

FEDERALISM, DECENTRALISATION AND DIVERSITY:

The Case of Serbia

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Introduction

Serbia appeared on maps (for the second time) as an independent state in 2006, as Montenegro separated from the state union which had been established three years earlier replacing the previous federal arrangement, better known as Federal Republic of Yugoslavia. FR Yugoslavia emerged in 1992, after a controversial dissolution of Socialist Federal Republic of Yugoslavia whose four republics (Slovenia, Croatia, Bosnia and Herzegovina and Macedonia) had declared independence, with other two (Serbia and Montenegro) choosing to remain in federation, which they claimed was a successor of SFRY. Dissolution of SFRY, followed by wars in Croatia and Bosnia, thousands of refugees, commercial embargo introduced by international community towards FRY, authoritarian characteristics of regime, problems with Albanian minority in Kosovo and NATO strikes in 1999. were factors that seriously slowed down processes of liberal-democratic transition in Serbia, including its development into stable decentralised multicultural society. The first decade of 21st century brought new general political orientation. Still, significant heritage of the past is visible in weakness of institutions, underdeveloped civil society, insufficient self-government, lack of trust among neighbouring ethnical communities within local environments - just to mention some of the difficulties, most relevant for our topic.

Today, Serbia has a population of approximately 7,498,000 inhabitants.¹ Serbs make 82.86 % of population, Hungarians 3.91 % (14.28 % in the autonomous province of Vojvodina), Bosniaks 1.81 % (56.94 % in officially non-recognised region of Sandzak, in southwestern Serbia), Roma 1.44 %, while 1.08 % of inhabitants declare themselves as Yugoslavs. The particular shares of other national and ethnical groups on the state level are less than 1 per cent, but generally tend to be significant on local level (for example, Albanians make 0.82% of total population, but 87.48 % of population in municipality of Presevo, in southern Serbia; Bulgarians make only 0.27 % of total population, but 76.68 % in municipality of Bosilegrad in southeastern Serbia)². This statistics indicate there is a demand for decentralisation and strengthening of local self-government which would provide more influence for minorities over decisions concerning their lives. However, the current state organization in Serbia is still very far from this requirement. Centralisation has been imposed not only as an institutional arrangement, but also as an

¹ 7498001 inhabitants were registered on the last census, conducted in 2002 (on territory of Serbia without Kosovo)

² Data taken from website stataserb.sr.gov.yu

equivalent of security and efficiency. Local self-government is, especially in vernacular discourses, often associated to corruption and patrimonial governance, whereas increase of regional autonomy is seen as a road to secessionism. Every attempt to find a satisfactory solution for (re?)introducing federalism in Serbia would have to deal with overcoming this attitude.

In the following pages we shall briefly examine origins of multiculturalism and conditions under which nations developed in this part of the world before we focus on character of Yugoslav federalism. In the fourth chapter we will analyse current state of multiculturalism in Serbia, while the fifth chapter brings a discussion on potential decentralisation of Serbia. Eventually, in the conclusion we shall try to meaningfully sum up the previous contents.

Ethnicity and Nations in Southeastern Europe

In the section dedicated to the census results we mentioned “national” and “ethnic” groups. For the sake of accuracy it would be good to separate these two categories, although there is a strong tendency even in scientific literature towards their utterly ‘voluntaristic’ use, with lack of universally accepted definitions for any of them. This is understandable – the both concepts, like many other in social theory, can legitimately have variety of contents, depending on historical period, area, author’s ideological standpoint etc. In this paper we would consider ethnic groups as those that are distinguished by *ethnicity* - common origins, history, tradition, culture and, often- but not necessarily- language, *as well as* awareness of their members about sharing mentioned elements. Differentia specifica of nations would be a political organization, either within an ‘own’ state or orientated to creation of one. Applied on our case we could notice existence of both ethnic (Bosniaks, Rusyns, Bunjevci, Roma) and national (Hungarians, Albanians, Croats etc) groups. It is easy to see these national groups have kin states, usually bordering Serbia and are generally concentrated near their borders, which brings us to very significant part of understanding nations and national minorities in this part of Europe. Several authors have already emphasised specific features of nation-building process in Eastern Europe compared to the western nations³. In Western Europe (in North America too) development of national consciousness followed – and completed – establishment of a modern state, homogenising different regional identities as much as possible. And where national identity emerged to some extent before establishment of one state, like in case of Germany, there were still smaller states with relatively homogenous populations and some common history. This view is, of course, rather simplified, but still useful for our analysis, since on the other side there are two archaically multicultural empires, situated also where today Serbia is. The Habsburg monarchy was at the first glance nothing much alike the Ottoman Empire, yet both were homes of ethnically and confessionally various groups, living mixed with each others, but often having different statuses, i.e. different rights and obligations. The empires gave no particular credit to

