

# Chapter 1

Title

**National Variety in Serbia  
in the Process of EU Integrations**

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# National Variety in Serbia in the Process of EU Integrations

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**Introduction** As many great rivers, the Danube River has also played a significant role in the history of people living on its riverbanks. In more recent history it has had an important role in the process of EU integrations, especially in mutual cooperation and integration between countries along the Danube River Basin (DRB), as they share history and culture. A lot of migrations have resulted in medley of various customs that can now be seen in practically all of the DRB countries. A long and broad history has left Serbia, as one of such countries, with an enormous cultural heritage that represents a mix of different nationalities. In such an environment it takes a lot of tolerance and respect for human rights for everyone to be able to live in peace together. Unfortunately, the story of human rights as science knows them today only began in the 18<sup>th</sup> century. Since it belongs to the sphere of social sciences, it took a lot of time, as it still does, to implement such rights into a social, economic and political system. In a certain manner, we can say that integration is a process of tolerance and respect for human rights, as one of the conditions for entering the European Union is precisely respecting human rights and minority rights, which are particularly important in the Danube Region because of its colorful cultural diversity. Raising awareness of human rights and importance of their respect and protection can contribute to preserving international peace, a harmony among cultures, which is one of legacies of the World War I, i.e. the Versailles Peace Treaty.

The aim of this paper is to show the position of minorities in Serbia, with specific regard to the Autonomous Province of Vojvodina, which is the area where a great number of national minorities have residence. The emphasis is on the legal aspects of minority rights, their harmonization with the EU integration process criteria, as well as problems that appear in practice.

**Once And Future Aims** Any armed conflict, especially an international one that includes the entire world, always has devastating consequences. When in such a state of anarchy and chaos, rare are

**World** those who have respect for human rights or even respect for

**War I** another human life. The year of 2014 is the year of remem-

**Legacy** brance that a hundred years have passed from the beginning

of the World War I. It was the first time in history of mankind that a war of such scales took place. The war lasted four years and in those four agonizing years the world saw a lot of destruction and suffering. It is one of the historic armed conflicts with the biggest number of fatalities, but what also ensued were changes in territories of certain countries and instability in some others due to political turmoil. According to the ICRC (International Committee of the Red Cross) and figures they took from the Office fédéral de la Protection civile in Basel (Switzerland) the number of combatants killed in the First World War is 10 million, while 50,000 civilians were killed in the same war (Sassòli and Bouvier, 2006: 173). If one takes into consideration that according to the same source 24 million civilians were killed in the World War II, the 50,000 from the World War I seems small, but any number of killed and injured civilians in an armed conflict is terrible. Therefore, the winning parties decided to try and prevent such events from happening again and signed the Versailles Peace Treaty on June 28, 1919 after several months of negotiations. In the preamble of this Treaty (The Covenant of the League of Nations), it is stated that an international

cooperation is necessary in order for the international peace to be achieved. For that cause, the winning parties to the war founded the League of Nations, and one of its original members was the Serb-Croat-Slovene State whose successor is the Republic of Serbia.<sup>1</sup> It was the first universal organization for the protection of peace and security, which established a system of protection of minority rights, too.

The system of protecting minorities was established in documents containing obligations of countries regarding this subject. What is particularly of interest here is that in 1919 the Kingdom of Serbs, Croats and Slovene, among few other countries, signed a separate agreement that protected ethnic, linguistic and religious minorities. The aim of obligations stated in the mentioned documents was for minorities to be treated as equal and to be able to survive as groups – they had to have the highest, constitutional status in a country, which means those obligations could not have been changed by ordinary laws and without consent of the League of Nations (Dimitrijević et al., 2007: 292). Minorities even had the right to file petitions to the Council of the League of Nations.

However, after the League of Nations was dissolved in 1946, the United Nations decided not to continue with the policy of the League of Nations regarding minority rights. Reasons for such actions are mostly political and rooted in fear of history repeating itself because of what happened with German minorities after Hitler took control over Germany, therefore, ruling out group protection of minorities.

