

## Individual, Community, Identity

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Our paper investigates how Voivodina, a region with multicultural traditions, organises the institutional means for cultures living together – an issue that is rarely without its characteristic confrontations.<sup>3</sup> Our subject matter is the innovative Serbian institution of personal autonomy, known as the system of national minority councils: how do they facilitate the self-determination of cultural communities living next to each other for centuries, and what perspectives are there for Serbia in this regard, especially in the context of EU-integration.

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<sup>3</sup> This is the case of Western (supposedly luckier) democracies as well, as it is clear, for example, from the volume *Multikulturelle Gesellschaft und Demokratie*, J. MARKO – G. R. BURKERT-DOTTOLO (ed.), Berlin 2000.

### **Encounter of Cultures in the Region**

Though the situation of minorities has appeared from time to time in democracy discourses, it was never part of their mainstream. Why has the discourse of disenfranchised minorities remained largely ineffective? Though the problem is far from marginal, a more historically-minded analysis should address this particular issue. However, the traditional minority discourse, based on a policy of past wrongs and offences, does not seem to be suitable for/compatible with the minority political methods that the EU offers. If the EU and its aspirants can understand the “democracy deficit” stemming from the minority situation, then there seems to be some chance to Europe-ise minority issues.

Though a lot more homogeneous than in the era of “regional unification”, it is one of the most complex ethno-political systems of Europe. Due to economic globalisation and the presence of its supra-national institution system, “traditional methods” would not solve the challenges of the West-Balkan. Wars (nowadays “low-intensity armed conflicts”) and ethnic homogenisation along twentieth-century modernisation programs<sup>4</sup> are now excluded from the repertoire of post-Yugoslavian states, which are largely subject to the intentions of international organisations.

The issue of minorities (social large groups of a non-dominant situation) was highlighted again by the transitions of the post-socialist region during the end of the last century. According to Joseph Marko, processes of regional disintegration and national/supranational integration were occurring synchronously during the 90’s.<sup>5</sup> From the viewpoint of Western democracies, minority situation was articulated as a security-political concern. This is one of the reasons that in the prerequisites of supranational integration, even if not de jure but de facto, a very serious aspect is the aspirant countries’ attitude toward the political situation of their non-dominant communities.<sup>6</sup> Yet, this is not the same as the recognition of the minority political

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<sup>4</sup> L. GULYÁS, *Két régió – Felvidék és Vajdaság – sorsa az Osztrák-Magyar Monarchiától napjainkig*, Budapest 2005, pp. 23–40

<sup>5</sup> J. MARKO, *Autonomie und Integration. Rechtsinstitute des Nationalitätenrechts im funktionalen Vergleich*, Wien, Köln, Graz 1994, pp. 17–25.

<sup>6</sup> E. LANTSCHNER – J. MARKO – A. PETRICUSIC (ed.), *European Integration and its Effects on Minority Protection in South Eastern Europe*, Berlin 2008.

challenge. It is still not clear to what extent are the novel institutions useful for minority members for maintaining identity and/or for demonstrating the self-conscience of political communities.<sup>7</sup> We believe that the political tool presented here can be an example for the entire EU, even if it generates conflicts during its actual realisation – both between the coexisting cultural large groups and within them.

### **The Institutions of National Minority Councils in Serbia – The role of Policy-makings**

As institutions of policy making, national minority councils were formed only recently (around 2003). Thus, before any analysis, it is feasible to set the institution system itself in the given economic situation and discuss its role in society. In the autumn of 2000, Koštunica inflicted such a great defeat on Milošević that there was no use face-lifting the results and forcing the challenger into a second round. However, the new elite was not able/willing to fulfil entirely the increased social expectations, either. To mark this, the expression “the 6<sup>th</sup> October” came into general use in reflections on politics as the symbol of unfulfilled expectations and unperformed reforms.

Afterwards, the preparations for a legal settling of the minority situation that is satisfying for the majority of the concerned<sup>8</sup> also started. One of the first steps was the *Charter on Human and Minority Rights and Civil Freedoms* adopted by Serbia and Montenegro. This was adopted by the Council of Citizens (Federal Assembly of Serbia and Montenegro) on 28<sup>th</sup> February 2003, and was ratified by The National Assembly of the Republic of Serbia on the session of 26<sup>th</sup> February. In this charter the fundamental rights were listed which were considered normative by the state union, including several relating to the situation of minorities. In that particular constitutional situation this was the highest forum where such things could be declared.

