

NATIONAL MINORITIES IN SERBIA'S RELATIONSHIP WITH THE NEIGHBOURS

*The Status of National Minorities in Serbia and EU
Negotiations: The Role of Neighbouring Countries*



Belgrade, March 2017

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Introduction

This Policy Paper has been prepared as part of the “*Status of National Minorities in Serbia and EU Integrations: The Role of Neighboring Countries*” project, supported by the British Embassy Belgrade, and the “*Minority Policy and European Integrations – the Role of Bilateral Relations*” project, supported by the Open Society Foundation Serbia.

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The paper aims to discuss the relations and policy of the Republic of Serbia towards its national minorities whose kin-states are neighbours of the Republic of Serbia and also the EU member states, namely: Hungary, Romania, Bulgaria and Croatia. The influence of the Republic of Serbia’s minority policy on the relationship with these countries is examined with a view to its accession to the EU. The paper also considers the policies of neighbouring countries towards the Serbian national minority on their territory. Moreover, this paper gives the analysis of the role of minority policy and national minorities in the context of bilateral and regional relations of the Republic of Serbia with its neighbours – the EU member states.

1. Context information

The countries examined have many common features (all societies have a rich history as a result of being neighbours, while some of them were part of the same country; they are the so-called “transitional countries” with the same aspiration to join the EU; all societies have a Republican model of government with parliamentary democratic political systems; their economies have many similarities; parts of their nationals live dispersed outside the kin-state as national minorities; all countries have a share in the Danube River Basin and have control over parts of Europe’s most important river). Besides the common features, there are differences having an influence on their bilateral and regional relationships and on the status of national minorities (all countries are NATO members except for Serbia which has chosen to develop partnership relations with NATO; historically, relations between the respective countries and Serbia saw the periods of cooperation and occasional armed conflicts - in this respect, ethnic conflict in the recent history have a significant influence on Serbian-Croatian relations).

A transition in former socialist countries, including Serbia, to market capitalism, began in 1989. It was marked by the resurgence of ethnic nationalism at the ideological and political level, with nationalism becoming one of the most important components of social mobilization in creating a new system of government, new values and new relationships among people and among ethnic communities. At the same time, governments of these countries call for democracy and negotiating with national minorities, because the “legislative reform pertaining to the protection of national minorities” is a precondition set by the European Community member states (before the creation of the European Union) of their international recognition as the states. Therefore, judging by legal solutions, the status of national minorities in the respective countries is satisfactory. The normative frameworks for protecting national

minorities in all countries examined by this paper are in compliance with international standard-setting documents of the UN, Council of Europe and OSCE (*Analiza, 2016:4*). However, the actual status of national minorities is not always satisfactory. The basic experience of a minority policy in Serbia and in its neighbourhood, and of the entire post-socialist transition, is marked by ethnic nationalism. By default, Ethnic nationalism as a rule inspires mass mobilization and integration within its nation, but encourages social exclusion of all who do not belong to the respective nation/ethnicity. Such atmosphere lead the society toward ethnic fragmentation, hampering social inclusion and a nation-state building based on solidarity. Serbia and its neighbours seek answers to these challenges in increased regional cooperation and membership in the EU (*Janjić, 2011: 1 - 3*). This puts good neighbourly relations on top priority of Serbia's foreign policy strategy, also determining the scope and content of regional cooperation as well as the pace of Serbia's joining the EU.

Serbia's relations with Bulgaria, Hungary and Romania are good. Good relations were confirmed during 2015 and 2016 at visits at the highest level as well as at the Serbia-Hungary governmental session held in Niš, Serbia, on November 21, 2016. The relationship with Croatia is full of ups and downs, with a period of stagnation in 2015 and 2016¹. The status of national minorities is an important issue which determines the quality of good neighbourly relations with Serbia's neighbours. To this end, there is a significant number of outstanding issues between Serbia and respective countries concerning the status of national minorities.

The year of 2016 saw the culmination of doubts about a "European future", strengthening ethnic nationalism and advocating for continuation of the old "unsettled account". This trend was supported by the global financial and economic crisis and European debt crises; disturbed relations at the international arena caused by the conflict between great powers for redistribution of spheres of influence (armed conflict in Ukraine, wars in the Middle East, Central Asia and North Africa, Turkey faced a crisis and the Eastern question was reopened, and the migrant crisis), placed Serbia and the Balkans into the focus and brought them on the "line of separation and confrontation", with significant influence of Russia and to a lesser extent Turkey, seeking to strengthen their position in the Balkans (*Međunarodno sučeljavanje, 2016:1,2*). Internal factors of great importance for this trend are: political leadership weakness and ability to respond to global development challenges and the domestic policies and economy.

1 This topic will be elaborated in detail in the section on bilateral relations with Croatia.

2. The minority policy of the Republic of Serbia and the improvement of the status of national minorities

With respect to the composition and number of national minorities, the Republic of Serbia is a highly heterogeneous state, indicating that minorities and minority policies have an important role to play in good inter-ethnic relations, democratic development and prosperity of Serbia, which is also the case in other countries in the region. When defining and implementing measures pertaining to the minority policy, it should be taken into account that apart from the old (autochthonous) minorities there are also the so-called “new minorities” formed by persons belonging to constituent peoples of the former Yugoslavia, whose status changed significantly with the dissolution of Yugoslavia. The new minorities are a living bridge of cooperation between countries of the region. Respect for their status and for their rights contributes to better relations between the countries and regional stability.

Apart from numbers and territorial distribution (compact or dispersed national minorities), minorities in Serbia can be differentiated by other characteristics (religion, language, tradition..), demographic developments, social status, national emancipation and political organization. Results from the 2011

census provide data about the number, percentage of total population, territorial distribution and population dynamics of national minorities that have an important role in bilateral relations and regional cooperation in the EU integration process. The official census records have are important because the level of minority rights is often linked to the statistical-demographic indicators (number and ethnic compactness).

2.1. The present state

According to the 2011 census, there are more than twenty national communities in the Republic of Serbia. The Serbs are dominant in number, participating with 83.32% in the total population (see: *Appendix “National Minorities in Serbia (excluding Kosovo), 2011 Census”*). After the Serbs, the most numerous national communities in Serbia, i.e. those that make more than 1% of the population are: Hungarians (3.53%), Roma (2.05%) and Bosniaks (2.02%). However, since the most Albanians boycotted the census, these percentages would be somewhat but not significantly different. These four are followed by 16 national communities with more than two thousand members: Croats, Slovaks, Montenegrins, Vlachs, Romanians, Yugoslavs, Macedonians, Muslims, Bulgarians, Bunjevacs, Rusyns, Gorani, Ukrainians, Germans, Slovenians and Russians. In addition to the most numerous ethnic communities, there is a category “others” made up of ethnic groups with less than two thousand members: Czechs, Ashkali, Egyptians, Jews (*Popisna knjiga Republičkog zavoda za statistiku, Nacionalna pripadnost - podaci po gradovima i opštinama, str. 15, na: <http://pod2.stat.gov.rs>*).

Autonomous Province of Vojvodina is the most ethnically diverse region with the biggest number of national communities living there. The most numerous among them are Hungarians (13% of Vojvodina’s total population), followed by Slovaks (2.60% of Vojvodina’s total population), Croats (2.43% of Vojvodina’s total population), Roma (2.19% of Vojvodina’s total population), Romanians (1.32% of Vojvodina’s total population) and Montenegrins (1.15% of Vojvodina’s total population), while other minorities make up less than 1% in Vojvodina’s total population.

Bosniak minority is concentrated in Šumadija and West Serbia region (7.02% of Šumadija and West Serbia region’s total population), i.e. in Raška and Zlatibor area. Besides Bosniaks, this region is inhabited by Roma (1.02%), Muslims (0.71%) and Montenegrins (0.19%). The largest national minority in the South and East Serbia region are Romas in the South Serbia (3.66%) and Vlachs in the East Serbia (2.10%). Other national communities living in

this region are: Bulgarians (0.99%) and Macedonians (0.23%) (*Popisna knjiga Republičkog zavoda za statistiku, na: <http://media.popis2011.stat.rs>; Politička participacija, 2016: 15, 16*).

This paper examines the Hungarian, Croatian, Romanian and Bulgarian national minorities in Serbia, with EU member kin-states bordering with the Republic of Serbia (see: *Appendix "National Minorities in Serbia (excluding Kosovo), 2011 Census"*).

Hungarians are the largest minority in Serbia. They mostly live in northern Vojvodina (northern Banat and northern Bačka). More than a half of all Hungarians in Vojvodina live in eight municipalities in which they constitute a majority (Kanjiža, Senta, Ada, Bačka Topola, Mali Idoš, Čoka, Bečej and Subotica). One of the characteristics of the Hungarian national minority is the decline in population, caused by both a negative natural growth and migration (to their kin-state, mainly).

The Croatian national minority also experiences unfavourable demographic trends. The high average age of 51.1 years, indicating a high death rate and negative natural growth, combined with migration (to the kin-state, mainly), cause permanent decline in the number of Croatian population (17%, or around 13000 fewer people than compared with the previous census). In view of territorial distribution, Croats are most numerous in Subotica and in Sombor, while the largest concentration is in municipalities of Apatin, Subotica, Bač and Sombor (8%-10%).

As far as Romanians are concerned, a decline was recorded (around 5000 fewer people than compared with the previous census), due to unfavorable trends associated with the negative growth of population and net migration (moving to Romania). Of the total number of declared Romanians, 25,400 live or the vast majority in Vojvodina (87%). The largest concentration of Romanians is to be found in the municipalities of Vršac and Alibunar, where every fourth inhabitant is Romanian, as well as in the city of Pančevo.

Bulgarians mostly live in the north-eastern parts of Serbia, whereby 90% of all Bulgarian population live in two districts only (Pirot and Pčinja). Bulgarian minority is ethnically homogenous in two municipalities where they make up the majority population (71.8%, Bosilegrad and 53.5%, Dimitrovgrad). Otherwise, almost three quarters of all Bulgarians of the region, and over 60% of all Bulgarian population of Serbia are concentrated in Bosilegrad and Dimitrovgrad. The Bulgarian national minority is faced with population decline trends due to very old age structure (median age, 50.9), coupled with migration and change in number of people who declare themselves Bulgarians (*Raduški, 2014: 101-109*).

2.2. Political and legal status

After the fall of Milosevic, in October 2000, Serbia found itself at the beginning of the democratization process and normalization of its internal relations and committed itself to build a new institutional system tailored to its own needs that will contribute to managing and resolving conflicts of national interest in a peaceful and democratic way. The question of a new, democratic minority policy in Serbia was opened at that time. The new government's commitment in principle was to build democratic institutions and procedures for solving the status issue, and to protect and promote minority rights (*Janjić, 2005:118 - 121*).

The legal framework of minority policy is comprised of the Constitution of the Republic of Serbia, ratified international treaties and universally recognized norms of international law, laws and general regulations, bylaws and general regulations enacted by autonomous provinces and local government units. The legal framework recognizes and guarantees a long list of rights and freedoms of national minorities and persons belonging to national minorities, which are for the purpose of this paper classified into the following categories: general determination of the legal status and protection of minority rights; the right to political participation and access to decision-making; the rights pertaining to official use of language, education, culture, information; the right to minority self-government that will be elaborated in the section referring to the institutions of national minorities; the most important national legislation and rules of international legal documents accepted in the legal system of the Republic of Serbia; the assessment of compliance of national legislation with international legal documents.

At the end of 2001, Serbia passed the *Law on Ratification of the Framework Convention for the Protection of National Minorities* ("Official Gazette of the FRY - International Treaties", no. 6/98).² This was an important step towards the new minority policy, since it was the first international document ever ratified by the National Assembly of the Republic of Serbia. A decisive step forward in terms of new minority policy took place on February 27, 2002, when the Federal Assembly of FRY passed the *Law on the Protection of Rights and Freedoms of National Minorities*, after active consultation with the

² The framework Convention was passed on 10 November 1994 and approved by the competent authorities of the FRY in Strasbourg on 3 December 1998. In respect of any member State which subsequently expresses its consent to be bound by it, the framework Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of the instrument of ratification, acceptance or approval.

international community, national communities and civil society organizations (this law will be elaborated later).

Accordingly, in the Republic of Serbia, guarantees for the protection of number of rights of persons belonging to national minorities are provided by a number of national and international instruments. Serbia has adopted the legal framework which governs the exercising of individual and collective rights of national minorities. The minority policy of the Republic of Serbia is among the best examples in Europe.³ However, there is an evident discrepancy between the normative model and reality. State institutions being influenced by political parties and interest groups implement measures resulting in political divisions among persons belonging to national minorities (in particular, Albanians, Bosniaks, Croats and Vlachs). An example of such influence is the action of some political parties concerning the registration as “Bunjevacs” or „Vlachs“ in voter lists for election of national councils of national minorities in 2010⁴.

By ratifying the international documents, the Republic of Serbia committed itself to providing protection in the field of human rights, and in particular the protection against discrimination, and thus obliged itself to ensure equal treatment of all its citizens in the domain of universally recognized human rights. This is particularly true for the protection of minority rights. Until now, almost all international documents have been ratified and incorporated into the Serbian legal system. The laws of the Republic of Serbia are considerably harmonized with ratified international documents thus suggesting that the legal system of the Republic of Serbia is in compliance with the international framework and that it provides a very high level of protecting minority rights and general human rights, which is particularly important in the context of strategic objectives related to the EU integration process.

With accepting the membership in the Council of Europe and signing the European Convention on Human Rights, the Republic of Serbia has assumed obligation to provide for direct applicability of ratified international documents

3 It should be taken into consideration that some legal solutions envisaged in the Serbian legislation are inspired by Hungarian minority self-government policy, i.e. recognition of collective minority rights, before Hungary joined the EU, and that there is a large number of similar or the same solutions in the legal framework of Serbia and Croatia.

4 Debates on the inter-relation between the Romanian and Vlach communities are still ongoing. In relation to the issue of the Vlachs' ethno-genesis, they are also topical within the Vlach and Romanian communities themselves, and in the case of the state which is undecided as to which stand to adopt in regard to the origin and language of the Vlachs. Unlike the Bunjevacs in APV, who welcomed the appearance of separate sections in the population census (Croats and Bunjevacs), part of the Vlachs have expressed dissatisfaction over the lack of a common section in censuses: Vlachs-Romanians, since they believe this national body should not be artificially separated. In their opinion, a single section would represent a solution for both groups, in view of the fact that the Romanian community in eastern Serbia prefers to opt for the name “Vlachs”, while the Romanian community in APV is in favour of the name “Romanians” (*Alternative Report submitted pursuant to Article 25 Paragraph 1 of the Framework Convention for the Protection of National Minorities* : 2007).

and to ensure that decisions made by national bodies contain the views of the European Court for Human Rights. This particularly applies to the Constitutional Court which should provide for the protection of guaranteed human rights, through the implementation of the Constitution of the Republic of Serbia. There is an entire section in the Constitution dedicated to human and minority rights and freedoms, making clear that the state attaches great importance to this topic. In particular, the Constitutional Court must protect the rights of minorities in the same way as it would be done by the European Court for Human Rights and by referring to its case law. However, the Constitutional Court does not render decisions by which minority rights are protected to the extent it should. According to Article 22 of the Constitution, everyone has the right to judicial protection when any of their human or minority rights guaranteed by the Constitution have been violated or denied, and also has the right to elimination of consequences arising from violation. The same article envisages that the citizens have the right to address international institutions in order to protect their freedoms or rights guaranteed by the Constitution. The review of the Constitutional Court case law indicates that in most cases the courts rejects complaints lodged for violation of the right determined by Article 22, on the grounds that the complainant has not provided sufficient evidence to substantiate the claim. Only in very few occasions, the Constitutional Court has actually ruled that the right to judicial protection of human and minority rights and freedoms was violated and established the existence of discrimination in its decision (see: <http://www.ustavni.sud.rs/page/jurisprudence/35>).

2.3. Implementation of international mechanisms

As for minority policies and practices, the OSCE's multiple roles and influence, including the political influence, made it the key international player.