***EU Integrations and Regional Cooperation*** Even though parties to the Covenant of the League of Nations agreed on preserving international peace, individual tendencies provoked dissatisfaction and a new global war, during which the world saw more destruction than in the first one. As it was earlier mentioned, the League of Nations

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<sup>1</sup> The Republic of Serbia is successor of the Serb-Croat-Slovene State even though the country itself changed its name in the past, as well as territory.

was dissolved at the end of the World War II (1946) and in a way we can look at the United Nations (UN) as successor to that organization since for the most part they share the same goals. As a universal international organization, the purposes of the UN, as stated in Article 1 paragraph 3, are to achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging the respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.

With the foundation of the European Coal and Steel Community, the European Economic Community and the European Atomic Energy Community during the 1950's, the European countries came to an idea of regionalization in order to facilitate mutual cooperation and be able to help each other's economy. This idea evolved into the European Union (EU) as we know it today, although with not so many members at first. In the beginning, accession to the EU was easier, but in the past decades conditions required of a country to be able to become part of the EU have been defined very particular, which is not necessarily a bad thing if one bears in mind different levels of development of countries. Even besides that, cooperation exists between the EU and non-EU countries, especially when one country is in negotiations or has begun accession to the EU.

The EU integrations process has been subject to many political, sociological, legal and similar reviews in Serbia in the past decade. Considering that Serbia has formally started accession negotiations in January 2014, it means that to a certain level this country has fulfilled most of the conditions required of one country. One of the basic conditions for joining the EU is the respect for human rights and minority rights, as well as promoting regional cooperation and development of good relations with neighboring countries. Serbian EU integration on the inner plan has had a lot

challenges that it has had to cope with (Orlić, 2010:645). One of those challenges is harmonization of laws that protect human rights and fundamental freedoms, about which there will be more word in further text.

Another step on the way in the EU integrations is regional cooperation, as one of their basic elements. Regional cooperation is basic indicator whether one country is prepared to integrate into the EU and is part of specific political criteria – joining the EU goes in step with development of regional cooperation in the Western Balkans, following the model of integration and cooperation in the very EU (Đurić, 2012:307). It showed that connecting of countries on a regional level makes for best possibilities in achieving development goals, in individual countries and the entire region in general (Bulajić, 1994). Benefits of regional cooperation are that it is much easier to connect on a smaller territorial coverage, in most cases neighboring countries share similar interests, culture and tradition that can contribute to better international understanding and greater respect for human rights and fundamental freedoms in accordance with European standards, the process of institutionalization is easier on smaller territories, etc.

One of the aspects of the EU integrations is that national and regional identities are becoming more and more expressed and manifested, while social groups direct their efforts toward European institutions (Radaković, 2010: 43). If one knows that national identities are deeply rooted into the basic structure and operations of the EU and looks at that from the aspect of human rights in connection with regional cooperation, then one can deduce that such process of integration and cooperation is a way of overcoming differences, which is in accordance with one of basic principles of human rights – the principle of equality.

Serbia has been active in the area of regional cooperation and has shown will to develop good-neighbor relations,

which is very important because of the history of the Western Balkans that is marked with armed conflicts and revolutions. What should be noted is that Serbia signed a number of agreements regarding regional cooperation in various spheres, and participated in the adoption of the EU Strategy for the Danube Region, as well.

**National Minorities in Serbia** It is hard to define precisely what it means ‘minority’ and who belongs to such groups, so therefore, a universal definition of minorities does not exist. Many human rights experts tried to define minorities, ones giving too broad definitions while others making them too simple. Another reason that there is not a universal definition lies in the fact that not all cultures recognize all kinds of minorities (for example, Arabian countries believe that there is one Arabian nation, or that all Muslims are one people, which means they do not recognize ethnical criteria as much as religious ones). However, Norwegian expert Asbjørn Eide gave a completely simplified definition, reducing it to objective characteristics, and in this case this definition can be taken into consideration:

“... a minority is any group of persons resident within a sovereign State which constitutes less than half of the population of the national society and whose members share common characteristics of an ethnic, religious or linguistic nature that distinguish them from the rest of the population.” (doc. UN E/CN.4/Sub.2/1993/34)

Minority rights essentially refer to cultural rights of minority groups such as the right to education and to science and culture, but taking into consideration all types of minority groups, minority rights also encompass civil and political rights such as the freedom of religion and the



right to public participation. However, we must not forget that every member of minorities has all human rights and fundamental freedoms for the simple reason that he or she is a human being.

