



**FORUM ZA ETNICKE ODNOSE
FORUM FOR ETHNIC
RELATIONS**

**THE ROLE OF LEADERS IN A NEW DEMOCRATIC MINORITY POLICY
(REPORT ON THE WORKSHOP)**

The Workshop on the Role of Leaders in a New, Democratic Minority Policy in the FRY and the Republic of Serbia, organized by the **Forum for Ethnic Relations** (hereinafter referred to as: **Forum**), was held, from 10 a.m. to 4 p.m., on 24 November 2001 at the Faculty of Law in Belgrade,

It was an extensive and well-substantiated exchange of views of leaders of minority communities, representatives of the republic and federal authorities, political parties and NGOs from Serbia, experts from the High Commissioner's Office of the OSCE for national minorities (OHCNM – OSCE), Russia, Macedonia, Croatia and Serbia (The list of participants is appended). Special attention was paid to legislative activities as an important step in the establishment of a democratic minority policy, and especially to the existing proposals for legislative reforms in the field of minority rights, including the Draft Law on the Protection of National Minorities (hereinafter referred to as: *Draft Law*) prepared by an expert team of the Ministry of National Minorities of the Government of the FRY. The text of the Theses for a Constitutional Law of the Republic of Serbia on Freedoms and Rights of National Minority Communities and Persons Belonging to Them that a FER working party prepared (hereinafter referred to as: *Theses*) was also considered (The Theses are appended).

The Workshop had the following schedule: *Opening of the Workshop* (The following persons addressed the Workshop: Dr. Dusan Janjic, FER Coordinator, Robert Norman, Deputy Chief of the Mission of the Embassy of the U.S.A. in the FRY, Diana X. **Y. from the OCSE Mission to the FRY**). *The first panel discussion: A comparative account of different proposals for legislative changes and democratic minority policy building* (Chairman: Dr. Dusan Janjic). Introductory statements were given by Dr. Alla Yazkova, Adviser to the President of the Russian Federation for minority issues and associate of the Institute for Ethnography in Moscow, who spoke about experiences in ethnic conflicts management and protection of minorities in the Russian Federation, and Dr. Milorad Pupovac, President of the Serbian National Council, Zagreb, Croatia, who expounded to the participants the position of minority policy in the Republic

of Croatia and preparations for a constitutional law of the Republic of Croatia on national minorities. Twelve participants took part in the discussion).

The second panel discussion: A new democratic minority policy (Chairperson: Biljana Kovacevic – Vuco, President of the Committee of Lawyers for Human Rights – JUKOM. Introductory statements were given by Dr. Jovan Komsic, Adviser to the Minister for National Minorities, the Government of the FRY and associate of the Institute of Social Sciences in Belgrade, who presented the policy of the federal government and the *Draft Law*, while Dr. Janjic talked about the scope of minority policy in Serbia and about the *Theses*. Twenty participants of the **Workshop** took part in the discussion). *The third panel discussion: Basic elements of a democratic minority policy.* (Chaired by Dr. Dusan Janjic. Ten participants of the **Workshop** took part in the discussion).

Sponsors of the **Workshop** were Commission for Democracy of the Embassy of the U.S.A. in the FRY and the OSCE Mission to the FRY.

The outcome of the **Workshop** was identification of essential elements of a democratic minority policy and some of them will be indicated in this report.

Minority Issue after disintegration of the SFRY

One of the conclusions of the Workshop participants is that there is no nation that after disintegration of former Yugoslavia has not somewhere become a minority and there is no nation that has not suffered. One of the lessons of the war tragedy of former Yugoslavia is also that exacerbation of the problem of ethnic minorities is a necessary aftermath of acceptance of ethno nationalism as a ruling ideology and practice. In other words, the problem of ethnic minorities results from a conflict between ethno nationalistic ideal of ethnic homogeneousness of the state and reality of ethnic heterogeneousness of the society. In fact, commixture of ethnic communities makes the formula "one state – one nation" inapplicable.

One of extremely important principles that has not been adopted yet in these states, though it has been acknowledged in other multiethnic societies, runs as follows: The world of small countries is the world of decentralization and democracy! That principle steers to development of different forms of autonomy and regionalism, the ethnic pluralism being in this case an independent variable and democracy the dependent one. Therefore, the question of internal reorganization of centralistic states becomes one of primary issues. For instance, in Serbia, there is an increasing advocacy for autonomy and regionalization that can, as in case of Vojvodina, make the solution of the minority problem easier. In addition, since the level of local community is extremely important for life of minorities, it is necessary to accomplish participation of minorities in government, beginning with the local one. Without this, there is no protection of minority rights.

