

Nation-Building vs. Minority-Destroying: Majority-Minority Relations in the Post-Socialist Serbia

DEJAN GUZINA

Center for the Study of Democracy
Queen's University at Kingston

The paper represents an analysis of the majority-minority relationships in the post-socialist Serbia in the cases of Vojvodina Hungarians and Sandžak Muslims. Its main thesis is that the extent to which the Serbian regime failed to recognize the rights of ethnic Hungarians and Bosniaks in Serbia largely determined the extent to which those minorities denied the legitimacy of the Serbian regime and the state. The paper is organized in the following way. The first section presents an overview of internationally recognized standards for the treatment of minorities. Section Two discusses the Vojvodina Hungarian responses to the Serbian policy of curbing territorial autonomy of Vojvodina. The final section analyzes the Serbian state policies of discrimination against Sandžak Muslims (Bosniaks).

The ensuing presentation of actual practices in the field of national minority protection in Serbia is based on reports by the following local non-governmental organizations: the Humanitarian Law Center in Belgrade (HLC), the Helsinki Committee of Human Rights in Serbia (HCHR) and the Belgrade Center for Human Rights (BCHR). These accounts are largely incommensurable with official state accounts of the status of national minorities in Serbia, which insist that Serbian minorities have been constitutionally granted rights that far surpass internationally recognized standards, a claim that effectively precludes any serious debate of the issues.¹

International Standards for Treatment of Minorities

Ideally, self-determination is understood to represent the right of the peoples to freely determine their own political status and to freely pursue their economic, social and cultural development.² The problem, however, emerges with defining the term "peoples." Depending of our understanding of who or what peoples are, we may end up with radically different interpretations of the concept of self-determination.

¹ See, for example, "Komentar Vlade SRJ na Izveštaj specijalnog izvestioca Elizabet Ren o manjinama koji se odnosi na SRJ," *Nacionalne manjine u međunarodnom i jugoslovenskom pravnom poretku*, 316-324. This regime-inspired commentary on the UN Committee Report on minority rights in former Yugoslav republics (1996) suggests that it is "known that members of national minorities in Vojvodina ... enjoy all the constitutionally protected human rights and freedoms," and that they actively participate on an equal footing in political, economic, social and cultural life of the province (p. 320)." The Full UN Report is published in the same edited collection *Nacionalne manjine*, 271-315.

² This is how self-determination is being defined in the UN International Covenant on Economic, Social and Cultural Rights (1966). See the full text of the Covenant in Micheline R. Ishay, ed., *The Human Rights Reader: Major Political Essays, Speeches, and Documents From the Bible to the Present* (New York: Routledge, 1997), 433-440.

On one side of the conceptual divide, the representative government theory of the right to self-determination imagines a “people” as citizens of a certain state irrespective of their religious, cultural, racial and ethnic differences. In this case, the right to self-determination is understood only in terms of popular sovereignty of the entire population within a certain state. This understanding of the principle of self-determination underpins the liberal-democratic creed that, as Thomas Musgrave cogently explains, the “duty owned by the state is to ensure the periodic exercise of popular sovereignty, which results in representative government.”³

This perspective tends to dissociate the question of self-determination from the right to secession. The former is defined as the right of all citizens in a state to become engaged on equal terms in democratic processes, including the right to opt for various forms of economic, social and cultural autonomy within a state, while the latter is concentrated solely on the question of territoriality. The representative government perspective is also fully integrated with the key principle of the International Law – the inviolability of state borders. For its underlying assumption is that a free pursuit of political status and economic, social and cultural development should take place within the boundaries of a given state, not against them.

On the other side of the conceptual divide, however, “people” are defined according to certain supposedly objective criteria: race, ethnicity, religion, culture, language, geography, territorial concentration, etc. What unites these traits, as explained by the International Commission of Jurists in their study of the events leading to secession of East Pakistan and the creation of Bangladesh in 1972, is one primarily ideological and historical characteristic of the people – “a people begins to exist only when it becomes conscious of its own identity and asserts its will to exist.”⁴

Once this happens, that is, once a people becomes conscious of its distinctiveness, it has the right to determine its own affairs. Since territoriality is one of the criteria for identifying the “people” in this perspective, national self-determination tends to be construed narrowly as the right of a particular ethnic group to its own state. So, the right to self-determination in this case incorporates the right to secession as well. Where, as is often the case, many ethnic groups share the borders of a single state, such an ethnic understanding of the right to national self-determination invariably creates tensions over the question of the “ownership” of the state – to whom does the state belong? As a rule, those ethnic groups not in the fortunate position of being the predominant nation are pre-defined as “national minorities,” a status that implies that they live in a “foreign” state. But, is there any objective demarcation between the people and the minorities?