There are two aspects of minority rights: individual and collective. As already mentioned, in the eyes of the United Nations minority rights are not collective. However, according to Article 27 of the International Covenant on Civil and Political Rights (1966) members of minorities should enjoy their rights in community with the other members of their group. From this we can see that there is not consistency and universality in the interpretation of minority rights. Nevertheless, each and every member of a minority group, be it ethnic, religious, linguistic or any other, can enjoy his or her rights and freedoms individually as well as in a group.

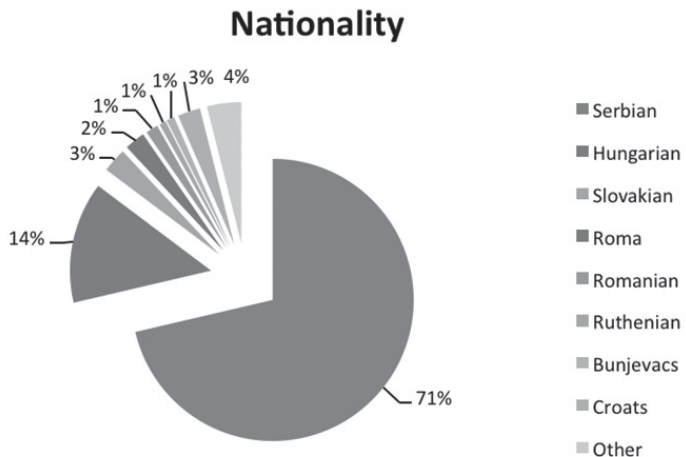
***Who are minorities in Serbia?*** The history of Serbia is marked with many migrations across the present territory of this country that left traces of various cultures that still remain. World War I (1914–1918) and World War II (1939–1945) had effects on the increase of migrating people. The civil war in former Yugoslavia (1991–1995, although some sources state that the civil war ended in 1999) particularly caused enormous migrations, with a lot of refugees looking for a place where they could be safe from their country. As a result of these, say, more recent events, today we have a mesh of cultures in Serbia, for what the Autonomous Province of Vojvodina (in further text, Vojvodina) is most notable. Such mesh incited the idea of multiculturalism, an idea or ideal of cohabitation of different ethnic and cultural groups within the same pluralistic society which implies their coexistence, mutual tolerance and equality (Raduški, 2009: 337).

Vojvodina was once part of the Austro-Hungarian empire, and before that many nations lived on its present territory – for relatively short while it was under the influence

of the Ottoman Empire, although not as much as the rest of Serbia. Migrations during the two world wars and civil war in former Yugoslavia triggered a lot of migrations, wherein many found new homes in this northern part of Serbia. Today Vojvodina is proud to be a colorful quilt of cultures and traditions that can be practically seen in every part of it. There is a number of bigger groups of national minorities living in Vojvodina: Hungarians, Slovaks, Roma people, Croats, Romanians, Ruthenians (Rusyns) and Bunjevacs, but there are also Montenegrins, Bosnians, Russians, Germans, Muslims (explained earlier in the paper why they are considered national minority) and many other (Figure 1). However, when the poll was done in 2011 the number of mother tongues used in Vojvodina gives a bit different picture (Figure 2).

**Legal regulation** When talking about legal regulation of protection of minority rights on a global level, we cannot find universal solutions. The United Nations do not protect minority rights as collective rights, but only as individual rights, while the International Covenant on Civil and Political Rights sees minority rights as both individual and collective, and it seems

Figure 1.  
Ethnic groups  
in Vojvodina.