Prospects for democracy, especially in Serbia, Croatia and Bosnia & Herzegovina, are directly linked with solving or at least directing intractable ethnic conflicts and, within this context, with solution of the status of minorities and guaranteeing of their rights. The major burden shall be borne in this respect by government and the Majority. However, the authorities have not shown so far any serious attempt at getting an all-comprehensive insight into the problems of minorities and at giving up the policy of ethno nationalism, which included *inter alia* expulsion of minorities.

Fundamentals of a new democratic minority policy

The question of a new, democratic minority policy in the FRY has been opened up after the fall of Milosevic's dictatorship at the end of 2000. The policy decision of new government is to build up democratic institutions and procedures for the solution of the question of the status of minorities and protection and promotion of their rights. In addition, there is also awareness that this issue is connected with a response to the crisis of national identity of the Serbian nation and state identity of Serbia and the FRY. The attitude towards the environment has also been changed, above all, towards the neighbouring countries and the international community as a whole. Cooperation and acceptance of international standards are, for the time being, the most evident change.

Some of the steps that DOS government has taken so far (for instance, crisis solution in the Presevo Valley, i. e. in the south of Serbia) demonstrate that a new minority policy has been pursued but that it should be more active and that much more has to be done about it to be democratic as well. It was also proved out that such a policy has to rely strongly on full cooperation with the international community, especially with the OSCE and the Council of Europe, but also with the Hague Tribunal for War Crimes. Along these lines, accession to the Framework European Convention on National Minorities is a good sign, along with active cooperation with many experts of international governmental and nongovernmental organizations.

It transpired in the debate that one of the starting presuppositions for a democratic minority policy is to admit reality. In reality, the FRY is a social and state community undergoing a process of political and state constitution, and in search for its legitimacy basis. Thus, in its life, disintegration of the old and development of the new state run into one another. This brings about discord and incompleteness of the normative and institutional systems. In this system, there are old institutions and standards from former Yugoslavia but there are also institutions that were adapted to the needs of Milosevic's regime for the purpose of having absolute control of government and they are, therefore, contrary to democratic institutions and norms. For that reason, the process of institutional development is one of the basic priorities of reforms in the FRY and Serbia.

One of the characteristics of the FRY is that different ethnic communities inhabit together to a large degree the same area, city or municipality. Hence, it is possible to have in the FRY, depending on the territorial – political level of observation, majority as minority and vice versa. For instance, Serbs are the most numerous ethnic community in the FRY, they are majority in Serbia, but in Kosovo and even within Serbia itself (some municipalities in the south of Serbia, north of Vojvodina and in Sandjak) they are a minority, and in some places even the so-called small minority. This contributes to the exacerbation of conflicts between the majority, represented by government authority, and ethnic minorities. These conflicts are most frequently focused on the issues of the status and territorial and political framework for organization of ethnic minorities. In that sense, the minority problem in the FRY and Serbia is more difficult than in many other European countries. That question is made particularly difficult by the fact that its largest minorities are territorially concentrated in border areas.

Instruments of protection of the rights guaranteed by the Constitution and laws of persons belonging to ethnic minorities represent the weakest point of minority protection in the FRY. Taking into account that the minority protection is also, to a large extent, a political question, it depends on the balance of political forces and influence of the federal and republic government. This balance is conducive to the strengthening of influence of republic government, and the resulting effects on the protection of minorities are the following:

- Lack of a well-conceived minority policy accompanied with adjustment of decisions on the status and protection of minorities to current political needs of government. Thus, for instance, the federal government promoted, through statements of the President of the FRY Vojislav Kostunica and federal minister for national minorities, the official name "Bosniak" . A step towards a new policy has been made thereby. Simultaneously, the Constitutional Court of Serbia made null and void the statute of the municipality of Sjenica for using the same term. That is undoubtedly a step backward towards the old policy codified in the law on the official use of the language that is still in force;
- Mutual distance and conflicts of federal government and republic centres of real economic and political power result into political dependence and insecurity of federal government, and different behaviours of different centres of political decision-making. This leads to confusion, arousing of suspicions and reduces already poor reputation and influence of government, especially the federal one;
- Maintenance and even renewed strengthening of ethno nationalist and centralist tendencies in political life, in culture and in the minds of the majority of population of Serbia and the FRY. This additionally impedes regulation of minority protection.

