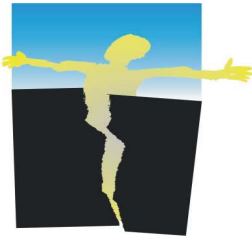


HELSINKI Bulletin



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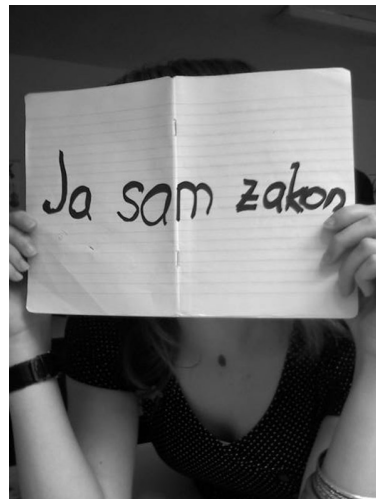
Nº 38 • September 2009

Ethnic Minorities in Serbia: A State of Permanent Tension

Adoption of a minority law was a major precondition to FR of Yugoslavia's (Serbia's) admission to the Council of Europe after the change of the regime in October 2000. Ever since the position of ethnic minorities in Serbia has been constantly supervised by international factors such as EU, OSCE and Council of Europe, foreign embassies, as well as by domestic non-governmental organizations. What marked the past nine years were numerous ethnically motivated incidents and the state's basically inadequate minority policy. Since the "new" political elite persevered in constituting an ethnic state, the situation of national minorities remained high on the agenda for observers of developments in Serbia. Due to a deficient legal frame -- but also due to non-existent will for changing the overall social climate -- minorities are still not satisfied with the manner in which the state and the society treat them.

Nations began to ethnify in all post-communist states after disintegration of socialism and its value systems. In all those countries majority nations are laying claim to sovereign rights to self-determination and statehood. Such perceptions are mirrored in their constitutions the preambles of which lay them down as states of majority nations and "other citizens." Such perceptions give rise to distrust and tension between majority nations and minorities.

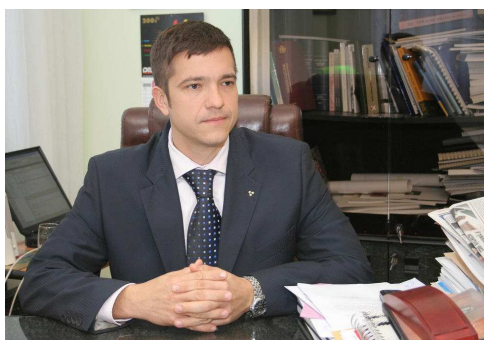
The minority issue is among major indicators of a state's ethno-nationalism and ensuing ethnic intolerance. A state constituted on ethnicity can hardly cope with minority problems in a democratic manner and, as a rule, treats its minorities as "factors of disturbance." In such climates minorities try to solve their problems through various forms of autonomies and special statuses. In this context, solution of the Serb question in neighboring countries -- such as Dayton Accords, Ahtisaari plan or Ohrid Agreement applied to Albanians in Macedonia -- serves as a model. However, requests based on such model incite doubts about minorities' loyalty and strengthen beliefs that ethnic pluralism is a burden one should get rid off. This is why the process of establishment of legal frame for minority issues is so slow-paced and always obstructed.



Serbia's political elite and some expert circles prioritize individual, civil rights over collective. However, Serbia is still far from becoming a civil state and expecting that minorities' justified anxieties deriving from the developments in the past two decades could be removed through a system of individual rights would be quite unrealistic.

In 2009, two laws crucial for implementation of minority rights were passed in Serbia: the Anti-Discrimination Law and the Law on National Councils. The former guarantees citizens' equality, whereas the latter creates preconditions for overcoming the impasse national councils of minorities have found themselves in once mandates of most of them expired. The former law was also among preconditions for "white Schengen" for Serbia, whereas the latter enables minority self-government.