³ Probably the most interesting study on this issue was given back in 1946. by Hungarian professor Istvan Bibo in the book “The Misery of Small Eastern European States” . Although turned out to be wrong in some of his predictions, he showed fascinating analytical sense of the situation in Eastern Europe.

attempts of assimilation, instead, they opted for cherishing variety (not intentionally though) by recognizing groups in their distinctiveness. Both empires showed, on the other hand, little appreciation for democracy. As Charles Taylor noticed, this was actually the key of 'success' of multiculturalism – with all power belonging to courts, ethnical groups had nothing to fight for, to say it simple. Unfortunately, as nationalism rose within different groups, winning an own state was not accompanied by a strong desire for creation of strong democratic structures and all means were considered legitimate when the holy statehood was at stake. Furthermore, concept of nation in this area is strongly connected to ethnicity, which makes nations closed communities; they can't be entered otherwise than by being born to parents who are members and once you belong to them you can't leave by free will. Consequently, nations can be observed as big extended families, descending from common (heroic) ancestors. But every nation, of course, needs a state and every state needs territory. However, where will we find nationally completely homogenous territory on the land where so different groups used to migrate and members of originally same groups used to form new or join the other ones, most often by conversion of religion? That is exactly the heritage of our archaically multicultural monarchies. What is more, every nation might want to gather all the lands where 'our brothers' are settled under one sovereignty, which certainly cannot be shared with other nations living on the same soil. Reminiscences of previous (usually medieval) states from which nations (claim to) have originated brings more mess, as nationalists wish for return of the borders to where they used to be at the peak of those states. No need to mention those borders should then reach beyond the borders some other nations (nationalists) have set. Most of nations have had concepts of their great states which of course, have tended to terrify neighbours with similar ideas. There is a short way from dreams of extensions to fear for survival. This has caused enough troubles in the past and should be kept in mind if we want safe future. Although all countries in this region are nowadays, at least officially, in favour of democracy (which now happens to be a condition, not an enemy of successful multiculturalism), regional and European integrations and recognizing minority rights, there are manifestations of radical nationalism and xenophobia, especially among young people, partially inspired by past nationalistic ideas. Even less radical voices are also skeptical when it comes to giving minorities more autonomy, warning about their potential disloyalty and risks of irredentism. Therefore efforts need to be made towards analysing problematic heritage in order to overcome it rather than simply ignoring it and thus enabling quasiintellectuals and populist politicians to wake up ghosts from the past as soon as some setback in economical transition makes people more vulnerable than they already are.

Federalism in Yugoslavia

One of the new features on European maps emerged after I world war was the state of 'South Slavs', firstly called Kingdom of Serbs, Croats and Slovenians. In this kingdom, Serbs were the ones with dominant role: the capital was Belgrade, the crown belonged to previously Serbian dynasty and there were no attempts whatsoever to provide any form of consociation or local autonomies giving more power to other nations. Croats were particularly well politically

organized, their parties (the largest Croatian Peasant's Party) pledging for federal reorganization of the state. On the other side, Serbs saw their leadership as justified, having been the only nation which had already enjoyed in own statehood in 1918; moreover, they credited themselves liberation of oppressed brothers from the Habsburg monarchy. Following an incident in the Parliament in 1928, king Aleksandar conducted coup d'état, using opportunity to impose several changes in order to strengthen the endangered unity of the state. The Kingdom was renamed into Yugoslavia (yug=south) and divided into nine administrative units (banovine) whose borders intentionally didn't coincide with any ethnical or historical ones, not even with physical-geographical characteristics of the land. The king's intentions might have been good, but this bid showed that managing the state cannot be successful when not based on reality. Croatian struggle for power ended in gaining significant autonomy (introducing sort of asymmetrical federalism) just before the first dissolution of Yugoslavia due to capitulation in the war.