Minorities demonstrate, on their part, marked need for self-identifying symbols or attributes (flags, emblems, national language, etc.), while minority elites are

trying to channel all needs of minorities through political organizations and to control them through minority parties and associations. Intellectual and cultural centres of these organizations are there where the centres of concentration of minority population are (e.g. Ada, Bosilegrad, Bor, Vrsac, Presevo, Novi Pazar, Subotica, etc.). This points to a tendency of decentralization of former centres (e.g. Novi Sad) but also to the process of homogenisation of minorities. More numerous ethnic minorities (like the Albanian, Hungarian and Bosniak ones) voice their requests for political –territorial independence or autonomy.

For the FRY and Serbia, building of a new minority policy is a necessity of survival, democratisation, security and development. Considering that the ruling coalition consists of 18 parties encompassing the whole political gamut from nationalism and conservatism to the left centre and numerous minority and regional parties, the minority policy should be created as a compromise between the policy of "democratic nationalism" recognizing the existence of minorities and interpreting their rights restrictively, within the framework of international standards though, on the one hand, and decentralization of power, including various forms of autonomy, and minority autonomies as well (personal, cultural, regional ones, etc.), on the other hand.

In reality, inability to reconcile the conflict between loyalty to the state and the one to the nation, ethos, is marked. Loyalty of a minority to the state is based on the conviction of persons belonging to it that they are equal with other citizens and ethnic communities as regards rights and opportunities, and as it is not often the case in the FRY, above all due to widespread ethno nationalism of persons belonging to the Serbian but also to other communities, the FRY found itself only with the fall of Milosevic, in October 2000, at the very beginning of the normalization of relations between its citizens and the state. This requires the establishment of a new institutional system that might help in managing conflicts of national interests and their peaceful and democratic solution.

A new democratic minority policy

A number of experts stressed that a minority policy denoted a set of political and legal documents – standards (internal: among them the most important being constitutional acts that have to be passed, including the constitutional law on minorities and relevant special laws and enactments; international, especially the European ones: the FRY had not, since 1992 when it was created, until the end of 2001 when it acceded to the *Framework Convention on the Rights of Minorities*, ratified any international document); institutions and procedures; political actions, especially creation of a democratic public that is aware of the need to promote and protect human and minority rights. It was, in fact, concluded that the minority policy of DOS government in 2001 was contradictory: readiness was demonstrated in principle to pursue a democratic minority policy and initial steps were made along these lines (openness towards and cooperativeness with

international experts and organizations in solving the crisis in the south of Serbia by peaceful and democratic means, as well as in the work of the federal expert team for the preparation of the *draft law*). This only confirms that building of a democratic minority policy will be a long process. Changes in habits and opinions will be particularly painful. Therefore, principles on which a democratic attributes of the state and national identity could be built were specially highlighted. Those are:

- Respect for identity and striking a balance between human freedoms and rights of individuals and rights of minorities, and elimination of the existing ethnic conditions for rights and freedoms (e.g. citizenship);
- Second, the political subjectivity, expressed by the will of minority electoral body through elections for assemblies at all levels of government, should be recognized to minorities. Similarly, minority collective rights in the fields of education, culture, information and the official use of language should be recognized:
- Division of power between the majority and minority, from the application of the principle of decentralization to establishment of various forms of coalitions that would make it possible for minorities to manage their affairs in different forms of autonomy and regionalism. It is possible that within the framework of a territorial autonomy other forms of autonomy exist parallel, especially the cultural and regional ones or the so-called special statuses. Autonomy is limited sovereignty and a fair compromise between two legitimate postulates recognized in the international law: the right of an ethnic community to self-determination and respect for state sovereignty and territorial integrity. Autonomy expresses also confidence of the state in persons belonging to an ethnic minority that are handed over the management in individual domains of importance for national identity, and that accept before the state political, legal and material responsibility for their actions;
- Modernization of ethnicity, i. e. building up of an ethnic loyalty according to criteria of a democratic society and moral and social standards fitting the new millennium.

