid of conflicts overcoming of the past and the gradual development of stable inter-ethnic relations in Bulgaria is considered as one of the most significant achievements of the transition and this process is designated as **Bulgarian ethnic model**. The essence of this model is the search for balance between the principles of the national state on one hand and the principles of the multi-ethnic democracy on the other. Its strategic objective is outlined along the line of combination of two major principles: the principle of preservation and development of the ethnic identity and the principle of genuine integration of the various ethnic communities in the civic society.

The overcoming of the past should be considered in two directions. The dominating Bulgarian ethos has left behind the five long centuries of Turkish yoke and for more than 120 years tolerance and solidarity have been characteristic of everyday life and relations. This fact is in unison with the ideas of the leaders of the Bulgarian Liberation Movement and most of all of the Apostle of Bulgarian Freedom, Vassil Levski, whose concept of liberated Bulgaria is a territory of peaceful co-existence and equality of "Bulgarians, Turks, Jews, etc". For that reason it is not by chance that all discussions on the chances and/or the risks of the Bulgarian ethnic model often start from these early ideals.

The second direction of the process of overcoming the past is connected with the so-called "process of revival". The Bulgarian political history knows a number of attempts at forced assimilation of the citizens of non-Bulgarian origins during the period 1912 - 1982. In certain regions missions of this type were launched about 7 times. Without drawing a lesson from the failure of these actions, performed mainly by governments at the beginning of 20<sup>th</sup> century, in 1985 the start was given to a forced change of the Turkish and Arabic names with Bulgarian, which resulted later in the emigration of about 350 000 Bulgarian citizens in the Republic of Turkey. This mass emigration depopulated a number of production structures and areas, and led to the temporary transfer of labour force from other towards these regions. As a result, this fueled artificially Bulgarian nationalism, which, in different forms and with different motives, was observed even after the radical changes, which started in November 1989.

Among the factors, which contributed to the overcoming of the existing tensions, we should mention the quick reaction and the responsible position of the new leaders of the Bulgarian Communist Party, who condemned and rejected the policy of violation of the rights of the Bulgarian Muslims only a few days after November 10, 1989, the special Declaration of the Great National Assembly on ethnic issues soon after it was elected at the first democratic elections in June 1990, the adoption of a law on the names of the Bulgarian citizens of Turkish origin by the Great National Assembly, etc. The new Constitution also played a role of great significance not only for the overcoming of the past but for the establishment of the new type of ethnic relations as well. It explicitly ruled out any form of forced assimilation, proclaimed the principle of equality irrespective of the religious and ethnic origin, and at the same time created guarantees against "autonomization" and separatism in order to preserve the territorial integrity of the country and the unity of the nation.

The proclaimed by the Constitution state-and-political, rather than ethnic notion of the nation as a community of free and equal citizens was also of great significance for this process. The constitutional provisions banning the creation of parties on religious and ethnic principles provoked certain problems with the initial registration of the party "Movement for Rights and Freedoms", but they were overcome via political common sense. The Movement itself, which unites mainly Bulgarian Turks, is open for other ethnic communities as well and it placed the emphasis of its policy on the defense of the violated in the past individual rights and freedoms of the citizens of non-Bulgarian origin. It operates within the constitutional frame, and we have to consider the fact that the Constitution **does not contain the notion of a "minority"**.

This approach is easy to explain when we keep in mind that the international public has gone along a bumpy road from the General Declaration of Human Rights (1948) to the Frame Convention on Defense of National Minorities (1995). It is true that rights are more and more often considered to be linked not only with the individual, but with the collective way of life as well. Because the freedom of a person consist most of all in the freedom to be different. It excludes unification and assimilation.

At the same time it is clear that there is a certain degree of caution towards the "collective personae" of the minorities on both theoretical and international legal level. These "collective personae", being generators and bearers of the ethno-cultural identity, can contribute to the realization of the rights and freedoms of a person. However, in critical situations this could result in a number of risks for the stability, or even the very existence of the national state. It is beyond doubt that in such cases human rights will be jeopardized in general.

May be the Bulgarian ethnic model outlines the frame of a relevant and necessary ethnic policy? But there is not a single, quick or easy solution to ethnic problems. Generally, **solutions can be sought for in two directions**, which are directly linked to **self-government**:

**Political** via expanding the area of democratic approaches of government and self-government, via development of tolerant attitudes in inter-ethnic relations, via universal defense of the principle of equality and the entire complex of personal, social and political rights and freedoms of the citizens

**Social and economic** via bridging the gap between the living standards of the various ethnic communities.

### *Demographic picture*

On March 1, 2001 a census of the population was completed. Taking into consideration that the previous census had been taken in 1992, the ten-year period provided the opportunity to make a comparative analysis of the trends concerning the presence of the various ethnic communities. To our regret the full results of the last census have not been obtained and published yet, and this will make impossible the complete comparative analysis. However, some of the already published results can be used as basis.

What is the picture of the population of the country as far as ethnic groups are concerned according to the results from the first after the changes census (4th December, 1992)?

**Table 1** Ethnic composition of Bulgarian population in 1992

<b>Ethnic group</b>	<b>Total</b>	<b>In towns</b>	<b>In villages</b>
Bulgarian	7271185	5209060	2062125
Turkish	800052	253119	546933
Roma	313396	163896	149500
Tatar	4515	2045	2470
Jewish	3461	3296	165
Armenian	13677	13417	260
Circassian	573	297	276
Gagauz	1478	1037	441
Other	70499	49960	20539
Not specified	8481	8425	56
<b>Total</b>	<b>8487317</b>	<b>5704552</b>	<b>2782766</b>

The initially published results from the last census contain information only about the Bulgaria, Turkish and Roma ethnic groups, all the rest are united in two columns: 'other' or 'not specified'. This picture looks like this:

**Table 2** The population according to identity, ethnic group by 1<sup>st</sup> March, 2001

Total	Bulgarian	Turkish	Roma	Other	Female	Male	Town	Village
<b>7973673</b>	6660682	757781	365797	121773	4085232	3888441	5500695	2472987
<b>100%</b>	83,5 %	9,5%	4,6%	1,5%	51,2%	48,7%	68,9%	31,0 %

The demographic processes of the last decade are characterized by a clearly observed depopulation, which concerns mainly the Bulgarian ethnoses. The natural decrease in 1999 reaches 4,8 per thousand and this phenomenon is due to the low birth rates (up to 8,8 per thousand) and the increased mortality rates (up to 13,6 per thousand). The overall decrease of birth rates goes hand in hand with the economic emigration and the unprecedented "brain drain". According to yet unofficial information, more than 500 000 young and well educated Bulgarians have left the country for the last ten years. The economic depression and the social misery in certain regions populated mainly by Turks result in economic emigration, most often to Turkey. As a result of the combination of the two factors - emigration and higher than the average birth rates - data from both censuses show in fact preservation of the relative share of the Turkish and Roma ethnic groups. It should be added, as far as the Roma community is concerned, that the higher birth rates go together with higher mortality rates, and that as a result of the social crisis a section of this population has returned to its nomadic life style, and this fact prevents any census to be sufficiently precise. Apart from this, a large section of the Roma population define themselves as Turks and they profess the Muslim religion. This means that the general ethnic picture is virtually deformed.

What is the distribution of the ethnic groups on the territory of the country? Apart from the general information about the relative proportion of Turkish and Roma population in the villages and the towns, their proportion by regions is of great significance for the purposes of our study on local self-government. The following table contains only the regions, where the concentration of these ethnic groups is considerable.

Although the results of the last census with respect to the distribution per municipality are not available yet, the picture on regional level gives sufficient information about the territorial location of the municipalities with ethnic problems. Out of 29 regions in the country, in ten the population of the Turkish ethnoses is above the average for the country, and in three of them it is over 30%, in

**Table 3** The population by regions and ethnic groups by 1st March 2001

Region	Total	Bulgarian	Turkish	Roma	Other	Proportion Turk/Roma	Compared to 1992 (only Turkish)
Bourgas	426028	338139	60613	22104	3475	14,2% - 5,2%	13,8%
Dobrich	217012	163824	28643	19524	3254	13,1% - 8,9%	14,7%
Kardjali	164958	50419	103094	1295	5054	62,4% - 0,78%	65,7%
Montana	183353	163016	40	19609	283	--- 10,6%	0,4%
Razgrad	153156	68361	69738	7883	3045	45,5% - 5,1%	47,7%
Rousse	267618	213210	38794	11232	2708	14,4% - 4,1%	13%
Silistra	142815	87001	48141	5734	1609	33,7 4,0%	33,5%
Sliven	220273	163882	23166	29698	2645	10,5% - 13,4%	8,1%
Targovishte	138703	77371	49977	8273	2026	36% - 5,9%	32,8%
Haskovo	279067	227568	30744	16579	1310	11% - 5,9%	11,4%
Shaumen	205067	120676	62020	16576	2482	30,2% - 8%	30,3%

one it is almost 50%, and in another it is over 60%. The situation is different as far as the Roma population is concerned. As a rule, in the regions of greater concentration of the Turkish ethnoses, the Roma define themselves as Turks and in practice statistics show insignificant proportion. On the contrary, Roma maintain considerable proportions in the regions of predominantly Bulgarian population. But they are mainly concentrated in the least developed regions (e.g. in North-West Bulgaria) or they live in a kind of "ghettos" in the big towns (Sofia, Plovdiv, Bourgas).

### *Political participation and representation of the ethnic communities in the system of local self-government*

According to the acting legislation all political parties and public organization intending (independently or in a coalition) to take part in elections, have to be registered with Central Election Committee on Local Elections. Thus, in October 1999, in compliance with Article 25, paragraph 1, item 3 of the Law on Local Elections, the Central Committee registered and pronounced as legal the participation on local elections 96 parties and coalitions (out of the total number of about 270).

As far as the representation of the ethnic communities is concerned a few issues are of great interest:

1. "The Movement for Rights and Freedoms", which had established itself on the political scene of Bulgaria achieving stable representation in all Parliaments

after the changes, as well as at the level of local self-government, was registered as an independent participant.

2. The newly founded Roma party "Free Bulgaria", organized by Roma barons lead by wealthy (and well-known by the lawenforcement institutions) "King Kiro" took part in the elections for the first time.

3. The great variety of Roma organizations entered into various coalitions covering almost the whole political spectrum at central, as well as at local level (the possibility to form local coalitions is provided for by legislation). Thus, in the left "Coalition for Bulgaria" two Roma organizations are represented Movement "Roma" and "Bulgarian Confederation Roma". The party "Bulgarian Euro-left" created its own organization "Euro-Roma", the leader of which was elected in the National Assembly, but he is in prison at the moment. A number of various local coalitions were registered for the local elections. In some of them the right coalition "Union of the Democratic Forces" attracted the created with its support "National Movement for Rights as Freedoms" (as an alternative to "Movement for Rights and Freedoms"). This organization gained partial support in some municipalities, but it did not establish itself as an alternative, and, in fact, it has disappeared from the political scene. Another Roma organization "Kupate" joined the local coalition of UDF in some municipalities with strong concentration of Roma population.

1. The "National Movement Simeon II" which won the parliamentary elections in 2001 founded a party only in the end of April this year. But only a few days ago, practically only a month after its constitution, it announced its intentions accompanied by the inevitable approval of the leader of the party (the present Prime Minister of the country) to create an affiliated Roma organization. It is obvious that this formula will be tested at the next local elections, which are to take place in 2003. But even now it means a new political priority of the party oriented to the Roma community, considering that the National Movement Simeon II is in a coalition with the Movement for Rights and Freedoms on central level. However, it is a fact that at the local by-elections held after the general elections the National Movement Simeon II has not won majority in any municipality, town, or village.

It is difficult to trace fully the participation of the ethnic communities (via their own parties, via their representatives in other parties, or in coalition) in the local elections in 1999. In the published by the Central Committee on Local Elections tickets of the candidates for mayors and councilors the gypsy candidates entered with their Bulgarian names, which they prefer. In any case, both in the tickets and according to the information about the elected mayors and councilors their presence is more than modest, it could even be defined as symbolic.

For that reason the following table presents only the two major, and to a great extent "pure", political organizations on ethnic principle. The table contains

information about the participation in the elections, as well as about the results expressed in elected mayors and councilors.

**Table 4** Local elections 1999

Party	Number of municipalities with:		Number of municipalities with:		Number of won mayoralties tickets of	
	Councilor ticket	Candidate for mayor	Councilors elected	Municipal mayors elected (incl. in coalition)	Municipal councilors	Candidates/ elected
MRF	127 independently 21 in coalition	70 32	125	9 - independently 20 in coalition	540 independently and in coalition	471 / 146 Independently 147/ 69 In coalition
"Free Bulgaria"	69 independently 2 in coalition	18 2	50	2 independently 2 in coalition	90 independently and in coalition	31/1 Independently 8/1 In coalition

**Table 5** Development of the participation of MRF in local elections

Election date	Total number of municipalities	Proportion of MRF	Total number of mayors	Proportion of MRF	%
13* 10, 1991	255	27 (over 10%)	3714	605	16,3%
29* 10, 1995	255	27 (over 10%)	3739	563	15,0%
16* 10, 1999	262	29 (over 10%)	1079	215	19,9 %

The administrative and territorial structure of the country, including the number and the type of municipalities, as well as the legislative base of the local elections have undergone a number of changes in the years of transition. The increase of the number of regions from nine to twenty-nine (including the city of Sofia, which has statute as an individual region) is of great significance, most of all in connection with the increased number and wider authority of the regional governors, who have specific control functions over the municipalities. After the last parliamentary elections and the formation of a coalition government by the National Movement Simeon II and the Movement for Rights and Freedoms, the latter has two ministers and three regional governors.

As far as elections are concerned, the legislative changes of 1999, according to which mayors are elected directly only in settlements of over 500 inhabitants, is of greater significance. In the rest, a mayor is appointed via a decision of the municipal councils. As a result of these changes the number of directly elected mayors dropped down dramatically. Thus, at the first free local elections on 13. 10. 1991, 3,714 mayors were elected, at the second in October 1995 their number



was 3,739, and at the last local election in 1999 there were 1,079. This legislative amendment is subject to strong criticism as it limits the possibilities and the effectiveness of the democratic participation of the citizens and it will be probably reversed. Although indirectly, deputy mayors are also elected, their appointment depends on the majority in the respective municipal council. And this majority, as practice shows, is usually different both politically and ethnically from the majority of the population of the settlement.

The changes on municipal level are not so drastic, and this provides possibilities for comparison. However, this comparison is possible only as far as the participation and the representation of the Movement for Rights and Freedoms is concerned, as this party is the only one to take part in all elections from the beginning of the reforms to these days. The above-mentioned party "Free Bulgaria" exploded at the last local elections, but it is not certain that it will establish itself as a significant political factor in the future.

The development of various organizations of the civic society is of great significance for the integration of the minority ethnic communities in the problem solving process via the system of self-government. Having in mind that there is a boom of organizations, foundations, initiatives, etc. of this type (according to latest date their number is over 12 000), a significant part of them have dedicated their efforts to ethnic issues. The variety of their activities is great - from scientific research through educational activities to activities directly aimed at the development of projects and the dissemination of their results under various European programs. Thus, the close to MRF foundation "Institute for research in the field of integration" develops intensively the issues of self-government in the context of liberal doctrines and with the active support of the German foundation "F. Neumann". A number of these non-governmental organizations work directly with the mayors and the municipal councils for the solution of the specific problems of ethnic communities. Active sponsors are foreign organizations, the contribution of which is not always gratuitous. Undoubtedly, we sometimes observe ineffective management of the allocated for the projects funds on the part of certain national organizations.

**Local mass media are another factor**, and not a small number of them are financed directly by the municipalities. In the 'mixed regions' they can play a significant role in the process of cultivating tolerance as far as inter-ethnic relations are concerned, they serve as transmitters of public interests and attitudes to the elected local authorities and alert them in cases of negative tendencies. There are at least two printed media in most of the regions, about the same number of radio stations and at least one cable TV channel. Their impact in times of elections is crucial. The fact that their behavior is not always correct, which in certain cases is due even to corporate pressure, is a different issue. It is

alarming when, because of the positions of the owners of the media, they provoke tensions, rather than understanding among the various ethnic groups.

### *Local self-government in the 'mixed regions' and the challenges of the social crisis*

The political participation and the political representation of the minority ethnic groups in the local self-government is a significant factor for preventing discrimination. In the municipalities with mayors and council majority of the ethnic parties (the word goes most of all about the Movement for Rights and Freedoms), where virtually the entire municipal administration is in practice mono-ethnic, we observe problems concerning the rights of the Bulgarian ethnoses.

Twelve years after the start of the reforms and in the context of achieved high level of democracy and defense of human rights, it has become clear that the existing at present real problems concerning the rights of the minorities and the individuals belonging to these minorities are rooted in the social and economic sphere. A map of the distribution of the population of Turkish and Roma ethnicity in the country, reveals an **alarming overlapping of "mixed municipalities" with the regions of the gravest social problems**. There the rate of unemployment, the scope of poverty and misery, as well as the indexes of the health state of the population are far worse than the average for the country.

The 2000 annual Report on Human Development in Bulgaria prepared by the UN Development Program, which is specifically dedicated to municipality issues, contains alarming conclusions. "The analysis proves," says the Report, "that the higher the concentration of ethnic minorities in a municipality, the bigger the possibility for a lower degree of human development in it." In this connection the following major recommendation was made: "The authorities of the central, regional and local government have to be re-defined, and the principle of human development and justice should form the core of the new definition."