There is a famous analogy of federation with marriage – it should be namely entered not as a solution for problems, but with previous problems already solved because it brings plenty of new ones anyway. The Communist party, which overtook power during the war, tried to find a solution for national issues introducing federal system⁴. However, federation itself had a potential to turn out as harmful rather than useful. Firstly, it was implemented by the Party, i.e. top-down and not following negotiation among future federative units. Its inner borders were drawn rather hasty⁵. The basic criterion for separation of units was national, still, apart from Slovenia, no republic could avoid mixed population on its territory. The establishment of autonomous provinces was inconsistent too. Whereas historical criterion was respected in case of Vojvodina, the same did not occur with Istria⁶. On the other side, the main reason for Kosovo's autonomy could be found in its demographic structure, i.e. significant population of Albanians.⁷ Originally, five nations were constitutionally recognised: Serbs, Croats, Slovenians, Montenegrins and Macedonians, the last two for the first time officially recognized as nations. In 1968, the status of a “nation” was also granted to Muslims in Bosnia⁸, however, unlike other nations they couldn't boast with own national republic. The personal and territorial principles were combined: one nation was in disposal of republic, yet citizens of other republics had same rights in it as its own citizens. This could help us understand ‘inconvenience’ members of particular nations who lived outside its kin republics, especially Serbs in Croatia, felt after dissolution and discovery they have become national minorities who need to struggle for their rights from the very beginning. One further threat for federation was the fact the Party was the dominant factor of integration - the federal system was shaped by its inner relations. Until mid

⁴ Well, for that reason, but we shouldn't underestimate their admiration for the Soviet system either

⁵ One well-illustrating example is border of Serbia and Croatia, that, unlike many think, doesn't coincide with the Danube, but twists around it, creating difficulties for local population.

⁶ which was assigned to Yugoslavia after II world war, with northwestern part of it having belonged to Free Territory of Trieste, a controversial land whose status was only solved in 1954.

⁷ A deliberate critic of Yugoslav federalism was given by Serbian author Slobodan Samardzic in his text *Federalizam u Svajcarskoj I Jugoslaviji – Ustavni koncepti i politicke institucije*, in: Flajner, Samardzic (Ed), 1995.

⁸ descendants of Slavs who had converted to Islam

1960s central party organization was prevailing, then strengthening of local structures lead to considerable amount of decentralization and rise of republics. There are actually quite opposite views of how communism managed to handle not only polinational federalism, but complexity of multicultural society, with numerous nationalities (narodnosti, term labeling national minorities in what communists saw as pc way) and ethnic groups⁹. While many claim the Party only cherished illusion of successful multiculturalism, like many illusions camouflaging autocracy and that communism itself was incapable of dealing with this matter¹⁰, others praise political wisdom visible not only in attempts to create a unique Yugoslav identity, but also in balancing between existing ones.¹¹ Anyhow, there was an obvious influence of the Soviet approach to the issue, including a controversial Lenin's interpretation of self-determination principle which puts right to secession in its content.¹² Since 1974. republics enjoyed a high share of sovereignty and autonomous provinces were given power of actual federal units including role in potential constitutional changes¹³.

The Yugoslav breakdown followed by bloody wars has been a subject of numerous studies, emphasizing its different aspects from legal matters of secession to explanations how it was possible that nice neighbours turned into monsters. It was actually an important inspiration for a sudden bloom of literature devoted to nationalism and multiculturalism. For the sake of readers tired of history, we will just mention that SFRY ended in 1991, by unilateral secessions of four of its federal units, after rise of nationalist-populist elites in all republics. All new states declared themselves though as democratic, with strong inclinations towards rule of law and huge care for human and minority rights. In reality, the situation was much different. The dominant public rhetoric glorified the Nation, showing at least distrust to the world outside and inner minorities. Chauvinism and xenophobia were cherished in media, schools, universities, art and popular culture. Nationalism made centralism legitimate. Already in 1989. autonomies of Vojvodina and Kosovo were drastically reduced.

Kosovo

The autonomous provinces in Serbia were established by Constitution of Federal People's Republic of Yugoslavia¹⁴ in 1946, yet the constitutional amendments¹⁵ not only did increase autonomy, but also changed its essence. They declared the provinces as constitutive elements of the federation, which originated from national-liberation fight of nations and nationalities and

⁹ Difference between nationalities and ethnic groups was in size

¹⁰ " Because of its ideology communism was not able to develop cognitive as well as institutional instruments for managing such complexity", Dzordz Seflin, Liberalni pluralizam i postkomunizam, in: Kimlika, Opalski (Ed), 2002, pg 116

¹¹ See Tibor Varady, O mogućnostima za etnokulturnu pravdu u Centralnoj i Istocnoj Evropi, Ibid

¹² This right was mentioned in the basic principles of Yugoslav constitution from 1974, but rather shy and without additional explanations, moreover being in discrepancy with right and duty of "nations, nationalities, working people and citizens" to protect sovereignty and territorial integrity of SFRY (article 237)

¹³ See article 398 of the 1974. Constitution

¹⁴ Renamed into Socialist Federal Republic of Yugoslavia in 1963 by new constitution