Democratic minority policy should be based on a consensus of political actors, minority communities and the public at large. However, that rule has not been observed in government actions so far. Thus, activities relating to the preparation of the *draft law* were carried out in a narrow circle of domestic and foreign experts and in an extremely reduced and selected public. The resulting outcome was that the distance between many minority leaders, especially the Hungarian and Bosniak ones, and representatives of government engaged in minority policy increased. NGOs and civic initiatives can contribute to the creation of a more positive climate for diminishing the present distance and for reaching a consensus of a larger number of minority policy actors. Many participants of the **Workshop** pointed out that exclusion and self-exclusion, maximalist requests and ethnocentrism can impede progress in the process of searching for

constructive solutions and democratic framing of a new minority policy. More active involvement of civil society organizations (media, trade unions, NGOs, churches, etc.) in minority policy building is an additional guarantee that this policy will be supported and controlled by democratic public.

It was pointed out that there was a real need for strengthening local self-government and decentralization. However, the decentralization should not mean exclusively redistribution of authority under ethnic criteria. The leader of Bulgarian national community stated that decentralization and regionalization were conditions for democratisation. He is of the opinion that Serbia should become a state of regions where principles of multiethnicity and self-organization of national communities would be recognized. It is important that legislative changes take place at the level of the Republic of Serbia taking into account that it is the republic government that has in its hands essential instruments for conducting a minority policy (e.g. territorial organization, media, culture, education, etc.). It is also necessary to strengthen the influence of provincial authorities in Vojvodina and to make it possible for local communities to gain in strength. One of representatives of the Hungarian minority community particularly stressed the necessity of repealing the existing law of the Republic on local self-government. Instead, a new type of self-government and decentralization should be determined, which would rather define community (a village or a quarter of a city) as a basic level of self-government than municipality as is the case now. In the opinion of this leader, local self-government bodies should have at their free disposal the funds they collect. In that way minorities would become an agent of the local self-government process. It was also emphasized that the principle of proportionate representation of minorities in government agencies was a condition of a democratic minority policy and that the state should do away with its own monopoly in the field of education.

Towards the end of the **Workshop**, representative of an international organization supported proposals to the effect that the FRY and Serbia should be decentralized and that a new law on local self-government should be passed. Decentralization and broader powers of local authorities do not mean at the same time ethnically based autonomy. He is also of the opinion that the problem of census quotas should be solved by way of measures of mutual trust. He stressed that minority leaders were also responsible for establishment of inter-ethnic confidence and that there could not be a democratic society without a democratic minority policy. This representative of the international community reminded the participants of the fact that there were delays in many cases of minority issue solution. Timely solution of the question would serve as a way of preventing possible conflicts.

Legal framework for regulation of the rights of minority communities

The documents of 'Milosevic's era' that are still in force (The Constitution of the FRY – promulgated on 27 April 1992; The Constitution of the Republic of Serbia

– promulgated on 28 September 1990; The Constitution of the Republic of Montenegro – promulgated on 12 October 1992; The Statute of the Autonomous Province of Vojvodina – promulgated on 29 June 1991), individual federal and republican laws, bylaws (decrees, decisions, regulations), statutes of municipalities and individual political and legal acts (e.g. "Declaration of Human Rights and Rights of Persons Belonging to National Minorities of the Republic of Serbia") lay down freedoms and rights of persons belonging to minorities. However, it was pointed out in the **Workshop** that the status of a minority as a collectivity remained mostly unregulated.

The minority issue was aggravated by the attitude of Milosevic's government towards it: a number of laws was passed aiming, allegedly, at protecting the majority population in Serbia when it found itself, like in Kosovo, in the position of a minority, but they discriminated against Others, above all the Albanians. Though every government, including the present DOS one, have incessantly been proclaiming the principle of equality and non-discrimination, the minorities in the FRY are faced with suppression and discrimination by:

- Narrowing the right to education in the mother tongue and pushing out of the cultural life;
- Slackening of work of minority institutions in the field of culture, media, etc;
- Pronounced psychological and political and propaganda pressure exerted by government institutions and parties, scientific and cultural institutions and media controlled by government. There was also violence, even the one falling within the category of "genocide" (e.g. "ethnic cleansing" in Kosovo and kidnapping and murders of Bosniaks from Sandjak). As pointed out by a member of the Bosniak community in Sandjak, negative effects of the past are intensified by the fact that these acts have neither been clarified nor their perpetrators punished.

Effective regulation of the status and of the freedoms and rights of minorities necessitates a pragmatic approach, accompanied with observance of the above stated principles. Though a body of economic, social, historical, ethnic and political factors are in play, the point of departure should be establishment of appropriate constitutional and legal framework, and activities leading to the change in public opinion about the Others, especially ethnic minorities. New rules and procedures are to be adopted. In that sense, a legal framework at the federal and republic levels is an imperative for the changes to come.