The Council of Europe has gained a significant influence and reputation in promoting and protecting minority rights. *The Framework Convention for the Protection of National Minorities* is a very efficient and effective instrument established by the Council of Europe with the aim to set standards relating to minority rights. This convention is the first legally binding multilateral instrument devoted to the protection of national minorities in general. It only provides the countries with the legal framework and leaves it up to them to decide which mechanisms serve the purpose of the convention best. The Council of Europe monitors the implementation of the Framework Convention by the countries, and the extent to which it is implemented in compliance with the *European Convention for the Protection of Human Rights and Fundamental Freedoms*.

The implementation of the Framework Convention is monitored by the Committee of Ministers of the Council of Europe assisted by the Advisory Committee. The Advisory Committee is composed of eighteen independent experts. In its work, in order to be more efficient, the Advisory Committee interacts with various stakeholders and human right bodies. This primarily relates to other bodies of the Council of Europe, including: the European Commission against Racism and Intolerance (ECRI), the Venice Commission⁵, the Commissioner for Human Rights, and beyond, and to other international organizations and associations of national minorities. Such practice contributes to easier monitoring.

The Framework Convention has proved to be a useful instrument for protecting the rights of national minorities. However, not all countries of the European Union have ratified the convention (for example, France and Belgium), raising the question of whether the Copenhagen criterion of “respect for and protection of minorities” has been fulfilled. However, even though these countries have not ratified the convention, they have certain mechanisms for the protection of minority rights and application of the principles contained in the Convention.

The European Charter for Regional or Minority Languages is the first instrument of the Council of Europe related to the protection and preservation of the linguistic and cultural identity of minorities. The Charter focuses on the concrete mechanisms of minority or regional languages protection, in the field of education, public informing, cultural activities, economic and social life, court proceedings (civil and criminal), wherever it is justified to introduce the official usage of a minority language, in the work of the local and central administrations. The specificity of this Charter⁶ compared to the most of other international treaties that signatory states undertake to accept and fully implement is that the charter leaves the freedom to the states in regards to which legal provisions will be enforced. Therefore, the Charter is exclusive in that sense that it is not expected that the states accept the entire content of it, but the minimal percentage of those regulations that are assessed to contribute to the preservation of the language diversity. Finally, it needs to be mentioned that the charter did not determine the list of regional or minority languages protected by it, but kept the flexible approach which gives the states the right to choose by themselves which languages need to be protected and determine the measures.

5 The European Commission for Democracy through Law of the Council of Europe, better known as the Venice Commission has a distinct advisory role in the field of protection of the rights of national minorities. Among other things, the Venice Commission submitted the proposal of the draft European Convention for the Protection of Minorities (Malinverni, 1991), which was not adopted by the Committee of Ministers or the Parliamentary Assembly. The proposed draft contains a definition of national minorities as well as collective rights of national minorities. The Venice Commission has also played a significant advisory role in the drafting of laws related to national minorities in the countries in our region.

6 The European Charter for Regional or Minority Languages entered into force on March 1, 1998.

3. The Status of national Minorities in the Serbia's EU Integration Process

3.1. Legal and political framework

The Treaty of Lisbon which forms the constitutional basis of the European Union is the key international legal framework for defining the rights and obligations in the field of human and national minority rights.⁷ The framework of the accession agreement and obligations of Serbia arising from the EU accession process were established based on the Treaty of Lisbon.

Besides the Treaty of Lisbon, the legal framework of the EU accession is comprised of *Copenhagen criteria* that were laid down in Copenhagen and defined by the Maastricht Treaty (1992), upon the formation of the European Union.⁸ The Copenhagen criteria are the key political criteria for

7 Article 2 of the Treaty of Lisbon clearly envisages that: "The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail".

8 Relevant criteria were established by the Copenhagen European Council in 1993. To join the EU, a state wishing to join the EU must meet three sets of criteria: legal, economic and political. In addition to these criteria, a new member state needs to accept the EU rules (*acquis communautaire*) which are divided into 35 different policy fields (chapters). In the course of the negotiations on EU accession, Serbia, like other countries joining the EU, must harmonize its legal, economic and social system by reforming not only the legislation but also the entire social system.

membership in the EU and are incorporated into all EU treaties including the Treaty of Lisbon.⁹

The European Council, meeting in Copenhagen in June 1993, agreed on a set of economic, legislative, administrative and political criteria for membership in the EU. The political criteria require the respect for and protection of minorities. These should include absence of conflicts with neighbouring states (Laszlo, 2009:9). The progress of applicant countries in fulfilling the criteria is monitored by the Commission in the form of the progress report. In this way, the Commission has become responsible for the assessment of legal frameworks and policies of the candidate countries towards national minorities. Naturally, the EU's supreme political bodies, the Council of the European Union and the European Parliament also assess the compliance of applicant countries with political criteria. Over the years, the Copenhagen criteria became part of the EU law (*acquis communautaire*), i.e. in stabilization and association agreements for candidate countries. Even though the inclusion of the rights of national minorities among the accession criteria is a big step forward, there are significant gaps: while the candidate countries have the obligation to "respect and protect minorities", the EU's own commitment to minority protection is insufficient – the EU has not formulated own standards of national minority rights and it does not monitor the situation of minority protection in the member states. Since the beginning of implementation of the Copenhagen criteria over two decades ago, significant progress has been made in terms of developing standards for monitoring through both formal and informal mechanisms. Since the accession of Romania and Bulgaria to the EU, the criteria which call for the protection of minorities as a requirement for membership have largely been specified. The EU increasingly relies on the assessment and standards of the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities (Korhecz, 2015: 33-34).

The Negotiating Framework is a comprehensive document prepared in line with the renewed consensus of enlargement and an integral part of the Common Position of the European Union on the accession negotiations with the Republic of Serbia. The Negotiating Framework is politically binding and shall be valid until the end of Serbia's accession negotiations, i.e. until the date of accession. Legally and formally it is a document of a legislative nature, which establishes at a normative level the rights and obligations for Serbia, in the form of binding principles governing the negotiating process.

9 They are: stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities; a functioning market economy and the ability to cope with competitive pressure and market forces within the EU; ability to take on the obligations of membership, including the capacity to effectively implement the rules, standards and policies that make up the body of EU law (the 'acquis').

3.2. Present state

The opening of accession negotiations in 2014 marked a new phase in Serbia's EU accession negotiations, in which the exercise of human and minority rights will be one of the key issues.¹⁰ At the end of 2015, Serbia and the EU opened the first two chapters of EU membership: Chapter 35 on normalization of relations between Belgrade and Priština, and Chapter 32 on financial control. On July 19, 2016, other two most important chapters were opened (23 and 24) concerning the fundamental rights, the rule of law, democracy, security, the rights and status of national and other minorities. With regard to fundamental rights, one of the thematic areas of Chapter 23, which includes minority rights, Serbian legislation and its implementation, must be fully in line with the *Charter of Fundamental Rights of the EU*, which has become an integral part of the EU *acquis* and the *Treaty of Lisbon*. The EU has developed mechanisms of monitoring the harmonization and implementation of laws and the progress achieved in these fields will determine the pace of accession negotiations.

Serbia is required to implement international documents in the field of human rights and fundamental freedoms, including the conventions of the Council of Europe, the Case Law of the European Court of Human Rights and numerous conventions of the United Nations.

Generally, the legislative and institutional framework to uphold and protect minority rights complies with international standards, in particular with the *Framework Convention for the Protection of National Minorities*. However, consistent implementation across the whole country is needed. Taking into account the recommendations of the European Commission based on “the EU Screening Report for Chapter 23, Serbia (2014)”, a comprehensive approach to the integration of national minorities is needed through full implementation of a dedicated *Action Plan for the Exercise of the Rights of National Minorities* across the country. This Action Plan was adopted in March 2016 as an integral part of the Action Plan for Chapter 23 (*European Commission: Screening Report, Serbia, Chapter 23 – Judiciary and fundamental rights, EU MD 45/14, 1.05.2014, www.seio.gov.rs*). In this document, the EU directly refers to the recommendations issued in the third Opinion of the Advisory Committee on Serbia in the context of the *Framework Convention for the Protection of National Minorities* (*Ibid.* p.54). In the accession process within Chapter 23, Serbia was invited to

¹⁰ In fact, EU accession negotiations with Serbia formally commenced on January 21, 2014 in Brussels by the First Inter-Governmental Conference (IGC) on Serbia's EU accession, where representatives of the EU and Serbia exchanged views, and the EU Negotiating Framework.

adopt a dedicated *Action Plan for the Exercise of the Rights of National Minorities* (hereinafter: the Action Plan“). The action Plan was adopted by the Government of the Republic of Serbia in March 2016 (*Action Plan for the Exercise of the Rights of National Minorities*, <http://www.mduls.gov.rs>). Implementation of the strategy for Roma inclusion needs to be ensured (*Serbia, 2016*).

Therefore, it can be concluded that in the membership negotiations between Serbia and the EU, standards on protection of minorities and the legal and political obligations of Serbia regarding the rights of national minorities become have been clearly defined. It is also important to emphasize that representatives of all national councils of national minorities participated in the preparation of the Government’s Action Plan, the National Council of the Bosniak National Minority criticized the working group and solutions were proposed (*Elfogadás előtt a kisebbségi akcióterv – Action Plan for adoption: <http://pannonrtv.com/web2/?p=248097>*)

Participation in public and political life may be particularly important for improving the status of national minorities, which is the case with some national minorities (in particular the Albanian, Bosnian, Hungarian and Roma minority), whose political and intellectual elite has strengthened through participation in public and political life, enabling them build numerous national organizations (primarily political parties, educational and cultural institutions) with the state support. The truth is that with the advancement of the democratization process and political pluralism in the Republic of Serbia, minority political parties,¹¹ enabled more effective participation of national minorities in cultural, social, economic and public spheres (*Politička participacija, 2016:13*).

¹¹ The Republic of Serbia has 108 political parties, of which 63 are parties of national minorities accounting for 60% of the total number of registered political parties. Relative to the total number of persons belonging to national minorities, Bosniak national minority has the most registered political parties (*Politička participacija, 2016: 16*).

4. Regional cooperation and bilateral cooperation influencing the status of national minorities

Even though minority issues as such are not regional issues, some of them have regional consequences. The EU recognizes regional or continental minority policy, whereas the Western Balkan region does not have regional minority policy. It is observed that, while being focused on the EU, the states have largely neglected their bilateral relations. This is particularly true of Serbia whose leadership has created an image that the way to EU membership is via Brussels, forgetting that neighbourly relations with EU member states are important, and in particular with those whose national minorities live in Serbia. Up to now, there have been no signs of coordination and/or harmonization of national minority policies in the region. Basically, the status and rights of national minorities are associated with national legislation and policies, which also have the bilateral dimension, i.e. there is a need for political coordination between countries. The highlight of the cooperation is the acceptance and achievement of obligations under the bilateral agreements on the protection of national minorities. However, regional cooperation and the situation in the region have both direct and indirect effects on the internal stability and development of minority policy of every country in the region.

The countries analyzed in this paper are part of broader regional associations, organizations and projects¹², such as the Western Balkans initiative under the auspices of Germany¹³. The Western Balkans region can be defined as the former Yugoslavia minus Slovenia plus Albania. In fact, the only Western Balkans countries examined in this paper are Serbia and Croatia, but cooperation within this framework is of particular importance especially for Serbia for its internal developments and other regional relations, including the EU membership. Croatia is the only Western Balkans and EU member country that is analyzed in this paper. As such, Croatia has an important role to play in the process of EU integration of all countries in the region, whereas the special role of Croatia and Serbia still remains with a view to peace, stability and democratization of Bosnia and Herzegovina, under Dayton Accords of 1995, which marks their relationships with Bosnia and Herzegovina and peoples in this country and beyond, including their responsibility for (non) cooperation in the Western Balkans.

The Western Balkans is today facing a large number of internal problems, from unfinished and unsuccessful transition to the harbouring of *old* bilateral issues (Đukanović, 2016: 29). It is obvious that despite the undeniable progress and optimism and cooperation made in the context of the Western Balkans concept, and later within the framework of the EU and Germany, the “Western Balkans Six” are once again faced with the strengthening of ethno-nationalism as the main matrix of ideological and political mobilization, with territorial disputes as the main factors in bilateral conflicts in the pursuit of ideals of ethnic nationalism, such as “one nation-one state”, “marginalization of others” or parallel life of “others”.

Changes in 2000 in Serbia marked the beginning of gradual, slow and fragile normalization of relations among the Western Balkan countries. The 2010-2015 period, experienced increased cooperation and the awakening of hope that the “Western Balkans Six” will support development, economic cooperation and prosperity of the region. Significant progress has been made on regional cooperation. On the one side, stabilization of the region has created the preconditions for better cooperation between the countries in a number of areas, and on the other, it is undeniable that regional cooperation speeds up and improves the EU integration process as the common goal of all countries in the region.

The *Western Balkans countries* share other *common interests in responding* to the current challenges such as migrations and threats of terrorism and radicalization, where the Western Balkan countries have been recognized as important partners of the EU. The Balkans region has achieved substantial economic growth and increase in gross domestic product and living standard, while restoring

12 Regional Cooperation Council (RCC), Central European Initiative (CEI), Black Sea Economic Cooperation (BSEC), SEE-6 (Serbia, B&H, Macedonia, Albania, Montenegro, Kosovo).

13 After Berlin (August, 2014) and Vienna (2015) the 3rd Western Balkans Summit within the scope of the Berlin Process was held in Paris in 2016.

microeconomic stability. The countries made evident efforts towards building good neighbourly relations. Yet, the structural reform processes which began during the last decade of the 20th century were stalled and left incomplete in most countries in the region, as a victim of various interest groups and reform fatigue. The pace of political and economic transformation in most of the Balkans countries is too slow. Even though there is some progress in the fight against corruption, it is still widespread in the political and economic sphere.

The lines along which the Western Balkans countries are grouping have also changed after the creation of this framework, i.e. the first decade of the 21st century. For example, while the Serbian-Croatian relations were crucial for the overall stability in Former Yugoslavia, the relationship between Serbia and Albania with an open issue of Kosovo's status has become the most important relationship in the Western Balkans. For this paper, it is particularly important that stability in Bosnia and Herzegovina and in the entire region is strongly influenced by the relations between Serbia and Croatia. According to many opinions, Serbia is a key factor of regional cooperation and stability (in particular after the establishment of cooperation between Tirana and Belgrade and the announcement of Serb-Bosniak dialogue).

However, after the period of growing optimism, relations between the countries in the region, including Serbia's relations with its neighbours, deteriorated in 2016. The latest crisis in relations and bilateral cooperation in the region has shown that regional cooperation is more dependent on the strong influence of EU, and in particular of Berlin, rather than on leadership initiatives in the Western Balkans countries. The consequences of recent conflicts are still present, despite the emergence of new regional institutions, initiatives and projects of cooperation. Domestic problems plaguing individual countries and their politicians' inability to adequately answer the bigger and bigger social and economic challenges are also major aspects of today's relationship in the region (*Međunarodno sučeljavanje, 2016:3*). The stagnation of relations was mostly caused by the activities of Russia and Turkey aimed at curbing the Western Balkans' integration into Europe. Serbia is a hostage to the "policy of neutrality" standing in the way of its progress towards European integrations, due to non-compliance with EU foreign policy. At the same time it manifests more and more frequently how much the deep-rooted nationalism – in its very nature and structure – prevents it from turning towards the future. This is confirmed through tensions in the triangle Croatia-Bosnia-Serbia have seriously grown over past months (*Međunarodno sučeljavanje, 2016:2,3*).

The truth is that, in reality, countries of the region rely on each other. The relatively small size of their internal markets and limited resources suggest they should connect into more compact economic space. Intensification of bilateral economic relations and benefits of the Central European Free Trade agreement (CEFTA) 2006, should contribute to the betterment of all stakeholders. Well connected

transport and energy infrastructure within the Western Balkans is needed to facilitate economic activities and to ensure closer integration with the European infrastructure in the areas of transport and energy. *Integration into the Trans - European Transport and Energy Networks (TENT) and access to EU funding and the European funds intended for countries in the Western Balkans, opens up new opportunities for development and brings them closer to the EU in new ways.* The South East European Centre for Entrepreneurial Learning (SEECCEL) was established with a view to improve regional dialogue and targeted cooperation.