¹⁵ On next Constitution (1963)

had voluntarily joined Serbia within Yugoslavia. This created basis for special powers the provinces enjoyed and provided argumentation for Kosovo's independence after Yugoslav breakdown. The beginning of 1980s was marked by Albanian protests demanding Kosovo was granted the status of republic. Consequently, there was increase in interest for glorious past among Serbian writers and historians, leading to what Bibo would call collective hysteria. Amendments on Serbian constitution from 1974. significantly deprived autonomous provinces of their powers, including control over police, administration of justice, pension and health insurance and other social funds. This, however, represented only further stimulus for separatism. During the 1990s Albanians boycotted the system (including the census in 1992, so it wasn't possible to tell how big Albanian minority in Kosovo actually was) forming parallel institutions, even in education. Violence was also given chance and by 1999 there was effectively state of war between Kosovo Liberation Army and Serbian police forces. After NATO intervention in 1999. Serbia de facto lost sovereignty over Kosovo and further attempts of negotiating Kosovo's possible autonomy failed due to lack of flexibility from both sides, especially Albanian, which wasn't willing to put up with anything less than independence. Finally, in 2008, Kosovo's unilateral declaration of independence was recognized by many countries, still leaving numerous issues that need to be sort out. Kosovo suffers from severe lack of functional institutions and democratic standards; huge international financial aid given since 1999. has shown no results so far, unemployment is high and so is crime rate. Most of non-Albanian population has left Kosovo. Serbian minority is mostly concentrated in enclaves and northern part of the land. Violent attacks on Serbs and their property, including orthodox churches, which shocked the world in 2004. are just the 'peak of an iceberg'. All these conditions provide no ambient for building safe multicultural society with full protection of human and minority rights that Albanian politicians promised while declaring independence. Enormous efforts will need to be made to produce changes, but currently there appears to be no political will for that.

Serbia today

...is, according to the Constitution from 2006, a "state of Serbian people and all the citizens who live in it, based on rule of law and social justice, principles of civic¹⁶ democracy, human and minority rights and freedoms and belonging to European principles and values"¹⁷. This, a bit clumsy, formulation testifies of a huge compromise made by different political forces in order to reach a consensus. Especially controversial formulation "of Serbian people and all the citizens who live in it" makes non-Serbs wonder if they are assigned same rights as Serbs. However, the Constitution explicitly makes no further difference between its citizens (including Serbs); furthermore national minorities are guaranteed protection of their rights and article 21 forbids discrimination on any ground. Minority issues are also settled in the Law on protection of national minorities passed on federal level in back in 2002. FRY ratified The Framework

¹⁶ Liberal?

¹⁷ Constitution of Republic of Serbia, article 1, translation K.Dj.

Convention for the Protection of National Minorities and European Charter for Regional or Minority Languages. Before we proceed to analysis of legal minority protection and its practical side, it would be good to sort out who national minorities are.

The law from 2002. defines a national minority as each group of citizens which is :

- “representative enough” by number, although minority in the state,
- historically linked to territory of FRY (Serbia), i.e. belongs to traditionally settled population group,
- distinctive by language, culture, national or ethnical affiliation, origins or religion, and
- whose members take care of maintaining their common identity, including culture, tradition, language or religion¹⁸.

The given definition lacks preciseness, thus however, leaving a relatively wide frame into which different groups existing in Serbian reality could be set. The most interesting is the second clause, assigning minority status to traditionally set groups, which is a view also accepted in western theory (Kymlicka, Walzer), though for different empirical reasons. Serbia has neither Gastarbeiter nor significant population of immigrants, apart from newly settling Chinese, who are still relatively far from demanding their rights. On the other hand, this formulation denies minority status to people from former Yugoslav republic who moved to Serbia during the “brotherhood and unity” times. The only exception might be Croats, many of whom yet traditionally settled in Vojvodina.¹⁹

Among acknowledged national minorities we can also make certain distinctions for the sake of analysis, dividing them into national minorities in the strict sense, i.e. those who have kin states (Hungarians, Romanians, Bulgarians, Albanians...) and ethnical groups. It might not seem important, but kin states are often prone to act as solicitors of their minorities, which puts them into an advanced position, especially when a kin state is influential or at least member of some influential organization like EU. Another classification would be into territorially concentrated and dispersed minorities. Territorial concentration enables easier implementation of particular rights. The ideal type of dispersed minority are Roma, who are also known as the economically weakest one. Despite that they have managed to develop political organization and get into parliament²⁰, but there is a lot to do to improve their status and significance of local self-government should not be underestimated in this case either.