Federal and republic authorities have under their respective constitutions appropriate authority in the minority protection. However, mutual relations and division of competences have not been clearly delimited. Serbia and Montenegro have passed a series of laws in the sphere. There are considerable differences between Serbia and Montenegro in the legislation (for instance, in education, school system, purchase and sale of real estate, establishment of political parties and associations, the official use of mother tongue and national

symbols, etc.). Montenegro government has proved to be more "enterprising" and regulated many issues that are pertinent to the field of minority protection.

The basic thesis of all **Workshop** participants was, including representatives of the Embassy of the United States of America and OSCE, that the offered legal framework at the federal level was a good first step but that the implementation of the law and final effects on relations between the majority and minority are the ones that primarily count.

The draft law is considered to be breaking off with nationalistic arrogance of Milosevic's regime and recognizing multiethnicity and multiculturalism as a basis for society building. Structural inequalities that resulted from exclusion and self-exclusion of minorities from institutions of the system are being eliminated as the law provides for participation of minorities in the system institutions in terms of both substance and quality. However, the basic deficiency of the *draft law* is that it encroaches upon the competences of the republics violating thereby the constitutional system. This transpires from the fact that the *draft law* starts from the principle that federal regulations are superior to the republic and provincial ones. Also, parts three and four of the *draft law* encroach on constitutional authority of the republics and the province. In that way, the minority policy, human and minority rights are instrumental in deepening otherwise strong tensions between the federal state and constituent republics. All this makes the *draft law* dysfunctional in relation to the process of building a democratic national and state identity of the Republic of Serbia, and in relation to the process of establishing new relations between Montenegro and Serbia and, accordingly, to actual situation in Kosovo.

Underlining the necessity of enacting the *draft law* and drawing attention to danger of discrediting new government and even the very concept of the reform and democratisation in the eyes of the domestic public, especially of persons belonging to minority communities but also of the international community unless the federal law is passed or in so far as it is contested later before constitutional courts, it was pointed out that the *draft law* should be brought into accordance with the federal and republic constitutions, while politicians were invited to refrain from manipulating with individual solutions, proposed but not adopted (e.g. on temporary national councils or national election lists), for the sake of their party interests, promotion or confrontation with persons who do not share their political views.

The Workshop gave also some concrete proposals for improvement of the *draft law*. The representative of the Ruthenian community pleaded for statutory regulation of the operation of *matica* (cultural and literal societies) of national communities. A person belonging to the Albanian national community from Presevo inquired about reasons for not having a definition and a list of autochthonous national communities in Serbia in the *draft law*. Some other participants in the Workshop discussed justifiability of the offered census

percentages and quotas, as means for the exercise of minority community rights.

Since legal changes cannot have full effect at only one level of the state (federal or republic one), participants in the **Workshop** pleaded to pass the republic law without any delay. One of Bosniak leaders from Sandjak stated that laws on national minorities at the republic level should not be a hindrance to the implementation of the law at the federal level.

The role of minority community leaders

The new minority policy is only one of the segments of democratisation. However, it is not only in the hands of the political elite of the majority or government though the role of political leaders is extremely important. There is no democratic minority policy unless leaders of minority communities take an active part in it. As pointed out by the representative of the Serbian community in Croatia, minority community leaders can do a lot in furtherance of the status of minorities. They must have a strategy of approach and requests relating to the efforts to defend their rights. Minority leaders have to present their requests to the public at large and appropriate bodies properly and timely. It was also emphasized that minority leaders would have to fit their specific requests into the context of a "broader community" and creation of a climate of interethnic confidence.

It is of particular relevance for the establishment of a democratic minority policy that the majority of minority leaders and organizations, including minority political parties, was a part of the opposition and active in toppling down the Milosevic's dictatorship. Anyhow, minority representatives, especially the Hungarian and Bosniak ones, are in government (e.g. deputy prime minister of the Government of Serbia in charge of development of local self-government, vice-president of the assembly of Vojvodina, federal and provincial ministers for national minorities) and they exert a direct influence on the creation and enforcement of the minority policy. The responsibility of minority leaders for establishment of a democratic minority policy is also thereby increased.