Cooperation on the Danube River is of particular importance for the development of Serbia and its neighbours in the Danube region. The “European future” of this cooperation is linked with the EU Strategy for the Danube Region. This is an opportunity for enhancing cooperation among countries of the Danube region, including non-EU countries/Western Balkans and EU countries, and an important platform for the implementation of infrastructure projects that will benefit entire Danube region. In order to achieve the purpose and desired outcome of the Danube Strategy, a high level of political commitment and responsibility of relevant government institutions is required. The strategy represents a new platform for cooperation, which should facilitate regional transformation towards higher economic growth rates, higher investment and employment.

The Berlin Process, initiated by German Chancellor Angela Merkel in 2014 has not contributed in any major way to the dynamics of regional cooperation regardless of all summit meetings convened to have it spurred (*Međunarodno sučeljavanje, 2016:2*). The process was continued through follow-up meetings held in Vienna (2015) and Paris (July, 2016). The results of these summit meetings highlight the importance of the Berlin Process and its continuation for the overall stabilization and creation of prerequisites for further development of the region.¹⁴

Normalization of the relations with Kosovo through the *Brussels Dialogue* and active participation in the *Berlin Process*¹⁵ is important for Serbia and its

14 The key message from the Paris Summit is: “The future of the Western Balkans lies in the European integration and in regional cooperation, while connectivity and trade are an opportunity and a challenge for the region”, is stated in the *Final Declaration by the Chair of the Paris Western Balkans Summit*.

15 The conference on the Western Balkans and priorities for future development in the light of EU accession, which was held in Berlin on 28 August 2014, activated many important issues primarily focused on investments, infrastructure, competitiveness, transparency and predictability of the business environment. This was the beginning of the so-called “*Berlin Process*” which led to active participation of the governments and business associations (chambers of commerce). Within this process, many very important projects related to road and railway networks have been agreed; in particular the investment projects in energy security and ensuring greater level of skills, professionalism and transparency in the fight against corruption. The importance of implementation of projects within the Balkan Six, apart from the immediate benefits in linking countries in the region, has long-term effects of raising the importance of the Western Balkan markets and investments in the region for the European and other investors. From a political and institutional standpoint, this program requires frequent meetings and joint work of politicians and governments which, among other things, can lead to the harmonization of legislation, as well as institutional and procedural solutions (*Janjić 2015:66*).

minority policy. In this context, the Western Balkans cooperation is a path towards the EU. Cooperation across the Western Balkans is an important component of the regional approach to the protection of national minorities. Regional cooperation would, *inter alia*, facilitate improvement of the status of “new minorities” in the countries of Former Yugoslavia. This is relevant in particular for the Croatian-Serbian relations and for the status of Croats living in Serbia, i.e. Serbs living in Croatia.

Based on the fact that dominant processes in the Western Balkans region and the countries surrounding Serbia are related to the EU integrations, while Serbia has officially opened the EU membership negotiations, the EU context is inevitable political and legal environment in which bilateral issues with Serbia’s neighbours should be considered. The benchmarks that have been set for chapters 23 and 35, address in different ways the status and rights of national minorities.

Pursuant to negotiated terms and obligations under Chapter 23, this specifically refers to bilateral relations with Serbia’s neighbours: Bulgaria, Romania, Hungary and Croatia - member states of the European Union. As for, Chapter 35 deals with the normalization of relations between Belgrade and Priština, relevant are the issues that are related to normalization, deriving from the multi-ethnic character of Kosovo and mutual relations on the rights of national minorities and ethnic groups. Despite the importance of regional cooperation for each country in the region and for supporting and facilitating EU enlargement to the Western Balkans, Serbia does not have an advocacy strategy with other Western Balkans countries, in particular with those in the way accession to the EU, aimed at promoting and speeding up their EU accession (*Strategija zagovaranja, 2016:1*).

It is certain that global challenges and problems faced by the EU (Brexit, the refugee crisis, the Eurozone crisis and institutional reform, international terrorism) will slow down the enlargement process and Serbia’s accession. The EU is too preoccupied with itself rather than advancing its enlargement, which remains the most successful EU policy and a key argument in defending the common objectives, philosophy, postulates and strategy of the European Union, and integration process which determines its very essence. EU needs to speed up integration of the Western Balkans so as to put an end to regressive trends that are, coupled with still unsolved refugee crisis, a security risk to Europe (*Međunarodno sučeljavanje, 2016:6*). In essence, this is about the preservation of identity and leadership position of the European Union, which is confirmed by the latest decisions of June/July 2016 to open new negotiating chapters with Montenegro and Turkey and especially to the negotiations for chapters 23 and 24 with Serbia.

Stagnation of regional cooperation through 2016 is relevant for the overall economic and political crisis in the region and in the EU, because it is an important mechanism for maintaining stability and sustainable development of

countries in the region. In case of Serbia, regional cooperation is an important policy instrument used by the Serbian leadership for achieving its EU integration strategy and an instrument of relaxation or normalization of bilateral relations with its neighbours (*Milivojević, 2016: 98, 99*).

5. Serbia's cooperation with neighbouring countries - EU member states

As a »kin state« for persons belonging to the Serbian national minority residing in other countries, the Republic of Serbia has an interest that the rights of Serbian national minority that are guaranteed by international and national regulations and bilateral treaties, are respected, regardless of their number. As already indicated, this paper examines the status of the Serbian national minority rights only in the neighbouring EU Member States (see: *Appendix: Serbian national minority in the neighbouring countries - members of the European Union*).

The Serbs of *Romania* are a recognized ethnic minority numbering 18,485 people (0.1%) according to the 2011 census. Demographically, the Serbian community in Romania shows low birth rate and an aging population (according to the 2002 census, there were 22,562 Serbs). Today, they mostly live in western Romania, along the state border with Serbia (Timiș, Arad, Caraș-Severin and Mehedinți counties). They constitute absolute majority in two municipalities and relative majority in one (Sokolovac). Most Serbs, almost one third, live in the city of Timisoara, with a very small percentage living outside the Banat region. In absolute terms, the majority of Serbs live in the capital of Romania, Bucharest.

The Serbs in *Hungary* are officially recognized as a national minority. According to the 2011 census, out of the 9.9 million people, 83.7% persons declared Hungarians, and the rest are national minorities. The Serbs, numbering 10,038 (0.1%) constitute the sixth most numerous minority in the ethnic makeup of Hungary. The Serbian minority has been characterized by good education structure with the highest percentage of highly educated persons and the smallest proportion of those who have not completed at least primary school, in part because of the large number of Serbs living in urban areas, particularly in Budapest.

The exact number and status of Serbs in *Bulgaria* is hard to determine because Bulgaria does not recognize the presence of any national minority on its territory. Instead, Bulgaria views the Bulgarian nation as a homogeneous whole, with population of different ethnic origin. Therefore, it is difficult to determine the number and status of Serbs in Bulgaria. Although some historical data suggest that there is indigenous Serbian population in the western part of the country (Trn, Breznik, Belogradčik...), Bulgaria refers to them as a small Serbian Diaspora that has moved there in recent times. 2011 Bulgarian census registered 569 Serbian citizens living permanently in Bulgaria. According to other sources (Ministry of Diaspora Affairs), there are around 20,000 Serbs in Bulgaria, while the information available to government institutions, the number of Serbian citizens who are permanently residing in Bulgaria is around 1500.

The Serbs of *Croatia* constitute the largest national minority in Croatia with. There are 186,633 Serbs, or 4.4 per cent out of a total population. Compared to the previous census (2002) population dynamics of the Serbs indicates an absolute decline (7%) as a result of negative growth. The number of Serbs significantly reduced (65%) during the period 1991-2001 due to forced migration. In terms of territorial distribution, the Serbs are most numerous in Zagreb, followed by Banija, Kordun, Lika, North Dalmatia, Slavonia and West Srem and Baranja. Persons belonging to the Serbian minority account for the majority (over 50%) in 17 municipalities in Croatia.

The issue concerning the rights and status of national minorities has been raised in bilateral relations with all three neighbours. Their starting positions are different in terms of content and size, but there is a consensus among all three neighbours about establishing some specific commitments for Serbia in its EU accession process. This consensus brings in coordination of activities among the neighbouring countries that has been manifested in developing the *EU Common Position on Opening Negotiating Chapter 23* and setting the interim benchmarks for this chapter.

The EU has additionally reinforced such position of Serbia's neighbours by including into the *EU Common Position* the unresolved bilateral disputes that could not be resolved by the parties concerned, thus ensuring that they will be addressed in the accession negotiations. The countries that have harmonized their

particular interests is forming an interest group in the EU, which attempts to raise the bilateral issues to the area of interest of the institutions of the EU in charge of conducting negotiations with Serbia. As a result of this, Serbia has become the first enlargement country invited to develop and submit a dedicated *Action Plan for the Exercise of the Rights of National Minorities*, as discussed earlier.

In this context, a baseline to assess the status and rights of national minorities is the following:

- Representation of national minorities in representative bodies at the re-public, provincial and local levels of government;
- Representation of national minorities in other institutions of importance for political system functioning and enjoying basic human rights and minority rights;
- Respect for the use of minority languages;
- Cross-border cooperation as an instrument for improving the status of national minorities.

5.1. Cooperation between Serbia and Hungary

The main hypothesis of this section is that the relations between Serbia and Hungary in the last nine and a half decades have been largely influenced by the Serbia's policy towards ethnic Hungarians residing on its territory.¹⁶ This influence was more pronounced in the period between the two world wars and after the fall of the Berlin Wall through the 1990s. Supporting and safeguarding the Hungarians living beyond the borders has been a constitutional responsibility of the Hungarian state. Over the last quarter of a century, the policy towards ethnic Hungarians in neighbouring countries has been viewed as one of the pillars of Hungarian foreign policy. Therefore, bilateral relations between Serbia and Hungary actively influence the status of ethnic Hungarians in Vojvodina, while the status determines Hungary's support for Serbia's EU accession.

Today, Serbia has an embassy in Budapest and an honorary consulate in Szeged, while Hungary has an embassy in Belgrade and a general consulate in Subotica. The two countries share 175 km of common border. The Danube River and roadway-railway Corridor 10, two of the most important pan-European transport corridors pass through Hungary and Serbia. The two countries established diplomatic relations in 1882. During the break-up of Yugoslavia, Hungary

¹⁶ With the Treaty of Paris, in 1919 and 1921, the territory of Serbia, i.e. the Kingdom of Serbs, Croats and Slovenians was expanded to include the present day Vojvodina, traditionally resided by large number of ethnic Hungarians, besides the Serbs.

abstained from interference and did not incite internal conflicts. Hungary recognized Kosovo as an independent state on March 19, 2008, along with Croatia and Bulgaria. According to the official statements, highest officials, According to public statements, the relations between Serbia and Hungary have never been better in the history than during the period of Orban and Vučić government.

In 2013 and 2014, the new Serbian Progressive Party-led ruling coalition in Serbia made several important symbolic political steps towards facing the truth about history and sufferings of the Hungarian minority at the end of World War II.¹⁷ The National assembly of Serbia adopted a *Declaration Condemning the Atrocities which were Committed against Hungarian Civilians between 1944 and 1945*¹⁸; On June 26, 2013, Hungarian President János Áder visited Serbia and formally apologized for war crimes committed against Serbian civilians by Hungarian forces during World war II.¹⁹ This process was continued by the Serbian Government passing a resolution to annul legislation that stated the collective guilt of ethnic Hungarians in three villages in Bačka (Čurog, Žabalj, Mošorin) and the prime minister Aleksandar Vučić laying flowers at a monument for the victims of retaliation in Subotica on November 2, 2014 (see: *Poklanjanje i isplata jednog duga*, at: www.magjarszo.rs/hu); president Tomislav Nikolić and his counterpart János Áder, by uncovering a monument in Čurog on November 3, 2013 (*Poklanjanje u Čurugu*, at: www.magjarszo.rs), paid tribute to both the Serbian and Hungarian victims of retaliation (*Tucić, 2016:17*). These political and symbolic gestures from the Serbian authorities make a positive exception in the region, bearing in mind that Romania, Slovakia, Croatia and Ukraine, the countries in which the large-scale expulsions of ethnic Hungarians took place in 1944 and 1945, did not make similar political steps. The positive trend in the development of bilateral relations was successfully crowned with the joint sessions of the two Governments, in Belgrade, Budapest and Niš, through 2014-2016.

Trade cooperation between the two countries has been marked by an upturn.²⁰ From January to December 2015, exports Hungary amounted to EUR

17 In late 1944 and early 1945, partisans and new communist authorities committed a systematic persecution, retaliation and revenge against Hungarians in Vojvodina. At that time, tens of thousands of Hungarians were killed, punished or expelled without trial.

18 It should be noted that some of the deputies of the National Assembly of Serbia expressed their doubts about the sincerity of this step. According to them, the reason behind the declaration was to score political points before the session of the Council of the EU (Council of Ministers) at which a decision to open accession negotiations with Serbia was made.

19 The Hungarian-Serbian commission of historians was formed in December 2010, to investigate crimes between 1941 and 1948.

20 The Hungarian-Serbian Chamber of Commerce was founded in 2009, as well as the Hungarian-Serbian Business Council (2006). A Memorandum of Understanding between the two Ministries of Economy (2006), Memorandum of Cooperation between national agencies for trade promotion and foreign investments (SIEPA and Hungarian ITDH), Memorandum of Cooperation in the area of small and medium-sized enterprises were signed, and the Hungarian-Vojvodina Economic Council was established in 2007.

294.5 million, and imports stood at EUR 719 million²¹. The most important aspect of Serbian-Hungarian cooperation is infrastructure development, more precisely the Budapest-Belgrade railway reconstruction project financed through the China-CEEC Fund. The Budapest-Belgrade highway, i.e. the road route of Corridor 10, with a highway branch to the Middle East, accounts for the largest part of traffic from Central to Southern Europe. Hungary is an important partner of Serbia in the energy sector, because Serbia receives its gas and oil supplies from Russia or Austria via Hungary. However, cooperation in the agricultural sector is not at the desired level, considering the needs and experiences in this industry.

Serbia and Hungary saw a major growth in bilateral cooperation in the sector of security and internal affairs, over the “refugee crisis” in 2014 and 2015, resulting in the improvement of consular cooperation.

Hungary supports the integration of Serbia to the European Union and at the same time safeguards and promotes the status of Hungarian minority outside its borders by having developed protection policies and through bilateral cooperation. Successful implementation of this approach is supported by the fact that the Hungarians are the largest national minority in Serbia, represented in public and political life at all levels of state authority (*Politička participacija: 2016*) The Hungarian national minority is one of the best organized minority communities in Serbia, due to the major contribution of cultural and other organizations of persons belonging to the Hungarian national minority, and in particular the National Council of Hungarian National Minority and political parties with the Alliance of Vojvodina Hungarians (AVH) standing out among them.²²

21 Large difference is caused by the fact that Supplies most of its energy through Hungary, which should motivate both countries to engage in projects related to infrastructure, roads and energy.

22 The Alliance of Vojvodina Hungarians (AVH) is the largest party representing the Hungarian minority. It has been continuously participating in the Assembly of AP Vojvodina as part of the ruling coalition since 2000. The AVH is continuously represented, with few exceptions, in most local governments in which Hungarians make up a majority of population. At the national level, the AVH was in government but also in opposition after 2001. In 2014, the most powerful ethnic Hungarian party entered into a strategic partnership with the Serbian Progressive Party (SPP) at all levels of government from the national, through provincial level, to local governments in which the AVH won seats in the local government elections. As a result of this strategic partnership, AVH politicians occupy important positions, such as: state secretaries, members of the provincial government, mayors, members of city/municipal councils, including management positions in dozens of institutions and public enterprises. Such broad participation in government enables the AVH to have a small army of salaried political functionaries and through them a continued influence on the electorate, good organization, financial stability and influence on development projects and budget spending. The governments in Belgrade and Budapest recognize the AVH as the only legitimate representative of Hungarians in Serbia and accept it as a strategic partner. Under such circumstances, the fact that the Hungarian community is politically heterogeneous is disregarded. This was confirmed in the elections of April 2016, when AVH had its worst result since the founding, despite open support from Belgrade and Budapest, and huge advantage in terms of the media, financial and organizational support. An alternative Hungarian political option at the provincial and municipal elections, formed by the Hungarian Movement and the Democratic Community of Vojvodina Hungarians, won about 20% of the Hungarian votes. It is estimated that the remaining active Hungarian voters supported some of the major Serbian parties, mostly the SNS.