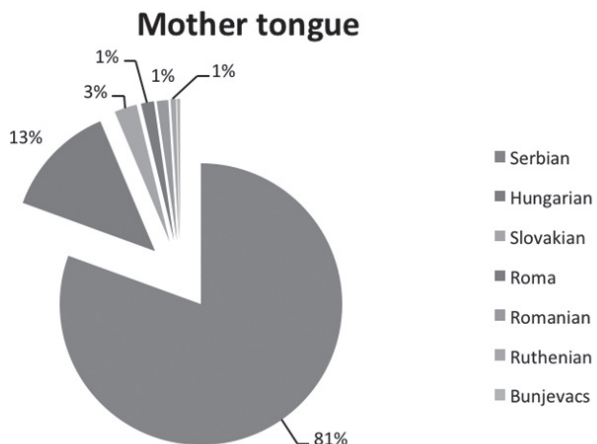


Source:  
Statistical  
office of the  
Republic of  
Serbia

that the world has not come to a conclusion how to classify minority rights. However, more can be done on the regional level, which can be seen in the work of the OSCE (Organisation for Security and Co-operation in Europe). One should not exclude bilateral and multilateral agreements between individual countries that play a big role in the protection of minority rights, as well.

Still, the biggest part in protecting minority rights can be done via national legislations. Each and every country is free to adopt laws protecting human rights and fundamental freedoms – as a matter of fact, they are encouraged to protect them this way. A state can use one of two approaches toward minorities: pro-assimilation or against assimilation. Simply put, pro-assimilation approach means that all minority members accept “becoming” majority members. A state can be against assimilation if it respects existence of other, minority nations living on its territory and having the same rights as those belonging to the majority. Nevertheless, it can never be this black and white, because the will of minority members plays a key role in this. One person can declare himself or herself as being of one or other nationality

*Figure 2.  
Languages  
in use in  
Vojvodina.*



*Source:  
Statistical  
office of the  
Republic of  
Serbia*

depending on his or her free will. If one is forced to accept a certain nationality, then that would represent a violation of that person's fundamental freedoms.

The protection of human rights and fundamental freedoms, and especially minority rights is one of the prerequisites of the EU integration process. Serbia has done a great deal in this area, which can be seen from the number of laws protecting various aspects of minority rights, as well as the bilateral and multilateral agreements Serbia has signed. First of all, what is the most important for human rights is for them to be lifted to constitutional level, what Serbia has done – in the Articles 18-81 Constitution of Republic of Serbia (2006) regards the matter of human rights and fundamental freedoms, and their protection. The Constitution guarantees human rights cited in its text and prohibits any kind of discrimination (except for special measure the State can take in order to achieve equality of persons or groups of persons). It also prohibits forced assimilation of national minorities and guarantees their right to preserve their uniqueness.

At levels lower than constitutional, Serbia has adopted a number of laws. The first and foremost is the Law on the protection of rights and freedoms of national minorities (last changes in 2013), which is the basic law protecting minority rights. The importance of this Law is because, besides other principles, there is also the principle of cultural autonomy that protects collective rights of national minorities.

The next is the Law on the official use of oral and written language (last changes in 2010). This law is important as it prescribes that in units of local governments where 15 per cent of the population belong to a national minority, language of that minority is one of the official languages in that area or county, which means that minority language is used in court procedures, in communication with the authorities, in official records, on signs that show names of the unit of the local government, towns, cities, squares, streets, etc.

According to Article 9 of the Law on ID card (last changes in 2011) form of ID cards can be printed in the language of the given national minority in accordance with the law.

Aims of education and guidance system, as stated in the Law on the basics of educational and guidance system (last changes in 2013), are among others, nurturing the Serbian mother tongue and culture, as well as the language and culture of national minorities. Article 9 Paragraph 2 of this law states that members of national minorities can listen to classes in their mother tongue or, if they wish, they can attend bilingual classes, taught in Serbian and the language of the national minority in question.