The draft of the minority act was prepared. When analysing it in detail, Miodrag a. Jovanović discovered the followings: First of all, the draft uses the term *national minority* as a collective term for minorities in different situations and of different origins in order to be able to regulate their situation in one, although their

<sup>7</sup> E. LANTSCHNER – S. CONSTANTIN – J. MARKO (ed.), *Practice of Minority Protection in Central Europe*, Berlin 2011.

<sup>8</sup> The Albanians of Kosovo could not be included in this process.

situations are sociologically different. The draft itself is highly liberal and has great significance beyond the basic principles in international expectations. According to its authors, this legal act not only accomplishes the constitutional rights of minorities but also greatly contributes to their political integration into Serbian society. The first two articles of the draft consisting of 6 sections and 25 articles, include the general regulations on minorities. Jovanović states that despite the fact that collective rights are mentioned already in the first article, the draft – considering its character – rather concentrates on the elaboration of individual rights. He welcomes the fact that the draft, contrary to the general political trend, attempts to provide a definition for *minority*. It includes such basic principles as: (1) being attached to the territory of the state for a long period of time; (2) specific characteristics that distinguish the minority from the majority; and (3) solidarity within the community. These principles are treated in great detail, so the aspects of language and religion are also included in the definition. Furthermore, it proposes a large range of future changes.<sup>9</sup> Social groups that, due to their cultural heritage or historical origin, want to define themselves in the future as minorities, may expect a favourable judgement.<sup>10</sup>

However, it was only at the end of the decade when a law to define the “way of exercise” of the aforementioned rights came to be. (According to the new legislation, minority communities of the meanwhile (2006) disintegrated Serbian confederacy could elect their national minority councils first on June 6, 2010).

### **The Serbian Practice of Minority Politics – Party Political Background of the Events**

Right after the elections, the status quo seemed to remain unchanged. However, in the coalition the socialist party gained relevance again, due to its instrumental position. From a minor coalition factor, the Serbian Socialist Party became a kingmaker. The

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<sup>9</sup> Here we would like to draw the attention to the fact that minority-sation is not a completed process: through the shifting of big political groups new primary majorities and, therefore, new minorities may emerge.

<sup>10</sup> We also consider this as an important development, which breaks the habit of listing minorities in so-called residual (doomed to evanescence) categories, and handles them as communities which are still able to rise from society.

new leaders of the party once dominant in the Milošević-era made their move to reclaim the legitimacy of their own political role. As a first step of this, they formed government coalition with the nationalists instead of the democrats. (Reminder: this had the precondition that DP candidate Boris Tadić had been defeated by nationalist Tomislav Nikolić – which, in turn, had largely been facilitated by minority voters who become passive by the second round of elections). After consolidating his power position, head of state Ivica Dačić (delegated by the smaller party) decided it was time for an “Euro-Atlantic” acceptance of his party and himself. The basis for this was a pragmatic approach to the Kosovo-problem which had previously seemed unresolvable. By the spring of 2013, a solution was found that was acceptable for Albanian and international mediators (protectors) as well.

These recent Kosovo-related events have turned public attention toward minority issues again, including many results that can be regarded positive from numerous viewpoints. Most of these aim at a “normalization” of the Serbia-Kosovo relations and a decrease of tensions. On the level of diplomacy, there is a shift from the symbolic action field toward a pragmatic one. However, it is yet unknown if this is merely the outward communication of the main actors representing the state (president, head of state). Is it just a reevaluation of the situation, or an actual (half-) turn that is meant to be accepted by society as well?

Even after the elite change of the Serbian minority institution systems in 2000 October, a well perceivable main tendency remained. It has been striving to shape new institutional opportunities so that they could not endanger certain relations that are regarded as a *basic Serb national interest*: so that “they could not become nests of ‘newer’ secessionist-efforts”.