The conclusion is that solutions should be sought for on all three levels with municipal strategies forming the base of the pyramid, which culminates in a National Plan for Regional Development. The process of development of strategies on all three levels has been started. However, it presupposes a clear vision and answers to the question why the biggest ethnic communities paid the highest price of the reforms.

The reason for this situation is part of the process of finding solutions. Some of the solutions may be general, and others are specific for the various ethnic groups. The roots of the problems are common, however. They can be traced

back to the policies of the previous regime, as well as the social and economic collapse, which took place in the country during the period of transition.

The policies of the previous regime, when we exclude the repressive "process of revival", could not be evaluated unambiguously. In the social and economic sphere the efforts were aimed at overcoming the imbalances. Special investment programs used to provide chances for the development of municipalities with "mixed population". The policy of total employment guaranteed jobs even to the Roma population. Legislation and the responsibilities of the municipal authorities required school attendance of all children at school age (secondary education was compulsory). The health care system prevented discrimination. Some ethnic groups enjoyed privileges as far as university education was concerned.

All this is not a reason to idealize the previous regime, even as far as social and economic issues are concerned. All the more that a part of the former "preferences" had disastrous effects and **the total and non-proportionate collapse of the "mixed population" municipalities proves the lack of perspective of this policy.** In this respect both the total rejection of these policies and the looking back into the past in order to find solutions are equally harmful.

We can summarize **social rights, that are threatened or entirely non-guaranteed in practice** as follows: the right to labour, the right to education, the right to medical care, the right to housing, the right to social defense, etc. This list can be made longer. In any case, however, these rights are directly linked with the competencies of the municipalities, as well as with the central and regional policies. One general and two specific for the individual ethnic communities examples are indicative in this respect.

The education of the younger generation according to recent studies has already turned into a "factory producing inequality" as sociologists define the problem. As a result of mass poverty, the budget cuts of the funds allocated for education, the elimination of the practice of free learning materials for the initial grades, etc., every year 10% of the children at school age do not attend classes and remain illiterate. Only in ten years the primary illiteracy has doubled its rates. The prognosis for the future is more than pessimistic.

The analysis of the ethnic composition of the children and young people (7-18 years of age) shows the following ratio: 50% - Bulgarian, 30% - Roma and 20% - Turkish. Having in mind the relative share of the two ethnic groups of the demographic composition, it is obvious that within the ethnic groups the number of young people, who are already doomed to 'marginalization', unqualified jobs if they find any, life without moral values, and may be ethnic segregation, etc. A new and rather dangerous aspect of ethnic equality emerges, which could bring about unexpected and unforeseeable consequences in the future.

At this stage municipalities have extremely restricted budgets to support the system of schools, and for that reason it is in their interest to decrease the number. Theirs is the responsibility to guarantee the compulsory secondary education, but their instruments to influence, such as the specified in the legislation fines for parents, are very ineffective. In fact these fines are absurd, as they cannot be collected. If parents could afford it, a great number of them would send their children to school. This 'vicious cycle' could be broken only via specific national policy. Otherwise, within the allocated by the budget funds and the contributions of various sponsors, individual municipalities undertake measures in this direction by the provision of free learning materials, travel expenses and other means of support for children coming from the minorities.

A number of non-governmental organizations also undertake efforts in this field, of course, when they can provide the necessary financial resources. For instance, under the auspices of the above-mentioned Institute for Research in the Field of Integration at the Movement for Rights and Freedoms a very interesting and specific project has been developed concerning the creation of a model for restructuring and up-dating of the network of schools in the Rhodope Mountains. The objectives of the model are: support and higher quality of the process of education, overcoming of the ethnic isolation via the creation of relevant multi-ethnic and multi-cultural environment in the educational centers and creation of equal conditions for access to education for all children.

The high relative rates of unemployment among the minorities are a product of the overall social and economic situation, as well as of certain specific factors. As it has become clear from the table presenting the territorial distribution of the ethnic communities, **the minorities are mostly concentrated in agrarian regions.** The agrarian reform in Bulgaria, however, was oriented most of all towards the restitution of the property rights on the arable land of the owners before the cooperative farms were created. The defense of the right to labour as a creative factor was totally neglected. This approach led to the present paradox of mass unemployment in the villages and to vast territories of uncultivated land.

**This type of reforms had a very negative impact on the minorities, as the greater part of them did not and do not own land,** and for decades they used to find the guarantee for their social being working on the cooperative farms. In this situation the legislative basis of cooperative agriculture, the legal authorities of the municipalities to lend municipal land to landless persons, the equal access to agricultural credits, etc. have acquired great significance. A part of these instruments is in the hands of the mayors and the municipal council, but they have not been used effectively so far.

Some of the reasons and the dimension of the social problems of a great part of the Turkish ethnic group are specific. Tobacco growing is the traditional

occupation in the regions where they live. Before the reforms it was a sector yielding high profits. A study on the geography of savings made about twenty years ago presents great concentration of wealth in the form of savings in the Black Sea region (income from tourism) and in the tobacco growing regions.

However, the policy of mono-crop agriculture turned out to be shortsighted. The loss of the enormous eastern markets, the radical change introduced in the system of trading, the drastic withdrawal of the state, etc. had a dramatic impact on the life of tobacco growers. The efforts of MRF supported by other political forces lead to the adoption of the Law on Tobacco a couple of years ago, as well as to the creation of the Specialized Fund "Tobacco" in order to assist them in the production of tobacco. The municipalities assumed the responsibilities to monitor the application of the law.

In spite of all most probably tobacco growers follow with a sinking heart the scandals due to the privatization of the State Company "Bulgartabac", as this is the territory, where the interests of several world companies clash and it is not impossible privatization to liquidate competitions this has already happened in other sectors. At this stage the probable requirements and quotas of the European Union are not taken into consideration, and on their part they could also lead to radical changes in the traditional for the Turkish minority agriculture.

The social problems of the Roma community are very different. According to the latest surveys they live with one third of the income of the average Bulgarian and we have to consider the fact that 65% of the Bulgarians live under the line of poverty. Twelve years of social and economic crisis had drastic impact on all aspects of their life. In the municipalities with great concentration of Roma population unemployment reaches 90%. A relapse to long forgotten traditional occupations, e.g. begging, nomadic style of life, trans-border migration, etc. occurred, not to speak about the drastic growth of criminal activities and the prospects of segregation due to growing illiteracy.

There are a lot of studies on these problems. For instance, the frame program for equal chances of the Roma in Bulgarian society, which is a result of the dialogue between the Roma organizations and the Government, envisages greater responsibilities on the part of the mayors and the municipal councils. At the same time, most of the problems cannot be solved on municipal level, neither via "salvation operations" relying on temporary employment, the less so on miserable monthly social benefits.

The traditionally difficult housing problem of the Roma community has become even graver in the course of recent years. Their houses, most often situated in Roma "ghettoes", are as a rule out of the regulated areas of towns and villages on territories, where modern infrastructure has not been developed. But having in

mind the present state of Roma population, even electric power is considered a luxury. In February this year, the Roma neighborhood "Stolipinovo" (40 000 inhabitants), which is situated in the second largest city in the country Plovdiv, made the news all over the world with pictures similar to those of the anti-globalist actions (broken down shops and over-turned trolley-busses, etc.). The reaction of the population was provoked by the blackouts due to unpaid bills. The delayed payments introduced in the course of the previous years on the insistence of the mayor of the municipality in order to gain votes at the last local elections had lead to the accumulation of amounts they could not afford to pay.

At the organized recently "in the town of Plovdiv "Round Table" on "The Town Ghettoes in Bulgaria" with the participation of representatives of the central and local authorities, the political parties and a great number of non-governmental organizations the idea was launched municipalities to provide sites at preferential prices for the construction of new housing estates. Certainly, as far as large cities and places of considerable concentration of Roma population are concerned, this idea presupposes large-scale investment.

A similar project has been started since 1993 for the construction of 120 houses in another smaller municipality. Much more smaller in size, this project is financed by a European loan and the state budget and it is organized jointly by the municipality and the Ministry of Regional Development and Construction.

In principle, the question is again about the viability of a decision of this type. What will the destiny of the "new ghetto" be? Is this not a new form of isolation? It is not by chance that the above mentioned "Round table" even the representatives of the Roma organizations failed to reach to a consensus on the type of schools for their children: differentiated and special with teachers trained for the purpose, or schools for all children.

## Conclusions

**First.** The transition to market economy and democracy has led in Bulgaria to a number of relatively good developments in the political sphere, to unprecedented before political representation, political and public participation on the part of the minorities in the government of the country, including participation in the bodies of local self-government. This process cannot be considered completed. The "Bulgarian ethnic model" contains possibilities for its development along the line of representation, tolerance and multi-ethnic democracy. It is important, however, to prevent in time the dangers of encapsulating, isolation and extreme autonomization, as in our case this is in violation of the constitutional principles.

**Second.** The transition itself is performed at a very high social price paid by the majority of the population and its burden is twice as heavy as far as minorities are

concerned. Today almost all constitutional economic, social and cultural rights of these citizens are at stake. The solutions of these problems depend to a large extent on the overall social and economic development, but they also presuppose specific programs integrating the three levels national, regional and municipal policies. The objective is to overcome the economic imbalances, which have resulted in "God forgotten" municipalities.

**Third.** The municipalities of "mixed" population and specific ethnic characteristics are the structure in the system of the unitary state, which can react most relevantly to the dynamics, the tension, and to the probable threat of ethnic conflicts. These municipalities are governed by representatives of various ethnic coalitions different from those on central level, and they offer better possibilities for inter-action of the various political forces and the municipality with the structures of the civic society for the effective solution of ethnic problems.

**Fourth.** Although the municipalities of "mixed" population are as a rule economically underdeveloped and rely to a great extent on subsidies from the central budget (the ratio between subsidies and local revenue reaches 80:20 percent), and in spite of the need of national strategies, the decentralization of power, competencies and resources is in the interest of the municipalities. Experience proves that they are capable to react more rapidly to market conditions, to conduct effective privatization policy, to stimulate private initiative, and to mobilize local resources. On the other hand, a great number of these municipalities have accumulated experience in development of European projects.

Nóra Teller

## Local Self-government and Ethnic Minorities in Hungary

### *Introduction: Ethnic Minorities in Hungary*

This paper aims at offering an insight into the Hungarian local governmental system as regards its work in the local minorities' self-governance and the problems that arise during the everyday cooperation, or lack of cooperation, of these two parallel governmental systems. The study also elaborates on the role of local minority self-governments and gives examples for their functioning in connection with the decentralized local governance in Hungary, with special respect to their role as guarantees of the cultural autonomy of minorities.

The political changes in the past decade have greatly affected the minority policy in Hungary. During the Communist era there was no minority policy at all and the largest and socially the most disadvantaged Roma population was dealt with as if all the related problems were only social problems determined by poverty of the Roma population. Nor had Hungary envisioned a minority law that could have protected the people of different nationalities from the purposeful assimilation.

In the late 1980s, the first articulation of the minority issues were to be detected and soon - after several changes in the institutional background - a Minority Round Table was established to draft the Minority Law that, after a two-year debate, was finally passed in 1993 as the Act LXXVII of 1993 on National and Ethnic Minorities. Since 1989, the Hungarian Constitution in its Art. 70 prohibits discrimination - among other aspects - on the basis of one's belonging to a nationality.

According to the law, nowadays, no citizen may be forced to declare his/her belonging to any minority; therefore, some questions may arise concerning the representation of minorities in Hungary. It is all the more important since due to the data security only estimated numbers of the minority population are available, published e.g. by several institutions dealing with nationality problems in Hungary. According to the Ombudsman's Office, an institution to be referred to later on, the total of the minorities in Hungary reaches up to 8-10% of the population of Hungary, which means that between 800 thousand and one million people belong to different nationalities or ethnicities.

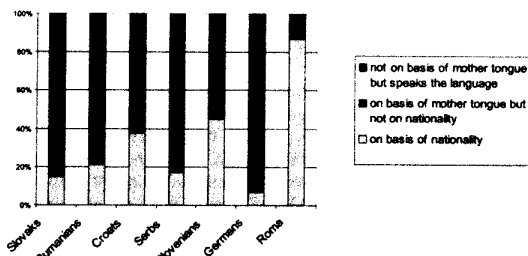
The largest group is that of the Roma (400,000-600,000), followed by Germans (200,000-220,000), Slovaks (100,000-110,000) and Croats (80,000-95,000). Another large group is the Romanian minority with 25,000 inhabitants and the Polish minority with its 10,000 inhabitants. The other minorities, Serbs, Slovenians, Bulgarians, Greeks, Armenians, Ukrainians and Ruthenians have less than 5000 inhabitants. These 13 nationalities are constituent components of the state.

**Table 1** Estimated number of ethnic minorities in Hungary

Minorities	Estimated number of inhabitants in thousand
Roma	400-600
Germans	200-220
Slovaks	100-110
Croats	80-90
Romanians	25
Poles	10
Serbs	5
Slovenians	5
Bulgarians	3-3,5
Greeks	4-4,5
Armenians	3,5-10
Ukrainians	1
Ruthenians	1
<b>Total</b>	<b>790,5-1085</b>

Source: The Ombudsman's Office

**Chart 1** Identification of Inhabitants connected with minorities



Source: Ministry of Justice, 1997

According to the data in 1990, when the minority identification was examined in several minorities, it turned out that the different nationalities have different bonds with their minority groups. It is interesting to observe the two extremes, the German and Roma minorities in the sense that they greatly differ in the motivation for identification. The chart demonstrates that most Roma identify themselves on nationality basis, while the German minority members tend to call themselves Germans due to cultural (e.g. language) identification.

The minority inhabitants live widespread around the country, which affects the role and effectiveness of the minority self-governance. There are some exceptions though; for example, small villages in the Northeast of Hungary, where we can still see a couple of villages mostly inhabited by Roma. In the closest neighbourhood of the capital, Budapest, there are some villages with high proportion of both Germans and Slovaks.

### *Legal, political and financial frames for participation of minorities in Hungary*

As mentioned above, after a long arrangement, the Act on National and Ethnic Minorities was passed in 1993.

This act defines the individual and collective rights of the minorities in accordance with several international regulations. Thus, the right for ethnic identity is declared to be a human right and the decision about the belonging to a minority group is defined as a decision of the individual persons.

The regulation sets the criterion for forming a minority only if there is at least 100-year settlement history in Hungary and it also tells that all such nationalities "which are in a minority as regards the number of inhabitants of the state, are Hungarian citizens, and are different from the rest of the population in their language, culture and traditions, and such a consciousness of bonding together can be seen in them, that preserves this heritage, protects their historically created societies, and represents their interests" (Act LXXVII), are to be regarded as ethnic or national minorities. The 100-year limit was set to ensure the historical minorities the constitutional rights, whereas immigrants (e.g. coming from the Far-East) would not be granted any similar rights.

Therefore, the list of the 13 minorities above remains open and further groups of at least 1000 voters can be endowed with the appropriate legal status.

The act on National and Ethnic Minorities provides the minorities with the right to participate in public life - e.g. forming local governments - and also to foster their culture and identity (through mass media), to use widely their native language (including settlements, street signs and public notices), to use mother tongue (or bilingual) education and to use their names in the mother tongue, as

well. In accordance with the Hungarian Constitution, the Act also declares the prohibition of any discrimination and the freedom from forced assimilation. It is also the act that declares the right to receive any support from the mother country. Of this provision many minorities, principally the German minority, may make use when receiving funds and non-financial aid.

The most important aim of the Act was to establish the background for the representation of interests and for the cultural autonomy of the minorities, and to grant minority's equal rights with any other citizen of Hungary.

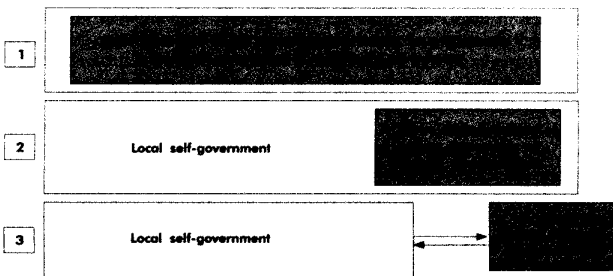
This law sets up the possibility of formation of minority self-governments. These are run at national and local levels and have similar legal status to territorial local self-governments. There are three ways to formulate local minority self-government. These ways, however, do not show any differences in their further responsibilities.

(1) If a local government has more than 50% local representatives from a local minority, the local government may declare itself a minority government. This kind of formulation is considered to be seen as a form of territorial autonomy of the minority.

(2) If at least three representatives are members of a minority, they may define themselves as local minority self-government (indirect formulation).

(3) The third possible way to establish local minority self-government is through direct elections (the 3rd one coming in autumn 2002). Such an election demands at least five voters to declare themselves belonging to the same minority. This form of minority government elects its own officials. During the elections, the representatives of the minorities have special regulations with respect to the minimum amount of the votes to win a mandate, which is exactly the half of what is defined for non-minority representatives.