As for the Law on local governments (last changes in 2014), it is provided that national minorities can establish educational institutions and arrange their work, but it also takes care of the protection of cultural heritage and monuments, public information in the language of national minorities, work of cultural institutions. In multiethnic communities, a council for international relations can be established as a means for those minorities to connect with people of the same nationalities.

Nonetheless, none of these laws would be good if they were not in harmony with international documents protecting and guaranteeing minority rights. In that sphere, Serbia has been active as well and is signatory to a number of bilateral agreements: Agreement between the Federal Government of FRY and the Government of Romania about cooperation in the domain of protection of national minorities (2004); Agreement between Serbia and Montenegro and the Republic of Croatia about the protection of the Serbian and Montenegrin minority in the Republic of Croatia and the Croatian minority in Serbia and Montenegro (2005); Agreement between Serbia and Montenegro and the Republic of Macedonia about the protection of Serbian and Montenegrin minority in the Republic of Macedonia and Macedonian

minority in Serbia and Montenegro (2005). Further, Serbia is party to numerous conventions and charters, such as the European Convention on Protection of Human Rights and Fundamental Freedoms (1950), the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the Framework Convention for the Protection of National Minorities (1995/1998), as well as the European Charter for Regional or Minority Languages (1992/2005).

**Problems in Practice** Formally, Serbia has done a lot to improve the respect for minority rights – with a network of laws it has managed to cover areas crucial to members of national minorities in preserving their uniqueness and distinctiveness. Not only that, Serbia is party to significant agreements, conventions, charters, etc. All of this show that a lot of efforts were put into providing for the protection of national minorities. However, law is a social science and any change in a social system is slow and takes a long time, especially when it comes to human rights – their implementation should be gradual for everyone to be able to adjust to new norms.

The situation has improved considerably in the past decade, and that can be seen in reports of organizations that follow improvements and warn about violations of human rights in different parts of the world. According to the 2012 report of the Human Rights Watch (HRW) the situation in Serbia is better but the work is not cut out for it. The issue of status and treatment of Roma people remains one of the big problems that Serbia is still facing. The annual report for 2013 of the Helsinki Committee for Human Rights in Serbia shows that legal regulation of minority rights is good, but that it is not applied equally in all parts of Serbia. They specially warn about inter-ethnic conflicts that happened between Serbian and Hungarian ethnic groups in Temerin and Bečej, two communities where these ethnic groups are present in

large percentage. Further problems touch upon the national councils of national minorities – bodies that represent the principle of cultural autonomy. Language obstacles appear in the area of education, where not all national minorities got the right to use their mother tongue in schools at the same time. In Vojvodina, there is a longer tradition of classes held in languages of national minorities, while in some parts of Serbia minority languages have been introduced in schools only in 2013. This is an alarming fact, and it means that not everyone can enjoy their rights equally and at the same time. There is also a shortage of textbooks written in the languages of national minorities.

This is only a portion of problems that members of national minorities face in practice. Many of them still face discrimination, which cannot be uprooted by laws. The problem with discrimination is that it is on an individual level, in the minds of individuals that cannot be “brainwashed” into the desired respect for others.

**Conclusion** Serbia is a country that has obviously taken care of providing means of the protection of minority rights from even before World War I, and especially after it. A poll done in 1995 where members of minorities were asked whether their rights were endangered they said their rights were not in the least endangered (Popović et al, 1995: 149). That being said, there are still those who believe their rights are jeopardized, and truly there is not an equality in enjoying minority rights. Even besides developed legal regulation, problems still appear in reality. Ways to overcome those problems are many, and there are many projects dedicated to the protection of minority rights.

Nevertheless, these problems should be faced head on, starting from the earliest of ages. The education of human rights and fundamental freedoms, especially of minority rights in an environment such as Serbia, can give a positive

feedback in the prevention of new conflicts between different ethnic groups, as well as develop a sense of tolerance and understanding for other cultures. Everyone loves travelling, seeing new places and getting to know different cultures, so why should learning and understanding different cultures within one's country be any different?

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