The Law on National Councils was adopted seven years after the Law on the Protection of Rights and Freedoms of National Minorities providing that election of national councils shall be regulated by a separate law. The seven-year "vacuum" slowed down the process of passing minority legislation. Basic laws to regulate certain areas have still not been passed despite binding constitutional provision.



Tamas Horhec

The existing laws are either not implemented or implemented selectively. According to Provincial Secretary for General Administration Tamas Korhec, laws are implemented only when their implementation serves personal, group or partisan interests

of a ruling elite.¹ Moreover, provisions of some laws are contradictory – what is guaranteed under one law is excluded by another. The manner in which information sphere is regulated can serve as a typical example. Namely, provisions of the Broadcasting Law (2004) and the Law on Local Self-government (2007) are mutually exclusive when it comes to the right of local self-governments to establish broadcast media in minority languages. And, at the time it was passed the Broadcasting Law was not in conformity with the Law on the Protection of Rights and Freedoms of National Minorities (2002).²

Tensions within the Bosniak Community

Unlike at the time of the Bosnian war when Bosniaks in Sandzak were subject a state-orchestrated repression (expulsion, many individual or group murders, etc.), today's tensions in Sandzak are consequences of official Belgrade's policy. That is a policy, which – at the bottom line – prevents the Bosniak community – burdened with problems of its own and with poor human resources – from getting constituted. Apart from the rivalry between two Bosniak political parties, permanent presence of various "services" only fuels the existing tensions and results in violence in the Bosniak community. In January 2009, three persons were injured in incidents that broke out due to rivalries between the two parties and the two Islamic communities. The Islamic Community of Sandzak has been constantly on the carpet as a key factor for constitution of Bosniaks' national identity. Besides, the Islamic Community of Sandzak recognizes Sarajevo as the only pivot of Islam in the Balkans. That is why it has been torn from outside – divisions have been encouraged by Belgrade.

The Sandzak question was internationalized when local tensions began threatening regional stability. The visit by Turkish Foreign Minister Ahmed Davutoglu was obviously meant to appease the two sides. Turkish Deputy

¹ *Dnevnik*, July 17, 2009.

² Article 17 of the Law provides that the state may establish special radio and TV stations to broadcast programs in minority languages.

Reis Ulema Mehmed Gormez visited Novi Pazar at the same time in the attempt to reconcile the heads of the two opposing Islamic communities.



Ahmet Davutoglu

The official Belgrade assessed the visit by Reis Ulema of Bosnia-Herzegovina Mustafa Cerić a high-risk one. Moreover, the police banned a meeting at the central square in Tutin where he was supposed to address citizens and believers. This decision only testified that Belgrade was “managing” the situation in Sandzak all the time.

During his visit Reis Ulema Cerić spoke of violation of human rights of Sandzak Bosniaks. The Serb Ministry of Religions strongly reacted to his statement, calling it “a fabrication” and accusing him of negating the existence of Serb nation in Bosnia. Therefore, he /Mustafa Cerić/ “does not deserve a welcome in our country,” released the Ministry.³



Reis-ul-Ulema Mustafa Cerić

Tensions between the Ministry of Religions and the Meshihat of the

³ www.mv.sr.gov.yu

Islamic Community in Serbia also mirror Belgrade-Sandzak relationship. Mustafa Cerić’s visit made it crystal-clear. In an interview with the “Sedmica” /”Seven”/ magazine Muamer Zukorlic described the relationship as “a special war.” Through a group of imams, intelligence services, criminal circles, Ugljanin’s policy and the Ministry of Religions, the regime is trying to destroy the Islamic community and has allowed, beyond the law, legalization of a parallel Islamic community, he added.⁴

South Serbia

The regime’s continued policy of non-integration of minorities into Serbia’s political community in 2009 not only provoked minorities but also radicalized their demands for territorial autonomies. This particularly refers to territorially concentrated minorities such as Albanians in South Serbia and Hungarians in North Vojvodina.