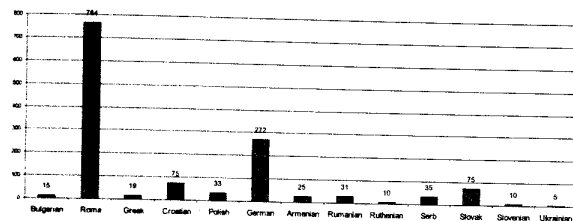
**Table 2** Summary of minority local self-government formation



The first minority elections ever to take place were in 1994-1995. The participation, according to the amount of the given votes, rose significantly until the second elections. However, since the belonging to a minority depends only on individual declaration and habit, all Hungarian citizens have the right (without declaring themselves a minority) to vote for minority representatives at local level. Therefore, the so-called real minority votes are always somehow mingled with, let us say, majority votes.

According to the result of the second minority elections in 1998, the following number of local minority self-governments has been established:

**Chart 2** Number of local minority self-governments



Source: Ministry of the Interior

This means that in the 3149 local governments altogether 1369 minority self-governments have been established, 63 minority local governments have been elected and 48 mayors have been functioning as minority mayors since then. Most representatives belong to the German and the Roma minority; however the latter has approx. one hundred less representatives. This fact also shows the divergences in participation when the minority groups are compared.

**Table 3** Election results, 1998

	Roma	Greek	Croatian	Polish	German	Romanian	Serb	Slovak	Slovenian
Elected mayors	1	-	8	-	30	1	-	8	-
Minority local self-government	1	-	18	-	30	3	-	8	3
Representatives of local minority self-government	177	1	108	2	262	22	2	67	12

Source: Ministry of the Interior

The local minority self-governments can participate in certain key decisions that affect the local minority population to some extent. Questions, especially those dealing with educational matters can only be discussed and solved with the agreement of the minority self-government or (if it is lacking) of the representatives of the minority. These non-elected representatives are inhabitants belonging to the minority and declare themselves mediators (and hopefully, have the legitimacy through the other inhabitants).

The local minority self-governments have the right to establish their own educational institutions or take over any educational tasks from the local government by means of Act LXXVII. Unfortunately for the time being, no local minority self government has ever taken such a task upon themselves, mostly because of the lack of financial means and the doubtfulness of the education policy that could be observed after the Educational Reforms of 1997.<sup>1</sup>

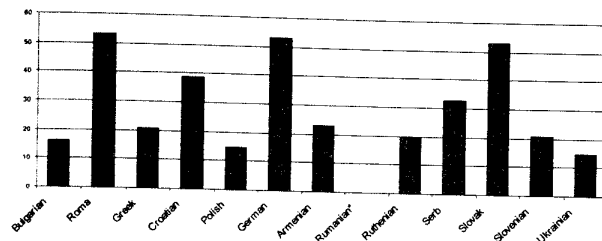
The local minority self-governments have various sources of financing. A definite majority of the sources come from the allocations of the central government; the second most important source is usually the local government. However, as a result of a survey among the local German self-governments it has turned out that the larger the population of the town, the higher the support by the local government is, which means that minorities in small towns have a more disadvantageous situation in this sense. In cases when the mother country pays subsidies, it can mean also a few percentages of the resources, although it is more common that the mother countries rather supply books or organize meetings than allocate cash. Local minority self-governments have the opportunity to apply for financial support from the State Foundation for Minorities, as well. If we look at the yearly budgets of the minority self-governments, it might also strike the eye that some additional resources are regrouped from last years' budgets as a routine. Besides these sources, the local governments (including minority self-governments) may run their own enterprises and use the returns of these for any purposes they define. Unfortunately, for now it is not local minority self-governments' practice to do so.

The minority self-governments send electors in order to establish the national level minority self-government that has the allowance to declare its opinion upon any proposed laws affecting the represented minority and furthermore to approve the basic material for the minority education. It is also the duty of the national level self-government to define the rules pertaining to the preservation of historic settlements and monuments.

<sup>1</sup> Due to calculations, the central education subsidies cover only 60% of the costs of the educational institutions, the rest has to be placed to the schools disposal by the local selfgovernment. Since the selfgovernments are organized territorially, they have their own additional revenues (e.g. local taxes); however, the local minority selfgovernments do not. Because the financial background does not make it possible to establish a school of their own, the central minority subsidies are used for other purposes.

As a result of the elections in 1998, the following representation of the minorities was established at national level.

**Chart 3** Number of elected representatives in the national minority self-governments, 1998



Source: Ministry of the Interior

The largest minorities, such as the Roma, the German and the Slovak minority have formed the largest national level self-governments and, very similarly to local governments, they have usually formed councilors' departments or advisory functions. As it can be seen on the chart, in 1999 the Rumanian self-government failed to form itself due to internal legitimacy problems of the electors sent from the local minority governments.

In Hungary, there still exists a constitutional gap due to the lack of parliamentary representation of the minorities. The discussions have been going on for ages; however, due to the elections that have just taken place there should be some more time spent in vain waiting for the acceptance of the modification of Act LXXVII that has already been introduced in November 2001. The parliamentary representation of the minorities has failed because of the strict regulations of the minimum votes needed to have a mandate in the Hungarian parliament, presuming approx. 300 thousand votes that only one minority could ever reach. Secondly, a representative can be nominated with 10,000 supporters, and only a split of the minorities has more than 10,000 inhabitants. A system of delegating representatives by the national level minority self-governments in case of the largest minorities may also be impeded because of their inner division. Therefore, most minorities go along with the need to modify the law in order to lay the foundations of the minority parliamentary electoral system; unfortunately, until now, in vain.

## *Integration policies of local governments concerning language and education*

Local governments play a key role in the implementation of a minority policy. In consequence of the drastic measures that reformed the public administration system of Hungary as a result of the transition, even the smallest settlements have received independence in managing their local affairs. This resulted in 3149 local self-governments, 19 county self-governments (nowadays having less importance than ever before), the capital with its special administration structure, and finally, placed hierarchically above the latter, the central government. There are no hierarchical relations between the first (local) and the second level, and the role of the latter; the county municipalities can mostly be described as an instance that takes tasks over from the local municipalities they cannot perform.

The local governments are required to provide healthy drinking water, kindergarten education, primary school education, basic health and welfare services, public lighting, local public roads and public cemeteries and - now our concern - the protection of the rights of ethnic and national minorities.

The minority self-governments work closely together with the local governments. Sometimes literally, since in quite a few cases it is the local government that provides rooms and offices for (or just simply rent them to) the local minority self-government. Act LXXVII on National and Ethnic Minorities and Act LXV on Local Self-Governments give certain commitments to local authorities to cooperate with local minority self-governments. The strongest power of the minorities' self-government is the right of veto in questions with any impact on minorities, mainly in matters of public education and local media, or even collective language usage. The central funding of the minority self-governments is technically arranged through the "merciful big brother" local governments, which sometimes may lead to the misuse of authority while not transferring on the sources. Unfortunately, the law does not contain any descriptions how sanctions can be imposed on the local government in case it would not cooperate with the local minorities' representatives; therefore, a number of cases are known when the Ombudsman's Office had to intervene with its so-called recommendations.

Since it is the local affairs that most affect the citizens' everyday lives, and hence are responsibility of the local governments, they play the most important role also in the minorities' way of life. It is the local government that runs the most important public sectors (e.g. public education and health care), which are also in connection with the issue of the minority rights. We have to remember that in Hungary minority communities are defined locally and that is also the terrain of

tensions between minorities and majority. It could also be observed during the past few years that the problems of minorities have been merely politicized on local level. According to the Ombudsman's Office, it became known that every prominent case of minority right violation (e.g. ignoring the responsibilities of the minority local self-government) could be traced back to local governments. Especially in case of the local education and protection of culture it can be easily followed up that due to the raised subsidies to minority education institutions, there are some local governments that take advantage of the financial means and may easily classify a local public school as a minority education school. The only condition that has to be fulfilled is either to have more than 25% minority pupils in classes or find eight parents or legal guardians to state their children's belonging to the minority. From this point on, the local minority self-government has to cooperate in every matter that might come up concerning the operation of the school. However, it happens that the obligatory check on the local government by the minority government is hindered.

The conflicts between the two; however, normally lead back to personal and prestige conflicts between representatives or/ and the mayor. In the everyday performance there are both formal and informal cooperation between the local and the minority government, and since the minority self-governments are often subsidized through the local governments to a great extent as well, the local minorities receive means to fulfill their self declared aims and purposes, which are mostly in connection with preserving local culture and reviving the minorities' identity.

## *Parliamentary Commissioner for the Protection of National and Ethnic Minority Rights as a unique constitutional institution*

In Hungary, the enforcement of the minority rights is the task of the state government. A variety of special minority rights organizations and general government institutions support the enforcement, as well. A few examples follow before detailing the Ombudsman's Office's duties and tasks.

The Parliament's Human Rights, Minority and Religious Committee prepare legislation, the Office for National and Ethnic Minorities tasks are related to the accommodation of minorities in Hungary, the Action Plan for the Roma is a medium-term action plan touching a broad range of policy issues, the Ministry of Education and the Ministry of Internal Affairs are responsible for the dealing with cultural autonomy.

There is a further institution, though that functions uniquely in Europe: the Parliamentary Commissioner for the Protection of National and Ethnic Minority Rights, above also referred to as the Ombudsman. Throughout Europe



Ombudsmen's Institutions perform, but it is Hungary that has a distinct commissioner for minority rights. The commissioner provides a constitutional check on public administration and has the right to investigate any abuse of the minority rights. His uniqueness - above the one already mentioned - consists of his exclusive responsibility to the parliament.

Every individual who has suffered injuries by a public administration institution, or if s/he feels that the action of an agency, such as ministries, armed forces, law enforcement, or even broadcasting for example, or as a result of an agency's decision, proceedings or negligence, or a violation has taken place in her/his national or ethnic minority rights, or that the direct threat of such a violation is imminent, may turn to the commissioner for aid. The Parliamentary Commissioner deals either with violation of citizens and minorities, whose rights are guaranteed in the minority law, or with the issues of local or national minority self-government rights violation.

The Commissioner delivers a yearly report on his operation also containing statistics in charge of issues pertaining to minorities. The number of submissions shows that out of approx. 430 more than a half were individual submissions and minority self-governments or NGO-s delivered only a quarter of the claims. Another statistics available from the Ombudsman's office show which minorities have been involved in the cases. The leading position goes to the Roma with approx. 2/3 of the cases, whereas all other large minorities were involved in less than 60 cases. Most violations can be easily localized in the Northeast and less developed part of the country besides the huge amount of cases observed in the capital. The organs involved in the cases varied a lot from health-care institutions to power and water distributors through local governments. The proposals made by the Commissioner go mostly to municipal governments and the Ministry of Education.

### *Local minority self-government in practice: the case of the German minority in Hungary*

In this chapter the experiences of the German local minority self-governments will be introduced. It is mostly based on the research paper of Dr. Váradi Monika Mária, that summarizes the answers of questionnaires from the representatives of the German local minority self-governments in 2000.

Most of the local minority self-governments are directly elected (85%), 8.3% percent of them are territorial self-government, while only 3.5% of them are indirect self-government. Only 14% of them own their office, while most of them get office from the local government. Usually the representative works on his or her own, only few of them employ anyone.

The directly elected representatives of the local minority self-governments are usually independents (91%) or supported by civil organizations (9.5%), but almost none of them get (or rather accept) support from any party. The 39% of the representatives are also members of the local governments.

The age structure of a representative shows that the older generation and the very young are over represented, comparing to the members of the local governments. It seems that to be a representative of the local minority is less prestigious than a political carrier in the local government. Generally the older generation is very active in the self governance of the local minorities, and it seems that the young generation is not as interested in the local minority politics, a trend which forecasts a problem of supply of representatives in the future.

The German minority self-governments define their main goal as following: care and preservation of the traditions, care of the national culture and language, the support of the national schools, and the fostering of the national identity. The German self-governments do not put stress on the representation of the national interest, and don't care much about the care of twin city relations.

According to the most frequently mentioned tasks it seems that because of the lack of minority civil organizations or cultural societies on the local level the local minority self-governments need to take many tasks upon themselves, which usually have to be carried out by these civil organizations. National traditions, feasts and programmes are initiated and organized by the local minority self-governments. Despite their efforts they feel that the results are in risk because of the assimilation, the collapse of the traditional communities, the globalization, and the traditional fear, mostly in the east part of Hungary.

The local German self-government holds at least the obligatory six sessions per year, but almost half of them have more sessions. They usually hold consultancy hour during the week, but in smaller villages the informal way of informing people of the activities of the self-government is also typical. It is interesting that in most of them, the official language of the sessions is Hungarian, and only 61% of them define the German language as the official language of consultancy hours.

Most of the local German self-governments take part in the sessions of the local government, and many of them take part in the work of the committees of the local governments, too. The cooperation with the local government is ruled by a formal decree, as the law obliges it. Most of them mentioned a good relationship with the local government and the tensions, where they exist, are usually based on personal conflicts.

The strongest right of the local minority self-governments are the right for veto against the decision of the local government in all questions that concern any minority matter, but it was used very rare by the German minority self-governments in the year 2000. This right was used only by the 10 % of them and

mostly in the larger cities, where the informal relation is less typical in the cooperation between the two self-governments. Veto was used usually in educational matters, like introduction of new pedagogical programme, establishment of new schools or classes, or merging if them and so on. The rare use of the veto is partly misleading. There were some answers that say that the local minority self-government didn't use it because the good relation with the local government was more important, than a particular question. It shows dependency on the local government. This is mostly a financial dependency.

The most important revenue of the German local self-governments were the state grant, but the second largest source of them were the support of the local governments, that was about 23%. In the case of the Germans the support of the fatherland is also significant, around 7% of their revenues comes from Germany. It really catches the eye that the support of the local government is much smaller in small villages, than in larger cities.

Considering the expenditures, German self-governments spend half of the budget on their operational expenses (including the payment of the representatives, which is around 10%). Then come cultural expenses with 21% and the educational expenses with a 9% of share. Other expenses such as social costs and costs of twin city relations are insignificant.

The educational expenses are related to support the minority education with providing books, and teachers' education, and scholarships for language courses. The 28% of the German local self-government supports the minority schools with financial means, and 45% support them both with financial, and expertise means.

The cultural expenses are usually direct support to local minority civil organizations. Direct support of the health and social institutions of German populated areas that come from the Ministry of Interior of Germany can partly explain the insignificance of social expenses.

### Summary and conclusions

The paper intended to deliver a brief overview of the minorities' self-governmental system in connection with the majority's public administration institutions in Hungary. The connections between the two, such as obligatory participation of the minority's representatives in local decisions concerning education and literally dependence of the minority self-government on local governments, have been underlined and the problem of deficiency for guarantees of law enforcement has been stressed. The unique institution of the Parliamentary Commissioner for the Protection of National and Ethnic Minority Rights has been introduced.

As a conclusion, it must be added that the legal status of the minorities as collectives are considered to be ambiguous in the sense that declaring the belonging to a minority can sometimes result in a kind of ethno-business and the lack of financial resources often make the minorities self-governments an apparent self-governing instance with no means and no real minority representation. Since the minority policy of Hungary is still in its infancy, the minorities and political forces are initiating major changes, it is to be hoped.

### References

- Doncsev, Toso: Recent Changes in the Condition of National Minorities ([www.hhrf.org](http://www.hhrf.org))
- Eiler, Ferenc: Az országos német, szlovák és horvát kisebbségi önkormányzatok első négy évének működési tapasztalata (Experiences of the German, Slovak and Croatian self-governments during the first 4 years of performing in Hungary) ([www.mta.hu](http://www.mta.hu))
- Hegedüs, József and Balás, Gábor: Local Self-Government and Decentralization in Hungary, in: *Local Self-Government and Decentralization in South-East Europe*, FES 2001
- Kaltenbach, Jenő: From Paper to Practice in Hungary; *The Protection and Involvement of Minorities in Governance*, OSI 2001.
- Proposal for Modification of the Act LXXVII of 1993 on National and Ethnic Minorities ([www.obh.hu](http://www.obh.hu))
- Statistics on the Minority Self-Government Elections, Ministry of Interior ([www.web.b-m.hu](http://www.web.b-m.hu))
- Temesi, István: Local Government in Hungary, in: *Decentralization: Experiments and Reforms*, ed. Tamás M. Horváth, OSI/LGI 2000
- The Act LXXVII of 1993 on National and Ethnic Minorities
- The Ombudsman's Report of the year 2000 on Actualities concerning Minority Rights ([www.obh.hu](http://www.obh.hu))
- The Ombudsman's Report on the Employment Discrimination ([www.obh.hu](http://www.obh.hu))
- The Ombudsman's Report on the Problems of Minority Education ([www.obh.hu](http://www.obh.hu))
- Tímár, János: Füstbement törvénymódosítások? (Initiatives in Vain?) ([www.romacentrum.hu](http://www.romacentrum.hu))
- Váradai Monika Mária: Eredmények, kudarcok, hiányok és dilemmák: német kisebbségi önkormányzatok mérlegén - Kutatási összefoglaló - jelentés az LDU számára (<http://www.ldu.hu/doc/ekhd.rtf>)

## Autochthonous and Newly-Formed Minorities: Two Different Approaches

### Introduction

Slovenia has always been considered as ethnically mixed territory, however, the data for the second half of the 20<sup>th</sup> century show that the share of members of other ethnic groups grew from 3 percents in 1953 to 12 percents in 1991<sup>1</sup>. The biggest change occurred in 1970s and 1980s due to high migration from other Yugoslav republics.