By reading Serbian normative acts we could notice there have been significant legal efforts to secure fair treatment of minorities. In the article 14 of the Constitution the state guarantees to national minorities “a special protection in order to provide full equality and preservation of

¹⁸ Law on Protection of National Minorities, article 2

¹⁹ The Agreement on the Normalisation of Relations between the Republic of Croatia and FRY signed in 1996. contains implicit acknowledgement of the existence of Croatian minority in FRY

²⁰ In the previous session

their identity’’²¹. This formulation actually lucidly points out a necessity of minority protection, being closer to communitarian than liberal perspective: different citizens need to be treated in different manners in order to ensure equal treatment. One example of such policy was abolishment of election thresholds for parties representing national minorities in 2004, allowing groups who make small percentage of population on the state level to take part in decision-making process. Still, there are some matters that might (be) prevent(ing) us from fulfillment of this ideal. The law did not bother précising criteria for acknowledging that a particular party represents interests of a national minority, leaving to the Republic Electoral Committee discrete power to estimate it. In that way, more flexibility could be expected, but there is a certain risk the REC might misuse its authorization. Moreover, lack of political agreement among different minority parties could lead to loss of votes and no chances for minority interests to be represented. Finally, very small minorities can’t come up with a party which could even reach so called natural threshold of votes required to enter parliament²². Therefore, representation on state level needs a supplement on local level. However, local self-government in Serbia still needs to develop. Apart from autonomous province of Vojvodina, there are no forms of regional autonomy. The state is divided into counties, but they represent only form of governmental deconcentration and not decentralization. Local self-government is left to municipalities and cities, which are coping with subordinate position to central government, shortage of financial autonomy and insufficient means; the work of municipal bodies is yet to reach satisfactory level of transparency, many transactions are carried out through personal connections, corruption is high and citizens’ trust in their self-government poor. Without changes, implementation of minority rights on local level will be only a matter of political and legal rhetoric, going no further than privileging minority elites to follow their interests presenting them like interests of entire groups.

Let us focus now on the Law of protection of national minorities. Basically, it is a contemporary law harmonized with The Framework Convention for the Protection of National Minorities and unwilling to accommodate minority liberties beyond it²³. National minorities and its members are granted collective and individual rights to:

- ✓ free establishment and maintenance of peaceful contacts within the state as well as outside state borders with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage (article 6, coinciding with article 17 of the Framework Convention)
- ✓ protection of acquired rights
- ✓ choice and use of name
- ✓ private and public use of mother tongue
- ✓ official use of language and alphabet

²¹The Constitution of Republic of Serbia, article 14, translation K.Dj

²² In current session there are parties representing Hungarians, Bosniaks and Croats

²³ Which was considered as SFRY’s ‘trademark’

- ✓ cherishment of culture and tradition
- ✓ education in mother tongue
- ✓ use of national symbols
- ✓ mass media in minority language

Some of these rights require bit of additional comments. Protection of acquired rights is obviously very significant, as it ensures minorities their position cannot deteriorate by introduction of the new law. The official use of minority languages and alphabets is especially aimed (as mentioned in the Law) at fields of administration and jurisdiction, by issuing personal identification documents, in elections' procedure, work of representative bodies and in topographical names. A minority language qualifies to become an official language in one local self-government unit when that minority makes 15% of local population according to the results of last census. Due to protection of acquired rights the Law prescribes that languages which are officially used in particular units of local self-government at the moment of its passing shall remain official languages there. Furthermore, members of national minority whose share in total population reaches at least 2% (on the last census) can address central government bodies and be given reply in their own language. MPs are under same conditions from the previous sentence entitled to use their language in the Parliament. Theoretically, a possible argument against such practice would be relatively high costs; nevertheless, at least on the national level, there is no reason to worry since the Hungarians are the only nation (except Serbs, of course) that surpasses the 2% border. When it comes to education in minority languages, restrictions are set by the law on elementary school and the law on high school which both require minimum of 15 pupils so that tuition could be organised in particular language, unless there is a special permission by education minister.²⁴ The Serbian language tuition is still compulsory. The Law interestingly recommends that curriculums in Serbian-language schools includes contents on "history, culture and position of national minorities, as well as other contents which improve tolerance and coexistence"²⁵. Also, the opportunity of teaching minority languages ought to be enabled on territories where these languages are officially used. Taking these recommendations seriously could actually be a first step towards creating a fruitful intercultural dialogue and desirable open multiculturalism instead of separation and passive coexistence of different national-cultural communities. It would probably help dealing with negative experiences from the past, which are also visible in the Law. Article 7 forbids misuse of granted rights for violation of constitutional system and territorial integrity of the state. Article 16 demands national minorities' symbols differ from symbols of other countries and are displayed only together with the state symbols.

An entire chapter of the Law is dedicated to "efficient participation in decision-making on particularity issues, in government and administration". It prescribes establishment of a federal council for national minorities²⁶ and national minorities' councils.²⁷ Every minority could elect

²⁴ see Basic, Crnjanski, 2006

²⁵ The Law on Protection of National minorities, article 13, translation K.Dj.