As compared to its past incarnations, minority question were re-contextualized in the last decade of the 20<sup>th</sup> century by the intensity of conflicts that emerged despite the linguistic and cultural similarity of the so-called Yugoslavian core regions. In fact, this might (should) bring about certain revisions regarding the so far maintained values and goals concerning inter-community (multicultural) relations. In the whole area known as West-Balkan, political public thought has not yet grasped the importance of minority inequities that are

constantly re-created on a political basis and that are taken for granted even today: structural disadvantages that originated from the minority position. To a large extent, Serbian political efforts are defined by relations to this minority anomaly. These relations have been constantly revised throughout the last twenty years, being strongly influenced by international (external), regional (meaning the post-Yugoslavian region) and local (internal) characteristics. Serbia have produced much differing minority political “solutions” that could be diagonally opposed to each other. The list goes from genocide attempt through forced expulsion to the constitutionally guaranteed and legally ensured introduction of personally principled autonomy institution systems.

### **The European Committee and the MSI**

It was a recent news of minority politics that the European civil initiative of minority protection by the FUEN (Federative Union of European Nationalities) and the RMDSZ was rejected by the European Commission. Making use of this relatively recent (2012 April) EU-institution, the initiators wished to use a petition for obliging the European Council to regulate the issue with the document Minority Safepack Initiative (MSI).<sup>11</sup> So far it has been stated that the European Commission is not competent in many elements of the document’s contents. The initiators included six areas to be addressed by the MSI: language, educational/cultural, regional politics, presence of minorities in the EP, anti-discrimination, media regulation/support policies.

If one knows a little about the history of European minority initiatives, it is known that there has been much greater resistance to such (previously appearing only on the level of nation-states) efforts. In spite of all this, there is a well-functioning autonomy in South Tirol. Germans in Belgium have their own parliament and its competences (though their numbers can’t be more than that of non-Serbians in Voivodina). And we didn’t mention nations (and their efforts) fragmented into several countries and/or once having had their own autonomous states, like Catalans or Scots.

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<sup>11</sup> [https://www.fuen.org/fileadmin/user\\_upload/downloads/MSPI\\_ENGL\\_Official\\_Document.pdf](https://www.fuen.org/fileadmin/user_upload/downloads/MSPI_ENGL_Official_Document.pdf).

None should be fooled by the fact that this is the third initiative that bounces off the acute lack of competence on the part of the EC. It will be a “long round”, and the turn won’t come for free, much must be done, much and in a consequent way. (See the interview with Salat Levente on Transindex: “Hosszú menet lesz” “It’ll be a long round”<sup>12</sup> (<http://itthon.transindex.ro/?cikk=21289>). The last action about the issue was the “great march” organised by the National Minority Council of the Szekelys, on October 27, 2013. Likewise, the *Catalan living chain* also intended to enforce competences in minority issues.

### **European Council Standpoints about the Institution Formations on the Periphery of Europe**

It was only recently that Swiss social-democrat politician and EC representative Andreas Gross, held a lecture in Budapest. He is the author of the 2003 report. In the Gross-report autonomy was presented to the EC as an institutional solution assisting the development of democracy.

Excerpts from the Gross-report:

*5. The vast majority of European states today include communities which have different identities. **Some of these demand their own institutions, and special laws allowing them to express their distinctive cultures.** (our highlights – SCSM-PT).*

*6. States must prevent tensions from developing by introducing flexible constitutional or legislative arrangements to meet minorities’ expectations. By giving minorities powers of their own, either devolved or shared with central government, states **can sometimes reconcile the principle of territorial unity and integrity with the principle of cultural diversity.***

*15. Autonomy is not a panacea, and the solutions it offers are not universally relevant and applicable. However, failure should be blamed not on autonomy as such, but on*

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<sup>12</sup> In Hungarian, the word *menet* can mean both “round” and “march”.