Although the ethnical picture of Slovenia is quite diverse today, only Italians, Hungarians and Romas represent classical ethnic minorities, thus minority members count all together 13,869 people. The Italian ethnic community lives in relatively dense groups in the ethnically mixed territory of Slovene Istria, in the municipalities of Koper/Capodistria, Izola/Isola, and Piran/Pirano. The Hungarian autochthonous ethnic community is settled in a narrow belt along the Slovene-Hungarian border in five municipalities: Hodos, Moravske Toplice, Salovi, Lendava, and Dobrovnik. The ethnically mixed areas are set out in municipal statutes.

The majority of the Romany community lives in relatively dense groups in the northeastern part of Slovenia, while they are also scattered along southern Slovenia (Dolenjska, Bela Krajina). Due to the difficult conditions in which Romas live most efforts to help them are focused on providing basic living conditions, achieving their socialisation in the environment in which they live, and in particular trying systematically to include the children in education and the schooling processes.

The legal system of Slovenia assigns to these three ethnic minorities the status of autochthonous ethnic minorities or "ethnic communities". Slovenia regulates its ethnic and language policies through Constitution and legal provisions, which implement the language and cultural equality of its citizens according to the territorial and autochthonous principles, meaning that it is guaranteed in the territory settled by the Italian and Hungarian autochthonous ethnic communities. In this way it tries to carry into effect the rights of Italian and Hungarian

**Table 1** Ethnic composition of Slovenia according to the censuses in 1953, 1971 and 1991

	1953		1971		1991	
	total	share (%)	total	share (%)	total	share (%)
Republic of Slovenia	1,466,425	100	1,727,137	100	1,965,986	100
<b>Nationality determined</b>						
Slovenes	1,415,448	96.52	1,624,029	94.03	1,727,018	87.84
Italians*	854	0.06	3,001	0.17	3,064	0.16
Hungarians*	11,019	0.75	9,785	0.57	8,503	0.43
Roma*	1663	0.12	977	0.06	2293	0.12
Albanians	169	0.01	1,281	0.07	3,629	0.18
Austrians	289	0.02	278	0.02	199	0.01
Bulgarians	49	0.00	139	0.01	169	0.01
Czechs	807	0.06	445	0.03	323	0.02
Montenegrins	1,356	0.09	1,978	0.11	4,396	0.22
Greeks	24	0.00	24	0.00	23	0.00
Croats	17,978	1.23	42,657	2.47	54,212	2.76
Jews	15	0.00	72	0.00	37	0.00
Macedonians	640	0.04	1,613	0.09	4,432	0.22
Muslims	1,617	0.11	3,231	0.19	26,842	1.36
Germans	1,617	0.11	422	0.02	546	0.03
Polish	275	0.02	194	0.01	204	0.01
Romanians	41	0.00	43	0.00	116	0.01
Russians	593	0.04	302	0.02	170	0.01
Russianians	46	0.00	66	0.00	57	0.00
Slovaks	60	0.01	85	0.01	141	0.01
Serbs	11,225	0.77	20,521	1.19	47,911	2.44
Turks	68	0.01	53	0.00	155	0.01
Ukrainians	...	...	143	0.01	213	0.01
Vlachs	9	0.00	5	0.00	38	0.00
Other nationalities	352	0.02	307	0.02	1,178	0.06
<b>Nationality undetermined</b>						
Declared Yugoslavs	-	-	6,744	0.39	26,263	0.63
Declared regional adherence	-	-	2,705	0.16	5,254	0.27
Nationally undetermined			3,073	0.18	9,011	0.46
Unknown	211	0.01	2,964	0.17	52,545	2.72

<sup>1</sup> For this year the last census data are available.

\* With the status of ethnic minority

ethnic communities to existence and development and to prevent language and cultural assimilation of ethnic communities with the majority nation. The constitution itself guarantees full legal protection of the collective and individual rights of the Italian and Hungarian ethnic community<sup>2</sup>, while it states that the status and special rights of the Romany community should be determined by statute. In compliance with the Constitution of Slovenia and other laws all citizens of Slovenia enjoy constitutionally granted general human rights such as the right to non-discrimination and formal equality. However, these general rights are not enough to preserve minorities from assimilation. The state applies the concept of positive protection of autochthonous ethnic minorities that even surpasses the international standards on the protection of ethnic minorities, their languages and cultures. Slovenia started to practice positive protection of autochthonous ethnic communities in 1960s. Both ethnic communities are entitled to their rights irrespective of the numerical strength of either community

### *Representation of minorities in decision-making*

The minorities enjoy special rights as ethnic communities and as members of these communities, which should provide conditions for genuine equality and for development of minorities. The Italian and Hungarian communities are guaranteed the constitutional right to elect at least one member each into the Slovenian Parliament,<sup>3</sup> who enjoy equal status with other deputies and can debate and vote on all questions. In electoral systems with minority representative, such as is used in Slovenia, minority voter has two votes or dual political subjectivity: one for general elections and the other for minority representative. Slovenian constitution also guarantees a right to elect their representatives into the local legislative bodies in ethnically mixed territories, as well as to all bodies who make decisions that in any way could have impact on the life of the minority and its problems. The Law on local self-government stipulates that "both ethnic communities in ethnically mixed areas inhabited by members of the Italian and Hungarian ethnic community (as defined by law) shall have at least one representative in the municipal council". Exact number of Italian and Hungarian

representatives in the municipal councils is determined by the Law on the formation of municipalities and determination of their territories. Their number varies between two and three.

The voting right of ethnic minority members is registered in special municipal electoral register of inhabitants, which is operated by the ethnic community. For the election of minority council member a special electoral commission is formed with at least one member and one deputy member belonging to the minority community. The commission oversees elections and determines the results of elections.

It is worth mentioning that during the last national and local elections voters belonging to the majority elected additional candidates from ethnic minorities. They were candidates on regular candidate lists. This support testifies about a high degree of social integration between the ethnic communities in Slovenia.

Due to these special minority rights it is important to define who has a right to enjoy them and thus criteria are set for membership in the Italian or Hungarian ethnic community. An individual is free to declare his ethnic affiliation, but by this (s)he does not necessarily acquire special rights accorded to members of autochthonous ethnic communities.

All decisions in connection with minorities have to be made in agreement with the representatives of the minorities. Their representatives in legislative bodies even have a veto power on decision related to the constitutional rights and status of minorities at all levels. The rights of both ethnic communities and their members shall be guaranteed irrespective of the number of members of these communities.

### *Use of mother tongue*

With the constitution, the valid legislation and the municipal statute, the Italians and Hungarians as minority communities are able to implement their special rights, one of them being their mother tongue, which is the second official language in the ethnically mixed territories.<sup>4</sup> Within the ethnically mixed territories, Italian and Hungarian languages are perfectly equal with Slovene, as such it is used in toponomastics and in public inscriptions as well as in relation to all public authorities (public administration and judiciary) and bodies of the society. The deputies of the ethnic minorities in legislative bodies also have the right to speak and give written proposals in their own language. If the administrative body of the first instance conduct the procedure in minority language, the decision of all higher authorities dealing with the case must be

<sup>4</sup> The Article 11 of the Constitution states the following: "In those municipalities where Italian or Hungarian national communities reside, Italian or Hungarian shall also be official languages."

<sup>2</sup> In the Article 64 of the Constitution it is stated: "The autochthonous Italian and Hungarian national communities and their members shall be guaranteed the right to use their national symbols freely and, in order to preserve their national identity, the right to establish organisations and develop economic, cultural, scientific and research activities, as well as activities in the field of public media and publishing. In accordance with laws, these two national communities and their members have the right to education and schooling in their own languages, as well as the right to establish and develop such education and schooling."

<sup>3</sup> The Article 11 of the Constitution states: "One deputy of the Italian and one deputy of the Hungarian national communities shall always be elected to the National Assembly."

issued in this language, too. All official documents (passport, identity card, driver's licence, etc.) in the ethnically mixed territories are issued in both official languages, Italian and Slovenian or Hungarian and Slovenian. In ethnically mixed territory the active knowledge of both official languages is a precondition for employment in public services positions that require dealing with the public. Bilingualism is costly to operate, so the state provides additional financial resources to those municipalities.<sup>5</sup>

### *Self-organising of ethnic communities*

The law on ethnic communities provides further, the members of the minority have the right to find their self-governing ethnic communities<sup>6</sup> on the level of municipalities and form together into wider minority associations. Self-governing ethnic communities are central political institutions of the ethnic communities and they are the only legal partner to the state in a dialogue between ethnic communities and the state. Thus, they are recognised as the basic interest bodies of the minority community, and they represent their interests toward the government and on the international level. The state may transfer specific tasks from its jurisdiction to the jurisdiction of these self-governing communities.

Along with these, within individual municipalities Italian and Hungarian communities are active, organised as associations in the fields of culture, sports and others. They are funded by the self-governed municipal minority communities of the Italian and Hungarian minority, which also are responsible to propose programmes of activities to the competent authorities. There are frequent contacts and exchanges with various institutions on the Italian and Hungarian side, especially with different schools, universities, but also with other cultural associations and organisations and with other minority organisations throughout Europe.

### *Minority education*

Among other things, the self-governed communities of Italians and Hungarians have (together with the municipalities) the status of co-founders of the kindergartens, primary schools and secondary schools with Italian and Hungarian as language of instruction. In Slovenia there are two models of school

<sup>5</sup> Law on the financing of municipalities, *Official Gazette of the Republic of Slovenia*, No. 80/94 and 56/98.

<sup>6</sup> Law on self-governing ethnic communities, *Official Gazette of the Republic of Slovenia*, No. 65/94 and 56/98.

systems, which through contents and organisation of education warrant the rights of minorities: the Prekmurje bi-directional model of bilingual education for the Hungarian minority and the combined model at the Coast for the Italian minority.

The model for Italian minority includes the school system for the Italian minority in Italian language and teaching of it as the second language in the mainstream schools. It also includes adaptations of national curriculum on all levels to the needs of minority. The Coast model of a separate school system is carried out in pre-school, primary and secondary education of the municipality of Koper and in the communes of Izola and Piran. Slovenia introduced it in 1959 and since then the educational and schooling institutions have operated in the Slovene and Italian languages, while all children systematically and on a compulsory basis learn the second language used in their environment (either Italian or Slovene) from the pre-school level onwards. In the school year 1997/98 there were 179 children in kindergartens, 526 students in elementary schools and 319 students 3 secondary schools, all with Italian as teaching language.

The bilingual education in Prekmurje where the Hungarian minority lives was also introduced in 1959. Joint bilingual classes are attended by pupils and students of both Slovene and Hungarian ethnic origin, and are held in two mother tongues. Within this education system both languages have the status of a teaching language and a teaching subject. In the school year 1997/98 there were 505 children in 11 bilingual kindergartens, 1020 students in 5 bilingual central elementary schools and 140 students in 6 affiliated bilingual elementary schools, and 338 students in 1 bilingual secondary school. Learning materials on Hungarian history, culture and geography are added to the appropriate Slovenian curriculum, while most schoolbooks are bilingual.

### *Minority media and cultural activities*

Provision of public information in the mother tongue is also very important for the preservation of cultural identity and for the overall development of the ethnic community. The Slovenian state accepted special obligations in this area. In the ethnically mixed region where Slovenes live together with Italians, the Koper/Capodistria radio has been transmitting its program in Italian since 1945. In 1971 also the television station began operating special program in Italian for members of the Italian ethnic community living in Slovenia and Croatia. Radio and TV station are part of the public institution Radiotelevizija Slovenija but are independent in terms of management of programme policy. For Hungarian ethnic community also programmes in Hungarian are provided by the regional radio which started with program in Hungarian as early as 1958.

In 1978 the TV station started to broadcast program in Hungarian. The management unit for Hungarian programming is located in Lendava. It also operates as part of Radiotelevizija Slovenija, but the head office of radio and television programming management enjoys high autonomy.

A special role in the development of both ethnic communities is played by the publishing activity, which covers the publication of informational journals, and other cultural magazines in Italian and Hungarian.

Both minorities also have numerous cultural organizations, libraries, cultural events etc. Religious services are performed in minority languages on regular basis. The state supports different activities, so most ethnic community organisations are financed from the national budget, and partly from municipal community budgets. There is also a special financial fund for preservation and development of economic foundation of ethnic communities.

### *International contacts*

The Italian and Hungarian minority enjoy a constitutional right to "foster contacts with the wider Italian and Hungarian communities living outside Slovenia, and with Italy and Hungary respectively". With this provision they become active partners in international co-operation, as well as in intergovernmental relations with Italy and Hungary. For the Italian and Hungarian minority in Slovenia holds that they maintain close contacts with the parent country in the use of text-books, teacher training in different courses and organising visits and excursions for school-leavers on primary and secondary level. Cross-border co-operation is also one of the important economic foundations of the minorities, especially of the Italian minority.

### *Roma community*

Accurate number of Roma living in Slovenia is not known. Official data give the number of 2293 Roma, however unofficial estimates are that there are around 7000 Roma in Slovenia.

As already stated the Constitution provide states that the status and special rights of the Roma community should be determined by law. This provision was made due to their specific situation. In accordance with this requirements special provisions for Roma have been incorporated into many sectoral laws. With the Law on local self-government the Roma community was granted the right to representation in municipal councils in areas where Roma are autochthonous settlers. In the forth-coming local elections they may elect their representatives in 20 municipalities which were defined as municipalities with autochthonous

Roma community. One municipality already has a special representative of the Roma community and according to the members of the municipal council they are more successfully dealing with Romany issues. However, some municipalities are not content with the provision and try to dispute the autochthonous settlement of the Roma community in municipality.

In 1995 the government passed the Programme of measures to assist Roma in Slovenia. Special attention has been paid to measures to integrate Roma into mainstream society, especially through adequate living conditions, education, employment and self-organising. Some new organisations of Romas have been formed which are today important partner to the state and municipal government. They also have their own cultural organization, their own journal (Romano Them) and some radio program in Roma language (Murska Sobota, Novo mesto). In 1996 different association joint to form the Union of Roma associations of Slovenia, which should represent them at a state level.

The Roma community is also dealing with serious social problems. Their living conditions are much worse than of the other population, unemployment is very high, very often Roma have no or very little education, they have problem with the access to public services, etc. The majority population does not accept them, which is not in favour of their integration into mainstream society. This situation is better in Prekmurje, where many of Roma live and are much more socially integrated than in Dolenjska, Bela Krajina and Kočevska where they live separately from the other population and there are often conflicts with local population.

### *Newly-formed ethnic minorities*

When setting up minority protection system Slovenia has to decide whether it should equally treat both recognised national minorities and other ethnic groups, such as Roma, or former immigrant workers who acquired Slovenian citizenship, or should these groups be treated differently. Slovenia decided to continue with high level of protection of the Italian and Hungarian minority, but it did not extend this model of positive protection to newly formed minorities. Their members are people who moved to Slovenia mainly after the Second World War from other Yugoslav republics, mostly for economic reasons. The majority of them have been granted Slovene citizenship after Slovenia's independence, however, some of them are for different reasons still in the process of acquiring it. The table 1 shows reduction in the proportion of Slovenes in Slovenia, while at the same time it indicates an increase in the proportion of members of the "newly-formed ethnic minorities". Croats and Serbs represent the biggest ethnic groups within this group.

The constitution provides a basic framework for preservation of their ethnic identity, culture and language, but not at the same level as for the Italian and Hungarian minority. In the article 61 it states that "everyone has the right to freely express affiliation with his nation or national community, to foster and give expression to his culture and to use his language and script." Some schools offer voluntary classes of Albanian, Macedonian and Croatian language for students who wish to study their own mother language, but most of the schools with students of non-Slovene ethnic origin do not offer any such classes.

They also have their own organisation (cultural, religious...) and some of them are very active. For their cultural activities they can acquire some financial support from the state or municipalities, however it is not very generous and not guaranteed like for autochthonous minorities.

The state does not treat these ethnic groups as minorities and does not provide to them a similar level of protection as it does to the Hungarian, Italian and (partially) to the Roma ethnic community. They enjoy general rights as citizens of Slovenia, but not special rights as members of minority ethnic community. The state reason for refusal of equal protection is that they are not autochthonous, although it is nowadays questionable how valid this argument can be.<sup>7</sup> Sweden for example, provides high level of protection to all members of ethnic groups irrespectively of the staying period in the state. Such practice should become an example how to approach minority question.

## References

Dimitrovska Andrews, Kaliopa, Ploštajner Zlata: Local government in Slovenia. In *Local Self Government and Decentralization in Southeast Europe*, Zagreb: FES, 2001

Komac, Miran: *Protection of ethnic communities in the Republic of Slovenia*, Ljubljana, IES, 1999

Law on the financing of municipalities, *Official Gazette of the Republic of Slovenia*, No. 80/94 and 56/98

Law on self-governing ethnic communities, *Official Gazette of the Republic of Slovenia*, No. 65/94 and 56/98

Lukanović Novak, Sonja: *The Italian and Hungarian Autochthonous Ethnic Communities, and the Romany in the Republic of Slovenia*, Ljubljana: GPRMO, 1999

<sup>7</sup> There are also arguments that part of Croats and Serbs represent autochthonous minorities, since they live in Slovenian territory for centuries, although big share of members of these ethnic groups came to Slovenia during the last few decades. At least for those autochthonous Croats and Serbs Slovenia should apply the same model of positive protection as for the Italian and Hungarian minority.