The Serbian-Hungarian cooperation takes place on a bilateral level²³, through regional organizations and initiatives²⁴ and the *EU Strategy for the Danube Region*,²⁵ and within the framework of the *Danube–Criş–Mureş–Tisa Euroregion*, together with Romania.

Officially, there are no outstanding issues in bilateral relations between Serbia and Hungary. Moreover, a demand by the Hungarian elite in Serbia regarding a personal autonomy for the eight municipalities with a high concentration of Hungarian minority in Northern Vojvodina, where ethnic Hungarians are largely represented or have a majority, has been put aside and there are no public debates and proper answers to this issue.

Hungary has been very committed to defending its compatriots and their interests in Serbia in international organizations and in the bilateral context. The relations between the two countries were particularly tense in the mid-first decade of the 21st century; in this period a significant number of ethnically related attacks against Hungarians and their institutions in Vojvodina was registered, and the perpetrators remained unknown or were regularly evading criminal prosecution (*Magyarverések Szerbiában –Hungarians in Serbia beaten up, at: www.vajma.info*). Today, the picture is changed by almost 180 degrees. In 2016, leading politicians in Hungary were speaking of a historic peak in relations between Serbia and Hungary, stressing that the rights of Hungarians in Serbia were guaranteed at the highest level and that there were no significant problems regarding their status in Serbia (*Orbán: Itt az ideje a magyar-szerb gazdasági együttműködés*

23 There are 133 bilateral agreements in force, whereas the contractual situation with Hungary has not been consolidated yet. A complete list of all international agreements and conventions can be found at the website of the Ministry of Foreign Affairs of the Republic of Serbia: <http://www.mfa.gov.rs>).

24 The *South-East Europe Cooperation Process*: Regional Cooperation Council (RCC), Central European Initiative (CEI), Black Sea Economic Cooperation (BSEC), Southeast European Law enforcement Centre (SELEC) based in Bucharest, Southeast Europe Policy Chiefs Association (SEPCA), Danube Cooperation Process (DCP), Tisza Group, Danube Commission, etc.

25 Hungary has been a proactive and committed partner in the implementation of the *EU Strategy for the Danube Region*, responsible for the coordination of the following Priority Areas: PA 2 "To encourage more sustainable energy" with the Czech Republic; PA 4 "To restore and maintain the quality of waters", with Slovakia and PA 5 "To manage environmental risks" with Romania.

Hungary has initiated the new research projects on innovative vessels, and one of such projects is NEWS - Development of next generation of European in land waterway ship and logistics system, aimed at improving mobility and intermodal inland waterways and thus represents a support to one of the objectives of *EU Strategy for the Danube Region*. The objective is to increase the share of inland waterways in goods traffic (container transportation, in particular) on the Danube. Developing technological solutions to renew the Danube fleet, with more competitive and environmentally friendlier approaches, e.g. through more efficient, cleaner engines, and better ship body design. This contributes to the overall goal to increase sustainable cargo transport on the river by 20 % by 2020, compared to 2010.

The seat of the EC Secretariat for the Danube Transnational Programme is in Budapest. The programme contributes to the implementation of the EU macro-regional strategy for the Danube Region. The Danube region covers the territory of 14 countries. Total budget during the 2014-2020 Programming period is EUR222 million, of which EUR202 million comes from the European Regional Development Fund and EUR19.8 million from the IPA (Instrument for Pre-Accession Assistance).

mnegerősítésének - Orban: The time has come to strengthen economic cooperation between Hungary and Serbia, at:www.inforadio.hu). Besides politicians in Hungary, the leader of the biggest political party of Hungarians in Serbia, István Pásztor, as well as the Chairman of the National Council of the Hungarian Ethnic Minority in Serbia, Jenő Hajnal, also share similar optimism (*Srbija i Mađarska zadovoljne položajem manjina – Serbia and Hungary satisfied with the position of minorities, at:www.rtv.rs*). Statements of Serbia's highest ranking officials are also full of praise for the status of Hungarians in Serbia (*Vučić: Najbolji politički odnosi, razvijaćemo dalje ekonomske – Best political relations, now we shall improve economic ones, Politika, 22 November 2016*). Hungarian politicians who are not members of AVH give a somewhat different image of the status of Hungarian minority in Serbia – their statements speak of unfavourable trends, such as a drastic reduction in the number of Hungarians; of political persecution of AVH's opponents, of the marginalization of Hungarians in the society in general, of servility of AVH towards the Serbian Progressive Party (*Visszafordítható-e a kivándorlási hullám? –Is it possible to stop emigration, at: www.vajma.info*).

It would be untrue to link the upturn in Serbian-Hungarian relations exclusively to Serbia's policy towards the Hungarian minority, or the interest of AVH to present this policy in the best light. Bilateral relations are influenced by a number of various factors which are linked neither to the position of minorities, nor to reciprocity in minority policies of the two states. Firstly, Hungary is very much engaged in establishing an anti-immigration group of countries in Europe, which would jointly change the pro-migrant policy of EU officials in Brussels. It is a strategic interest of Hungary to include Serbia at least partly into this group, together with Poland, Slovakia, the Check Republic and possibly Bulgaria. Particularly so in view of a significant deterioration of relations between Hungary and Croatia which was until recently deemed to be the most important partner of Hungary in the Western Balkans; secondly, Hungary is obviously intensifying economic exchange and partnership with Serbia and is planning in the long term to become one of Serbia's three major economic partners in terms of foreign investments and foreign trade. This intention is clearly illustrated also by the plan to construct a high-speed rail line between the two capitals in the next 2-3 years. All said should indicate that the positive assessment of Hungarians' rights in Serbia as well as Hungary's support for Serbia's membership in the EU are not linked exclusively to interests of Hungarians in Vojvodina nor to the actual state of play of minority rights in Serbia. In such circumstances many of the unsolved problems of Hungarians in Serbia have been neglected and remained concealed behind political interests of the two states and of AVH's interests. After the decision of the Constitutional Court, the crippled legal framework for minority rights has not yet been amended although three years have passed; there is no progress in the implementation of rights guaranteed by law regarding the official use

of the Hungarian language and script; provisions of proportional representation of Hungarians in the police, administration and the public sector have not been implemented; rehabilitation proceedings for Hungarians wrongfully convicted after World War II have been unfolding with difficulties; irrational organization of administrative districts at the expense of Hungarians' interests survives even after 25 years; within the Hungarian community the AVH persecutes opponents and limits fundamental human rights of political adversaries; the overall atmosphere and perspective in the Hungarian community are discouraging and the result is mass emigration regardless of the artificial optimism and satisfaction of AVH leaders, etc.

As an autochthonous national community, Hungarians have been living in Serbia almost exclusively in the territory of AP Vojvodina (according to the 2011 census, out of a total of 253 thousand Hungarians, 251 thousand live in Vojvodina), mostly in its northern parts. Some 2/3 Hungarians live in settlements in which they constitute the majority on the local level, and 1/3 in settlements in which they are a minority at the local level. In town Subotica, and in seven municipalities, Hungarians constitute a relative or absolute majority of the population (*Stanovništvo, 2012: 19, 21*). The demographic status and developments within the Hungarian population are markedly unfavourable. Since the mid-seventies, the number of newborns is each year below the number of Hungarians who passed away, namely, natality is negative. Due to the low birth rate alone, the number of Hungarians is annually reduced by multiple thousands, and the average age of the population is significantly above 40 years. To the negative natural demographic tendencies, we should also add massive emigration – economic emigration of Hungarians to the EU and partly also to the U.S.A., Canada and Australia. Since 2011, when a privileged admission to Hungarian citizenship (which is a citizenship of an EU member state and a state within the Schengen Zone) was enabled, this trend has significantly accelerated. Although no relevant sociological research was conducted, even moderate assessments given by experts indicate that at least ten to fifteen thousand Hungarians (in their active age) left Serbia for good since 2012. This trend was not abating at the end of 2016, as illustrated by the undiminished interest for admission to Hungarian citizenship, and the growing number of parents who see their children's future beyond Serbia's borders.²⁶ The overall spirit within the Hungarian community in Serbia is markedly negative, particularly since 2012, which apart from negative demographic and economic tendencies additionally weakens this community. Until the end of this decade the expected number of

²⁶ Until December 2016 around 200 thousand Serbian citizens, mostly members of the Hungarian minority, applied for Hungarian citizenship; most frequently, the applicants generally do not conceal that their motive is to get a job easier and migrate to the EU. The number of students enrolled in Hungary has been increasing since 2013 regardless of the exceptional conditions and scholarships available to students who study in Serbia.

Hungarians effectively living in Serbia will almost certainly fall below 200,000, with an extremely unfavorable age structure. This will inevitably have an impact upon the total social, economic, political and even legal position of this national minority in Serbia.

The thing that to a certain extent makes Hungarians different from other small ethnic minorities in Serbia, is their relatively better developed institutional framework which ensures the realization of rights related to their mother-tongue in the field of education, culture and information.²⁷ Hungary is also financially supporting the development and activity of institutions aimed at the preservation of Hungarian culture and national identity. In this period dozens of millions of Euros were invested in such activities. However, the establishment of the *Prosperitati* endowment in early 2016 marked the beginning of a qualitatively completely new way in which Hungary is supporting Hungarians in Vojvodina (*More details on the Endowment at: www.prosperitati.rs*).

In November 2015 the Hungarian government issued Decision No. 1830/2015 pursuant to which more than EUR 160 million (50 billion forint) shall be allocated in 2016, 2017 and 2018 to finance AVH's program for the development of Vojvodina's economy. The size of these funds, their purpose (assistance to Hungarian entrepreneurs in Vojvodina), and foundations of the program (it was developed by the political party of the ethnic minority) are in terms of quality and quantity a new way to support Hungarians in Vojvodina. The onset of activities of the *Prosperitati* endowment and its various tenders were in the centre of the AVH's election campaign in early 2016. In 2016, the *Prosperitati* successfully accomplished 15 public calls and distributed around EUR 14 million to 2,500 users – farmers, entrepreneurs or natural persons (*Mérlegen a Prosperitati első éve* – *Balance of the first year of Prosperitati, interview with Bálint Juhász, Chairman of the Endowment, published in the daily Magyar Szó, atwww.prosperitati.rs*).²⁸ Apart from the *Prosperitati* and continuous support of

27 On the one hand, the reason for this is that Hungarians are traditionally recognized as an ethnicity (national minority) in Serbia and Vojvodina, and in the times of the socialist regime – particularly in the seventies and eighties of the 20th century – they enjoyed the fruits of the positive policy in regard to minorities of Yugoslav authorities and particularly authorities in Vojvodina; on the other, in the last twenty years Hungary has financially supported the construction and development of institutions in the field of education, culture and information for Hungarians in Serbia. In this period Hungary invested multiple million Euros into the construction, equipping and costs for the activity of student and pupil's homes, media houses, cultural centres, high schools, cultural monuments etc.

28 In 2016 the *Prosperitati* Endowment focused on distributing subsidies to as many users as possible, and not on the feasibility and positive economic effects of the assistance. Since 90% of the total available funds for stimulation and loans in 2016 were not spent, it is expected that future public calls will instead of planning several thousands of Euros per call rather earmark more significant funds for bigger beneficiaries, first of all successful businesses. Lack of expert analyses makes it impossible to assess the impact which the endowment's activities up to now made upon the overall economic position of Hungarians in Vojvodina. However, two things are certain – in 2016 *Prosperitati* Endowment was an important tool of AVH to make a good election result; and, Hungarians in Vojvodina did not have at their disposal the Endowment's funds to strengthen their own economic vitality and the economic

Hungary to educational, cultural and media institutions of Hungarians in Serbia, it is also significant that more than 80% of the Hungarian National Council's annual funds are donations from the Hungarian state (*Elszámolás és tervezés – Cost calculation and Planning*, at: www.magyarszo.rs).

As regards the legal status of Hungarians in Serbia and the strengthening of the institutional framework, the period 2001–2010 should be particularly highlighted, in which the legal framework for protection of minorities in Serbia was significantly promoted and new public institutions and organizations financed from the state budget were established; these institutions and organizations are aimed at the preservation of identity of Hungarians in Serbia and the realization of their minority rights.²⁹ Legal standards related to protection of minorities stagnated to a certain extent after 2010, and particularly after 2013, when the Constitutional Court declared as unconstitutional many of the provisions related to minority rights both in the *Statute of AP Vojvodina* and the *Law on National Councils of National Minorities*. No legislation was passed to fill the gaps resulting from the Constitutional Court's decision, regardless of the fact that AVH is part of the ruling coalition both at the level of the Province and of the Republic.

The economic position of Hungarians in Vojvodina is similar to the economic position of Serbs in the Province, however, there are also certain differences: Hungarians are to a greater extent engaged in agricultural production, and their percentage in the public administration is below their share in the total population, so that they were mainly omitted from privatization i.e. initial capital accumulation through privatization. This, as well as their level of education below the average (the number of citizens from the Hungarian ethnic group with a university degree is significantly below the average) is the reason why the economic position of Hungarians in Vojvodina is nonetheless noticeably weaker than the position of Serbs in the region, which certainly has an impact upon their overall social position.

Since 2011, when Hungary passed the law to enable all descendants of former Hungarian citizens who understand and speak Hungarian to acquire

development of the environment in which they live. Serbian state does in no way deny or complicate the activity of *Prosperitati*, nor does it deny or complicate the entire, innovative and certainly unusual development project reaching beyond state borders. Although users of funds are mainly Hungarians from Vojvodina the benevolent relation of Serbian authorities towards them is motivated by the fact that these funds are used in Serbia, the equipment, facilities and land are bought in Serbia, and VAT is also paid to the budget of Serbia. Funds used until now resulted in more than a million Euros been paid to the state budget.

²⁹ In this period several laws were passed with active involvement of political representatives of Hungarians, and often also upon their initiative, including: the Law on Protection of Rights and Freedoms of National Minorities, Law on Determining Specific Jurisdictions of AP Vojvodina, Law on National Councils of National Minorities, certain provisions of the Constitution of the Republic of Serbia. Besides, the Grammar High School Kosztolányi in Subotica, Bolyai High School in Senta, Teachers' Training Faculty in Hungarian in Subotica etc, were established.

Hungarian citizenship under an accelerated application process, without obligation to settle in Hungary, some 200 thousand Serbian citizens (mainly from Vojvodina) have applied for Hungarian citizenship, and a big majority of them have already obtained it. Serbia is following this process benevolently and is in no way making it more difficult for its citizens to acquire Hungarian citizenship, nor is it introducing discriminatory measures against dual citizenship. On the other hand, countries with significant Hungarian population, Slovakia and Ukraine, unlike Serbia introduced measures to sanction admission to citizenship so that in these countries this process is significantly more complicated, and unsuccessful. By enabling naturalization, the conservative Government of Victor Orban, apart from publicly declared goals, wants to achieve at least two more goals: on the one hand, with new citizens and their potential migration it may remedy the negative demographic picture as well as the lack of labor force in Hungary; on the other hand, by enabling voting rights for the new citizens, Orban's political option guarantees additional votes at all forthcoming elections (*Intervju sa Sabolčom Pogonjijem o efektima dvojnog državljanstva u listu 168 ora* <http://www.maszol.ro>).

It should be expected – provided that the position of AVH in the ruling structure does not change, that *Prosperitati* continues its activities in Serbia without problems, and that the strategic political interests of Hungary and Serbia do not change essentially – that Hungary will continue its maximum support to Serbia's accession to the EU and will in this context be fully satisfied with the status and rights of Hungarians in Serbia. The danger of such approach is that stagnation and sometimes even degradation of the legal framework for minority rights may be continued, and that there may be no progress in the implementation of standards. Therefore, it is recommended that politicians make decisions with particular emphasis on the following:

- effective implementation of the rights of Hungarians in all fields in which there are problems pursuant to existing standards and based on objective research and indicators,
- to assess the status and rights of Hungarians in Serbia based upon demographic developments and other objective criteria relevant for minority policies,
- to evaluate and monitor the internal relations within the Hungarian community, state of play of human rights and respect thereof, particularly the right to freedom of thought, speech and media within the Hungarian community,³⁰

30 Due to violating the freedom of the media by the Alliance of Vojvodina Hungarians (AVH) and the Hungarian National Council, being under the direct influence of this party, peaceful protests were held in front of AVH building in Subotica. Otherwise, massive protests have been extremely rare when it comes to the political life of Hungarians in the past 25 years, indicating the seriousness of the problem (Hungarian journalists protest over the media ownership by the Hungarian National Council and AVH, at: www.blic.rs).