Definitions of a “national minority” often seem rather arbitrary. Francesco Capotorti famously described it as:

[a] group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members – being nationals of the State – possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion, or language.⁵

³ Thomas Musgrave, *Self-Determination and National Minorities* (Oxford: Clarendon Press, 1997), 151-154, 178.

⁴ Quoted in Musgrave, 163.

⁵ Quoted in Musgrave, 169. Of course, Eastern Europe has made a special “contribution” to such conceptualizations of minorities with its (in)famous emphasis on the role of history. For example, the 1993 Hungarian Act on the Rights of National and Ethnic Minorities requires that such groups to have lived in Hungary for at least a century (!) and to differ from the rest of the population “in terms of their mother tongue, cultures and traditions, and who prove to be aware of the cohesion, national or ethnic, which is to aim at preserving all these and at articulating and safeguarding the interests of their respective historically developed communities.” Quoted in Tibor Varady, “Minorities, Majorities, Law and Ethnicity in Yugoslavia,” in *Ethnic Conflict Management*, ed. Dušan Janjić (Ravenna: Longo Editore, 1997), 137.

This common understanding of national minorities reflects an ethnic concept of “the peoples.” The difference between peoples and minorities becomes simply the smaller number of those with minority culture, language, religion, etc. Still, such a numerical criterion for establishing who are “peoples” has enormous political consequences, because as long as state borders are deemed sacred in international relations, only peoples (that is, titular nations) are granted the full right to self-determination, that is, a state of their own. National minorities at best have to be satisfied with various forms of protection of their rights.

The historical record here is not encouraging. Hitler’s instrumental use of German minorities throughout Central and Eastern Europe contributed to the post-Second World War situation in which minority rights were treated with suspicion and effectively ignored in favor of individual ones (at least in the international documents).⁶ The notable exception to the post-1945 trend is Article 27 of the *International Covenant on Civil and Political Rights* (1966) that clearly states the principle that “[I]n those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.”⁷

With the end of the Cold War in the late 1980s, minority rights reemerged on the international stage. Throughout the 1990s, the international community has tried to codify those rights, using Article 27 as a guideline on minimum standards of protection.⁸ Interestingly, one of the reasons for the Article’s renewed influence lies in its ambiguity. On one side, the wording “persons belonging to minorities” can be explained from the perspective of individual human rights; on the other, however, the formulation “in community with the other members of their group” emphasizes a distinctively collective flavor of national minority rights.

The difficulty in differentiating between individual and collective rights is nicely caught by Steiner who argues that “[R]ights of members of minorities to use their own language, to practice their religion, or to associate, are necessarily exercised by individuals. In this respect, such individual rights have an inherently collective character.”⁹ The ambiguity of Article 27 has in fact proved very fruitful. Activists for both individual human rights and for collective rights have found it important to support Article 27, and its wording has thus found its way into many of the regional declarations dealing with national minority rights that have been adopted throughout the 1990s.¹⁰

⁶ Of course, an additional reason for the ultimate failure of national minority standards in the pre-World War Two Europe was the imposition of those standards almost exclusively on emerging Central and Eastern European countries. Victorious Western European countries did not deem it necessary to apply the same standards within their own territories, believing that this would represent direct interference into their own internal affairs: “The countries involved in any of these [League of Nations] procedures, and over which the League exercised some sort of supervision as regards the treatment of minorities within their jurisdiction, were: Albania, Austria, Bulgaria, Czechoslovakia, Estonia, Finland, Greece, Hungary, Iraq, Latvia, Lithuania, Poland, Rumania, Turkey and Yugoslavia.” See Rodolfo Stavenhagen, “Human Rights and Peoples’ Rights”, *Interculture XXII*, no. 2 (Spring 1989): 4. The liberal principles of popular sovereignty and representative government were used to justify such asymmetry in the League of Nations. See Helmut Ritšig, “Prava manjina ili ljudska prava?,” in *Nacionalne manjine u međunarodnom i jugoslovenskom pravnom poretku*, 355-356.

⁷ The full text is in Ishay, ed., *The Human Rights Reader: Major Political Essays, Speeches, and Documents From the Bible to the Present*, 424-432.

⁸ See Hugh Poulton, *Minorities in Southeast Europe: Inclusion and Exclusion* (London: Minority Rights Group, 1998), 6-7.

⁹ Quoted in Varady, 152.