National Assembly Elections Act, *Official Gazette*, 44/1992, 60/1995, 14/1996

Ploštajner, Zlata et al.: *Information on socio-economic and environmental situation in the Slovenia-Italy border region: final report*, Ljubljana, 1998

Pogorelec, Janez: Večinski volilni sistem - trda šola demokracije, *Pravna praksa*, št. 7, Ljubljana, 2000

Žagar, Mitja Jesih, Boris Bešter, Romana, Eds.: *The Constitutional and Political Regulation of Ethnic Relations and Conflicts*, Ljubljana: IES, 1999

*The Constitution of the Republic of Slovenia*, Ljubljana 1991

## Problems of Reintegration among Serb Returnees in Croatia - the Example of the Brod-Posavina County

### Introduction

In the late 1980s structural political changes occurred in East Europe, including in the lands of former Yugoslavia, which were based on the transition of society from a one-party socialist regime to a multiparty democratic system. The political scene became pluralistic, and the public was living in anticipation of free multiparty elections. Critical examination of the previous societal construction of society in former Yugoslavia went together with a re-examination of the organisational model of that state. Alongside proclaimed institutional reform of the political system and of the socio-productive spheres of society, various actors publicly voiced the need to redefine the Yugoslav political structure on a macro-level (organisation or reorganisation of the federation), with a possible final alternative: the dissolution of the Yugoslav state.

The pre-war propaganda of political actors, aimed at ethno political mobilisation of members of their own nations<sup>1</sup>, and especially the later war conflicts, in many regions significantly damaged the network of social relations in local communities.

Questions that arose during the post-war period in Croatia relate to problems concerning the possible co-existence of Croats and Serbs after the war conflicts. In essence, they can be expressed as follows: How can local communities be revived in areas effected by the war, and how long will it take to bring about a possible reconstruction of primary social relations and a revival of life in co-existence. We shall attempt to find answers to these questions on the basis of our analyses and interpretations of a questionnaire survey that was conducted in the western part of the Brod-Posavina County, with particular emphasis on the problem of (re)integrating members of the Serb ethnic minority (Serb returnees) into the local framework.

### *The Ethnic (National) Structure of the Population of Croatia - the 1981 and 1991 Censuses*

The Republic of Croatia is a multinational/multiethnic state. In the preamble of its Constitution, Croatia is defined as "... the national state of the Croat people and the state of members of other peoples and minorities that are its citizens: Serbs, Muslims, Slovenes, Czechs, Slovaks, Italians, Hungarians, Jews and others, who are guaranteed equality with citizens of Croat nationality and the fulfilment of their national rights in accordance with the democratic norms of the UN and countries of the free world". A census was conducted in the period immediately prior to the war in Croatia and the war against Croatia (1991 - 1995). The Census of 1991, owing to the process of increasingly stronger ethno national homogenisation, registered a changed sensibility of the census population in regard to ethnic (national) self-declaration (or non-declaration), which most radically affected the category "Yugoslavs". Their percentage in Croatia's population decreased from 8.2% in 1981 to only 2.2% in 1991.

In the table below we present a comparison of the two censuses (1981 and 1991), in regard to the national (i.e. ethnic) structure of the population surveyed.

After gaining independence, the Republic of Croatia took upon itself an international obligations pertaining to the regulation of relations between Croatian society, the Croatian state and national/ethnic minorities. In practice, this mean ratification of international documents in this domain and the passing of the Constitutional law on human rights and freedoms and the rights of ethnic and national communities or minorities in the Republic of Croatia. The constitutional law had been preceded by the Charter on the rights of Serbs and other nationalities in the Republic of Croatia, which had emphasised the territorial integrity and the political independence of Croatia, along with the right of Serbs to cultural autonomy and to proportional participation in local self-governing bodies and state government. The constitutional law was especially directed to the cultural autonomy of ethnic and national communities or minorities, as outlined in article 6 of the mentioned law. This article, due to its importance in regard to the legal status of national minorities, we present in its entirety:

The Republic of Croatia obliges itself to secure for all members of ethnic and national minorities:

- a) full respect of the principles of non-discrimination, as foreseen by the international instruments [specified] in article 1 of this law;
- b) the right to protection from any activity that may or could threaten their existence;

<sup>1</sup> We should note that in Central and East Europe the concept of "nation" is more closely linked to the idea of ethnic, than it is in Western Europe or AngloAmerican countries, and hence also "nationality" is closer to the concept of "ethnicity" than to that of "citizenship".



**Table 1** The national / ethnic structure of Croatia in the 1981, 1991 und 2001 census

	1981		1991		2001	
	Number	%	Number	%	Number	%
<b>Declared nationality</b>						
Croats	3,454,661	75.1	3,736,356	78.1	3,977,171	89.6
Albanians	6,006	0.1	12,032	0.3	15,082	0.3
Austrians	267	0.0	214	0.0	247	0.0
Bulgarians	441	0.0	458	0.0	331	0.0
Montenegrins	9,818	0.2	9,724	0.2	4,926	0.1
Czechs	15,061	0.3	13,086	0.3	10,510	0.2
Greeks	100	0.0	281	0.0	-	-
Hungarians	25,439	0.6	22,355	0.5	16,595	0.3
Macedonians	5,362	0.1	6,280	0.1	4,270	0.1
Muslims	23,740	0.5	43,469	0.9	20,755	0.4
Germans	2,175	0.1	2,635	0.1	2,902	0.0
Poles	758	0.0	679	0.0	567	0.0
Roma(Gypsies)	3,858	0.1	6,695	0.1	9,463	0.2
Rumanians	609	0.0	810	0.0	475	0.0
Russians	758	0.0	706	0.0	906	0.0
Ruthenians	3,321	0.1	3,253	0.1	2,337	0.1
Slovenes	25,136	0.6	22,376	0.5	13,173	0.3
Serbs	531,502	11.5	581,663	12.2	201,631	4.5
Italians	11,661	0.3	21,300	0.4	19,636	0.4
Turks	320	0.0	320	0.0	300	0.0
Ukrainians	2,515	0.1	2,494	0.1	1,977	0.0
Vlachs	16	0.0	22	0.0	12	0.0
Jews	316	0.0	600	0.0	576	0.0
Other nationalities	1,553	0.0	3,012	0.1	21,801	0.5
<b>Nationality not declared</b>						
Non-declared (undecided)	17,133	0.4	73,376	1.5	89,130	2.0
Yugoslavs	379,057	8.2	106,041	2.2	-	-
Regional identity	8,657	0.2	45,493	0.9	9,302	0.2
Unknown	64,737	1.4	62,926	1.3	17,975	0.4
<b>Total</b>	<b>4,601,469</b>	<b>100.0</b>	<b>4,784,265</b>	<b>100.0</b>	<b>4,437,460</b>	<b>100.0</b>

Source: Statistički ljetopis Hrvatske 1992 / Statistical Yearbook of Croatia, 1992, Zagreb, 1993.

- c) the right to [their] identity, culture, confession, public and private use of [their] languages and alphabets and education;
- d) protection of equal participation in public affairs, as e.g. the enjoyment of political and economic freedoms in the social sphere, in access to the media, and in the field of education and cultural questions, in general;
- e) the right to choose to which ethnic and national community or minority the citizen wishes to belong, and the enjoyment of all rights in connection with this choice, whether they be individual or in association with other persons. This right especially pertains to cases of marriages between persons belonging to different ethnic and national communities or minorities, without harm to the persons in question.

Cultural autonomy for members of national/ethnic communities or minorities becomes effective on the local level, i.e. local self-governing bodies have legislative authority in this domain, and they can pass measures that regulate particular rights and determine the ways in which they are fulfilled. Examples of this type are the use of languages and alphabets specific to national minorities and the manner in which symbols are used (flags, anthems etc.). The sphere of cultural autonomy also encompasses the freedom to establish cultural societies, and the Republic of Croatia, as well as local self-governing entities, has the obligation to aid such societies and associations. The constitutional law also foresees the possibility of schooling and educating members of national minorities in their respective languages and alphabets, via special programmes, starting from the first level of public socialisation (kindergartens) and continuing through to the public school system. The possibility also remains open that minority communities, on their part, establish private kindergartens and schools. An important segment of the constitutional law is certainly also proportional participation of members of ethnic and national communities or minorities in representative and other bodies, ranging from the local self-governing level to the Croatian Parliament.

The full implementation of this law was halted by the war, as well as by the effects of the war (1991 - 1995) and by the specific position of the Serb national minority, a part of which had participated in the insurrection against the Republic of Croatia and had not recognised the country's sovereignty, and hence neither the constitutional law. The following documents are important for the post-war reintegration of Serb returnees:

1. The Basic agreement on Eastern Slavonia, Baranja and Western Sirmium (1995), and
  2. The Agreement on the normalisation of relations between the Republic of Croatia and the Federal Republic of Yugoslavia.
- The destruction of local communities during the war brought about a change in their ethnic structures (the ratio Croats-Serbs) and a change in the structure of

the population in regard to its regional origin (the ratio autochthonous-allochthonous). In the post-war period, after the establishment of peace and civil, social and political structures on the territory of local communities that had been affected by the war, the regeneration of the latter gradually began, but with other social actors. The main question in the post-war period is and was posed by problems in regard to a possible coexistence between Croats and Serbs. And we may define such coexistence as a web of solidarity networks involving primary social relationships between members of different ethnic/national, native and immigrant groups on the micro-social level.

Through our sociological analysis of the case of the Brod-Posavina County we wished to inquire whether or not it is possible to renew coexistence between Croats and Serbs and to fully reconstruct local communities. In order to reconstruct local communities it is essential to renew and/or to establish networks of primary relationships (neighbourhood, friendship). We had postulated that the renewal of coexistence in local communities would develop at a rate proportional to the pace of transition from a national to a civic community (one that does not exclude anyone's identity), and proportional to the pace of transformation of ethno nationally extremely fragmented communities between Croats and Serbs into multicultural and multiethnic local communities.

### *The Brod-Posavina County - the 1991 Census*

The Brod-Posavina County is ethnically/nationally heterogeneous. In it, besides Croats who constitute the majority national group, one finds members of various ethnic/national minorities: Serbs, Albanians, Muslims, Ukrainians, Czechs, Roma, Montenegrins, Macedonians, Hungarians and others.

The population census of 1991 was conducted at a time of intense political discussion on the fate of the former Yugoslav state, and thus a part of the population still declared itself, as "Yugoslav" and another part remained nationally non-declared. Out of a total of 174,998 inhabitants, according to the 1991 census, the most numerous groups in the county were the Croats, comprising 141,071 or 80.6% of the population, followed by the Serbs, 19,957 or 11.4%, whereas the "Yugoslavs" accounted for 5,117 or 2.9%. The category "unknown" included 3,810 persons or 2.1% of the population, and "un-declared" 2,088 persons or 1% of the population.

In comparison to the Republic of Croatia as a whole, in 1991 the proportion of Croats in the total population of the Brod-Posavina county was somewhat higher, amounting to 80.2%, compared to 78.1% Croats in the total population of Croatia. Serbs were proportionally less numerous in the county. The 1991 census registered a percentage of 11.4% in the county as opposed to 12.2% in the overall population of the Republic of Croatia. Persons declaring themselves as

"Yugoslavs" were somewhat over-represented - i.e. according to the 1991 census, there were 2.9% of them in the county, and 2.2% in Croatia as a whole.

Over a ten-year period the number of Croats increased from 128,082 in 1981 to 141,071 in 1991, i.e. from 76.3% of the county's population to 80.6%. During the same time, the number of Serbs increased from 17,974 in 1981 to 19,957 in 1991, namely from 10.7% to 11.4% of the total population. In comparison to the 1981 census, there was a significant reduction in the number and the percentage of "Yugoslavs" in the county's population - from 15,912 or 9.4% to 5,117 or 2.9%.

The increase in the number of Croats and Serbs in the total population of the county was an outcome of the same process that had led to a reduction in the number and the percentage of "Yugoslavs". It was the process of national homogenisation, which ultimately led to the break up of Yugoslavia and the establishment of independent nation states.

The other minorities in the Brod-Posavina county were relatively small. Not one of them individually made up for more than 1% of the county's population. The most numerous were the Muslims, with 546 members, followed by the Ukrainians, 528, etc. Among these other minorities, the number of Muslims rose the most: from 251 in 1981 to 546 in 1991, or relatively from 0.1% to 0.3% of the county's population.

In the Brod-Posavina county there is a difference in the national/ethnic structure between the eastern and western areas, in other words between the former municipalities of Slavonski Brod and Nova Gradiška.

Since there is significant predominance of Croats and Serbs in the area concerned, and a relatively small presence of other national/ethnic groups, in our further analysis of the national structure of the Brod-Posavina county, our comparisons will include only three categories: Croats, Serbs and others (including non-declared persons, "Yugoslavs" and all other nationalities that lived in the area in 1991).

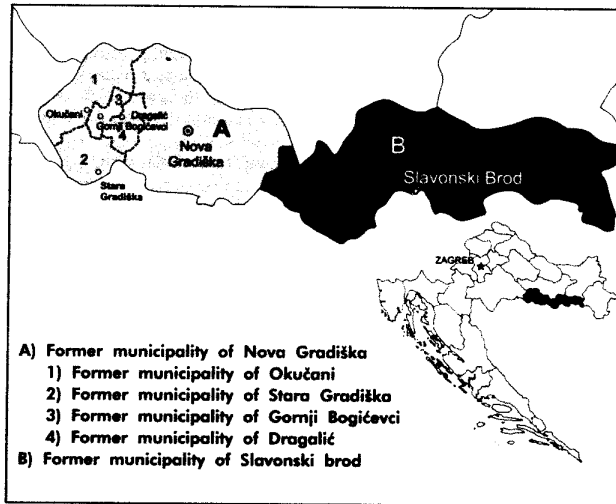
In the former municipality of Slavonski Brod, out a total of 114,249 inhabitants Croats accounted for 97,379 or 85.2%, Serbs for 7,385 or 6.0% and others for 9,485 or 8.8%.

In the former municipality of Nova Gradiška there was a larger number of Serbs, a fact that was to have great significance during the war conflict. Out of a total of 60,749 inhabitants, there were 43,692 Croats or 71.9% of the population, 12,572 Serbs or 20.6% and 4,485 others or 7.5% of the population. Such a national structure was conducive to the insurrection of local Serbs in Okučani and the surrounding area, which led to refutation of Croatian sovereignty on the territory of four (presently existing) municipalities in the Brod-Posavina county: Okučani, Stara Gradiška, Dragalić and Gornji Bogičević.

According to the 2001 census, ethnic structure of Brod-Posavina County is as follows: out of total population of 176,765, there are 166,129 (93.98%) Croats,

5,347 (3,02%) Serbs, 2,127 (1,20%) non-declared and 3,162 (1,80%) of others (Source: [www.dzs.hr/Popis%202001/popis2001.htm](http://www.dzs.hr/Popis%202001/popis2001.htm)).

The map shows the area of the Brod-Posavina County. The former municipalities of Nova Gradiška and Slavonski Brod are shaded in different tones of grey, and the present municipalities of Okučani, Stara Gradiška, Dragalić and Gornji Bogićevci are marked by their border and numbers.



### *Local Communities in the War-Affected Area of Brod-Posavina County*

The war either fully or partially affected four municipalities: Gornji Bogićevci, Stara Gradiška, Okučani and Dragalić. These included a total of 36 settlements, in which 13,858 people had lived immediately prior to the war. The population of the mentioned municipalities had included 3,399 Croats or 24.5% of the total number of inhabitants, 9,080 Serbs or 65.5% and 1,379 others or 9.9% of the total. In the four war-affected municipalities, Croats were most numerous in Stara Gradiška, making up 46% of the population, and Serbs in Okučani, where they accounted for 83.9% of the population.

**Table 2** The national / ethnic structure in war-affected municipalities (1991 Census)

Municipality	Croats	Serbs	Others	Total
Stara Gradiška	1177 46.5%	1038 41.0%	316 12.4%	2531 100%
Okučani	433 7.5%	4767 83.4%	512 8.9%	5712 100%
Gornji Bogićevci	967 33.3%	1671 57.6%	262 9.0%	2900 100%
Dragalić	822 30.2%	1604 59.0%	289 10.6%	2715 100%
<b>Total</b>	<b>3399 24.5%</b>	<b>9080 65.5%</b>	<b>1379 9.9%</b>	<b>13858 100%</b>

**Source:** Popis stanovništva, domaćinstava, stanova i poljoprivrednih gospodarstava, 31. ožujak 1991. Zagreb: Državni zavod za statistiku Republike Hrvatske, April 1992.

Hence, in the municipalities referred to, Croats were relatively most represented in Stara Gradiška, where they made up about half the population, whereas Serbs were most present in the municipality of Okučani, where they constituted over 80% of the population. In the municipality of Dragalić and Gornji Bogićevci, Serbs had been in majority, but not so strongly as in Okučani. In these two municipalities, just prior to the war, Serbs had been twice as numerous as Croats.

### *Return and Immigration of War Migrants*

What did the situation look like in the Western part of the Brod-Posavina county when the war ended? Who were the people that returned to their own homes? And what happened to refugees and displaced persons after the war?