- political pluralism in the Hungarian community should be accepted to be reality, and all legitimate representatives of Hungarians, and not only members of AVH, should be included into political processes.
- to promote cooperation between the Hungarian and Serbian governments in respect of monitoring the work of minority institutions;
- minority institution representation (cultural and educational) should be introduced as eligibility criteria for financial assistance from the Hungarian and Serbian governments.

5.2. Cooperation between Serbia and Romania

Bilateral relations between the Republic of Serbia and the Republic of Romania have been fairly good and stable for decades and can serve as a “model of good neighbourliness”. It is assumed that one of the reasons for good Serbian-Romanian relations lies in the fact that, in spite of being on opposing sides in the past and having different geopolitical objectives, the two countries have never gone to war with each other. There are no “historic debts” that burden their relations and impose political conditions for development. Diplomatic relations between Serbia and Romania were established 136 years ago, back in April 1879, after the official international recognition of the state of Serbia at the Berlin Congress in 1878. The evidence of good political relations between the two countries is being manifested by exchange of visits by high level officials of the two countries: Romanian President Iohannis visited Serbia only shortly after the inauguration; meeting of Prime Ministers of Serbia and Romania in *Timișoara at the end of 2016; meeting on the sidelines of international meetings, etc.*

To date, Romania and Serbia have signed 119 bilateral agreements (*Perković, 2016: 38, 39*). Among these, two agreements of the utmost importance are: *the Agreement on friendship, good neighbourly relations and cooperation between the Federal Republic of Yugoslavia and Romania*, signed in Belgrade (1996), which was ratified by the Romanian Parliament (1997) and revised and signed in Belgrade (2002), together with the *Agreement between the FRY and Romania on cooperation in the field of protection of national minorities*, which was ratified in 2003. The latter agreement established the Intergovernmental Mixed Commission for National Minorities of Serbia and Romania.

Economic cooperation between the two countries has been particularly dynamic. Romania shows great interest in the Western Balkans and views Serbia as one of the most important economic partners in the region. Economic exchange between the two countries is recording permanent growth. As a member state, Romania has access to various funding opportunities and

mechanisms for promoting and enhancing economic cooperation, which is a key element of the future foreign economic strategy of the two neighbours. In 2015, the total exchange of goods between Serbia and Romania recorded EUR 1.13 billion with Serbia enjoying a surplus of EUR 206 million. The coverage of imports by total exports reached 144.4%. In the first nine months of 2016, the total exchange of goods with Romania recorded EUR 903.9 million. Serbia exported EUR 540.7 million worth of goods which was a decrease of 1% relative to the same period in 2015. Imports amounted to EUR 361.1 million which was an increase of 3.7% relative to the same period in 2015. Many investment opportunities have not been tapped yet and this is an area where both countries should seek new opportunities. Cooperation in the field of energy is the biggest potential area of growth. The main framework for cooperation is the hydropower and navigation system Đerdap (Romanian: *Porțile de Fiera*), which has been, over the decades, the backbone of cooperation in the energy sector and an important driving factor of good-neighbourly relations³¹, despite different systems and policy options of the two neighbours (*Milivojević: 2016: 67 -79*). Currently, several energy projects are on the agenda of the two countries.³² As for infrastructure, on the sidelines of a China-CEEC conference the PMs of the two states Victor Ponta and Aleksandar Vučić agreed that the construction of Belgrade-Timisoara highway was of particular importance, emphasizing that future talks and preparations for this project should continue. At the meeting in Timisoara on November 10, 2016, Serbian PM Vučić and his Romanian counterpart Cioloș agreed about strengthening the economic relationship through the cross-border cooperation projects and further development of road infrastructure that will connect the two neighbours along the Belgrade-Timisoara route and further inside Romania.

Cooperation in consular relations and internal affairs goes smoothly and there are no interferences and open issues. It is particularly visible in the context of regional cooperation and instruments used to combat organized crime and prevent international terrorism and illegal immigration.

An example of cooperation between Serbia and Romania in the framework of the Danube Strategy is particularly illustrative.³³ At a ministerial meeting of the Danube Cooperation Process held in Kiev in June 2008, the minister

31 Another controversial issue has been raised lately. It is associated with mutual rights and obligations regarding the exploitation of the hydropower and navigation system Đerdap. For the time being, this issue is still handled by the Intergovernmental Mixed Commission for National Minorities of Serbia and Romania, with the possibility of being raised to higher levels of government, due to opposing views of the two sides.

32 These are: oil pipeline Constanța–Pančevo; gas interconnection Mokrin–Arad; electricity interconnection Resita–Pančevo; participation in the international AGRI project; renewable energy sources development.

33 EUSDR- The European Union Strategy for the Danube Region is focused on four Pillars: 1) Connecting the Danube Region (to improve mobility and inter-modality), 2) Protecting the environment in the Danube Region, 3) Building prosperity in the Danube Region, and 4) Strengthening the Danube Region (to step up institutional capacity and cooperation; to work together to tackle security and organized crime).

of foreign affairs of Romania was one of the initiators (the other being Austrian minister) who proposed that the European Council be asked to authorize the European Commission to draw up an EU macro-regional strategy for the Danube Region. This initiative was positively received by the European Council and the European Commission began work to develop the Danube Strategy that was formally adopted in 2011. Being the initiator of the proposal, Romania tacitly assumed that its contribution to the implementation of the Danube Strategy should be greater and more significant, as well as its participation in the projects. Despite the visible and proactive engagement of relevant Romanian institutions and other stakeholders in proposing and implementing specific projects, it must be noted that there were fluctuations in commitment primarily due to frequent change of government, relevant ministries and national coordinators.

The key open issue between the two countries is associated with the Romanian and Vlach minority and in particular the right to practice their own religion and use their own language in Serbia. In 2007, Romania enacted the *Law no. 290/2007 regarding the support for the Romanian nationals living abroad*, which was republished in 2008 and modified in 2013 and 2015. This law raised the issue related to the rights of Romanians and Vlachs to education, media, religious identity and public services. Under this law, Romanian nationals living abroad are persons who freely assume the Romanian cultural identity – persons of Romanian origin and who belong to the linguistic and cultural vein, who leave outside the Romanian borders, regardless of the way they are called (Armanians, Basarabians, Bucovinians, Cuto-vlachs, Daco-Romanians, Farserots, Hetens, Istro-Romanians, Danube Latins, Macedo-Romanians, Maramurensans, Meglenits, Megleno-Romanians, Moldovans, Moldo-Vlachs, Rramans, Rumns, Valahs, Vlachs, Volons, Macedo-Armanians, as well as all the other lexical forms related to those mentioned above). Romanians from Abroad are persons belonging to national minorities, linguistic minorities or native ethnic groups from Romania's neighboring countries, regardless of the used ethnonym. The law highlights the principles of territorial sovereignty, good neighborhood, reciprocity, *pacta sunt servanda*, with the principles of fundamental human rights and freedoms and of non-discrimination. The provisions of the law are applied based on protocols of joint bilateral commissions, based on reciprocity and according to the provisions of the Framework Convention for the Protection of National Minorities and with the OSCE recommendations. The enactment and implementation of this law demonstrates the commitment of Romanian state for protection of the rights of Romanians and Vlachs, primarily to education, information, freedom of religion and participation in public administration (Petraru, Cruceru, 2016: 1, 2).

The status of the Romanian minority is regulated by legal framework on protection of rights and freedoms of national minorities. According to the 2011

census data, there are 29,332 persons belonging to Romanian minority. The majority of ethnic Romanians live in the Autonomous Province of Vojvodina³⁴.

Romanians in Serbia are represented by the National Council of the Romanian Minority, established in 2002. Already at the formation of the Romanian national council, one part of the Vlach community representatives advocated for more members in the Romanian national council, arguing that all Vlachs and Romanians registered in the census form one community. However, the competent Ministry for Human and Minority rights decided that the number of members elected in the council must be based on the number of citizens who declared themselves Romanian, despite the fact that electoral list included organizations from eastern Serbia which represented the Vlach national minority (“Ariadne Fillum” Cultural Association of Romanians and Vlachs in Serbia and Romanian Cultural Center from Brestovac) (*Serbian-Romanian Relations and the Status of the Vlach Minority in Serbia, 2015*). Most activities of the Romanian national council take place in Vojvodina Autonomous Province, even though, apart from regional offices in Bor and Kladovo, the Romanian national council opened two more offices in eastern Serbia during 2013 and 2014, in Podgorac (Boljevac municipality) and Zajecar. Nevertheless, the majority of the Vlach community has opted not to participate in elections for the National Council of the Romanian Minority.

One of the key points of disagreement between Serbia and Romania is the dispute over the identity and selfhood of the Vlach minority in eastern Serbia³⁵. Other issues are related to Romania’s request about the right to religious freedom to conduct services in the Romanian language and activities of the Romanian Orthodox Church (ROC), with administrative seat in Vršac, in eastern Serbia.

The key issue regarding the political dispute over the selfhood of the Vlach national minority relates to language and script, as one of the main features of identity. There is an ongoing dispute within the Vlach community on whether Vlachs should have their own language and script separate from Romanian i.e. whether there are sufficient differences to allow the standardization of Vlach dialects into a separate language and script; or whether the Vlach language is the old-style (dialect) of Romanian spoken before the national awakening that took place in the 19th century. Current position of the National Council of the Vlach National Minority and Serbian institutions is that the Vlach minority speaks Vlach language; whereas the Republic of Romania strongly opposes the standardization of Vlach language, which was highlighted in the Protocol (minutes) from the meeting of the Intergovernmental Mixed Commission. The

34 According to the last census data, 29,332 citizens declared themselves Romanians.

35 According to the 2011 Census data, 35,339 citizens declared themselves as Vlachs. (Source: *The statistical office of the Republic of Serbia*).

first convocation of the Vlach national council decided that the Vlach mother tongue is Romanian and that it should be the official language of Vlach minority. However, in 2010, the newly-elected Vlach national council annulled this decision and adopted the Vlach language as official, followed by the decision to introduce the Vlach script in both Latin and Cyrillic versions (at the proposal from “Gergina”, a non-governmental organization, through the procedure that many believe was not in accordance with professional linguistics).

Another key point of disagreement between Serbia and Romania is the issue of freedom of religion and activities of the Romanian Orthodox Church in eastern Serbia. According to the orthodox canon law, the Romanian Orthodox Church can operate freely the territory of the Autonomous Province of Vojvodina. Despite of that, the Romanian Orthodox Church established Protoperbyterat Dacia Ripensis (Littoral Dacia), which organizationally belongs to the eparchy of Dacia Felix, with intention to enable services in the Romanian language in the territory of eastern Serbia, where most of the citizens who declared themselves as Vlachs reside and which, according to the orthodox canon law belongs to the Serbian Orthodox Church. Serbia refuses to recognize the freedom to the Protoperbyterat of the Romanian Orthodox Church to exercise its activities in eastern Serbia, pursuant to the provisions of the Law on Churches and Religious Communities of the Republic of Serbia (“Official Gazette of RS”, no. 36/2006), and lets the two churches resolve the issue.

Open issues between the two countries concerning the status and rights of national minorities are resolved in the framework of the Serbia-Romania Intergovernmental Mixed Commission for National Minorities. The last meeting of the Intergovernmental Commission was held in 2011. Based on the Protocol (minutes) of the last meeting there are seven groups of open issues concerning the Serbian and Romanian national minorities, as follows: representation of minorities in the parliament; the right to express and develop their ethnic, cultural, linguistic and religious identity and to preserve cultural heritage; education and information in their mother tongue; use of minority languages in state administration and local governments; and restitution of property.

As regards representation of minorities in the national parliaments, it was noted that the Romanian minority is only directly represented in the Serbian National Assembly, while the Serbian minority has one reserved seat in the Romanian Chamber of Deputies, for a deputy from the Union of Serbs in Romania. The Intergovernmental Commission took note that Romania strongly opposes the standardization of the so-called Vlach language and that such attempts are unacceptable. The biggest disagreement occurred when the issue concerning identification of Romanian minority in the Republic of Serbia was raised. The Intergovernmental Commission took note of the Serbia’s attitude, according to which affiliation with a minority group is a matter of personal choice, and governments do not have the authority to discuss and interfere with personal choice.

The Intergovernmental Commission further concluded that there is lack of qualified mother tongue teachers in both countries. As regards the right to information in the languages of national minorities, the Romanian side stated that it was violated by the Romanian Language Section of the Radio Television Vojvodina, asking for continuation of broadcasting and retransmission of the program in Romanian language in eastern Serbia. In 2012, Serbian and Romanian representatives reached an agreement, with the mediation of the OSCE High Commissioner for Minorities, according to which TV Bor should continue to broadcast news program in Romanian and retransmit the program of Radio Television Vojvodina. Finally, the Intergovernmental Commission proposed specific recommendations for both countries. One of the recommendations for Serbia was to consider changing the legislative framework to enable Romanian minority to be directly represented in the Serbian National Assembly.

The importance of this issue for Romania is illustrated by the fact that Romania's consent to granting Serbia candidate status for EU membership was conditioned upon Serbia's signing of the Protocol (Minutes) of the 2011 Second Meeting of the Intergovernmental Mixed Commission. In this regard, it is important that the Government adopts a mechanism that will ensure efficient monitoring and implementation of the recommendations served by Intergovernmental Mixed Commissions.

Likewise, Romania has supported all demands from other Serbian neighbours, led by Croatia, regarding criteria for the opening of chapters 23 and 24 in Serbia's accession negotiations.

The status of the Serbian minority in Romania is satisfactory and there are no open issues on the Serbian side, in terms of Romania's position towards the Vlachs and the "Vlach issue". The Serbian national minority in Romania is financed from the state budget from 1994.³⁶ As of 1990, the Serbian minority is represented in the Romanian Parliament. Serbian language is used in administrative-territorial units in which the Serbs represent over 20% of the number of residents (Timisoara and Caras-Severin district) and in three local councils (Timisoara, Caras-Severin and Mehediniti), while Serbian and Romanian languages are used in some other districts. There is no discrimination against the Serbian minority in Romania on political, national, religious or other grounds. The Serbian minority is represented in the Council for National Minorities, consultative body of the Government of Romania established in 1993 (*Petraru, Cruceru, 2016: 3*).

Romania did not recognize Kosovo's unilaterally proclaimed independence, and Kosovo as a sovereign state and subject of international law and international relations.³⁷ While adhering to such political position Romania supports

³⁶ The appropriation in the budget for the Serbian minority in 2016 was EUR926,000.

³⁷ In the meeting with Serbian PM Vučić in Timisoara on November 10, 2016, his Romanian counterpart Ciolos reiterated that Romania's position on non-recognition of Kosovo's unilaterally declared independence remains unchanged.

the Brussels-based dialogue between Belgrade and Priština. In this respect, Romania voted in support of Kosovo's membership in some international organizations and contributed to the decision to conclude a Stabilization and Association Agreement (SAA) between the European Union and Kosovo in the form of "EU-only" agreement, and abstained from voting on Kosovo's admission to UNESCO.

Of particular importance for overall relations of the two countries is the so-called "Craiova group" consisting of Bulgaria, Romania and Serbia, that was created in Craiova in April 2015.³⁸

Romania and Serbia successfully cooperate in activities implemented by various regional organizations and initiatives, such as: South East European Cooperation Process (SEECP), Regional Cooperation Council (RCC), Central European Initiative (CEI), Black Sea Economic Cooperation (BSEC), Southeast European Law Enforcement Centre (SELEC) based in Bucharest, Southeast Europe Policy Chiefs Association (SEPCA), Danube Cooperation Process (DCP), Tisza Group. Romania became a CEFTA-2006 member country³⁹, but withdrew from CEFTA-2006 after joining the European Union on January 1, 2007.