¹⁰ For example, the 1990 *Copenhagen Document of the CSCE* (Article 32, para. 3), the 1992 *UN Declaration on the Rights of Persons National or Ethnic, Religious and Linguistic Minorities*, the 1991 *Recommendation 1201 of the Council of Europe* (Article 3, para. 2), and the 1995 *Framework Convention for the Protection of National Minorities* (Articles 7, 8, 9, 17). For an overview of these declarations, see Jennifer Jackson Preece, *National Minorities and the*

The most significant of these documents is the Council of Europe's *Framework Convention for Protection of National Minorities*. It is the first legally binding document that aims at protection of national minorities (signed on February 1, 1995 and entered into force on February 1, 1998). At its core is, as Hugh Poulton put it, "new thinking" according to which "the preservation of different cultures is seen as positive, and now the new international minority instruments call on the states to overcome the corrosive effects of 'benign neglect' and take active steps to allow minority cultures to develop."¹¹

Given that *Framework Convention* provides standards of behavior for European countries, the articles of particular interest for the national minority protection will be quoted here:

Article 7

The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.

Article 8

The Parties undertake to recognize that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organizations and associations.

Article 9, Paragraph 1

The parties undertake to recognize that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.

Article 17, paragraph 1

The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic, or religious identity, or a common cultural heritage.¹²

These and other instruments show that national minority rights are becoming increasingly firmly established in modern international relations. The international community is also making an effort to balance both approaches to the interrelated questions of the relationship between majority and minority groups and the right to national self-determination. The liberal approach (representative government theory) is being upheld particularly through the continued emphasis on the inviolability of the state borders. At the same time, however, instruments of minority protection are addressing those national minority characteristics that loom large in every ethnic definition of the term (emphasis on collective rights such as the protection of minority languages, religions, cultures, etc.).

However, not all would have a positive view of the contemporary development of instruments of national minority protection. We should not allow the encouraging developments in protecting minority rights to make us forget the continuing dominance of the ethnic principle in many parts of the world. One potentially detrimental consequence of applying this principle is to

European Nation-States System (Oxford: Clarendon Press, 1998), 123-177; and Zoran M. Lutovac, *Manjine KEBS i jugoslovenska kriza* (Beograd: Institut za medjunarodnu politiku i privredu, 1996), 27-87.

¹¹ Poulton, *Minorities in Southeast Europe*, 6.

¹² "Okvirna konvencija za zaštitu nacionalnih manjina, Strazbur (1995)," *Nacionalne manjine u medjunarodnom i jugoslovenskom pravnom poretku, dokumenti* (Beograd: Medjunarodna politika, 1997), 173-182.

relegate minorities to the status of the “other,” in relation to the majority nation. In other words, there are many mono-ethnic states that are primarily defined as states of their dominant ethnic group, that is, states whose prime role is to protect and further the identity and interests of the titular nation.

In those countries, the debate between proponents of individual and collective rights is not a theoretical exercise, but has significant political consequences. The logic leading these groups to diametrically opposing stands is well explained by Tibor Varady. Supporters of collective rights perceive opposition not as an argument in favor of universal, liberal principles, but as “an attempt to suppress and eliminate the distinct culture which defines their group.” On the other side, the advocates of majority rights perceive collective rights to language, culture and religion as a “disguised opening gambit towards secession.”¹³

Serbia presents a powerful example of a state in which there is an ongoing tension between “us” and “them,” between the Serbian “people” on the one side, and all other ethnic groups living in Serbia, on the other. The roots of this tension lie both in the openly nationalist, constitutionally sponsored policies of the Serbian state and in its mimicking of liberal principles for the purposes of justifying a Serbian mono-ethnic regime. Yet, it is interesting to note that on December 3, 1998 the FRY Assembly had adopted a law whereby it ratified the *Framework Convention*, even though Serbia/Montenegro is not a member of the Council of Europe, nor did it receive any invitation from the Ministerial Committee of the European Council to do so. After all such an invitation would have been impossible in the case of Serbia and Montenegro because the FR Yugoslavia’s membership in the OSCE was suspended in 1992.

However, whatever the reasons for such an action might be, Yugoslavia’s official acceptance of the *Framework Convention* allows the country’s policies vis-à-vis national minorities to be evaluated and judged from the perspective of the *Framework*’s principles on the protection of national minority rights. In the following sections of the paper, the focus will be on the dynamic relationship between state policies and minorities’ responses. Two particular cases will be considered: first, the position of ethnic Hungarians in Vojvodina and second, that of the Bosniaks in Sandžak (Raška).¹⁴

The Politics of Curtailment of Minority Rights in Vojvodina

Vojvodina has not seen the open and straightforward legal discrimination against ethnic groups attempted in some other parts of Serbia.¹⁵ Instead, the regime took a low-key approach to dismantling previously “granted” minority rights; employing, in effect, a *politics of creeping assimilation* of Vojvodina’s minorities. Not surprisingly, the main targets of such politics have been those areas in which minorities are most vulnerable: education, official use of the minority languages and alphabet, preservation of minority cultures and local self-government.

