

**REGIONAL HERALD FOR PROMOTION OF CULTURE
OF MINORITY RIGHTS AND INTERETHNIC TOLERANCE**

January 31, 2005

No 12

Top story in this issue:

MINORITIES AND INTEGRATION INTO EUROPE

Among key political (Copenhagen) criteria for accession into the EU laid out for former Yugoslav countries - s-called West Balkans is attitude towards minorities. Lately facing occurrences of anti-minority sentiment itself, the EU is asking new members states and candidate countries to decisively improve position of national minorities, together with permanent upgrade of European standards of minority rights. These rights are becoming richer and more sophisticated, opening up a whole spectrum of various areas where minorities have the right for diversity and where we need to eliminate any form of discrimination, be it direct or indirect. Without suppressing national identities, the EU wants to build an inter-cultural and inter-ethnic society where national minorities have an important, linking role as one of the factors of stability, cooperation, development...

FINAL WORDS

This is the 12th and the ultimate issue of "Regional newsletter for promotion of the culture of minority rights and inter-ethnic tolerance" produced jointly by STINA news agency (Split, Croatia), Media plan Institute (Sarajevo, Bosnia and Herzegovina) and School of Journalism from Novi Sad (Serbia and Montenegro) as part of regional project "National minorities - bridges of cooperation and stability factor in former Yugoslav countries". Afore-mentioned organizations have a history of successful joint projects related to civic education via media". This newsletter covered the following issues; role and possibilities for media in promoting minorities and their rights, forms of hate speech and fight against it, preservation and development of cultural and language identities, old and new minorities, minorities in the normalization and regional cooperation process, minorities and integration into Europe, etc., to mention some.

Besides this electronic newsletter the project also included joint promotional radio shows. The goal of the project was contributing to creation and development of a media network dealing with promotion of the role of national minorities and inter-ethnic tolerance as cooperation and stability factor for the countries in the region as well as regions as a whole.

This was a pilot project and we hope that after its evaluation our organizations will be able to move it further in a similar form.

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I BOSNIA AND HERZEGOVINA

1. Legal position of national minorities in Bosnia and Herzegovina ONE THING ON PAPER, ANOTHER IN REALITY

Prof.dr Neđo Milićević

Implementing the commitments that are condition for the accession of Bosnia and Herzegovina into European and Atlantic integrations, the Law on the Protection of Minority Rights was enacted in 2003. This was the first time for Bosnia and Herzegovina to take such a specific Law on minority rights. More importantly, it should be emphasised that this Law was taken for the level of Bosnia and Herzegovina as a whole, both for the reason of applying a well-balanced legal treatment of these national groups in the entire area of the state, and due to the fact that it is the state of Bosnia and Herzegovina (and not its entities) that is the subject of international legal obligations, i.e. the “party to international agreements”, many of them referring exactly to minorities.

2. Maksim Stanišić, Officer for Minority Rights in the BiH Ministers Council Ministry of Human Rights and Refugees RIDICULE OF CONSTITUTIONAL AMENDMENTS

Namir Ibrahimović

“Considering the goings-on in real life, we are coming to conclusion that things are going badly for each of the three constitutional nations when they are in minority position. That minority group, both in the case of Bosniaks, Serbs and Croats regardless, in the environment dominated by other national group, has been systemically predestined for mistreatment in the realisation of their rights – the right to return, employment, administrative procedures in authority institutions, or anything else. I deem that no reciprocity between the Entities exists, however, there exists an “exchange of experiences in finding mistreatment methods”, regards Stanišić.

3. Helsinki Committee for Human Rights in B&H REPORT ON THE STATUS OF HUMAN RIGHTS IN BOSNIA AND HERZEGOVINA (Analysis for the period January – December 2004)

The current situation in Bosnia and Herzegovina is best illustrated with the fact that so far it has only succeeded in becoming a member of Council of Europe, while it is still not the member of the NATO’s Partnership for Peace Program, or the World Trade Organization and has still not met the basic preconditions for beginning negotiations on stabilization and association with the European Union. Bosnia and Herzegovina’s relative lagging behind and uncertainty as to the time of its joining the Euro-Atlantic integration processes nevertheless do not mean that during 2004 certain positive shifts have not taken place either. The passed year witnessed the return of the one-millionth returnee to his prewar address, which can be considered a positive accomplishment. This almost represents 50% of returns in relation to the total number of refugees and displaced persons, which amounts to 2.25 million people. However, a small number of returnees have returned to the areas in which their ethnic group does not represent the majority of population, so that this kind of returns represents only 20% of the total number of returns.