"Bridge-building" between the minorities and majority

Minority-majority relationship in Serbia and the FRY is the relationship of a confrontation. Inadequate "institutional engineering" that stimulated negative reactions on the part of minorities contributed to a large extent to such relations. Accordingly, principles of majority democracy cannot be applied in the FRY, which is a multiethnic, multicultural and multiconfessional community, without certain limitations and additions in institutional and practical terms. Therefore, along with efforts in favour of individual rights of all the citizens, the so-called collective rights of ethnic groups have to be accepted.

What is necessary to reach a "constructive agreement" between the majority and

minorities? In what way legitimate rights of minorities can be best protected, having them at the same time incorporated into the context of a "broader community"? Those are the questions discussed in the Workshop. It was stressed that in response to these questions that extreme interpretations, according to which requests of minorities represented a way to secession increasing the fear of the majority from minorities, should be left out. On the other hand, minorities are fearful that the majority might endanger their right to identity and other rights. In order to avoid unnecessary misunderstandings and conflicts, it is necessary to create a climate that will help to change identification of the majority and minorities on the basis " We and the Others", "Our and Their" and frequently "Good (We) and Bad (They)".

The conclusion is that the process of multiethnic confidence building is a long one and that it implies fulfilling numerous preconditions, among them being the following:

- Recognition and respect for the right of minorities to self-identification;
- Making it possible for minorities to participate in government, government institutions and public life;
- Statutory regulation of minority rights and establishment of efficient mechanisms for the protection of minority rights (consociational democracy, minority self-government, ombudsman).

Regional context

The majority of the **Workshop** participants indicated significance of the regional approach to minority issues. This particularly applies to the territory of former Yugoslavia where after the collapse of the FRY considerable segments of peoples that used to live in a single state have become minorities in newly created states. This is often accompanied with violation of basic human rights, group and individual ones, physical and political persecution, ethnic cleansing and violation of fundamental minority rights. That is why it is necessary to comply with numerous presuppositions in the regional framework as well. This, however, does not depend only on developments and political will in newly created states but also on the international community. The most important among these presuppositions are the following:

- Stabilization of peace in the territories of B&H, Kosovo, Serbia and the FRY respectively and Macedonia;
- Solution of outstanding questions relating to the internal legal regulation of the status and protection of freedoms and rights of minorities, including enactment of new basic laws on the rights of minorities;
- Securing international guarantees that a minimum of common standards of the minority policy will be established in the entire Region, and
- International mediation, if needed, in the regulation of especially delicate matters such as, for instance, dual citizenship.

It was also concluded that it would take a lot of time to integrate fully minorities into the states of former Yugoslavia but that the following arguments spoke in favour of the need for and positive outcome of this process:

- First, minority problems are directly connected with relations between states since numerous minorities have their "king states" in the neighbouring countries. This relation is particularly burdened with victims and grave consequences of recent war conflicts and is in direct connection with the progress of reconciliation process. This particularly applies to the relations of Serbia – the FRY with Croatia, B&H and Kosovo. In the case of relations of Serbia and the FRY with Croatia and B&H, this question is linked with the one of refugees. For instance, more than 40,000 persons belonging to the Croatian community were forced to leave their homes in Serbia and move, primarily to Croatia. This poses an obligation, as it was pointed out, for government of Serbia and the FRY to create conditions for their return. Admittedly, in this way the process of normalization of relations between Serbia and Croatia will be facilitated and expedited and more favourable conditions created for solution of problems of hundreds of thousands of Serbian refugees that were forced to leave Croatia. Accordingly, a minority policy has to cover both measures of re/integration and re/conciliation;
- Second, minority issues are connected with national issues many of which, especially the Serbian, Croatian and Albanian ones, are regional in character, i.e. they can be only solved in the regional framework of cooperation. In addition, these issues, along with the Macedonian one, directly encroach upon security and stability issues of the Region. For that reason, a minority policy has to incorporate instruments of recognition and early reaction to heightened risks of conflicts in the Region.

It was particularly stressed on many occasions that regional standardization and harmonization of minority rights legislation would contribute to stabilization of the states and to promotion of the status of minorities in the Region. Standardization and harmonization of regional legislations should be carried out in accordance with European solutions and should also contribute to integration of the states that emerged from former Yugoslavia into the EU. That would also contribute, as pointed out, to lowering of cross community tensions. The first step in that direction is to abrogate discriminatory provisions in national legislations. It is possible to reach a compromise between the state and minorities without anybody's defeat stated one of the leaders of Vojvodina Hungarians. Naturally, regional statutory standardization and harmonization are processes that require long-term efforts, many bilateral and multilateral agreements, and assistance of the international community to boot. In that way the problem of relations of "new diasporas" and "new minorities", which originated from disintegration of former Yugoslavia, would be placed on a cooperative footing, and manipulation of minorities for the purpose of destabilization of neighbouring countries would be avoided. It was indicated, in the context, that the *Special Act of the Republic of*