Romania and Serbia jointly participate in the Council of Danube Cities and Regions. It should be noted that the two countries implement joint projects within the Danube region through the Romania-Serbia IPA Cross-Border Cooperation Programme (CBC). The implementation of road and rail transport infrastructure joint projects and joint investments in the Danube basin are being considered.

5.3. Cooperation between Serbia and Bulgaria

Serbia and Bulgaria have a long history of diplomatic relations from the period before the Berlin Congress in 1878 when Serbia was officially recognized as an independent state and achieved full international legal personality. Official diplomatic relations between the two countries were established on 18 January 1879. Serbia and Bulgaria share 318 km of common state borders.

In the long history of Serbian-Bulgarian relations there were ups and downs, as the states on various geopolitical interests and options were often located at opposite sides. Serbian-Bulgarian political relations are stable and the two countries

³⁸ The idea behind this initiative was to provide a framework for coordination of activities, projects and regional cooperation inspired by the Višegrad Four (consisting of Hungary, Slovakia, Czech Republic and Poland), with the aim of promoting their own national and regional objectives

³⁹ CEFTA-2006 (Central European Free Trade Agreement) is a multilateral agreement which consolidated a network of 32 bilateral agreements on free trade which were in force from 2001. CEFTA Agreement now regulates trade relations between the following member states: Albania, Bosnia and Herzegovina, Macedonia, Moldova, Montenegro, Serbia and the UN Interim Administration Mission in Kosovo on behalf of Kosovo, in accordance with the UN Security Council Resolution 1244.

have good bilateral cooperation without significant oscillations; Serbia has an embassy in Sofia, while Bulgaria has an embassy in Belgrade and a general consulate in Niš. The last decade has seen improvements in bilateral relations. The process of EU integration with the focus on good neighbourly relations and regional cooperation, and common interests in maintaining security and stability in the region, has significantly contributed to better bilateral relations.⁴⁰

In present political relations between the two neighbours there are no outstanding issues that burden their cooperation, other than the recognition of Kosovo's independence by Bulgaria. Even though, officially there are no misunderstandings between the two countries, Bulgaria has, like Romania, supported all demands by Croatia regarding the respect for minority rights in Serbia, and in this regard, tie the minority issue with criteria for the opening of different chapters in Serbia's accession negotiations, in particular criteria for chapters 23 and 24. In this way Bulgaria, which does not recognize the presence of the Serbian or any other national minority on its territory, makes it clear that it will use its EU membership to raise the issues related to national minorities. For its part, Bulgaria has spelled out that it is not fully satisfied with the level to which the rights of the Bulgarian minority in Eastern Serbia are respected, indicating that in this area there is room for further dialogue and improvements of relations⁴¹. In this context Bulgaria backed Croatia in placing conditions before Serbia for opening Chapter 26 in Serbia's EU accession talks, regarding education. This issue was resolved by approving the textbooks for teaching in Bulgarian languages for use in the school year 2016/17. The Bulgarian side was satisfied with the solution and lifted its reservation for Chapter 26.

In 2013, representatives of the National Council of the Bulgarian National Minority in Serbia, political parties of Bulgarians in the Republic of Serbia and of civil and educational organizations adopted a Platform for Protection of the Rights of

40 The most important bilateral agreements and conventions are: Memorandum for Cooperation in the Field of European Integration and in Some the Framework of Partnership for Peace between the Ministry of Foreign Affairs of the Republic of Serbia and the Ministry of Foreign Affairs of the Republic of Bulgaria, of 12/05/2007; Protocol on the Enhanced Trilateral Cooperation in Combating Crime, Cross-Border Crime in Particular Between the Government of the Republic of Serbia, the Government of the Republic of Bulgaria and the Government of Romania, of 14/ 03/2008; Agreement between the Government of the Republic of Serbia and the Government of the Republic of Bulgaria on Cross-Border Police Cooperation, of 23/10/2010 (<http://www.parlament.gov.rs>); Law on Ratification of the Agreement between the Republic of Serbia and the Republic of Bulgaria for Social Security, of 26/10/2011 (<http://www.parlament.gov.rs>); Agreement between the Republic of Serbia and the Republic of Bulgaria on Sharing and Mutual Protection of Confidential Information in the Field of Defence, of 15/05/2015. A complete list of all international agreements and conventions can be found at the website of the Ministry of Foreign Affairs of the Republic of Serbia:<http://www.mfa.gov.rs/sr/index.php/spoljna-politika/bilateralni-odnosi/117-bilateralni-odnosi/11425-bugarska?lang=cyr>

41 Key conclusions from the round table on bilateral relations between Serbia and Bulgaria, organized by the Forum for Ethnic Relations in Niš are that bilateral relations between the two countries are good but there is room for their improvement. However, Bulgaria expresses its dissatisfaction with the status of Bulgarian minority in Serbia, regarding culture and education, in particular.

the Bulgarian National Minority in the Republic of Serbia (hereinafter: the Platform), calling upon the Governments of the Republic of Serbia and the Republic of Bulgaria, the European Union and international organizations with mandates in the field of human rights, to implement recommendations made in the Platform in order to improve the status of the Bulgarian national minority in Serbia.

Representatives of the Bulgarian minority call upon Serbia and Bulgaria to sign a Treaty of Friendship, which should give impetus for full-value cooperation between the two countries for the improvement of the status of the Bulgarian national minority in the Republic of Serbia, and to establish a bilateral Commission or Working Group which should propose specific joint initiatives aimed at overcoming the problems faced by the Bulgarian national minority in Serbia in various fields, and in particular in the social and economic field. The Platform encourages the governments to work on connecting the two countries through modernizing the road and railroad infrastructure, extension of the existing and opening of new border crossing points. Most recommendations are addressed to the Government of the Republic of Serbia, among which the most important one relates to changes to the Law on Election of People's Representatives in the National Assembly of the Republic of Serbia, in order to ensure guaranteed representation of the parties of Bulgarian national minority in the political life of the country. The same request is incorporated in the protocols (minutes) of intergovernmental mixed commissions with Croatia and Romania, by which all three countries have taken the same stance regarding on the issues of minority representation in elected bodies. In the field of education, the Platform calls upon Serbian Government to allow for compulsory education in Bulgarian language of the children and students belonging to the Bulgarian national minority, within the framework of the all instructive and educational process, including in kindergartens and pre-school education, as well as with matriculations in Bulgarian language; provide all textbooks necessary to carry out unhindered and high quality education in mother tongue of the children and students belonging to the Bulgarian national minority in the Republic of Serbia; simplify the existing procedures for issuing licenses for import of school literature from the Republic of Bulgaria for the needs of the educational process in the Republic of Serbia.

In the field of information and media, the Platform highlights the issue with *Bratstvo* publishing house which is no longer publishing journals and newspapers with long tradition, due to financial difficulties. Pursuant to the Law on National Councils of National Minorities, founding rights over the newspaper *Bratstvo* were transferred to the National Council of Bulgarian Minority, with multimillion debts and excessive number of employees. In mid-2016, the National Council of Bulgarian Minority renewed *Bratstvo* and started publishing *Novo Bratstvo* bi-weekly entirely in Bulgarian language. The *Bratstvo* intends to continue to publish the children monthly *Novo Drugarče*. Like most other

national minorities, the Bulgarian minority requests to restore the broadcast in Bulgarian RTS-Public Broadcasting Service; to allow for free exchange of informative program (news) with the Republic of Bulgaria, including through the dissemination of Bulgarian prints and periodic publications in the territory of the Republic of Serbia.

In the field of religious rights, the Bulgarian minority, call upon the Serbian Government to allow for free exercise of the right to religious services in Bulgarian language and under the canon of the Bulgarian Orthodox Church; to cease the practice of unlawful change of the names of religious buildings which are cultural and historic heritage of the Bulgarian national minority in the Republic of Serbia; impose strict implementation of the laws regulating the official use of Bulgarian language and script before the administrative bodies, and protect the Bulgarian topographic names, by-lingual road signs and public signs in municipalities with predominant Bulgarian population, in accordance with the European Union law and the European Charter for Regional or Minority Languages. Like most other national minorities, especially those living in the Autonomous Province of Vojvodina, Bulgarian nationals experience negative demographic growth, uneven economic and regional development, which in particular affects eastern Serbia.

The Platform urges the Government of the Republic of Bulgaria and the European Union to monitor the strict observance of principles and norms of the international law, in order to protect and further develop cultural, linguistic and religious identity of the Bulgarian national minority in the Republic of Serbia.

Bulgaria has openly declared its support for European integration of the entire region and determination to assist the countries in their efforts to become EU members. Bulgaria also expects active commitment to the maintaining good neighborly relations through the entire process of European integration. This was reiterated on several occasions by Bulgarian officials, including at the roundtable organized by the Forum for Ethnic Relations. Bulgaria underlines its unconditional support for Serbia's European integration, noting that within the framework of its expectations Bulgaria has received the following promises from Serbia: guaranteeing the rights of the Bulgarian national minority in Serbia and preserving and maintaining good neighborly relations between Serbia and Bulgaria. These two issues are topics and points remain important elements of bilateral relations between the two countries. The status of Bulgarian national minority was part of the Treaty of Saint-Germain, in which Serbia (Kingdom of Serbs, Croats and Slovenians), declares that it undertakes to ensure full and complete protection of the Bulgarian national minority in the territory received by Serbia. Bulgarian officials also emphasize the importance of constitutional protection of national minorities in Serbia and mutual responsibility for implementing the guaranteed rights and monitoring the implementation thereof.

Having in mind challenges in the implementation of the relevant legislative framework in the field of minority rights, Bulgaria offered Serbia to sign a Treaty on Friendship, good neighborly relations and cooperation. However, the negotiations of this document are still pending.

At the roundtable on the Serbian-Bulgarian relations held in Niš (July 2016), the ongoing absence of high level political dialogue between Serbia and Bulgaria, highlighting the need for more frequent meetings, including joint high-level meetings of countries' governments which were never held between Serbia and Bulgaria. It was also said that more efforts are needed to ensure publishing of the textbooks and education in Bulgarian in schools and classes with less than 15 students (a legal minimum).

The importance of minority languages education was reiterated on the occasion of opening Chapter 26 - Education and Culture. Croatia and Bulgaria originally blocked the opening of Chapter 26 due to Serbia's failure to fulfill obligations concerning education in the languages of national minorities. Progress was made when the Ministry of Education, the Institute for Textbooks, and 7 seven national councils of national minorities (including Bulgarian) signed Annex Memorandum related to the provision of missing textbooks for 2017/2018, after which Croatia and Bulgaria lifted reservation to the opening of Chapter 26.

Economic cooperation with Bulgaria mainly consists of trade in goods.⁴² Aside from trade, relevant sectors of economic cooperation include transport, infrastructure, energy, tourism, and cooperation between SMEs.⁴³ A cooperation strategy between Serbia and Bulgaria is largely influenced by the fact that the two countries are linked with two Pan-European transport corridors: Corridor VII- Danube and the road and railway Corridor X. Economic cooperation in the cross-border area takes a special place in the relationship between the two countries. Particularly important is the Serbian-Bulgarian-Romanian Euroregion formed by Vidin-Kalafar-Zaječar. The potential of this Euroregion has not been completely exhausted. Lately, cross-border cooperation has been particularly intensive in the border municipalities of Dimitrovgrad and Bosilegrad, with significant Bulgarian population.

42 In value terms, Bulgaria is one of the most important trading partners of Serbia. In 2014, the total foreign trade amounted to EUR 596.7 million, where Serbian exports to Bulgaria amounted to EUR 287.8 million, and imports to EUR 308.9 million. In the period from January to November 2015, exports amounted to EUR 317 million, and imports to EUR 275 million.

43 In this context, it should be noted that two important pan-European transport corridors pass through Serbia and Bulgaria: Corridor 10 which connects Europe, Central Asia and the Middle East, and Corridor 7, the Danube, which has a special geostrategic importance in the broadest sense (energy, transportation, tourism, culture, etc.). These issues were discussed in the meeting of the joint Serbian-Bulgarian intergovernmental commission for economic cooperation, held in Belgrade on 1-2 June 2015 and the meeting of the mixed commission on international transport of passengers and goods, held on March 19-20, 2015, in Sofia.

In the energy sector, talks on the implementation of the project for gas interconnection Niš-Sofija are in the final stage. This project is strategically important for Serbia and Bulgaria, and for the European Union which has identified this project as one of high priority infrastructural project in the regional context.

Recently, the two countries have improved the relations and cooperation over the refugee crises, prevention of cross-border terrorism, fight against organized crime, particularly in the area of security and inter-agency cooperation between law enforcement organizations.⁴⁴ The ministers responsible for home affairs and authorised representatives of the respective ministries of the Danube Region countries took part in the *Ministerial Conference on Combating Terrorism in the Danube Region* on 21 and 22 January 2016 in Sofia, Bulgaria. Ministers agreed that in order to achieve efficiency in countering terrorism, the cooperation in the areas of prevention, border security, critical infrastructure protection from terrorist acts and information exchange should be intensified. They also shared the view that the common preventive capacity of the Danube Region should be strengthened.

Of particular importance for regional relations of the two countries is the so-called “Craiova group” consisting of Bulgaria, Romania and Serbia. Bulgaria and Serbia successfully cooperate in activities implemented by other regional organizations and initiatives, such as: Central European Initiative (CEI), Black Sea Economic Cooperation (BSEC), and the *European Union Strategy for the Danube Region*.⁴⁵

44 A number of operational mechanisms to achieve the aforementioned objectives and their effective implementation have been established. In this context, it is important to improve consular relations between the two neighbours.

45 In the framework of the *EU Danube Strategy for the Danube Region*, Serbia and Bulgaria actively cooperated in all phases of the strategy development. Bulgaria is responsible for coordination of the following two Priority Areas: PA 3 “To promote culture and tourism, people to people contacts” (with Romania) and PA 11 “Security” (with Germany). Bulgaria and Romania built a new bridge between the cities of Vidin, Bulgaria and Calafat, Romania. The construction was financially supported by European Commission and EU funds. It is the second bridge along the 630km shared section of the Danube between the two countries. This bridge is of particular importance because it provides an important missing link in the Trans European Transport Network (TEN-T). Work on the Bulgaria-Serbia gas interconnector project has advanced, linking the Baltic Sea area to the Adriatic and Aegean Seas and further to the Black Sea. The gas pipeline will be 150 km long. It contributes to gas supply diversification, ensures gas supply security and completes the important regional gas supply ‘ring’. At the end of 2009, the Directorate General for Transport and Energy (DG TREN) launched an initiative for considering options for building a Gas Interconnection Serbia-Bulgaria. In this framework, a working group between partners Srbijagas and Bulgartransgaz was established, with the participation of representatives from line ministries, the European investment institution and also from the Secretariat of the Energy Community, who will work together on the project preparation in coordination with the European Commission. The project is fully in compliance with the Energy Community Treaty and the EU’s pre-accession strategy. In March 2010, the Serbian and Bulgarian energy ministers signed the Project Support Agreement in Brussels. Feasibility study with elements of environmental and social impact assessment (ESIA) was completed. The ESIA findings indicate commercially unprofitable project, i.e. the main benefit of construction of gas pipeline interconnection is security of supply and development of the energy market in South East Europe. In December 2012 Prime Ministers of Serbia and Bulgaria signed the Memorandum of Understanding for the construction of Gas Interconnection Serbia-Bulgaria, in the presence of the European Commissioner for Energy. Under the Memorandum, Public Enterprise Srbijagas is responsible for construction and operation of the gas interconnector, while the construction will be funded from the existing EBRD loan to Serbiagas and from IPA grant (*Srbijagas Gasna interkonekcija Srbija-Bugarska, Gasovod Niš-Dimitrovgrad-granica sa Bugarskom, - Stanje projekta*) –Based on current development it is realistic to expect that the completion will be completed by the end of 2020.

5.4. Cooperation between Serbia and Croatia

After a twenty-year period of normalization, the relations between Serbia and Croatia⁴⁶ are extremely complex and burdened by the legacy of the past – armed conflicts experienced during World War II and the collapse of Yugoslavia.⁴⁷ This trauma of ethnic conflicts which is still vivid in the memories of both sides, maintains political tensions, and mutual distrust and distance. This in turn aggravates a process of normalizing relations and respecting the rights of persons belonging to the Croatian and Serbian minorities.