²⁶ Republic council now

its own council to take care of fulfilling its rights concerning language, culture, education and mass media. Council consists of 15-35 members and passes its statute and budget. It is financed from the special state fund and other donations. Participation of these councils in decision-making processes is limited to giving opinion and “addressing government bodies about all matters that influence rights and position of a national minority”²⁸. Critics also point out the institution of national minorities’ councils enables relatively small group of people, usually influenced by minority political parties²⁹, to transfer own interests to the level of entire community. Such small groups are under existing circumstances (weak institutions, lack of transparency etc) more likely to misuse media in minority languages and assigned financial means than truly represent their groups. Another problem is that constitution of these councils gets more complicated with dispersion of a minority; even in cases when most of minority population is concentrated in particular area, the “outsiders” remain relatively deprived of participation in its creation.³⁰ Participation of minority members in institutions is also regulated by article 21, which demands minding national structure of population as well as languages skills by distribution of positions in public sector.

Vojvodina

Vojvodina is constituted as an autonomous province, authorized by the Constitution³¹ to regulate matters in fields of territorial planning and development, agriculture, industry, transport, tourism, environmental protection; also education, culture, media, health and social insurance – on the province level. The statute of the autonomous province could be passed only with permission of the national assembly. Furthermore, the government may request estimation of constitutionality / legality of a Province’s decision by the Constitutional court before the decision comes into effect and significantly postpone it. Vojvodina’s financial autonomy is relatively restricted too: its incomes (sort and height) are regulated ‘by law’ and so is its share in incomes of the Republic of Serbia. Finally, to be fair, the Constitution also allows the Province to complain by The Constitutional court against acts which it considers to violate its autonomy.

As we remember, Vojvodina gained autonomous status after II world war due its historical particularity. This region had joined Serbia after dissolution of the Habsburg monarchy, carrying its heritage of high economical development compared to the rest of the country and multiculturalism created by huge variety of national, ethnical and confessional groups, which both have remained till today. Demographic image has slightly changed though. The mass

²⁷ The law on local self-government also prescribes establishment of councils for interethnic relations in nationally mixed municipalities, i.e. municipalities with over 10% of total minority population or over 5% of one minority population, all minorities making at least 1% of population are entitled to give their representators to this body

²⁸ The Law on Protection of National minorities, article 19, translation K.Dj.

²⁹ The Law allows MPs, members of autonomous province or local assemblies to take part in elector’s conventions which are supposed to choose members of national council until the law on elections of national councils is passed, see article 24

³⁰ An extensive analysis of this matter in: Goran Basic, Politika multikulturalnosti u Srbiji, in Basic (Ed), 2006.

³¹ Originally, constitution was written for two autonomous provinces, but considering the other province was Kosovo, it could be understood why we shall apply constitutional arrangements to *the province*

emigration of German population and new settlers from poorer regions of Yugoslavia – predominantly Serbs from agriculturally disadvantaged areas in Croatia – led to the first census results in which one nation surpassed 50% limit: according to census from 1948, Serbs were making 50.42 % Vojvodina population.³² The census conducted in 2002. shows Serbian share in population had in meanwhile raised to 65.05%.³³ This can be explained by wave of Serbian refugees from Bosnia and Croatia that moved to Vojvodina in the 1990s, but also emigration of minority members during the same period³⁴ and (generally) low birth rate. Traditionally, Vojvodina boasts with ethnic and confessional tolerance; recently, however, concerns were raised over deterioration of intercultural relationships. The peak of tensions occurred in 2004, when Serbian government was warned by international community of series of incidents in Vojvodina on probable ethnical grounds. Interestingly, Serbian media had previously hardly shown any interests in those events. The vast majority of the incidents were actually graffiti and acts of vandalism. Most of physical assaults took place within bar brawls and consequently were difficult to be qualified as ethnical or non-ethnical. Still, these events helped several points emerge as clear. Firstly, Serbian government, institutions and mass media expressed insufficient condemnation of the incidents. The emphasis was set on role of alcohol and perpetrator's tender age. The incidents were generally treated like isolated cases, while Serbian politician claimed their colleagues belonging to minority groups were trying to instrumentalise these cases for their own goals (i.e. better results in upcoming elections). Moreover, there was severe lack of efficiency in prevention of incidents and tracing perpetrators. On the other side, importance of kin states came to expression. Condemnation of the incidents and pressure on Serbian government were in great part inspired by Hungarian efforts. The size of minority matters too. The smaller national and ethnical groups were due to underdeveloped informational infrastructure incapable of gathering facts on possible assaults and drawing publicity's attention to them.³⁵ The incidents also indicated there are strong predispositions towards nationalism, xenophobia and crimes of hate among youth, since many of perpetrators were under age of 25. Finally, these events contributed to unveiling 'pattern of separated lives'³⁶ that has been present in Vojvodina, with even cafés and recreational places being nationally-coloured. There were many suggestions linking deterioration of ethnic relations to arrival of Serbian refugees in 1990s³⁷ and some explanations of incident connected them with this factor. Nevertheless, comparing areas with largest number of incidents to areas with largest refugees' population showed negligible coincidence. Some commentators implied incidents were organized by populist Serbian Radical Party to increase its rating before the elections, proving the violence abated after the elections in which the radicals significantly improved their score. There is, however, no conclusive evidence to support this, with many of incidents appearing to be spontaneous rather than planned.