Hungary on the Rights of Hungarians in Neighbouring Countries deserves attention. The application of the *Special Act* will be, according to what was said, a special contribution to strengthening of ties within the Hungarian cultural circle. In addition, there is nothing in the Act that violates either rights of other communities or neighbouring states. Taking into account that Hungary will soon accede to the Schengen visa system, the *Special Act* will contribute to reduction of actually absolutely possible discontent of persons belonging to the Hungarian community. Namely, Hungarians in Vojvodina and Serbia could be, due to the fact that they are living in Serbia that will be for long, ten or more years, outside the Schengen visa system and the European Union, in a considerably unfavourable position than other Hungarians. Judging by these facts, it will be of use to both the Hungarian community and Serbia and the FRY respectively that persons belonging to the Hungarian community having students' and teachers'/professors' IDs will have the right of free movement, education and training, and even temporary employment in Hungary and the EU.

However, the *Special Act* is one of rare enactments in national legislations of contemporary European states. This opens up some questions in relation to the content of future international agreements. In fact, according to the former practice, many questions regulated by the *Special Act* were regulated in bilateral agreements. Thus, questions of similar rights of Serbs, Croats, Slovaks, Rumanians or others can be expected now to be regulated by bilateral treaties and agreements. That is why it was suggested to government to consider possibilities for statutory regulation of state support to preservation and development of national identity of Serbs in Hungary. It would be desirable to take the following practical measures:

- First, consultations with Hungarian authorities on concrete obligations that arise for government of Serbia and the FRY from this *Special Act* (e. g. with regard to border crossings or regulations governing the operation and financing of nongovernmental organizations), and
- Second, exchange of views with other countries concerned (especially Rumania and Slovakia) on possible consequences of the application of the *Special Act*.

It was suggested to establish regional cooperation with regard to application of the Act, for instance in the form of consultations that would contribute to mitigating possible negative effects (e.g. privileged position of Hungarians in relation to their neighbours of another nationality), and intensifying positive effects (e.g. strengthening of cross-border regional cooperation).

Proposals of the Forum

Democratic changes in Serbia have created conditions for placing minority policy on a new basis. Proceeding from experiences of all the societies in transition to the effect that the role of organizations of civil society, especially NGOs, is

extremely important for democratic minority policy building, the **Forum** wants to give its contribution to the process of forming a new democratic minority policy in the FRY and Serbia, i. e. to "bridge-building" between minority ethnic communities and the Majority. To that end, the **Forum** will initiate and support establishment of a *Standing Round Table of minority leaders* and holding of dialogue between minority leaders and representatives of government of the civil society, within the framework of the *Civil affirmative action*, as a project of cooperation with many nongovernmental organizations. In cooperation with the Committee of Lawyers for Human Rights – JUKOM, and within the framework of the *civil legislative action*, Forum plans a public campaign in favour of passing the republic law, on the basis of the *Theses*, including collection of 15,000 signatures of citizens of the Republic of Serbia. The **Forum** and JUKOM will cooperate in the elimination of discriminatory provisions from the federal and republic legislation.

Having in mind that the legislative framework is one of the first and necessary steps towards the creation of the new minority policy in the FRY and the Republic of Serbia, a **Forum's** group of experts has prepared the *Theses*, in cooperation with minority leaders and numerous foreign experts, as a basis for legal regulation of rights of national minorities at the republican level, and they represent harmonization of the domestic legislation with European standards in the field. For that reason, the **Workshop** called upon the Government of Serbia and the board for national minorities of the Assembly of Serbia to begin with elimination of discriminatory norms from the republican legislation in force, and to initiate cooperation of political parties, minority communities, nongovernmental organizations, international organizations and experts so as to codify, at the level of the Republic, democratic minority policy.

Since effects of new laws and new, democratic minority policy will, above all, depend on success of the implementation of those enactments, **Forum** shall initiate, in cooperation with JUKOM, setting up of *debating clubs for tolerance and conflict prevention* in local multiethnic communities of Sandjak, Vojvodina and Southern Serbia. *Debating clubs* would be places for:

- Holding of dialogues among persons belonging to different national communities on issues of common interest;
- Promotion of cooperation in matters of common concern;
- Familiarization with one another's culture and customs, and studying of positive tradition of joint life;
- Promotion of tolerance and the right to be different;
- Socializing of young people and organization of joint sports and cultural events.