In the Brod-Posavina county the return of Croats to the Western part of the county has been, for most part, already accomplished, while the return of Serbs who had previously fled to the Serb-occupied Croatian Danubian Region is still in progress, being a direct result of the peaceful reintegration of this region into the Croatian state and the Croatian legal system. Apart from this, Serbs have been returning from the Serb entity in Bosnia and Herzegovina and from Serbia. Also, refugee immigrants have begun to settle permanently in areas of the county, which has contributed to an increase in the size of the county's population. Persons with the status of refugee-immigrants are mainly refugees from Bosnia and Herzegovina, and to a lesser degree people from Vojvodina, who have received Croatian citizenship. In the period immediately after the war

(March/April 1997), in the Brod-Posavina county there were 828 displaced persons from the Croatian Danubian Region, 2,864 return migrants, 12,887 refugees and 2,352 refugee-immigrants.<sup>3</sup> Based on the fact that there had been 3,399 Croats in formerly occupied areas of the county, it is possible to deduce that a large majority returned to their homes, in total around 85% of them.<sup>4</sup> One can assume that the remainder have integrated into other settlements in the Republic of Croatia. In the period after the military-police actions "Storm" and "Flash", most Serbs left the territory of Croatia, moving to Serb-held areas of Bosnia and Herzegovina or, in most cases, to Yugoslavia (Serbia). The return of members of this national/ethnic group began after peaceful reintegration of East Slavonia (i.e. the Croatian Danubian Region) into the territorial entirety of the Croatian state. How many Serbs returned and to which locations are they all returning?<sup>5</sup>

Municipality	1997	1998	Total
Okučani	178	234	412
Dragolić	48	46	94
Stara Gradiška	25	28	53
Gornji Bogičevci	42	43	85
Nova Gradiška	36	35	71
<b>Total</b>	<b>329</b>	<b>386</b>	<b>715</b>

Source: Izvješće Centra za socijalnu skrb Nove Gradiške, podneseno županijskom poglavarstvu 18. 2. 1999.

Returnees and immigrants in the Western area of the territory of the Brod-Posavina county (until March 2001).<sup>6</sup>

<sup>3</sup> Report from the Office for displaced persons and refugees of the Government of the Republic of Croatia on preregistration of displaced persons, return migrants and refugees (March/April 1997).

<sup>4</sup> The Register for 1994 of the Centre for Social Aid in Nova Gradiška recorded also 197 Serbs. It can be assumed that only a few of them returned to the Western part of the county, which hence has practically no bearing on the datum given above.

<sup>5</sup> Data for 1997 and 1998, on both effectuated returns and return requests, were registered at the Centre for Social Aid in Nova Gradiška, dated February 18<sup>th</sup> 1999, and presented under the title, Report to the county administration in Slavonski Brod.

<sup>6</sup> The presentation of the data is intended to increase the illustrative character of the paper, although it must be added that the figures pertain to different periods, depending on the dynamics of events, which significantly influences the validity of the data. Nevertheless, even in such a presentation, the data indicate the numeric structure of war migrants, which probably affects also their mutual relations.

Refugee immigrants	2,352
Returnee Croats	2,854
Returnee Serbs	1,553 <sup>*</sup>
<b>Total</b>	<b>6,769</b>

The registered number of returning Serbs does not correspond to the actual number of returnees. Some members of this group apply to Croatian government authorities just in order to obtain certain rights or benefits in Croatia (retirement pensions, sale of real estate, etc.), whereas a part of those that wish to return cannot do this, due to the fact that their places of residence are still occupied by other persons (vacated Serb-owned houses had been assigned to refugee immigrants for their use).<sup>7</sup>

### *Empirical Field Work: The Renewal of Local Communities and the Integration of Returnees of Serb Nationality in the Western Part of the Brod-Posavina County*

The population of war migrants in the Western part of the Brod-Posavina county is made up of three recognisable and different groups: returnee Croats (the native/ local population that resided in Okučani and the surrounding area until 1991), returnee Serbs (the native/local population that resided in the same area until 1995) and refugee immigrants (the population that had arrived from Bosnia and Herzegovina or, to a lesser degree, from Vojvodina). In this paper we are interested first of all in the possibility of common life, in the regeneration of the network of primary social relations, and in the way in which the war migrants themselves, now returnees and immigrants, relate to each other.

It is necessary also to indicate some age-specific traits in the population of respondents. The number of young people is highest among refugee immigrants and returnee Croats, whereas among returnee Serbs there is a predominant number of middle-aged and especially older persons.<sup>8</sup>

<sup>\*</sup> The most recent statistics of the Serb Democratic Forum (March 2001) shows that the process of return has been on an increase and that the number of Serb returnees has reached 1,553 - out of which 696 are males and 857 females.

<sup>7</sup> According to the Serb Democratic Forum, only about a half of the registered returning Serbs are actual returnees living in local communities within the county.

<sup>8</sup> The statistics of the Serb Democratic Forum, from its Office in Okučani and dated March 29<sup>th</sup> 2001, reveal this. Out of a total of 1,553 returnees of Serb nationality, 912 or about 58% were persons in the age group 61 years or older, and even among the remainder there are significantly more persons in the group 31-61 years of age, in total 476, than those under 30 years of age, in total 165.

Do all the war migrants form local communities in this region, and can we even speak of local communities after the war conflict? How much time is necessary to create them again? What are the advantages and difficulties in regard to the (re)establishment of primary social relations in rural settings?

The field work in the Western part of the Brod-Posavina county (the municipalities: Okučani, Dragalić, Gornji Bogičevci, Stara Gradiška) was conducted in 1999. Using the questionnaire method (52 questions), a total of 180 war migrants was surveyed, i.e. 60 members from each of the three mentioned groups. The survey recorded the following variables: present status, age, gender and level of schooling (education). Questions were of the closed type and the answers received were statistically analysed. The statistical significance of different responses was established on the basis of the  $\chi^2$  test.

### Results and the Interpretation of the Survey

**Table 3** Returnee or immigrant status and the relationship to persons of other nationality in the local community (in percent).<sup>\*</sup>

Returnee or Immigrant Status	They don't interest me	I only say hello	We chat briefly	Sometimes we talk even for a longer while	Just as if nothing happened	Total
Refugee immigrants	38	53	8	0	0	100
Returnee Croats	28	36	23	10	1	100
Returnee Serbs	3	11	18	25	41	100
All groups together	23	33	16	11	14	100

Significance .000  
p < 0.05

The most important question in regard to mutual collaboration between groups of war migrants involves, precisely, the mutual relationship between Croats and Serbs. Although other lines of differentiation between the populations that suffered in the war remain also important, this relationship nevertheless predominates, above all since it condenses problems from 1991 as well as the position of these two groups during the armed conflicts. Still, geographic origin (the republic of origin in former Yugoslavia) and pre-war experiences in social contacts with others on the primary level do certainly add to the intensity and frequency of post-war social interactions.

<sup>\*</sup>The question was phrased: How do you relate to persons of other nationality (Croats or Serbs), that are here?

The most radical position towards Serb returnees (and likewise towards the few Serbs that remained) was expressed by refugee-immigrants (overwhelmingly Croats), somewhat over a third of whom stated that persons of other nationality do not interest them at all. Such a response was a bit less frequent in the population of returnee Croats. In comparison, about a fourth of the latter respondents gave such an answer. How can we explain this observed difference? Even though refugee-immigrants had come from settings with a strong tradition of neighbourhood (komšuluk in Bosnia and Herzegovina), their reaction rests mainly on the level of negative associations involving Serbs (they expelled us, mistreated us, killed us etc.), and not on the level of concrete relationships with Serbs in settlements of the Brod-Posavina county. Hence, generalisations are much more expressed in their responses. One the other hand, the native population is able to differentiate between the two levels more clearly: on one level, the symbolic stigmatisation of Serbs, and on the other, the actual behaviour and war activities of members of the Serb national (ethnic) body in this area. Saying hello, i.e. greetings, as an elementary form of civilized behaviour, was the response given by a little more than a half of the refugee-immigrants, which is a relatively good sign in the direction of establishing collaboration and creating a primary network of relations. The next two responses, indicating a form of social interaction surpassing merely formal communication, had a higher frequency among returnee Croats. This group briefly chats with Serbs and sometimes talks with them for a longer while. A similar situation was not noticed in the group of refugee-immigrants, whose contacts with Serbs are not so frequent and intense. Returnee Serbs in this case idealise the actual situation, projecting present relationships into another time period. Yet in reality, it is impossible - due to factors both objective (the war, the dead, destruction, etc.) and subjective (attitudes based on the development of events, as well as pre-war prejudices) - to create such a type of contact as imaged by returnee Serbs. We believe that projection of the relationship functions as a way of rationalising the behaviour of the Serb ethnic group and of its role in the 1991-1995 war, but that it is also derived from the fear of radical Croat nationalism in the post-war period.

On the continuum of achievable distance/closeness between two persons, marriage is an example of the highest level of closeness and intimacy. How much did the war in Croatia and the war against Croatia effect the attitudes of war migrants regarding possible marriages between their children and persons of other nationality (in this case, Croats and Serbs)?

The pre-war situation had been characterised by quite a strong network of primary social relations, including marriages between Croats and Serbs. Public forms of socialisation had advocated life together. Combined with centuries of actual coexistence between Serbs and Croats in Croatia (despite occasional, but very bloody tragic breaks that did not run only along ethno national lines), this

**Table 4** Returnee or immigrant status and marriage with persons of other nationality (in percent)<sup>10</sup>

Returnee or Immigrant Status	Nationality is not important in love and marriage	I would warn him or her that it is not good, but I would accept it	Even if it bothered me I would accept it.	It would be difficult for me to accept	I would never forgive him or her
Refugee immigrants	3	21	25	26	23
Returnee Croats	13	25	18	26	16
Returnee Serbs	73	8	15	0	3
<b>Total</b>	<b>30</b>	<b>18</b>	<b>19</b>	<b>17</b>	<b>14</b>

Significance .000  
p < 0.05

had fostered close ties between various peoples, right up to the level of the highest intimacy, best symbolised by marriage. The range of social distance<sup>11</sup> is an indicator of the quality of ties between members of different national/ethnic groups, and social distance itself seems to be a continuum going from the most intimate and warm relationships through indifference to relationships marked by exclusiveness and hostility. After the war conflicts and various suffering, posing the question of possible marriages between Croats and Serbs was a good test for gaining an understanding of the levels of tolerance in the three groups of war migrants. It was to be expected that immediately after the war most respondents would be sceptical and even strongly opposed to potential marriages of their children with persons of other nationality, be they Croats or Serbs. Yet what did our survey of local communities reveal?

Our expectations were not confirmed. Tolerance towards possible marriages between the children of Croats and Serbs does exist, at even a higher level than we would image after the war conflicts, despite marked differences in the attitudes of refugee-immigrants and returnee Croats on the one hand, and returnee Serbs on the other. Still, in the two "Croat" groups there were not really many respondents that chose the most universal possible answer, i.e. that nationality is not important in love and marriage, while a strong majority of the returnee Serbs chose precisely this response. How can this be explained? The ethno national and local leaders of the insurgent Serbs, along with the non-tolerant atmosphere provoked by official Croatian policy (i.e. of the Croatian

Democratic Union, HDZ), homogenised the Serbs in local communities and brought them into an irredentist position vis-a-vis the Croatian state. After the war ended, members of the Serb national / ethnic minority were stigmatised before a large part of the Croatian public, often regardless of the actual complicity of individuals in the war conflicts. A minority position, a striving to forget the war as soon as possible and an attempt to successfully reintegrate into the local community, probably are part of the explanation of the highly tolerant attitudes of returnee Serbs to potential marriages of their children with Croats. On the other end of the continuum, the extremely radical attitude - I would never forgive him or her - was present mostly among refugee-immigrants and, to a lesser degree, among returnee Croats. One out of five respondents in these two groups rejected the possibility of marriage with persons of Serb nationality. One could add to this number also those respondents that would find such marriages difficult to accept. About half of the respondents in these two groups do not look favourably on potential marriages between Croats and Serbs, while the remainder, for the most part (despite greater or lesser resistance), are able to tolerate possible marriage ties between Croats and Serbs after the war. Even though the influence of events from the war period is very present in the attitudes of respondents, it is encouraging, from the viewpoint of a multicultural and tolerant Croatian society, that inter-ethnic tolerance has been still somewhat maintained even after the war. The pre-war experiences of Croats and Serbs, as well as a desire not to repeat negative experiences from the past, probably have had (in regard to this situation) an influence on the relatively tolerant answers of the respondents.

### *Interviews - Returnee Serbs (Communication with Other Groups)*

Different groups of war migrants have settled in or returned to the western part of the Brod-Posavina County (the communes Okučani, Gornji Bogičevci, Stara Gradiška and Dragalić). Do problems of communication exist between them? What are the tendencies in inter-group communication and are first contacts an introduction to the prospects of living together? During interviews with members of the Serb national minority (returnee Serbs), the later were asked to say with which groups they communicate after the war and to describe problems encountered in such communication. Here are some of their answers:

### *Returnee Serbs*

"Only with the locals. We have coffee together, lend one another tools. Not with those from Bosnia. We don't speak with those from Derventa".  
(Returnee Serb, Cage)

<sup>10</sup> The question was phrased: If your child wished to marry a person of other nationality (Croat or Serb), how would you react to this?

<sup>11</sup> The first measurement of social distance is usually dated to 1925 and attributed to the American sociologist E.S. Bogardus, after whom the scale for measuring social distance was named.

"I have contacts with both groups, mostly with the locals. We have coffee and drinks with both groups. We help each other in work. The children have contacts. They are mainly correct".

(Returnee Serb, Okučani)

"I don't have contacts with those from Bosnia. They don't let me look into [my] yard. With the locals, it can't be better. We have coffee and dine [together]".

(Returnee Serb, Laževac)

"With the locals it is very good. With those from Bosnia bad. The children are somehow not open, they are nervous. There's no more brotherhood and unity. The children are together, but ours seem depressed"

(Returnee Serb, Okučani)

"Contacts... I don't even know who I am or what I am. My wife is a Croat. I was not raised to hate. Children curse my četnik mother<sup>12</sup>. When I greet a refugee-immigrant, he spits on me. There are some from Bosnia who are good. I have my tools, I am not asking anything from anyone".

(Returnee Serb, Okučani)

"We are older people. Croat locals come quite often. They help us, attend to us. There was a neighbour, a Croat, she visited us. Some are afraid and don't come. We lend to one another. When we arrived, they came right away and brought coffee and eggs. They accepted us as if nothing happened. Actually, we really are not to blame".

(Returnee Serb, Okučani)

"I tried to bring together Croat children. This was supposed to be a cultural recreational centre. I had a lot of toys. One day I got an order from above that I couldn't do this. For a month the children still came. Later the authorities forbid it. Local parents let the children [come]. One four-year-old told me that his godfather said I was a Serb. The police chief told me that a Serb [woman] cannot work with Croat children".

(Returnee Serb - female, Okučani)

### Comments

Of the three groups, returnee Serbs seem to desire contacts the most. This is not unexpected taking into consideration the high level of stigmatisation of this ethnic groups in Croatian public opinion. In a certain sense, members of this group over-emphasises the friendliness of local Croats, probably as part of their attempt to forget and erase events from the period 1991- 1995. Nevertheless, it should be noted that, besides this ideal-type evaluation of contacts with returnee

Croats, there is also a certain body of common memories that cannot be reduced only to difficult war-time experiences, but rather includes also memories of pre-war, mostly successful, coexistence. Research has shown that there were positive examples during the war in which neighbours protected neighbours of the other nationality.

One important expectation among returnee Serbs is that the reactions of local Croats should distinguish between the protagonists of violence and other Serbs. This is also the first pre-condition for reaffirming multiethnicity and multiculturalism in the western part of the Brod-Posavina County.

Return Serbs have a totally different attitude towards refugee-immigrants. This group represents the main problem for returnee Serbs, in so much as a part of the war victims from Bosnia has temporary residence in houses owned by Serbs. A temporary position means also uncertainty, and therefore such a situation leads to increased animosity on the part of Serb returnees towards the refugee-immigrants.

Returnee Serbs emphasise their desire to communicate, but also insufficient acceptance by others, heckling and insults, which leads to breaks in communication and creates a barrier to the affirmation of coexistence in local communities.

What have the research results shown, and has there been a renewal of the network of primary social relations that constitutes the very essence of local communities? What problems that have been occurring in regard to the reintegration of Serb returnees in the western part of the Brod-Posavina county? In the final analysis, it could be said that renewal of the network of primary social relations in the examined communities has begun, and that it has included also returnee Serbs. The intensity and frequency of social relations between Croats and Serbs is still relatively modest in scale, but the level of tolerance among the groups of war migrants, in the light of painful memories of the war events, is somewhat above expectancies. The change in the political situation on the macro-level and a shift away from the policy of integral nationalism, is contributing to the reconstruction of local communities and to the reintegration of the Serb national minority into them. Trials of persons suspected for war crimes at the International Court also have a positive effect on the renewal of coexistence. There are still many problems, ranging from the devastated local setting to unemployment, un-resolved pensions and property and legal issues (refugee-immigrants are settled in houses belonging to Serbs). Apart from this, memories of the war are still profoundly present and they place a very grave burden on interethnic relations, both in the areas of local communities and in Croatia as a whole. Thus, even though we can bear witness to the first steps in the renewal of coexistence between Croats and Serbs, all unrealistic optimism is to

<sup>12</sup> The term četnik refers members of extreme Serb national groups during the war.

be excluded. The deeply devastated primary social structure (despite some examples of cooperation between Croats and Serbs in the examined local communities, even during the war) cannot be renovated in a short period of time. Ultimately, full reintegration of members of the Serb national/ethnic minority into the fabric of local communities will develop in direct correlation to the strengthening of democratic processes in Croatia and in neighbouring states (Bosnia and Herzegovina, the Federal Republic of Yugoslavia), in conjunction with a particular emphasis on the protection of the rights of national minorities in the mentioned countries.