³² Information taken from Varady's text in Kimlika, Opalski (Ed), 2002.

³³ <http://webrzs.stat.gov.rs/axd/Zip/NEP1.pdf>

³⁴ Matthias Koenig estimated 35 000 Hungarians had left as a consequence of spoiled ethnic relations, see Koenig, 2001, page 18

³⁵ See Bieber, Winterhagen, 2006.

³⁶ Ibid

³⁷ See Koenig 2001

Although there has been decline in incidents since 2005, they never actually stopped. After the declaration of Kosovo's independence many baker shops and other objects owned – or at least presumably owned – by Albanians and Muslims were targeted by 'patriotically-orientated' hooligans.

Serbia tomorrow?

Back in 1946. Bibo's solution for minority question in Eastern Europe was detailed borders' correction. Such project would be, however, impossible to conduct, considering degree to which many regions, cities and even quarters are mixed. On the other side, ignoring differences has turned out to be dangerous and is anyway incompatible with democracy understood not as governance of majority but as a system providing protection for minorities' interests as well. In the introduction we saw Serbia has no large minorities, observed from the perspective of entire population, which still wouldn't justify neglecting existing ones. Introducing regional autonomies and strengthening local self-government appears to be most rational way to secure proper representation of national minorities in institutional processes. This would include taking care of demographical facts instead of twisting regional borders to weaken influence of territorially concentrated groups. Still, autonomy based on territorial principle seems more recommendable than territorial autonomy for specific national groups. Empirical evidence shows that territorial autonomies aimed at accommodating interests of one national minority are likely to harm citizens living on the same territory who belong to other national and ethnic groups. It could also be unjust to dispersed or relatively dispersed minorities (for instance, Slovaks in Serbia). Basically, such a solution would re-introduce majority principle, only at a different level. These arguments are theoretically well-known and almost universally valid. However, there is another, specific factor - fear of irredentism and secessionism, quite understandable considering recent Serbian past - putting further objection to concept of territorial national autonomy. Perhaps Hungarians in northern Vojvodina or Bosniaks in Sandzak would never think of abusing territorial autonomy for joining other or establishing own state, but promotion of such autonomy would certainly be defined in huge part of Serbian publicity as an act of betrayal, probably leading to increase of social tensions. Some centralism supporters are prone to complain potential regionalisation would be rather expensive. The costs of institutional reorganization would be noticed immediately, whereas the benefits could only be registered after a while. Moreover, plenty of complications may occur, at least at the beginning, due to multiplication of authorities and changes in particular competences. Nevertheless, much could be gained in regionalisation: increased efficiency in accomplishment of regionally-orientated tasks, better allocation of resources and more equal development of different regions, preservation of historical and cultural particularities and of course, better opportunity for minorities' voices to be heard.

Accepting the idea of regionalisation opens, however, several further questions. Should it be carried out top-down or bottom-up, i.e. exclusively constitutional arrangement or with active participation of citizens and local self-governments? How much would citizens be interested in

this issue at all? How would regional territories be determined? Should all regions enjoy equal statuses or have some 'deserved' to get more privileges? None of these questions is actually simple to answer. Regionalisation bottom-up should include series of referendums and negotiations between municipalities and central government and among municipalities themselves. This way would surely be more rightful and democratic, but it would probably turn out as slower and less efficient. No one is able to estimate how enthusiastic citizens would be for this process, even those belonging to national minorities. Political mentality in Serbia in general was shaped in an authoritarian regime and many people still expect government to solve all their problems. Regionalism might be a chance to get more involved, but it could also mean nothing more than administrative restructuration and chance for local elites to extend their power. Speaking of regional borders, the existing administrative lines between counties could represent a solid ground for starters; some changes would still have to be considered. For instance, despite traditionally being parts of Vojvodina municipalities on its South have recently become more tied to city of Belgrade. Generally, regions should be established from municipalities with strong natural, traditional and commercial connections and common problems they would more successfully tackle together. Finally, equality in statuses among various regions has its pros and cons. Equal statuses of regions mean equal position of their citizens, but on the other side, bids to put all regions under same standards would simply be unjust. Equality is often provided by unequal treatment (just like with people) and regions should be guaranteed competences and level of autonomy concerning their geographical, historical, cultural, demographical and economical particularities.

