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ETHNIC MINORITIES AND THE ISSUE OF REGIONAL COOPERATION IN THE FRAME OF STABILISATION AND ASSOCIATION PROCESS

INTRODUCTION

Exhaustive analysis of minority policy of Croatia during the past ten years shows the adoption of corresponding legislature but also basic international documents formally expanded possibilities for national minorities to exercise their rights. However, total political and social situation, is not most suitable for exercise and improvement of minority rights. Some minorities, especially those which got their status after breakdown of former Yugoslavia, are now in the phase of adequate organising. In this sense, regional cooperation with neighbours is of the great significance for stabilisation process. Today, Croatian parliament stands before a big challenge – adopting a new constitutional law on ethnic minorities. Creating an adequate minority rights protection law is the obligation in the process of European integration, accepted by signing the Stabilisation and Association Agreement. Minorities are Croatian undisputable advantage, and not a burden.

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ETHNIC MINORITIES – CURRENT DILEMMAS AND PROBLEMS IN THE REGION

Regional co-operation in the function of protection of national minorities has its richest experience in Western European countries. In South-Eastern Europe, such practice is still at the beginning.

The position of minorities in the Republic of Croatia has been determined by the collapse of the Socialist Federative Republic of Yugoslavia and by the war that started in 1991 and set off massive forced migration to and from all states of the former Yugoslavia. The overall legislature of the Republic of Croatia was developed during the war, so despite the acceptance of international contracts protecting minority rights, a large number of laws and regulations were intended for the realisation of an ethnically homogenous state and the keeping of the situation that had arisen due to the migrations. Such legislature has been most damaging for the Serbian, Romany, Albanian and Moslem/Bosnian minorities.

Croatian example of minorities’ rights protection could be analysed from the view of regional cooperation between neighbours such as Serbia, Montenegro and Bosnia and Herzegovina. In Croatia, there are 22 ethnic minorities’ groups and members of Croatian minorities live all over the area of former Yugoslavia. After 2001 census, there has been a significant decrease in the number of ethnic minorities.¹ The biggest decline is the most visible in the most represented ethnic minority groups such as Serbian, Hungarian, Italian and Czech. There are several reasons for being so:

a. territorial distribution which favours break of relationships in a particular ethnic minority’ group
b. migration of groups from rural to urban areas
c. migration of minority’ groups from one region to another
d. growing level of education which causes the fasting social movement of minority groups’ members
e. weakening of cohesive elements of ethnicity which is replaced by identification with professional, social or regional belongingness
f. the notion of mixed marriages (this is particularly visible within Serbian minorities)

¹ During the war, and especially after the missions that liberated the occupied Croatian territories members of minorities, especially the Serbian minority, were either leaving the Republic of Croatia or leaving other parts of Croatia for the occupied territories while Croatians from Bosnia and Herzegovina and from the Federal Republic of Yugoslavia were settling in the Republic of Croatia, so that the above demographic picture was thoroughly changed. The first problem that members of minorities had to face was the citizenship: their previous, i.e. state citizenship (of which existence the majority hadn't been aware) was being taken into account in order to determine the body of citizens, and that citizenship was determined by origin, that is, place of birth, and not by residence, so that e.g. persons of Serbian nationality who were residents of the Republic of Croatia often were citizens of the Socialist Republic of Serbia and were denied the right to Croatian citizenship Because of citizenship problems, terminations of work contracts, discontinuation of retirement payments, etc., and of the later property seizures, safety threats and crimes committed during and after the military operations Storm and Flash, 26,000 persons of Serb nationality left Croatia in 1991, 67,000 in 1992, 24,000 in 1993, 10,000 in 1994, 8,000 in 1995, 130,000 in 1996, 7,000 in 1997 and 11,000 in 1998; a total of 283,000 persons. (Source: Croatian Government Office for Expellees and Refugees).
Last 12 years, Croatia did more on defining ethnic minorities’ rights, and less on creating positive social atmosphere for realisation positive legal norms in practice.\(^2\) This has resulted with very weak relationship among other countries in the region. The only significant improvement is bilateral agreements with Italy and Hungary. Croatia has been more motivated to improve the position of Croatian minority’ groups in the neighbour countries and less to improve the status of ethnic minorities who live in Croatia. The situation has been changed since last parliamentary elections of 2000. Therefore, most of the countries in the region are interested in creating bilateral agreements with Croatia in order to improve the status of the members of their ethnic minority’ groups.