Governmental officials’ visits to South Serbia usually boil down to tours of gendarmerie posts, says Ragmi Mustafa, mayor of Presevo. “State leaders have never ventured in municipal halls in the South. They have been totally ignoring local self-governments as if they were occupied territories,” says Mustafa. According to him, Police Minister Ivica Dacic – who have repeatedly toured South Serbia – “met with people from the Security information Agency /BIA/ and gendarmerie only” and never paid a visit to legitimate representatives of the Albanian people.



Ragmi Mustafa

⁴ www.islamskazajednica.org

The treatment of the Albanian minority community in South Serbia is closely connected with Kosovo and Belgrade's attempts to extort its partition.⁵ Pacification of South Serbia in 2001 was not followed by political and economic integration of ethnic Albanians.

Status of Hungarians

The Hungarian community – the biggest and the best organized in Serbia – closely connects its status with the status of Vojvodina. Namely, the community has been developing two options for its status for years – a status within Vojvodina or a territorial autonomy. Which option will prevail depends on Belgrade's attitude towards Vojvodina's position in Serbia.

In this context, Belgrade's reaction to the fact that the Hungarian community invited Hungarian President Laszlo Solyom to the ceremony to mark the anniversary of the Hungarian revolution (1848) was most illustrative. Through diplomatic channels Belgrade messaged the Hungarian President that his visit to Vojvodina could have an adverse impact on the solution of the status of the province the statute of which has been under discussion. For Hungarian politicians in Vojvodina, such a gesture was a litmus test for the extent to which Serbian authorities ignore Hungarians' national interests in Serbia.⁶



Laszlo Solyom

⁵ See *Helsinki Bulletin* No. 36

⁶ *Dnevnik*, March 11, 2009.

Position of Roma

Despite the fact that from July 2008 till June 2009 Serbia presided the Decade of Roma, the progress made in improving their overall position was rather poor. Over the year of Serbia's presidency, the government adopted the Strategy for Improvement of the Position of Roma. Besides, Serbia's economic crisis affects Roma the most – and mostly those earning their living on recyclable materials, who make up almost 70 percent of total Roma population.



The effects of the Strategy for Roma population are uneven. They are most visible in the domain of education,⁷ and worst in the domain of housing. There are some 600 Roma settlements with population of 160,000 in Serbia. Out of that number, 40,000 people live in extreme poverty. Osman Balic, coordinator of the League for the Decade of Roma, says that the same as the former Ministry of Infrastructure today's Ministry for Protection of Environment and Urban Planning has been hindering other authorities willing to improve Roma's housing.⁸

Numerous incidents marked Belgrade authorities' action of dismantling Roma hovels in slum areas. Ill treatment to which they were exposed during Belgrade Universiade this summer – when their settlements in New

⁷ Measures of affirmative action have been taken in the domain of education. When they finish elementary school Roma students are accorded 30 „stimulative“ points, whereas secondary school graduates need not pass exams to be admitted to faculties.

⁸ There are exceptions to the rule. „Vice-Premier Bozidar Djelic and ministers Rasim Ljajic and Svetozar Ciplic have different attitudes but lack adequate support,“ says Balic. *Danas*, April 8, 2009.

Belgrade were surrounded by wire fence and some torn down without due notification – was notably dramatic. Revolted by such actions, Roma tried to prevent them in various ways. Having failed, they blocked the main street and protested in front of the City Hall. Residents of the Boljevac settlement also went for a blockade but to prevent mounting of containers to house Roma families. Having blocked the road leading to their settlement, they “threatened to set containers on fire, even the people should they show up.” Marko Karadzic, state secretary in the Ministry of Human and Minority Rights, called the protest in Boljevac racist. “We went there but saw not a single church, people from the Red Cross or a resident. None of them even bothered to bring in some sandwiches for children,” said Marko Karadzic, adding that no one offered any help to Roma spending night in the open. According to Ombudsman Sasa Jankovic, the very act of dismantling Roma hovels, despite of all formalities, was unjustified since no alternative housing had been secured beforehand. He takes that all this indicates that relevant authorities are incapable to systematically solve the problems of most vulnerable categories of population. “You cannot solve the problem of Roma settlements with bulldozers or attain the goals of the much advocated Decade of Roma,” said Jankovic.⁹



Nevertheless, city authorities “solved” the problem of the Roma slum in New Belgrade by moving its residents into containers placed at

⁹ *Danas*, April 3, 2009.

several locations in the outskirts of the capital. What is important, however, they took the occasion to enroll Roma children in appropriate schools, which is crucial for their social integration.