Conclusion

Serbia is a state with negative federal experience, which many authors would rather qualify like pseudo federal³⁸ since the main integrative factor was the influence of the only legal Party. Therefore, it comes as no surprise that the fiasco of federalism took place parallel with the fall of communism, making room for nationalistic policy followed by centralism. Although the political situation in Serbia has significantly changed since 2000. towards democratization and adopting what Serbian Constitution describes as „European” values there has still been lack of social and political desire for decentralisation. Concerning demographic data, which show there are no national minorities significant by share in total population, but numerous 'smaller' minorities mostly concentrated in particular areas, political decentralisation seems like an adequate solution for accommodating minority interests. This would mean properly conducted regionalisation and development of local self-government. Success of decentralisation will depend on determination to overcome existing burdens caused by economical setbacks, painful memories of the recent past and authoritarian political culture. Finally, it is important to mention that decentralisation itself as well as guaranteed minority rights still doesn't automatically lead to thriving multicultural society. Serbia, like all other culturally heterogeneous countries, will have to

³⁸ See Kymlicka's text in Kimlika, Opalski, 2002.

choose between segregate multiculturalism and active coexistence of neighbouring cultures. The first one includes separated cultures living in their own parallel worlds, tolerating each others but not really cooperating. It might be easier to maintain, but only the second form promises full social integration. And until that is reached even convenient-looking federalism won't be particularly meaningful.

Bibliography and documents

- Goran Basic (Ed), *Iskusenja demokratije u multietnickom drustvu – model zakona o zastiti prava manjina*, Centar za istrazivanje etniciteta, Beograd, 2006.
- Goran Basic, Katarina Crnjanski, *Lokalna demokratija i multikulturalnost*, Izvestaj o rezultatima istrazivanja na projektu „Pracenje sprovedjenja manjinskih prava na lokalnom nivou – opstina Kovacica“, Centar za istrazivanje etniciteta, Beograd, 2006.
- Istvan Bibo, *Beda malih istocnoevropskih drzava*, Izdavacka knjizarnica Zorana Stojanovica, Sremski Karlovci, 1996; English title: Istvan Bibo, *Misery of Small Eastern European States*
- Florian Bieber, Jenny Winterhagen, *Ethnic Violence in Vojvodina: Glitch or Harbinger of Conflicts to come*, ECMI working paper, 2006.
- Tomas Flajner, Slobodan Samardzic (Eds), *Federalizam i problem manjina u viseetnickim zajednicama*, Institut za evropske studije, Beograd, 1995; published by Institute of Federalism as Slobodan Samardzic / Thomas Fleiner (Eds.), *Föderalismus und Minderheitenproblem in multiethnischen Gemeinschaften: Eine vergleichende Analyse über die Schweiz und Jugoslawien*
- Vil Kimlika, Magda Opalski (Eds), *Moze li se izvoziti liberalni pluralizam*, Beogradski centar za ljudska prava, Beograd, 2002; original title Will Kymlicka, Magda Opalski (Eds), *Can Liberal Pluralism be Exported: Western Political Theory and Ethnic Relations in Eastern Europe*
- Matthias Koenig, *The Situation of Minorities in the Federal Republic of Yugoslavia. Towards an implementation of the Framework Convention for the Protection of National Minorities*, ECMI working paper, 2001.
- Zoran Vacic, Bosko Mijatovic, Aleksandar Simic, Zorica Radovic, *Regionalizacija Srbije*, Centar za liberalno-demokratske studije, Beograd, 2003.

- *Ustav Socijalisticke Federativne Republike Jugoslavije (The Constitution of Socialist Federal Republic of Yugoslavia)*, 1974, from: *Ustav SFRJ i amandmani I-XLVIII na Ustav SFRJ*, Radnicka stampa, Beograd, 1988,
- *Zakon o zastiti nacionalnih manjina (The Law on Protection of National Minorities)*, Sluzbeni list SRJ 11/02
- *Zakon o izmenama i dopunama zakona o izboru narodnih poslanika (The Law on Alternations and Amendments of the Law on Election of Members of Parliament)*, Sluzbeni glasnik, 18/04,
- *Ustav Republike Srbije (The Constitution of Republic of Serbia)*, Sluzbeni glasnik, 83/06