The most successful cooperation is established with Italian ethnic minorities’ community in Croatia. There is also a bilateral agreement between Croatia and Italy on minority and language rights protection. There is a similar agreement between Croatia and Hungary. Currently, there is a tendency of creating a similar cooperation with Serbia and Montenegro. This should result with signing the bilateral agreements with neighbour countries. Moreover, this is especially important for cooperation and stability process in Bosnia and Herzegovina. A good example for this kind of future cooperation is regional cooperation among cities such as Osijek, Novi Sad and Tuzla. This is the right way for establishing a mutual confidence and cooperation. Other countries from the region should follow the same example as well. This could be a good starting position for European integration in the frame of stability and association process.

REGIONAL COOPERATION IN THE FRAME OF STABILISATION AND ASSOCIATION PROCESS – CHALLENGES FOR ETHNIC MINORITIES PROTECTION

Tendency for creating EU citizenship as a supranational concept could erase current concepts of nationality which has been used in transition countries to emphasise one state belonging. Concerning such a significant change, regional cooperation should be emphasised as one of important factors in creating future European citizenship policy where ethnic minorities will be considered from a new specific point of view. Regional cooperation is in function of ethnic minorities’ protection and could be exercised on bilateral and multilateral level. It is especially important for the states in which exist a great

\(^2\) Croatia has passed a very respectable Constitution as well as a Constitutional Law on human rights and freedoms and on the rights of ethnic and national communities and minorities in the Republic of Croatia, but it has also passed a Constitutional Law on the non-application of the Constitutional Law on human rights and freedoms. Passing acceptable legal solutions (most often because of the pressure of the international community) and at the same time open disregard of the same laws or passing of new laws and regulations that change good solutions and exchange them for discriminatory provisions or such that enable the executive bodies to give a discretionary evaluation on the spot have thus become characteristic of Croatia.
number of different ethnic minorities. This is also important for stability in the South-East region, particularly in the process of creating mutual understanding and cooperation. There are some positive examples in Europe of regional cooperation in ethnic minorities’ protection such as Sweden and Finland; Germany and Denmark; Italy and Austria. Recently, the examples of cooperation between Czech, Slovakia, Hungary and Austria could also be helpful in understanding this issue. In order to protect ethnic minorities more efficiently, these countries had established a kind of partnership between NGOs and governmental organisations. Therefore, the traditional role of the process of democratisation, rule of law, respect for human rights and protection of minorities could be understood in the light of this partnership. Eastern European countries could develop the same concept of cooperation. The Balkan area is the most important part of the stabilisation process in the region and therefore, there is a need for better understanding current problems of different minorities’ groups.

CONCLUSION

Contrary to negative myths of ethnic homogeneity, multi-ethnic societies are not only a reality but also an advantage and treasure. However, due to negative heritage of authoritarian and totalitarian societies with their high conflict rate, transitional countries need strong campaign to promote values of multi-ethnicity and multi-culture which should be joined by all institutions of a society. Promotion of those values and protection of minority rights become an important factor in democratisation of transitional societies. Within the democratic practice are also included democratic prevention and/or resolution of (ethnic) conflicts. In the field of conflict transformation, Croatia, Bosnia and Herzegovina and Yugoslavia might well become partners who initiate debate and insist on putting peace building on the European agenda. It is probably just wishful thinking to expect that international tensions and conflicts would be automatically resolved through the accession process. Addressing internal conflicts and unresolved issues with neighbouring countries is a certain test of maturity, which Croatia has not yet passed.

LITERATURE