*the conditions in which it is applied. Autonomous status must always be **tailored to the geography, history and culture of the area concerned, and to the very different characteristics of specific cases and conflict zones.***

*17. **Successful autonomy depends on balanced relationships within a state between majorities and minorities, but also between minorities themselves.** Autonomous status must always respect the principles of equality and non-discrimination, and be based on the territorial integrity and sovereignty of states.*

*18. It is of great importance that the increasing benefits which autonomous entities gain from their rights do not undermine the internationally recognised borders of states. (Resolution 1334; <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta03/ERES1334.htm>)*

After the 2003 report, the European Council addressed the issue again in 2011. The EC resolution 1832<sup>13</sup> has the following relevant notions:

*7. The Assembly considers that even if international law were to recognise a right of national or ethnic minorities or even, in some cases, national majorities to self-determination, such a right would not give rise to an automatic right to secession. **The right to self-determination should first and foremost be implemented by way of the protection of minority rights** as foreseen in the Council of Europe Framework Convention for the Protection of National Minorities (ETS No. 157) and Assembly Resolution 1334 (2003) on positive experiences of autonomous regions as a source of inspiration for conflict resolution in Europe, as well as in other relevant instruments of international law.*

*8. The Assembly therefore:*

*8.1. reiterates its invitation to those member states which have not yet done so to sign, ratify and implement the Framework Convention and to respect the basic principles set out in Assembly Resolution 1334 (2003) as soon as possible;*

<sup>13</sup> <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=18024&lang=en>.

*8.2. will continue to analyse the origin and trends of self-determination movements by addressing the most salient factors, in particular instances of growing tensions among minority or ethnic groups, and to support national parliaments in addressing these demands for self-determination through dialogue and reconciliation, in order to prevent recourse to violence and secession.*

### **Chances of Autonomy in Serbia**

As the cited documents also note,<sup>14</sup> autonomy is not a miraculous panacea, but it is well-applicable within the framework of majority-principled decision making, a regular solution mode for the dignity-oriented self-determination efforts of minority communities. nation states are, for the time being, able to utilize a strategy of postponing, since those communities that cannot achieve a bottom-up autonomy can only rely on the alternative (namely: international) pressure from outside, if there are already actual and ongoing conflicts between minority communities and the region's majority society. The coexistence of cultures is at stake in Serbia.

In almost each of the new democracies, there is a political insubordination present that is theoretically unacceptable by European norms. The regionally principled refusing (not granting) decision-making competences is an attempt to conserve this insubordination. The question is, in Serbia as well, whether attention can be drawn to the issue through symbolic political actions.

Today, only the preparedness and readiness of those involved and the democratic commitment of decision-makers determine when/whether minority politics are included in explicit EU policies or when or whether complete and efficient minority institutions appear in the Copenhagen criteria. Serbia is not in a disadvantageous situation here, as it does have certain exemplary institutional solutions – exemplary for not only the other aspirant countries, but for the entire EU. Then again, there are certain issues that are harder to be processed by the majority society. Such issue is the ethnically-based regional autonomy, and it is inevitable and required that Serbia should establish institutions and procedures based expectations of the European Council and the EU.

<sup>14</sup> C.f. The 15 paragraph of the Gross-report.

**Abstract**

Our presentation investigates how Voivodina organizes the institutional means for cultures to live together. Our subject matter is the innovative Serbian method of personal autonomy: the system of national minority councils, ensuring the self-organization of cultural communities. We discuss how are NMCs useful for community members to retain their identity and how are they able to present a given collective identity. NMCs are exemplary even for the entire EU, though they also generate new conflicts between (and within) neighbouring cultural groups. We emphasise this because the European civil initiative of minority protection by FUEN (Federative Union of European Nationalities) was rejected by the European Commission. Making use of this relatively recent EU-institution, the initiators wished to oblige the European Council to regulate the issue with the document Minority Safepack Initiative (MSI). The MSI has six areas to regulate: language, educational/cultural, regional politics, presence of minorities in the EP, anti-discrimination, media regulation/support politics. The EU does have its language policy and (a not too efficient) regional policy. But there is not explicit policy to address community or personal identities. Serbia, only an applicant yet, is attempting to form specific institution (based on its own cultural variety and past), and could also serve as an example for European member countries as well, including those who will judge Serbia's democratic maturity by the so-called Copenhagen criteria.

**Keywords**

Minority Institution Systems; Autonomy; Collective Identity; National Minority Councils; EU Minority Policy; European Committee; Personal Autonomy