After signing an Agreement on the Normalization of Relations, there was a period marked by a stagnation of relations between Belgrade and Zagreb and a lack of commitment or sincere initiatives towards further improvement of good neighbourly relations. The Agreement on the Protection of the Croatian Minority in Serbia and Montenegro and the Protection of Serbian and Montenegrin Minority in Croatia, signed in 2004, was an important formal and legal milestone, but essentially, political relations were unblocked and directed toward normalization in early 2009, when the then PM Ivo Sanader visited Belgrade. Further attempts through talks at the presidential level between President Tadić and his Croatian counterpart Josipović did not result in improvement, leaving many outstanding issues still unresolved and the two sides trapped by the political burden of the past and unresolved issues. Maximum benefit from the high level talks

46 After the breakup of Yugoslavia and the Dayton and Erdut peace agreements, Croatia and Serbia (then FR Yugoslavia) signed an Agreement on Normalization of Relations Between the Federal Republic of Yugoslavia and the Republic of Croatia, on August 23, 1996, and formally established diplomatic relations after its ratification in September of that year. Serbia has an embassy in Zagreb and two general consulates, one in Rijeka and one in Vukovar. Croatia has an embassy in Belgrade and a general consulate in Subotica.

47 This has been confirmed on numerous public occasions by representatives of the Serbian minority in Croatia, as well as representatives of the Croatian minority in Serbia, who reiterate dissatisfaction with their status. One such occasion was a round table: *"The importance of the Croat national minority in Serbia and the Serbian national minority in Croatia in the European integration of Serbia and in building stability in South-east Europe"*, held in Zagreb on November 22, 2016. Tomislav Žigmanov, representative of the Croatian minority in Serbia and a deputy to the Serbian National Assembly said that the status of Croats in Serbia has rapidly deteriorated. *"Such radical exclusion has not been seen since 1990. The lack of public visibility is linked with this, even when it comes to ethnically motivated violence and hate speech - as if there is a strategy to deliberately conceal ethnically motivated violence against the Croats."* As regards financing, Žigmanov said that Croatian minority in Serbia received alms from Croatia and that about 40 Croat cultural organizations received about EUR500,000, which was less than EUR10 per capita and far less compared with the Serbian community in Croatia. The deputy chairman of the Serb National Council in Croatia, Saša Milošević, responded saying that relations between Serbia and Croatia are the worst since the 1991-1995 war. He said that the Croatian minority in Serbia and Serbian in Croatia are the first victims of any deterioration in relations. Milošević said that the request for reciprocity is ungrounded because the situation in Serbia differs from Croatia, adding that political representation requested by Croats in Serbia will not change anything. The political representation of Serbs has not helped them in resolving their issues. (Zebić, 2016).

was an agreement that there was no agreement, and a reset of relations (Simurdić, 2016:39). Latest developments such as the tensions manifested through the removal of Croatian Cyrillic inscriptions, politicization of minority issues, Croatia closing its state border to refugees, proved that there was no change in political climate in Croatia and Serbia, and among Serbs and Croats. Mutual tensions between Serbia and Croatia in 2015, 2016 and beginning 2017 had the same common denominators like the years before (anniversaries of operations Storm and Flash, the Stepinac case, Croatia's obstructions to opening of negotiating chapters 23, 24 and 26, and marking of the anniversary of Serbia's rebellion in the town of Serb) (*Međunarodno sučeljavanje*, 2016:3).

In the former Yugoslavia, the relations between Serbia and Croatia were crucial for the stability of the country. Today, these relations have lost their previous importance, but still play a key role in crisis management in Bosnia and Herzegovina. Some important agreements, treaties and conventions⁴⁸ concerning the relationship between the two states are:

- Agreement on Normalization of Relations between the Federal Republic of Yugoslavia and the Republic of Croatia was signed and ratified in 1996 (<http://www.hnv.org.rs>). This was the first interstate agreement between the two countries, successors of the former SFRY, which together with the Agreement on Succession and the Dayton set of documents, form part of the system of *peace agreements after the conflicts in Croatia and Bosnia and Herzegovina and undeclared war between Serbia and Croatia* (Simurdić, 2016: 37)⁴⁹. It is worth mentioning that the content

48 A complete list of all international agreements and conventions can be found at the website of the Ministry of Foreign Affairs of the Republic of Serbia: <http://www.mfa.gov.rs/sr/index.php/spoljna-politika/bilateralni-odnosi/117-bilateralni-odnosi/11557-hrvatska?lang=cyr>.

49 The agreement has 14 articles which establish the framework for the improvement of relations between the two respective countries in order to improve peace and stability in the region

The first three articles define the contracting parties as independent, sovereign and equal states that are ready to establish full diplomatic and consular relations.

In Article 5, the FRY and Croatia note the existence of the state continuity of Serbia and Montenegro and Croatia as independent states. It is interesting that the provision does not specify whether the recognition of the existence of the continuity of the Croatian statehood applies to the period of SFRY, because the position of Croatian side is that Croatia achieved the right to self-determination and statehood under the 1974 Constitution, but recognition of the existence of Croatian statehood refers to earlier historical periods.

Under Articles 6 and 7 the contracting parties undertake to speed up forthwith the process of solving the questions of missing persons. However, even 20 years later, these issues have not been fully resolved and still encumber the Serbian-Croatian relations.

The rest of articles refer to questions of a technical nature, such as promoting post, telephone and communications, normalizing transportation, etc.

It is clear that the technical parts of the agreement have been implemented to a great extent, whereas the political parts have remained a dead letter for many years after the signing and ratification of the agreement. Lack of will for the implementation of certain obligations undertaken by Serbia and Croatia under this agreement can certainly be linked to the war that marked the breakup of the former common state and that has left a deep mark in relations between the two nations.

of the abovementioned agreement was composed ambitiously, however, the text itself was soon forgotten and marginalized in bilateral relations. By all accounts, its signing was rather the result of external pressures than of a genuine desire or need for the elites in Serbia and Croatia to really do something, that is, to start the normalization of relations or resolve important bilateral issues such as the succession, missing persons, prosecution for war crimes, violation of housing and property rights of Serbia in Croatia, or removal of mines from the Sava and Danube rivers and land mines in Croatia;

- Agreement on the Protection of the Serbian and Montenegrin Minority in Croatia and the Croatian Minority in Serbia and Montenegro, signed in 2004 (<http://www.ljudskaprava.gov.rs>).

A common foreign-political goal of Croatia and Serbia - EU integration - somewhat *ironed out* differences, making them acceptable to the EU. However, Croatia's entry into NATO and Serbia's reluctance to give a clear answer to this question have reduced the corrective effect of this shared commitment. Still, the two sides have identified areas of action for resolving outstanding bilateral issues and developing methodology for their resolution in order to reach full normalization of relations.⁵⁰

The greatest progress has been achieved in economic cooperation (see: *Serbian Chamber of Commerce, detailed documents*), compared to other forms of cooperation. Croatia is an important trading partner of Serbia. Trends in foreign trade between Serbia and Croatia show growth. In 2014, overall foreign trade amounted to EUR 756.7 million, out of which Serbian exports amounted to EUR 344.4 million, and imports from the Republic of Croatia to EUR 412.3 million. In 2015, total foreign trade amounted to EUR 864.3 million, with the Croatia claiming that, based on their own methodology, total foreign trade was close to EUR 1 billion. However, there is an imbalance that is worth mentioning. Croatian companies and investments are much more present in Serbia, than Serbian companies and investments in Croatia. Foreign trade statistics available also indicate that there is a discrepancy. According to the Serbian Chamber of Commerce statistics, things have improved and trade exchange has become more balanced (*Infromacija, 2016*). Unlike trade between Serbia and Croatia, the area in which things have improved, in other segments of economic cooperation there is a huge disproportion, which burdens the current economic relations.

While over 200 Croatian companies are active in Serbia, only around a dozen of Serbian companies operate in Croatia. Croatia's interpretation is that it is

⁵⁰ The following areas of action have been identified: Unresolved issues from the past (missing persons, status and return of refugees, border issues, succession, protection of Serbian minority in Croatia and Croatian minority in Serbia, Cyrillic script, return of cultural treasures); Improvement of economic cooperation and EU integration process (source: *Ministry of Foreign Affairs / documents*).

a matter of business and such disproportion is expected because the Croatian economy is somewhat stronger than the Serbian. According to Serbian economists, Balkan countries undergoing the transition process are influenced by political criteria and still far from letting the economy be run solely by market rules, suggesting that this is one of the main reasons for the disproportion. They believe that many of such issues could be more easily solved if there was political will and relevant influence on economic cooperation, which would reduce discrimination and make it easier for Serbian companies to break into Croatia.

Serbia and Croatia cooperate in activities implemented by various regional organizations and projects, including the IPA Cross-border Cooperation Programme Serbia-Croatia. Croatia withdrew from some regional initiatives and agreements after joining the European Union, but stayed in several most important ones. Croatia and Serbia still cooperate in activities implemented by following regional organizations: Regional Cooperation Council (RCC), South East European Cooperation Process (SEEC), Central European Initiative (CEI), the EU Strategy for the Danube Region (EUSDR), the EU Strategy for the Adriatic and Ionian Region (EUSAIR), Working Community of the Danube Regions (WCDR), International Sava River Basin Commission (ISRBC), Southeast European Law Enforcement Centre (SELEC), Southeast Europe Policy Chiefs Association (SEPCA).

Even though, the Croatian part of the Danube in its entire length is only 137 km, Croatia has shown interest and proactive approach from the initial drafting stage of the *Danube Strategy*. Croatia established an inter-ministerial working group for regional cooperation as a forum for discussion on the implementation of the *Danube Strategy* and the *EU Strategy for the Adriatic and Ionian Region*. Concerning the implementation of the EU Strategy for the Danube Region, Croatia is responsible for the coordination of the following two Priority Areas: PA 6 “To preserve biodiversity, landscapes and the quality of air and soils” with Bavaria (Germany), and PA 8 “To support the competitiveness of enterprises”, with Baden Württemberg (Germany). *Two examples of cooperation projects in the Danube region supported by the EU and implemented in Croatia, deserve special mention. The first one is Danubeparks Step 2.0* – the network of protected areas along the Danube River – project partners from Croatia are the Public Institution Nature Park Kopački Rit and Public Institution Nature Park Lonjsko Polje. The second project is *Cultural Routes in the Middle and Lower Danube Region – the Roman Emperors Route and the Danube Wine Route*, launched in 2012 (Memorandum of Understanding was signed on February 24, 2012 by Serbia, Croatia, Romania and Bulgaria).

With a view to its European integration path, Serbia needs Croatia as an ally. In this respect, particularly important is the *2011 Croatian Parliament Declaration on the Promotion of European Values in Southeast Europe*, in which Croatia promotes the European values, stating that it will not obstruct the accession of its

neighbours to the European Union⁵¹. Because there is no mutual trust, whenever the issue of guarantees or additional requirements is raised, it is interpreted in the public in Serbia and Croatia as that “Croatia blocks Serbia”. The truth is that in many cases the EU member state has the right to put forward its requirements to be considered when setting criteria and standards for the candidate country.

The message from the former minister of foreign affairs and present advisor to the president of Republic Croatia Mate Granić is generally true: “The issue of minorities should always be on the agenda of every bilateral talk between Croatia and Serbia, at all levels. The European Union offers the best framework within which the two countries can resolve all outstanding issues“ (*Zebić: 2016*). However, it is evident that after joining the European Union in 2013, Croatian leadership’s political commitment to improve relations with Serbia and policy towards the Serbian national minority in Croatia has ceased. This trend continued and relations between Serbia and Croatia and between the Serbian minority and Croatian authorities deteriorated significantly in 2015 and 2016. This period marked an increase in the number of physical attacks and threats directed against Serbs in Croatia and destruction of their property; banning of the Cyrillic script in Croatia; numerous attempts to rehabilitate the Independent State of Croatia (NDH); ever-frequent use of hate speech by public figures and the media; increase in the number of ethnically motivated hate crimes (In 2014, there were 8, and in 2015, there were 16 such crimes) (*Govor mržnje i nasilja, 2016: 1 – 5*).

Declaration on improving relations between Serbia and Croatia (see: “*Appendix: Declaration on Improving Relations and Resolving Open Issues between the Republic of Serbia and the Republic of Croatia*”) is the basis for unblocking political deadlock in Serbian-Croatian relations.⁵² The problem with the declaration is that it is a political document rather than a treaty, and its implementation depends primarily on political will expressed by the governments. The new Croatian Government, being responsible for implementation of the objectives and provisions of the declaration, has not yet formally indicated whether it accepts the declaration. This has been followed by new tensions, exchange of diplomatic notes in a way that resembled a political war of words, court

51 The new prime minister of Croatia Andrej Plenković reiterated that Croatia will not condition its neighbours’ admission into the EU, but will insist on the “respect for international obligations”, on Serbia’s jurisdiction over war crimes and in particular on the position of the Croatian minority in Serbia. In 2013, Serbia proposed to Croatia a joint agreement on the EU integration process that would include a clause by which Croatia declares that it will not obstruct the accession of its neighbours to the European Union, but to this date Croatia has not responded to this proposal.

52 The six-point declaration identifies all open issues between the two countries, with the intention of providing for their active resolution in order to improve and further develop bilateral relations. The points reflect open issues. Point 1 of the declaration strictly pertains to political relations and minority issues, based on the Agreement between the Republic of Croatia and Serbia and Montenegro on the protection of the rights of minorities, signed in 2004, which is still valid for Serbia being the legal successor of the former Serbia and Montenegro.

proceedings for rehabilitation of Stepinac, Glavaš and others, confirmed that the heavy burden of the past still plays an important role in bilateral relations, which requires more decisive shift and stronger political will of the ruling elites on both sides.⁵³ The analysis of open issues reveals that the legacy of the twentieth century, including World War II and the period of the 1990s is the heaviest burden for relations between Serbia and Croatia, Serbs and Croats.⁵⁴ There are still important open questions which burden the relationship between Serbia and Croatia more than 20 years: the Serbian minority protection, the problem of missing persons, succession related issues, the border demarcation at the Danube River (*Gedošević, 2016*).

This is illustrated by the following issues:

1. The issue of missing persons is of great importance for both sides, with Croatia focusing attention rather on its political dimension. According to Croatia, the Serbian side has not been sufficiently cooperative in terms of the identification of sites (prison camps) on its territory, and establishment of relevant procedures in this regard. Serbia's position is that all obligations from the *Declaration on Missing Persons* signed in Mostar, in August 2014, should be fulfilled;
2. Concerning the status of refugees and their return, there are many misunderstandings, primarily because Croatia failed to meet the necessary preconditions, keeping this issue in limbo;
3. In fact, the rights of the Serbian national minority in Croatia is the "favourite" topic associated with internal political developments in Croatia and in particular with the political national strategy implemented by HDZ and right-wing political option. Compliance with the *Framework Convention for the Protection of National Minorities* in the part relating to: promoting the conditions necessary for persons belonging to national minorities to freely express and preserve the essential elements of their identity, namely their language, religion; adopting and implementing adequate measures to discourage and penalize any discrimination based on belonging to a national minority; consistently suppressing and penalizing hate speech and violence based on ethnic origin; enabling objective information and recognizing the right of Serbs to have access to programs about their national minority in Serbian language in the public service media outlets (Croatian Television and Croatian Radio); fully exercising the right to use

53 Roundtable on bilateral relations between Serbia and Croatia, held in Belgrade, organized by the Forum for Ethnic Relations has confirmed the importance of these relationships, the existence of outstanding issues and in particular the importance and problems concerning the minority policies and status of minorities in both countries.