Other Minority Groups

The parliamentary debate on the Anti-discrimination Law laid bare the Serb elite’s autism and xenophobia, and testified that homophobia was deeply rooted. According to the Gay-Strait Alliance’s survey about human rights of LGBT person, 67 percent of interviewees disapprove LGBT population, 22 percent are undecided or neutral about it, whereas only 11 percent have positive attitudes. Over one-half of interviewees have nothing against having LGBT persons in Serbia, but by far less of them would like to have LGBTs as people next door. One out of two interviewees holds homosexuality dangerous for the society and the state responsible for its suppression. Out of ten citizens, seven see homosexuality as a disease.¹⁰ Gay parades are unwelcome for some three-fourths of interviewees.¹¹ Hate speech against all persons who have stood behind the Anti-Discrimination Law and advocate promotion of human rights goes hand in hand with homophobia.



¹⁰ In May 2009 and with 18-year delay, the Serb Medical Society accepted the WHO’s decision that homosexuality was not a disease. People making up Serb political elite generally take homosexuality as something abnormal. For instance, Tomislav Nikolic, leader of the Serb Progressive Party, says, „Everything contrary to God and Nature is immoral, which means, say, having sex with animals, persons of the same sex or even with objects. That is abnormal.“ And Dragan Markovic, leader of the Unified Serbia, says, „If homosexuals should take Serbia to Europe, we should better stay in Serbia and tend sheep.“

¹¹ *Danas*, March 10, 2009.

Effect of Crisis on Minority Position

Economic crisis seriously affects minorities as well. For instance, out of 43,000 citizens of Presevo /South Serbia/ 17,000 are emigrant workers, whereas only 3,000 have jobs in the territory of the municipality. Kosovo's independence declaration burdened the economic cooperation with the area bordering on it and with Prishtina. In Novi Pazar, 22,000 people are jobless and economy has collapsed.



National councils will be less subsidized because of economic crisis and the cuts in the budget. It goes without saying that this will negatively affect functioning of minorities' representative bodies and implementation of the Minority Law in key areas such as education.

As some minority representatives indicated, the planned measures for rationalization of the educational system could have a negative impact on education in minority languages. They fear that removal or merge of classes would reduce their rights on the one hand, and fuel assimilation on the other. The Center for Development of Civil Sector released that relevant governmental authorities should take care to justly distribute the burden of economic crisis so as not to place a heavier burden on minorities than on others.

Serbia's homogenization continued even after Milosevic's ouster. Actually, that was a strategy of Vojislav Kostunica's cabinet – the strategy reflected in the position of minorities. Kostunica has never given up Milosevic's strategic goals. Kosovo's and Montenegro's independence put an end to ex-Yugoslavia's dissolution but Serb elite would not accept this new regional reality. Their non-acceptance affects relations with neighboring countries, which keep oscillating and are far from being in the best interest of Serbia but of other countries in the region as well.

The Minority issue has always had its foreign-policy dimension and called for tactful decision-making. Most minorities have their mother countries in Serbia's neighborhood. However, many small minority communities that lack capacity for getting constituted are constantly exposed to assimilation.

Serbia's constitution-makers have tried to bypass some legitimate demands for regionalization and decentralization. Territorially concentrated minorities are those that will (or already do) place self-determination on the agenda. No constitutional project or engineering can possibly avoid it no matter how skillfully devised. Therefore, Serb political elite needs to be more flexible while deliberating possible solutions and take into account minorities' anxieties that are only logical after two decades or more or less repressive treatment.

Everything indicates to the need for a public dialogue about the role of nations in the system of modern states: a dialogue that takes into account tectonic changes in international relations.