Considering the need to change the attitude of public opinion and to direct it towards peaceful and democratic solutions, and the fact that it has been formed in the past decade under a strong influence of ethno nationalism, xenophobia

and isolationism, i. e. intolerance of Others, it is necessary to launch many campaigns for the purpose of changing the education system thoroughly. For instance, learning about human and minority rights, war crimes and ethnic cleansing as well as about the holocaust should be incorporated into syllabi at all levels of education. In other words, a developed system of education for peace and tolerance is needed, the **Workshop** stressed.

Concluding points

- **The law is only the first step; its implementation is the test of whether real changes will take place in relations between the minorities and majority.** If implementation is to be a success, a constructive interaction between minorities and the Majority is needed. NGOs and civil initiative can help to create a propitious social climate for such an interaction.
- **It is necessary to strike out of the existing legislation discriminatory norms and to lay down by law the rights of minority communities, both at the federal and republican levels.** Accession of the FRY to many international organizations, signing international conventions and protocols necessitate harmonization of the domestic and international legislation and practice. This also implies urgent preparation of the federal law, which will be brought into harmony with international legislation in the field of the protection of minority rights.
- **Discussion of the *Theses* and concrete suggestions given on that occasion should be brought to the knowledge of appropriate bodies.**

Appendix

WORKSHOP: THE ROLE OF LEADERS IN A NEW DEMOCRATIC MINORITY POLICY

List of Participants

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***Andras Agošton, president of the Democratic Party of Vojvodina Hungarians
Slavko Almažan, writer***

***Duška Anastasijevic, Fund for Humanitarian Law, Belgrade
Bishop Artemije, Serbian Orthodox Church***

Rabbi of Yugoslavia Isak Asiel, Belgrade
Lajos Bala, assembly of the municipality of Kanjiža
Osman Balić, member of the Presidium of the World Congress of Roma
Istvan Beszedes, Zetna Magazine, Senta
Zoltan Beres, Zenith, Subotica
Antal Bozoki, Civil Association of Hungarians in Yugoslavia, Novi Sad
Nicu Ciobanu, Libertatea, Pančevo
Marcin Czaplinski, OHCNM, OEBS, The Hague
Ramiz Crnišanin, vice-president, Intellectual Circle of Sandjak
Bela Csorba, writer, Temerin
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Pavel Domonji, chief of the office of the Helsinki Committee for Human Rights, Novi Sad
Slavoljub Đorđević, Roma Information Centre, Kragujevac
Slobodan Đurđević, president of the Wallachian Democratic Union
Patric Gavigan, UN-OHCHR
Rizah Gruda, president of the community for culture of Bosniaks of Sandjak
Zafir Hadžimanov, president of the Yugoslav-Macedonian Society "Šar planina", Belgrade
Alija Halilović, president of the Civic Forum
Fuad Hrnjak, president of the Assembly of the municipality of Sjenica
Mihajlo Harpanj, Faculty of Philosophy, department of Slovak language, Novi Sad
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Josip Ivanović, Croatian Democratic Society
Šaip Kamberi, Human Rights Board, Bujanovac
Mihajlo Katona, Ruthenian Matica
Fedor Kolesar, Union of Ruthenians and Ukrainians of Yugoslavia
Dragan Kolev, SPS, Dimitrovgrad
Jovan Komšić, adviser to the minister for national minorities, Government of the FRY and Institute of Social Sciences
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Jovica Kostov, president of the Democratic Union of Bulgarians in Yugoslavia
Biljana Kovačević-Vučo, JUKOM, Belgrade
Dimitrije Kračunović, president of the Democratic Movement of Rumanians of Serbia
Rupen Krikorian, member of the Bulgarian Parliament, Sofia
Šefket Krcić, Matica of Bosniaks
Šemsudin Kučević, Coalition "List for Sandjak dr. Sulejman Ugljanin"
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Aleksandar Lebl, president of the Commission for Monitoring Anti-Semitism

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Tanasije Mirijevski, president, Roma Society
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Ivan Nikolov, Democratic Union of Bulgarians in Yugoslavia
Robert Norman, deputy chief, Mission of the Embassy of the U.S.A. in the FRY
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Vladimir Oroš, Cultural Centre, Ruski Krstur
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