II CROATIA

1. EU ENLARGEMENT AND EXERCISING RIGHTS OF NATIONAL MINORITIES

Prof. dr. sc. Sinisa Tatalovic¹

Old EU countries themselves don't have universal mechanisms and models for protection of national minorities that are facing various problems even there. However, greatest attention and pressure regarding minority protection is addressed to new EU member states or candidates.

Current trends are to remove protection of national minorities issue from exclusive national jurisdiction and pen it among legal and political obligations of a country, supervised by international organizations. However, despite positive effects of such trend, there is a possibility of using it for unlawful political pressure. Therefore, EU enlargement policy of improving protection of national minorities must take into account specific experience of new member countries.

2. MINORITY RIGHTS – POLITICAL CONDITION FOR ACCESSION INTO EU

Interview with **Jasna Mileta**, Assistant Minister of European Integration

Antun Bradjasevic

One of political conditions for Croatian accession into the EU is protection and respect for minority rights. We have talked on this subject with assistant minister of European integration Jasna Mileta who has warned that ethnic prejudices can never be completely eradicated, which means that state institutions as well as society as whole have to put additional effort to make any kind of such incidents occur as rarely as possible.

OSCE and Council of Europe evaluations say that Croatia has put in place respect of minority rights. Opinion of European Commission regarding Croatian request for accession to the EU emphasized that Croatia needs to pay special attention to integration of Serbian and Roma national minorities. Croatian government will pay special attention to national and other minorities.

3. EUROPEAN PRINCIPLES OF MINORITY RIGHTS PROTECTION AND CONCEPT OF EUROPEAN GOOD NEIGHBOUR

Davor Gjenero

EU experience is probably the most important roadsign for normalization of Western Balkan region. It was this experience which caused regional cooperation and minority protection be labeled as "pre-Kopenhagen" criteria for Croatia. Acceptance of the principles of European regional policy thus became a basic condition for Croatian accession into EU. It is also clear that it is the policy of regional cooperation and minority protection that the Union wants to democratize and stabilize the whole region.

European concept of human rights' protection and cross-border cooperation thus becomes also a concept of civilizing Western Balkans. This system may create permanent peace, recognition of borders and but also protection of human rights as part of international public right.

III SERBIA AND MONTENEGRO

1. NATIONAL MINORITIES - EUROPEAN STANDARDS AND NATIONAL LEGISLATION

Prof. dr Marijana PAJVANČIĆ

The specific law regarding rights of national minorities does not exist, therefore these rights are regulated with several laws. It is necessary to emphasize that certain discordances exist among various laws that regulate status, freedom and rights of members of national minorities.

¹ Ph.D. Sinisa Tatalovic is an associate professor at the Faculty of Political Sciences at the University of Zagreb.

On the level of state union Serbia and Montenegro, rights of members of national minorities are regulated with Law about protection of minority rights. This Law can create certain problems in implementation, considering the unclear relations between State union and its member states.

2. MINORITY RIGHTS UNDER HARD EU SCRUTINY

Interview with councillor in European Movement for Serbia **Jelica Minic**

By Bojana KARAVIDIĆ

Serbia and Montenegro did much regarding new laws and adopting standards of Council of Europe related to position of minorities and minority rights. However, the problem is to implement those standards in the field. Situation has been additionally worsened by numerous elections in Serbia and Montenegro which have raised tensions – there has been political fighting and inter-ethnic incidents in the region of Voivodina. Realization of minority rights is a domain where SCG is under hard scrutiny and where we must take care of how Law on Minority Protection and standards are being implemented. However, there have been no indications that it could endanger SCG getting a positive Feasibility Study regarding start of negotiations for accession into the EU.

3. EUROPEAN LAWS NEEDED

Prof. dr Momčilo GRUBAČ

Our Legislation is quite behind comparing to world legislation, mostly in those parts where it could not develop due to ideological barriers, so those parts should be improved in the first place and regulated according to international law standards.

Work on establishing new laws here is neither well organized nor planned. It can almost be said that this work is elemental and arbitrary. The actual government has temporarily intensified the work on new laws, so that it got the character and dimensions of campaign with all imperfections which originate from this. Laws are regulated rushly, relying only on impressions about problems in the area of law application, and not also on sure data and the unsure conversance of comparative right. Opinion of those who should apply the law is not asked for and they are not considered. This is why there is unacceptably too much voluntarism, rushy and contradictory solutions.