Nataša Kličković

## Minorities at Local Level in South-East Europe - Workshop Summary and Analysis of the Questionnaire

"At the beginning of the 21<sup>st</sup> century the question of protection of national, ethnic, language or religious minorities is so difficult to solve, as it has been in the last 150 years." (Ralf Thomas Göllner, *Pluralistic Democracy and Minority Protection*). Theoretically, this should not be the case, since liberal democracy should guarantee the rights for ethnic or national minorities and create prerequisites for peaceful coexistence. But if we just look at the recent conflicts around the globe, which are in most cases motivated by nationalism and ethnic disputes, it seems there are still problems as well as rising necessity and importance in regard to granting appropriate rights to the minorities.

The countries of Southeast Europe have faced throughout the history different migration waves. If we look at the 20<sup>th</sup> century, the Osman Empire as well as Austro-Hungarian Monarchy were multiethnic countries. The first migration started with their fall, when many smaller ethnic defined nation states were created and the new borders were defined. The second migration happened during the two Balkan wars. The third took place during the both world wars. The fourth migration was caused by communist regime. The last one was the consequence of the war in ex-Yugoslavia or the consequence of the transition period of the 90ies. The migration was usually caused by creation of the new borders, whereby certain groups of people were excluded or included from/in certain territory with population of other ethnicity or in another words certain majority group suddenly became a minority group. The other important cause were the wars, because of which the ethnic minorities fled, were expelled or were victims of geno- or ethnocide. In communism, the main reason for the migration of ethnic minorities was the communist attempt of assimilation. These migrations were often supported by the motherland of particular minority or a good organized lobby. The reason for migration in the 90ies was usually a negative evaluation of living chances in transition countries, mainly because of the status of an ethnic or religious minority in a certain transitional country. Gerhard Seewann states in the book *Southeast Europe - Handbook - Society, Politics, Economy, Culture* that from 30 million people in East-West-Migrations from 1918 until 1998, 75% migrated for ethnic reasons, 10% for political reasons and 15% were working migrants to West Europe.



As mentioned before, a democratic system should guarantee rights to ethnic minorities. These rights do not include only human rights, since they alone cannot solve minority problems. They include also for example the right to self-determination, education in own language, preservation of cultural identity, participation and presentation at local and state levels. Furthermore, a democratic system includes a qualitative and supportive environment for minorities according to its principles of equality and freedom. Freedom stands for self-determination, self-government, and the right to control and govern one's own life as one's wishes. Equality means that all people are treated equally and equally participate in decision-making processes. Furthermore, the decentralization, as part of a democratic system, offers better possibilities for minorities to be represented and included in decision-making bodies. In this way, minorities can preserve their cultural, language and national diversity on the local, regional and national level.

However, the countries of Southeast Europe are still, if not in the process of transition, then surely in the process of consolidation. This means that in general the minority issue in these countries is still very hotly debated by local governments.

Gathering the experts of some countries of this region, we tried to analyse and discuss the best practices as well as failures in these countries regarding the minority issue. The issues we discussed at the workshop were:

- Integration policy of local government for minorities
- Participation of ethnic minorities in the local political context
- Access to employment for ethnic minorities
- Access to effective legal mechanisms for protection of minority rights
- Legal and political frames for the relationship between ethnic groups at local level
- Language and education policy.

Considering the situation of minorities in Romania, it is to be noted that the three largest minorities in Romania are Hungarians, Roma and Germans. The Romanian legal framework guarantees protection of minorities as well as access to public life and to local and national levels of administration. As the best practice model the Timis County was represented, where the Hungarians, Germans, Bulgarians, Serbs and even Roma are significantly represented at local and county level, cultural services are well-developed and cultural strategy supports multiculturalism and ethnic diversity. However, generally in Romania the local arena depends on national arrangements with a certain minority. The Hungarian minority in Romania is politically very active at local level. This is mostly due to their good organization and desire for participation in the local scene.

In Yugoslavia, the autonomous province of Vojvodina represents the best practice example of coexistence among Hungarians, Croats and Serbs, as the largest

ethnic groups, and others. Before Slobodan Milošević came to power, higher positions in public administration in Vojvodina were distributed among ethnic groups proportionally. By contrast, Milošević policy was to clean ethnically important positions. The consequence was that unqualified people were employed. The representation of minorities in political life was proportional, in administration less proportional and in courts and police disproportional. However, in the municipalities where opposition ruled, the minorities were treated with more care. After the fall of Milošević, the situation is much better. The inter-ethnic tolerance is on higher level and inter-ethnic distance is low. Also, through the decentralization process the involvement of ethnic minorities in public authorities is rising significantly.

The Macedonian case is an example of the functioning of a state where minorities make 30% of the total population. The largest ethnic minorities are Albanians and Turks. At the level of legal regulation, Macedonia respects ethnic rights and can even be a model in this respect for other countries in the region. However, due to the low competences of the local government, the participation of both ethnic majority and minority population is in local administration very limited. Regarding the employment, the prevailing ethnic group of certain area hires usually people belonging to that ethnic group. The most important problem in Macedonia is that the minorities do not want to be minorities but equal national groups. Therefore, there is a big tension between Macedonians and Albanians in the western part of Macedonia due to unequal representation in administration, policy, military, economy and education. Obviously, if we look at the current conflicts in Macedonia, the legal regulations there are good in theory, but in practice they reflect completely an other situation.

The interesting fact regarding Montenegro is that only the Montenegro constitution has a provision about proportional representation of national and ethnic groups (the term minorities does not exist in Montenegro constitution), while the Constitution of FR Yugoslavia and of the Republic of Serbia have only discrimination provisions. The two largest ethnic groups besides Montenegrins are Bosnian Moslems and Albanians. Both groups have all rights at local level and are integrated in all spheres.

The Bulgarian ethnic model is considered as the most significant achievement of transition period in Bulgaria, since it establishes tolerance and multi-ethnic democracy. The largest ethnic groups in Bulgaria are Turks and Roma. However, a big portion of Roma consider themselves as Turks. The new Bulgarian Constitution has a provision for equality of all ethnic groups, since the term minority is, as in the case of Montenegro, out of use, and guarantees proportional representation in the whole country. Regarding representation of minorities in the political scene, it is important to mention "The Movement for Rights and

Freedoms", which unites mainly Bulgarian Turks and is very active both at national and at local level. The municipalities with higher concentration of minorities are low developed, which is a consequence of social and economic problems of those areas like unemployment and low level of education. In Hungary, a clear minority policy started after democratic changes in the 90ies, since during the communist era there was no minority policy in Hungary at all. The Roma, Germans and Slovaks make the largest minorities in Hungary. Minorities have at local level all rights, but in practice there is lack of financial means to realize these rights. Therefore, the implementation of minority policy at local level is exclusively dependant of the good will of the local government in term of how much money they are ready to distribute for minorities. However, the minorities have the veto right against the decisions of the local government in matters such as public education, local media and public use of language. At national level, there is still no parliamentary representation of the minorities. The problem today is that younger generations avoid to declare themselves as minority members, since they see better future if they are part of the majority. The Slovenian case differs from the other countries in the region, because it has besides autochthonous minorities "the new minorities" as well. These "new minorities" are the migrants who came in 1970s and 1980s from other Yugoslav republics as workers looking for employment. This phenomenon is very present in West Europe, where many people from the eastern countries came searching for jobs. The largest three minority groups of these "new minorities" are Croats, Moslems and Yugoslavs. However, those groups do not have the status of ethnic minority. This status is granted only to autochthonous ethnic minorities like Italians, Hungarians and Roma. The Slovenian Constitution guarantees all minority rights to these groups and exercises positive protection of autochthones communities. The Italians and Hungarians enjoy all their rights, while Roma people, because of poor organization among themselves, do not. The Slovenian Government considers revising its Constitution in regard to guaranteeing minority rights to both autochthonous minorities and "new minorities", but the problem that appears is of financial origin. The division of present finances for autochthonous minorities would not be enough for exercise of minority rights of all groups.

The main problem in Croatia as to minorities is the relationship between the Croat and Serb population. The Serb minority, as the ethnic group who was recognized by the Croatian constitution in former Yugoslavia as a constitutive nation became minority in Croatia after its independence. The results of an empirical study gave an insight into the changed relationship and the new problems of the reintegration of Serb returnees in Croatia and the social distance at local level between Serbs and Croats. The analyses and surveys were conduct-

ed in the Brod-Posavina County, where Serbs constituted the majority in some of the municipalities before the war. The Croatian Constitution of 1991 has a provision that guarantees cultural autonomy and proportional participation in local self-governing bodies to national minorities, but due to the war this provision was not put in practice. Regarding the social distance, the survey analyzed the situation after the war in the Brod-Posavina County, and included Serbs, Croats and refugee immigrants (mainly from Bosnia and Herzegovina). The questions of the survey included the attitude of one ethnic group toward the other, the level of communication among these groups, possible marriages between Serbs and Croats, the possibility of forgiving for war damages of one group to the other. The conclusion was that the returned Serbs have the strongest desire to strengthen interethnic relations. The Croats are on the second place, and the lowest desire is among refugee immigrants. However, Serbs feel animosity toward the refugee immigrants, since most of them have temporary residence in houses owned by Serbs. Further progress in overcoming social distance between Croats and Serbs in former war affected areas may result from democratization of Croatia and its neighbours.

In order to measure and compare the level of political, social and cultural minority rights in South-East Europe, we used a questionnaire including the most important aspects of minority rights. The questionnaire includes 9 tables and two questions. The first table gives a list of the two or three largest minorities or ethnic groups in the countries and their quantitative significance in a particular country. Table 2 shows the extent of governmental care for minority issues. This care is expressed in institutions government formed for such issues. The representation of minorities in legislature and their possibility to influence and modify lawmaking is covered by table 3. The parameter of "legally guaranteed seats" is used in order to see which countries use this mechanism to increase the effective participation and representation of minorities in legislature. Table 4 shows the representation of minorities in executive bodies. One of the fundamental minority rights is to participate effectively in decisions and "power-sharing" at all levels. The level of self-organization of minorities in civil society is given in table 5. Table 6 elaborates the access of minorities to qualifications and to what extent the government preserves their cultural identity. The education of minorities in their own language is especially important for preservation of their language. The possibility for minorities to communicate with authorities in their mother tongue is shown in table 7. This right indicates the readiness of government to develop communication with minorities and to avoid discrimination. The possibility for minorities to introduce their interest and problems in public through different media is illustrated in table 8. Through media, the minorities can also increase their influence on public opinion and government. The last

table, table 9, shows the treatment of minorities in practice. In post-socialist countries it happens very often that upon the request of international community those countries introduce some laws and reforms, which in theory function excellently, but in practice fail completely. Finally, as a conclusion, the questionnaire includes the problems and solution proposals in regard to minorities in a particular country.

### *Questionnaire about the status of minorities at local level*

1. Which two or three minorities or ethnic groups are most important in Your country and do they have a legal status?

Ethnic affiliation	Number	Share	Legal status yes/no
<b>Bulgaria</b>			
Turks	800052	9.5%	No
Gypsies	313396	4.6%	No
Only one legal /official ethnic group: Bulgarians			
<b>Croatia</b>			
Serbs	201,631	4.54%	Yes
Bosniacs	20,775	0.47%	Yes
Italians	19,636	0.44%	Yes
<b>Hungary</b>			
Roma	400,000 to 600,000	5%	Yes
Germans	200,000 to 400,000	2.1%	Yes
Slovaks	100,000 to 110,000	1%	Yes
<b>Macedonia</b>			
Albanians	442914	22.9%	Yes
Turks	77252	4.0%	Yes
Roma	43732	2.3%	Yes
Serbs	39280	2.0%	Yes
<b>Montenegro</b>			
Albanians	40,415	6.57%	Yes
Muslims	89,614	14.57%	Yes
Croats	6,242	1.00 %	Yes
<b>Romania</b>			
Hungarians	1,620,199	7.1%	Yes
Roma	409,723	1.8%	Yes
Germans	119,436	0.5%	Yes
<b>Slovenia*</b>			
Hungarian	8,503	0.43%	Yes
Italian	3,064	0.16%	Yes
Roma	2293	0.12%	Yes

\*new minorities\* are not taken in consideration

Regarding the number of minorities and their share in total population, Croatia seems to be, after Slovenia, ethnically the purest country with 89.63% of Croats (Census 2001). This is actually a consequence of the war and the Croatian policy during the war toward people belonging to other ethnic groups. Slovenia has actually less share of minorities than Croatia, although the table above excludes "new minorities", which are much larger in number than autochthonous minorities. The difference is that Croatia was always multinational and Slovenia not. In contrast to Croatia and Slovenia, in Macedonia live more than 30% of different minorities. The status of the minorities in Macedonia is the root cause of the ongoing conflicts there. The only country where the minorities do not have legal status is Bulgaria. The Bulgarian Constitution of 1991 does not recognize the national or ethnic minorities, than it treats the Bulgarian population as national and state unity, prohibiting territorial autonomy and ethnically based political parties. The Roma are present as one of the three largest ethnic groups in Bulgaria, Romania, Hungary and Macedonia. However, in this questionnaire, as well as at the workshop, the Roma problem was not discussed, since it represents a separate issue, which requires a separate in-depth analysis. The following questions refer to the most important minorities or ethnic groups.

### 2. Bodies dealing with minority issues

The Turks party "The Movement for Rights and Freedoms" and the Roma parties succeeded to deal satisfactorily with the Bulgarian Constitution that prohibits ethnically based political parties. The first one is present at national, regional and local level, while the second one is only not present at national level. Croatia has bodies dealing with minority issues at national and local level. At the regional level, there is only a body dealing with the Serb minority in Vukovar, a municipality and capital of the Vukovar-Srijem County with ca. 15% of the Serb population. Hungary has except national level and regional level bodies for Germans, special organization of municipal level in the case that 50% of a municipality declared as a minority. An interesting fact is the veto right on local decisions concerning minority issues. Macedonia has even three bodies at national and municipal level, since it does not have regional level, dealing with minority issues. Montenegro has these bodies only at national level, and Romania only at national and regional level. The lack of such bodies at municipal level could be due to the still early stages of decentralization processes. Slovenia has at national and municipal level (no regional level) the largest number of bodies dealing with minority issues. This situation reaffirms the fact that Slovenia is the most decentralized country in the region and, besides Hungary, closest to the EU membership.

Table 2 Bodies dealing with minority issues

National level - name of the body - function	Regional level - name of the body - function	Municipal level - name of the body - function
<b>Bulgaria</b>		
1. "The Movement for Rights and Freedoms" (MRF)	MRF, Roma party "Free Bulgaria", "Movement Roma", "Bulgarian Confederation Roma"	MRF, Roma party "Free Bulgaria", "Movement Roma", "Bulgarian Confederation Roma"
<b>Croatia</b>		
1. Committee for national minorities of Government of R. Croatia 2. Committee for national minorities of Parliament of R. Croatia	Council of municipalities of Serb national communes (Vukovar)	Committees in local municipalities
<b>Hungary</b>		
1. National level minority self government (consulting on laws concerning minority issues, deciding on nationality celebrations and memorials)	none, except for the German minority, who established some in some counties	Local minority self government or minority local self-government (if a local self government with more than 50% of the representatives belonging to one minority has declared itself a minority). They mostly deal with cultural and minority educational problems, have the veto right on local decisions concerning any member of the minority or the minority itself
<b>Macedonia</b>		
1. National Assembly (obliged to take into consideration the appraisals and proposals and to make decisions regarding them) 2. Government 3. Council for Inter-Ethnic Relations (considering issues of inter-ethnic relations and making appraisals and proposals for their solution)	No regional level	1. Local council 2. Mayor Commission for relations among the communities (considering issues of inter-ethnic relations and making appraisals and proposals for their solution) The Council is obliged to take into consideration these appraisals and proposals and to make decisions regarding them.

<b>Montenegro</b>		
1. Ministry for nationalities and ethnic groups 2. Council for national and ethnic, groups protection 3. Centre for national and ethnic cultural development	No regional level	No
<b>Romania</b>		
1. Council for National Minorities (drafts of law on the topic of minorities; informing the Gov. on subjects related to minorities; maintaining the relation between Gov. and minority organizations)	Department for minorities	.*
<b>Slovenia</b>		
1. Office for Nationalities* 2. National Assembly Commission for the Italian and Hungarian National Communities 3. Government Commission for the Italian and Hungarian Minority 4. Government Commission for Romany Issues 5. Self-governing Italian community 6. Self-governing Hungarian community 7. Slovene Romany Association 8. Parliament (Hungarian and Italian minority have one direct representative each with veto power in relation to all minority related issues)	No regional level	1. Municipal councils (with direct representatives from minority with veto power to all minority related issues) 2. Self-governing municipal Italian community 3. Self-governing municipal Hungarian community 4. Romany society

Comments:

Romania: \*Bodies at local level are formed only if local and county councils consider necessary.