54 In his first interview since being elected Croatia's Prime Minister, Andrej Plenković pointed out that the "outstanding issues stemming from the aggression by the Greater Serbia regime led by Milišević against Croatia" must be resolved (*Gedošević, 2016*).

the Serbian language and script in all units of local self-government in which this right is legally guaranteed; ensuring quality textbooks and the national curriculum for persons belonging to the Serbian national minority; facilitating establishment of minority schools; implementing measures for exercising of the legally guaranteed right to employment and adequate representation of persons belonging to the Serbian national minority in the government administration, courts, police and administrative bodies of local government units (*Aleternativni izveštaj: 2015: 37 – 41*). In regard to this, Croatia requests reciprocity regarding the minority status, namely the natural threshold and guaranteed representation at highest levels of government, invoking the 2004 Agreement. In practice, as a rule, in pre-election processes in Serbia this minority has opted for political and party coalitions and has thus ensured approach to highest government levels; this practice was applied also in the most recent election cycle in Serbia in 2016. The two sides upheld their opposing standpoints, however, the Croatian side has protected its interests by incorporating an appropriate mechanism into the transitional criteria for chapters 23 and 24;

4. The most important national and political issue is the border dispute, i.e. the definition of 145 km long border along the Danube River. The dispute involves up to 10,000 hectares of territory on the left bank of Danube in Serbia and 1,000 hectares of territory on the right bank of Croatia. The two countries have different starting positions: Serbia holds the opinion that international law should apply and that the centreline of the river represents the international border between the two countries, Croatia disagrees claiming that the international border lies along the boundaries of the cadastral municipalities located along the river, because the Danube was departing from the course. Croatia suggested that the dispute should be resolved through arbitration;
5. As regards property rights and succession (ranging from payments based on foreign currency savings, company properties and property of persons in mixed marriages, to division of property rights over embassies and residencies) standpoints differ. On the one hand, Serbs in Croatia mention 50,000 seized residential units and Croatia's obligation to compensate total war damages. On the other, Croatian authorities consider this number to be much lower and mention around 6,000 remaining unresolved requests related to tenancy rights, as well as that Croatia has no funds for compensation; Croatia also stresses its right to receive compensation for war damages from Serbia. In Serbia's view this issue should be separated from tenant rights of Serbs in Croatia, whilst Croatia insists on reciprocity in obtaining property rights over real estate and on solving this issue by bilateral agreement;

6. The issue related to the right to recognition for the years of service for nineties of the 20th century in spite of clear obligations has not yet been solved. There is also the unsolved issue of payment of pensions. This issue has to be dealt with along the lines of solutions to problems from the basic succession agreement from 2001;
7. Return of cultural treasures to Croatia. These relate primarily to the religious property. The Serbian Orthodox Church insists on restoration of churches and creation of conditions for the return of treasures to places where they belong;
8. As regards prosecution of persons indicted for war crimes, Croatia disputes a Serbian law that gives Serbian courts universal jurisdiction to try war crimes, whilst Serbia drawing on the principle of regional jurisdiction, claims the right to prosecute all war crimes and refuses to give it up. Croatia also complains that the conduct of Serbian authorities in this field is of a selective nature and that therefore it is primarily Croatian citizens who are prosecuted by authorities of Serbia.

Disintegration of former Yugoslavia and the formation of new independent national states brought Croats in Serbia as well as Serbs in Croatia into the position of “unrecognized minorities”. The consequence was that members of the Croat community were removed from political functions and public services and enterprises and it was also more complicated for them to participate in the privatization process (*Baštovanović, 2016:5*). Therefore, the issue of “new national minorities” is a challenge for Serbia and Croatia (*Simurdić, 2016: 434*).⁵⁵

For this paper it is relevant that the *Republic of Croatia* is defined as “the national state of the Croatian people and a state of members of other nations and minorities who are its citizens: Serbs, Muslims, Slovenes, Czechs, Slovaks, Italians, Hungarians, Jews and others, who are guaranteed equality with citizens of Croatian nationality and the realization of ethnic rights in accordance with the democratic norms of the United Nations and countries of free world.” (*Constitution of the Republic of Croatia. Historical Foundations*). It is emphasized that there are national minorities with longer tradition of their minority respect

55 Real political and social status of “new minorities”, Croats in Serbia and Serbs in Croatia is particularly influenced by the following processes: narrowing down minority protection, which resulted in total marginalization during the 1990’, strongly manifested interethnic dimension of conflicts in the former Yugoslavia, and ethnic distance which is still large. The problem that burdens the relationship between the “new minorities” and the majority is the conflict between the loyalty to Serbia and to their national group. The loyalty of the national minority is in principle based on the belief of its members that they are equal in their rights and prospects with other citizens of the given state. Yet, many outstanding issues exacerbated this conflict. The reality is, however, that the minority issue in the relationship between Serbia and Croatia is highly politicized which, together with economic impoverishment, narrows the space for responding to demands of national minorities and for maintaining their existing rights, let alone for expanding with new rights and mechanisms of minority protection (*Janjić, 2005:118- 121*).

called old minorities and new minorities that have been exercising their rights since the establishment of the independent state.

Starting from 1991, the number of members and share of the “new minorities” in overall structure of population of the Republic of Serbia dropped.⁵⁶

56 The main reasons for this were:

In spite of having a relatively high birth rate, the Bosniak/Muslim population declined mainly as a result of migrations, and partly because of changes in the way they declare themselves.

Croatian population in Serbia experienced significant decline in the number of members and share of their community in overall population structure. Negative birth rate (low birth rate and high mortality rate caused by ageing population). Absolute decline in the number of Croats (growth index 74.9) highly exceeds their birth rate. This indicates intensive migration (most likely to the “kin-state” - Croatia), and changes in the way they declare themselves (many of them declare Bunjevacs, Yugoslavs or undeclared”). Negative population trend in Slovenian community is resulting from negative birth rate. There is also a high number of mixed marriages and changes in the way some members declare themselves.

Macedonian population has low birth rate in Serbia (birth rate in Vojvodina is negative). Decline in population and share in overall population structure is also influenced by other demographic (migrations) and other factors (changes in the way they some people declare themselves, mixed marriages, assimilation and integration processes, etc).

6. Recommendations for improving bilateral cooperation and the status of national minorities

1. As regards the position, conditionality and democratization of Serbia on its path towards the EU, with a view to integrate national minorities into Serbian society, the following efforts should be made:

- To continue and expand dialogue between the governments for building partnerships with the goal to improve the status of national minorities in the political, economic, educational and cultural sphere;
- To implement the OSCE High Commissioner on National Minorities Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations (2008); the Ljubljana Guidelines on Integration of Diverse Societies (2012); and the Lund Recommendations on the Effective Participation of National Minorities in Public Life;
- To involve different government and civil society institutions, including experts, and public and private sector resources in exercising the rights guaranteed to persons belonging to national minorities;

- To ensure more proportional representation of national minorities at all levels of government. Political representation in representative bodies can be ensured by reforming the electoral system to provide an equal and fair opportunity for all citizens, including persons belonging to a majority and minorities, and enable them to choose their representatives at all levels. This requirement arises in bilateral relations between Serbia and its neighbours and will be imposed by them as an “invisible” conditionality to the EU accession negotiations of Serbia;
- To enhance the use of minority languages in government institutions, local self government, education and other institutions. Providing opportunities for persons belonging to national minorities to use their mother tongue is an important aspect of democratic institutionalization of the state and society, because direct communication enables the realization of basic human and minority rights and at the same time encourages integration as a first step in the process of social inclusion and political participation, and
- To improve cross-border cooperation, which is directly connected with key aspects of general principles of European Union: free movement of people, goods, services and capital, as some of the fundamental values. In the context of minorities which could become bridges of cooperation, cross-border cooperation directly contributes to the positive development of bilateral relations, realization of fundamental minority rights, and implementation of regional cooperation and integration goals.

2. The Republic of Serbia has made significant progress in bilateral relations with its neighbours - kin-states of Serbian minorities, but these member states of the European Union keep raising the same issues over and over, threatening to block Serbia in its EU accession negotiations.⁵⁷ In this context, the new Croatian Prime Minister Andrej Plenković stressed that one of focuses of his new government will be the status of Croatian minority in Serbia. In this regard, Serbia needs to comply with all “EU standards and rules”, in its accession negotiations. Senior officials of Romania and Bulgaria have made it clear that minority issues will be important to them in the Serbia’s EU integration process. According to them, in the framework of bilateral relations and improvement of the national legal framework, the following actions are proposed:

⁵⁷ One such issue is related to the Vlachs, a distinct ethnic group, which is recognized as a minority in Serbia and denied as a distinct group by Romania. Other problems, such as those associated with the language and script, arise because of a lack of consensus within the Vlach community. Another issue concerning the freedom of religion for persons belonging to Romanian and Vlach national minorities must be solved, since this right is guaranteed by the international framework. Ethnic identification of Bunjevacs community whose identity is denied by the Croatian minority is another issue that must be considered primarily as a question of identity and the right to self-identification of minority communities.

- To expand intergovernmental dialogue in order to enhance political, economic and cultural cooperation. This applies, in particular, to dialogue between Serbia and Romania about the open “Vlach issue”;
- To establish mechanisms for monitoring and analysis of changes and improvements of standard and norms for minority protection in the domain of universally recognized human rights.
- To examine the opportunities and effects of harmonization of minority legislation in the region, in particular the minority legislation in Serbia and Croatia. It is recommended to involve the OSCE High Commissioner on National Minorities and the Council of Europe, who can contribute to this process;
- To monitor and analyze developments in bilateral relations with all Serbia’s neighbours (at individual level) with unresolved minority issues. It is also recommended to analyze state of play and possible developments;
- To review bilateral relations with each neighbouring country once a year by organizing a roundtable with participation of relevant representatives of the respective sides and other stakeholders including government institutions, opposition parties, media and NGOs;
- To monitor the implementation of the Action Plan for Chapter 23 in general, in particular the part concerning minorities;
- To organize a conference/roundtable, one or two times per year, with the aim to review Serbia’s progress in Chapter 23, with participation of national minorities in Serbia, relevant institutions, media and NGOs;
- To monitor progress in the dialogue on normalization of relations between Belgrade and Priština. It is also recommended to analyze state of play and possible developments;
- To monitoring and analyze legislative dynamics in Serbia that applies to or directly affects minority issues; proposing concrete solutions for the effective implementation;
- To organize an annual conference/roundtable with national minority councils and representatives of minorities (general and individual), with the aim to collect their views and information about their intentions, that will be used to assess the efficiency of legal and political mechanisms and propose measures to strengthen them.
- To monitor and analyze legislative dynamics in the EU in the field of minorities, considering the importance the EU attaches to this topic (for the purpose of achieving project objectives and results);
- To observe and analyze the activities of the European Court of Human Rights and the Council of Europe, with a view of issues and practices associated with the implementation of the Framework Convention for the Protection of Minorities and the European Charter for Regional or Minority Languages.

3. As regards the electoral system and objections of Serbia's minorities and neighbouring countries, while keeping in mind that guaranteed seats would improve the representation of respective national minorities, and thus bilateral relations with the countries in which they represent the majority population, the following action is recommended:

- Full implementation of national norms and standards which are in force and an integral part of the legal and political system;
- To compare electoral system in Serbia with electoral systems in neighbouring countries and other members of the European Union in order to identify the most effective solution to achieve adequate representation of national minorities;
- To achieve proportional representation of national minorities at all levels of government, that corresponds to demographic distribution of national minorities;
- To examine whether persons belonging to national minorities recognize that their representatives in the representative bodies really represent them;
- To analyze the activities of minority parties and persons belonging to national minorities who are members of the majority parties, and examine the ways in which they represent the interest of their communities;
- To prepare specific recommendations to improve the electoral system in order to ensure adequate minority representation;
- To prepare recommendations for political parties of national minorities and persons belonging to national minorities - members of the majority parties, who are or aspire to become members of local assemblies or the national assembly, in order to help them understand their role and more efficiently represent the interests of their national minorities to which they belong;
- To enable the use of minority languages whenever it is guaranteed or implied by international standards and rules, national law and other legal and political instruments;
- To enable adequate minority representation in official institutions, bodies and organizations in which minority rights can be exercised;
- To enhance bilateral cooperation through joint programs aimed at improving the position of local communities, in particular at the economic level;
- To intensify cooperation between Serbia and neighbouring countries in the framework of EU programmes aimed at improving local communities (IPA2) and enhancing institutional guarantees for the rights of national minorities – to obtain financial assistance through IPA2;
- To enhance cross-border cooperation by applying relevant instruments and mechanisms wherever the conditions may exist (the Berlin Process, various regional mechanisms, etc.);
- With a view to improving the work of intergovernmental mixed commission, the following measures should be implemented:

- To show a higher degree of readiness and political will to implement recommendations from the meetings of intergovernmental mixed commissions;
- To introduce mandatory implementation of conclusions from protocols (minutes) of the meetings of intergovernmental mixed commissions;
- To hold meetings of intergovernmental mixed commissions at least annually, and thereby ensure regularity of meetings/activities of intergovernmental mixed commissions;
- To intensify cooperation between Serbia and its neighboring countries through EU programmes aimed at improving local communities (IPA2);
- To create a special body to monitor the implementation of recommendations of intergovernmental mixed commissions;
- To develop a mechanism to ensure the continuity of intergovernmental mixed commissions' composition, by creating a permanent composition;
- It is recommended that representatives of the "kin-states" should prepare the meetings of intergovernmental mixed commissions in consultation with representatives of national minorities in preparation for;
- To resolve open issues concerning the rights of national minorities through bilateral agreements, ensuring full compliance;
- To establish cooperation with the Council for National Minorities of the Republic of Serbia and other intergovernmental mixed commissions (*Analiza*, 2016: 49; *Baštovanović*, 2016:16; *Perković*, 2016: 47; *Tucić*, 2016:28).

Appendices

Appendix: National minorities in Serbia (excluding Kosovo), 2011 Census.*

	Number	%
Serbia – total number of population	7,186,862	100.00
Hungarians	253,899	3.53
Croats	57,900	0.81
Romanians	29,332	0.41
Bulgarians	18,543	0.26

*Note: only project-related minorities are taken into account

Appendix: Serbian national minority in the neighbouring countries - members of the European Union

Country	Census	Number	%
Romania	2011	18.485	0.1
Hungary	2011	10.038	0.1
Bulgaria *	2011	589	0.01
Croatia	2011	186.633	4.4

*Bulgaria does not recognize the presence of any national minority on its territory; it views the Bulgarian nation as a homogeneous whole.

Appendix: *Declaration on Improving Relations and Resolving Open Issues between the Republic of Serbia and the Republic of Croatia*

In order to improve bilateral relations, regional cooperation and stability, and to resolve open issues between the two countries, the President of the Republic of Croatia Kolinda Grabar-Kitarović, and the Prime Minister of the Republic of Serbia Aleksandar Vučić, agree to consensually and actively initiate or accelerate the following processes:

1. Improve the mutual protection of minorities – the Croatian minority in the Republic of Serbia and the Serbian minority in the Republic of Croatia – based on the Agreement between the Republic of Croatia and Serbia and Montenegro on the protection of the rights of the Serbian and Montenegrin minority in the Republic of Croatia and of the Croatian minority in Serbia and Montenegro, signed on 15 November 2004 in Belgrade, and the Framework Convention for the Protection of National Minorities, adopted by the Council of Europe on 10 November 1994 in Strasbourg.
2. State commissions will immediately and actively enter into negotiations on determining the borderline between the Republic of Croatia and the Republic of Serbia, based on international law. The two countries have no territorial claims, and in the case that bilateral negotiations do not succeed within a reasonable time, both countries are ready to submit the territorial dispute to international judicial institutions.
3. Both countries are prepared to accelerate the implementation of the Agreement on Succession Issues, signed on 29 June 2001 in Vienna.
4. Both countries agree that the search for missing persons is a humanitarian issue of utmost importance and that they will invest sincere and maximum efforts in the search for missing persons.
5. Both countries are aware of the new challenges facing Europe and the world, most notably international terrorism and the global migrant and refugee crisis. Both countries are ready to take active and coordinated efforts in the fight against international terrorism and in resolving the migrant and refugee crisis, bilaterally, regionally and in the framework of the European Union.
6. Both countries are ready to actively participate in joint development and cross-border projects of the European Union.

This Declaration is signed in two copies, each in the Croatian and Serbian language. Subotica, 20 June 2016

Prime Minister of the Republic of Serbia
Aleksandar Vučić

President of the Republic of Croatia
Kolinda Grabar-Kitarović

(Source: <http://www.dijaspora.gov.rs>)

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