Slovenia: \*The main duty of the Office for Nationalities is global supervision of the realisation of the provisions of the law on the protection of nationalities, monitoring the practical effects, drawing attention to problem areas, preparing suggestions and initiatives for the Government and other state bodies and preparing analyses and reports on the wider issues of the protection of nationalities, together with the relevant ministries. The direct duties of the Office are those, which are not included in the duties of other state bodies: mainly co-operation with self-governing nationalities and other organisations of national communities, with Romany societies and the Slovene Romany Association and ensuring financing for their activities, as well as collating proposals for measures to deal with the problems encountered

by the organisations of the nationalities living in Slovenia. Another responsibility of the Office is the provision of information relevant to the needs of the national communities and the Roma people, which is why the resources for co-financing of the nationalities' newspapers and other publications, radio and television programmes for the Italian and Hungarian national community, and radio programmes for the Roma are guaranteed via the Office. A very important task of the Office is co-operation with the National Assembly Commission for the Italian and Hungarian National Communities and carrying out specialist duties for the Government Commission for the two nationalities and the Government Commission for Roma Issues.

### 3. Do minorities or ethnic groups have their legally guaranteed seats (LGS) or de facto representation (DFR) in representative bodies?

	national parliaments LGS/DFR	regional legislative bodies LGS/DFR	municipal legislative bodies LGS/DFR
<b>Bulgaria</b>	Yes	Yes	Yes
<b>Croatia*</b>	LGS	LGS	LGS
<b>Hungary</b>	No*	No regional authorities	DFR
<b>Macedonia</b>	Yes, DFR	No regional authorities	Yes, DFR
<b>Montenegro</b>	Yes	---	Yes
<b>Romania</b>	Yes, LGS		Yes, DFR
<b>Slovenia*</b>	Yes	No	Yes

#### Comments:

\* Croatia: Regarding the Serb minority, the provision which guaranteed proportional representation has not been enacted, because the percentage of Serbs in Croatian population was unknown. The new Law on ethnic Minorities in autumn 2002 will regulate the issue in a different way.

Hungary: \* There are minority member representatives in the newly elected parliament. Also the Head of the national Roma self-government is also head of one of the national Roma associations, and because an MP in cooperation with the young democrats (now in opposition).

\* Slovenia: For Roma community direct representatives in municipal councils will be elected in November 2002 for the first time

There are legally guaranteed seats only in Croatia at all levels and in Slovenia and Romania in national parliament, while everywhere else are de facto representations or de facto representations and legally guaranteed seats. Only Hungary does not have any kind of representation of minorities either at national or at regional level. It seems that in most of these countries the legal frame assured the representation of minorities in legislative bodies on one way or the other. The best solution for assuring representation of minority interests is to guarantee representation in legislative bodies, especially parliaments. The larger minority groups usually obtain representation through ethnic and minority parties. The guaranteed parliamentary representation is very rare and actually present in only some post-communist countries in Europe, like Croatia, Slovenia and Romania. However, representation through ethnic and minority parties raises a question whether people are creating minority parties to get a seat in the parliament.

### 4. Do minorities or ethnic groups have their representatives in executive bodies?

	national government	regional government	municipal government
<b>Bulgaria</b>	Yes	Yes	Yes
<b>Croatia</b>	No	Yes	Yes
<b>Hungary</b>	No	No regional government	Yes*
<b>Macedonia*</b>	Yes	No regional government	Yes
<b>Montenegro</b>	Yes	---	Yes
<b>Romania</b>	Yes		
<b>Slovenia*</b>	No	No	

#### Comments:

Hungary: \* Either the local minority self government or a not elected speaker of the minority consults with the municipal government on relevant issues.

\* Macedonia: Both majority and proportional electoral systems are applied at central and local level. This gives opportunity to the minorities to elect their own representatives in the National Assembly and local councils, as well as mayors. Indirectly it enables minorities to have their representatives in the Macedonia Government

\* Slovenia: Yes in some according to the municipal statute but not guaranteed by national legislation

All largest minorities or ethnic groups have their representatives in government at all levels, except in Croatia and Hungary. In these two countries they do not have their representatives in national government. One reason for Croatia of not having the minority representatives in national government could be its policy during the last decade toward the Serb minority, as the largest minority, as a consequence of the war. Second reason could be the low percentage of minorities in regard to total population, so that they are always outvoted. In Hungary, the minority representation is more focused on local level (local minority self-government and minority local self-government). Therefore, young people who wish to participate in national government usually do not declare themselves as members of minorities than rather as Hungarians, in order to have better chances for success. It is interesting that neither Hungary nor Slovenia, closest to the EU membership, have minority representatives at national level. However, the countries in the region mostly do include minority representatives in their executive bodies.

### 5. Do minorities or ethnic groups have their own associations?

Except in Romania and Slovenia, the largest minorities or ethnic groups in the region have their minority political parties and own minority associations. In Romania, the Constitution of 1991 allows the formation of organizations of citizens belonging to national minorities. However, the political groups of minorities, constituted since 1990, are mostly in the form of unions and associations. The most active, stable and influential is The Democratic Alliance

of Hungarians (Hungarians are the largest ethnic group in Romania). There are some politically organized minorities at national level, which are assimilated to the ruling party and act as a fraction of that party. The parties usually form such minority fractions in order to get more votes on elections. In Slovenia, the recognized autochthonous minorities do not have their political parties partly due to the system of positive discrimination or "dual political subjectivity", meaning the possibility for minorities to give two votes - one for general elections and one for minority representative. Generally, the minorities in the region are self-organized and as such take part in civil society.

Table 5 Do minorities or ethnic groups have their own associations?

	Minority political parties	Own minority associations
Bulgaria	Yes	Yes
Croatia	Yes	Yes
Hungary	Yes	Yes
Macedonia*	Yes	Yes
Montenegro	Yes	Yes
Romania*	No	Yes
Slovenia	No*	Yes

Comments:

\* Macedonia: There are political parties of the Albanians, Turks, Romas and Serbs and minority associations of Albanians, Turks, Vlachs, Romas and Serbs.

\* Romania: Democratic Alliance of Hungarians from Romania is an association, but it has great political power and influence. It ran in every elections and obtained constantly 7% of the votes.

Slovenia: \*Some newly formed minorities have their political parties but not the three recognized as autochthonous

## 6. Which minorities or ethnic groups in Your country have education facilities in their language?

Generally, all countries offer kindergartens, primary school and secondary school education in language of the largest minority group/groups. The exception are Roma, because of lack of teachers as well as their low education. The same situation happens with universities, except in Croatia and Montenegro with no universities offering schooling in minority language. The minority language is compulsory only in Croatia and Romania in kindergartens, primary schools and secondary schools. In Croatia, this is only in areas where a certain minority has a big share of the total population of that area. These areas are usually bilingual. The Romanian Constitution provides extensive rights for education in minority language. In Hungary, the minority languages are offered as optional subject at all level of education. Evidently, the countries of the SEE region are receiving substantial state-supported education in minority language.

Table 6 Which minorities or ethnic groups in Your country have education facilities in their language?

	Schooling in their own language			
	kindergartens	primary schools	secondary schools	universities
Bulgaria	Turkish	No	No	Turkish*
Croatia	Italians	Serbs, Czechs, Italians	Serbs, Italians	No
Hungary	All	All	All	Germans
Macedonia	Albanian	Albanian, Turks, Serbs	Albanian, Turks	Albanian*
Montenegro	Yes	Yes	Yes	No
Romania*	All except Roma*	All except Roma*	Hungarians, Germans	Hungarians, Germans
Slovenia	Italian, Hungarian	Italian, Hungarian	Italian, Hungarian	

Comments:

Bulgaria: \*only by request

Macedonia: \*for Albanians where the teaching is in Albanian, Macedonian and English

\* Romania: Hungarians and Germans have sections in Romanian public universities, but not their own public university. This question is under debate right now.

\*because of lack of teachers and high educated members

	Minority language as a compulsory subject			
	kindergartens	primary schools	secondary schools	universities
Bulgaria	No	No	No	No
Croatia	Yes	Yes	Yes	No
Hungary	None	None	None	None
Macedonia				
Montenegro	No	No	No	No
Romania	All except Roma	All except Roma	Hungarians, Germans	
Slovenia	Italian, Hungarian	Italian, Hungarian	Italian, Hungarian	

	Minority language as an optional subject			
	kindergartens	primary schools	secondary schools	universities
Bulgaria	No	No	No	No
Croatia	No	No	No	No
Hungary	All	All	All	All
Macedonia		Roma		
Montenegro*	No	No	No	No
Romania				
Slovenia				

Comments:

\* Montenegro: Muslims speak Serbian

The problem in offering schooling in some minority language is often shortage of teachers for a particular minority language. Also, some minorities, as for example Albanians in Macedonia or Hungarians in Romania, increased over the past decade their demand for schooling in their mother tongue. Only Macedonia offers Roma language as an optional subject in primary schools.

**7. Use of minority language in public administration in the whole country (WC) or multiethnic areas (MA)**

	Minority language is used as official language in WC or MA	Official documents have to be published in minority language in WC or MA	Bilingual displaying of the names of localities and public institutions is used in WC or MA
<b>Bulgaria</b>	No	No	No
<b>Croatia</b>	Yes in MA	Yes in MA	Yes in MA
<b>Hungary*</b>	Yes	Yes in municipalities with minority members or a local minority self government	Yes in municipalities with a local minority self government
<b>Macedonia*</b>	Yes	Yes	Yes
<b>Montenegro</b>	Yes in MA	Yes in MA	Yes in MA
<b>Romania</b>		Yes, when the minority exceeds 20% of the population of the locality	Yes
<b>Slovenia</b>	Yes in MA*	Yes in MA	Yes in MA

**Comments:**

- \* Hungary: There is no definition of MA in Hungary, just a municipality can declare itself as a minority local self government or a minority can establish a local minority self government. In these cases the minority gains certain rights (see above).
- \* Macedonia: Minority languages can be official languages if spoken by at least 20% of the population in some area. In these areas personal documents and communication, both with central and local administration, will be in both languages Macedonian and the language of the minorities.
- Slovenia: \*And in all cases before national authorities if minority members are involved.

The Bulgarian Constitution does not recognize Bulgarian minorities as minorities, as it is based on the principle of equality of all citizens. Accordingly, the minority languages in Bulgaria can not be used within public administration. As stated by the Romanian provisions in early 90s, only the Romanian language was used as official language. The Public Administration Law of 2001 and Governmental Order of 2001 allowed, however, some exceptions in official usage of minority language. All other countries respect the minority right of using their language in the public administration, at least in ethnically mixed areas.

In all other countries, the minorities are able to communicate with authorities at all levels in their own language.

In most of the countries minority or ethnic groups have their magazines/newspapers, radio and TV programme, therefore the possibility to express publicly their interests and problems. Some minority or ethnic groups do not have own newspapers (Roma in Macedonia) or TV programme (minorities in Croatia), what is usually a consequence of the policy of a country toward some

**8. Which minority or ethnic group has their own media?**

Magazines/newspapers	Radio programme	TV programme	Other publications (books, etc.)
<b>Bulgaria</b>			
Yes - Turkish, Roma	Yes - Turkish, Roma	Yes - Turkish, Roma	Yes - Turkish, Roma
<b>Croatia</b>			
Italians, Serbs, Bosniacs	Serbs, Italians	No	Serbs, Italians, Bosniacs, Czechs
<b>Hungary</b>			
All	All	All	All
<b>Macedonia*</b>			
Newspapers - Albanians, Turks, Serbs; Magazine - Albanian	Albanian, Turkish Serbian, Roma Vlachian	Albanian, Turkish Serbian, Roma Vlachian	Albanian, Turkish Serbian, Roma Vlachian
<b>Montenegro*</b>			
Albanians	Albanians	Albanians	Albanians
<b>Romania</b>			
Yes	Yes	Yes	Yes
<b>Slovenia</b>			
Italian, Hungarian, Roma	Italian, Hungarian, Roma	Italian, Hungarian	Italian, Hungarian

**Comments:**

- \* Macedonia: They are represented at the national and local level as well as private electronic and printed media.
- \* Montenegro: Muslims speak Serbian.

minorities, lack of financial sources or lack of qualified people. However, it seems that in general these countries do guarantee de jure or de facto the cultural right of their minorities.

**9. Does the minority discrimination exist in social life?**

Discrimination exists in almost all countries in all three areas: education, employment and social life. However, it mostly refers to the Roma population (in Slovenia exclusively to Roma), which is due to their low education, work and integration. Also, such discrimination is true for all other minorities or ethnic groups that are poorly organized and live in poor areas. In Croatia, there is still discrimination toward the Serbs or Bosniacs as a consequence of the war and the former Croatian policy. Obviously, although the legal frameworks in the region seem more or less satisfactory for all minorities and ethnic groups, the practice gives another results.

**Table 9** Does the minority discrimination exist in the following areas:

	Education	Employment	Social life
Bulgaria*	No	Yes	Yes - low standard of Roma
Croatia	Yes	Yes	Yes
Hungary*	Yes	Yes*	Yes*
Macedonia*	Yes	Yes	Yes
Montenegro			
Romania*	No	Yes	Yes
Slovenia*	No	No	No

**Comments:**

- \* Bulgaria: 90% of Roma population is unemployed.
- \* Hungary: Discrimination in education seems to be the largest problem. \*Mostly the problem of the Roma minority.
- \* Macedonia: Albanians, Roma and Turks are underemployed. Albanians and Roma have lower education than Macedonians. Besides the affirmative actions for enrolment in secondary and tertiary schools they have difficulties to enrol proportionally with Macedonians. The attitude of the civil servants especially in state administration is more arrogant to Albanians and Roma.
- \* Romania: The yes answer only applies to Roma minority. For all the others the answer is no.
- \* Slovenia: No thus does not apply to Roma who are discriminated, officially no but in practice yes.

## 10. What are main problems in regard to minorities?

### Bulgaria

- Education, employment, social integration.

### Romania

- Discrimination regarding Roma minority.
- Minorities, which don't have the capacity to organize themselves so well as the Hungarian minority, are not always represented in local government bodies.

### Croatia

- Integral nationalism in Croatia (causes are different, but war in Croatia is the main caused) has favouritised national homogenization, what mainly affected the national minorities (especially the Serb minority). The end of war, political changes in Croatia (in year 2000) and in the whole region as well are of big importance for the improvement of the status of national minorities.

### Hungary

- The 13 minorities of Hungary have different difficulties. The most socially disadvantaged Roma and the far better organized Germans face different issues. Besides the constitutional gap, there has been no minority representative in the national parliament for 9 years. The role of the minority self-governments can be described as rather marginal, since the financial means

for them are insufficient. Their role in cultural engagement is though remarkable, but they can carry out no other issues sufficiently. The social status of the Roma population is the main conflict in Hungary, since due to historical changes and processes this group is in the most unfavourable circumstances, sustaining discrimination in education, employment and in social life.

### Macedonia

- Some minorities such as Albanians and Roma are less employed and educated. Some of them enjoy less respect in personal communications with other citizens. The national symbols (anthem, coat of arms, etc) refer to the values, traditions and way of life of Macedonians only.

### Slovenia

- The status of newly formed ethnic minorities and their rights in comparison to autochthonous minorities.
- Practical conditions of Roma.

As seen from above the main problems concerning the minority question in the region are: Roma population, passive minorities, constitutional gaps, lack of financial means and lack of political will. Only Slovenia is faced with a problem of newly formed ethnic minorities and their rights. However, the situation may be evaluated as much better than it was before the 90ies and democratic changes. The level of granting minority rights depends apparently on the level of decentralization process in a particular country.

## 11. What are possible solutions for existing problems?

### Romania

- More realistic programs related to social inclusion of Roma.
- Modifying the legal framework in the sense of establishing the principle of guaranteed seats at local level.
- Ombudsman for minorities.

### Croatia

- The state has to have the most important role in the process of decrease and disappearance of discrimination toward national minorities (especially Croatian society-Serb minority). The macro-political frame (legal state) and affirmation of civil society will make possible the protection and affirmation of rights for all people, therefore, of the national minorities as well.

### Hungary

- A commission of the parliament has presented a modification of the electoral law in order to ensure the representation of the minorities in the parliament but it has not been discussed by the MPs yet.
- Educational reforms have already started especially to ensure the rise of the Roma education level. More means for local governments would help to



foster local minority initiatives; some greater sanctions should be included in all relevant laws prohibiting discriminations. Segregation policies should be abandoned from the everyday political decisions. There is no specific policy proposed by any political force for the Roma at the time being.

#### Macedonia

- Developments of programme that will rise the educational level of minorities, since they would have better opportunities for employment if being better educated and trained.
- More civic or NGO programme for ethnic tolerance and coexistence.
- More programme for emancipation of women.
- Conducting population policy where the interest of the children and their education will be a family priority.
- Since the most excluded category are the Roma (the least employed, the least educated, the poorest and most underestimated category of citizens), no measures undertaken by Macedonian authorities with the existing capacities can solve this problem. The reason for it is that in case of launching policies towards poverty alleviation, more susceptible for credits and economic activation or re-activation etc. are the Macedonians, Serbs, Vlachs and in some cases Albanians. Roma neither have former employment experience, education and training nor respected social status. Therefore, their enormous problems, not only in the Republic of Macedonia, but in some other Balkan countries as well, can be solved only by establishment of special bodies under the jurisdiction of European Union that will develop programme and provide direct financial support and expertise to the Roma for building infrastructure, standard flats, credits for employment, education opportunities, etc.

#### Slovenia

- Equal rights.
- Continuation with existing programme and launching new programmes to help them improve their living condition without forcing them to assimilation.

Since the Roma problem is considered as the most common problem in the region, the best solution for it would be the introduction of special programme for employment, education and social integration of Roma. Most of the other proposals for solutions refer to all countries, and include: educational reforms, development of civil society, improvement of legal framework and increase of financial means for local governments.

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