¹³ Varadi, 148.

¹⁴ The focus on the position of ethnic Hungarians and Bosniaks in Serbia should not be taken to imply that the status of Serbian Romany population, Romanians, Slovaks, Bulgarians, etc., was resolved according to the principles of the full appreciation of human and minority rights. I have focussed on the unresolved status of Hungarians and Bosniaks because, due to their larger numbers and territorial concentration, they are capable of threatening the social unity and territorial integrity of the Serbian state. This is not the case with other ethnic groups in Serbia. The case of Kosovar Albanians is not addressed in the paper, because it deserves a paper on its own.

¹⁵ A glaring exception to this rule was the situation of the Vojvodinian Croats. In the early 1990s, many Croats were forced to leave the country. The Helsinki Committee estimates that out of 100,000 of Serbian Croats (75,000 in Vojvodina), almost 40% left or was forced to leave. Animosity towards the Croats moderated after the Dayton Peace Agreement of 1995. For detailed information on the status of ethnic Croats in Serbia, see Helsinški odbor za ljudska prava u Srbiji, “Izveštaj o položaju Hrvata,” *Izveštaj o ljudskim pravima u Srbiji za 1997 godinu* (Beograd, januar 1998), 105-122.

To begin with the official use of minority languages. In the socialist Serbia all laws were published in Serbian, Albanian and Hungarian. In addition, in the case of Vojvodina, a *Special Act on Means of Securing the Equality of Languages* (1973) had made official the principle of multilingualism. This implied that (up till 1990) minority languages enjoyed equal status with Serbian in those local communities in which minorities lived (where the minorities were at least 10% of the populations of the municipality). Hence, not only Hungarian, but also Slovak, Romanian and Ruthenian were accepted as equal in Vojvodina. Moreover, provincial and local authorities were obliged to provide training in minority languages for public servants, so that they could communicate in them in their day-to-day activities.¹⁶

This is no longer the case. Even though the new Serbian Constitution recognizes the official use of minority languages in areas where minorities live, the 10% threshold was no longer mentioned, thus leaving it up to legislatures to decide where minorities were large enough to warrant special language provisions. In the case of Vojvodina, its *Statute on the Official Use of the Language and the Alphabet* (1991) delegated this decision to municipalities.

Not surprisingly, in the words of Varady, “it was unlikely that majority-dominated local assemblies [one should not forget that Serbs enjoy a simple majority in most of Vojvodina’s municipalities] would vote in favor of minority language rights at a time when tolerance had not support in either political considerations or prevailing cultural precepts.”¹⁷ Hence, whereas before 1990 the official use of Hungarian was recognized in 34 local communities in Vojvodina, by 1996 this had fallen to 29 municipalities. And even where the official use of minority languages continues to be recognized, the local authorities increasingly opt to Serbianize Hungarian, Slovak and Ruthenian place names, i.e., to spell them only in the Serbian language and alphabet, and not also in their original language and script. Finally, there is a tendency, especially in the Vojvodinian capital, Novi Sad, to replace multilingual public signs with monolingual Serbian signs, even though this violates provincial laws.¹⁸

The situation is similar in regard to minority access to the media. Throughout the 1990s, minority programs on TV and local radio stations were gradually dropped. This was ostensibly in response to the harsh economic crisis in the country. But in fact, local TV and radio stations (most of them under direct influence of the regime) blossomed during this period. This situation gives credence to the view of the Association of Slovaks, Romanians and Ruthenians in Yugoslavia that:

Under the pretext that information in the languages of minorities is “above European and world standards,” many programs have been abolished – those in particular which have contributed most to the preservation of national identities and which have been the most popular. If, in time of general economic crisis, it is minority rights that suffer first, this cannot be called economy, but discrimination.¹⁹

The most corrosive manifestations of the regime’s policies of creeping assimilation, however, have been in the field of education. The education system has been thoroughly centralized, allowing republican officials to have the final say not only on school curricula but also in appointing school principals. The consequence in the social sciences is that minorities tend only to be exposed to official interpretations of Serbian history at the expense of more nuanced and multicultural interpretations of the recent past.²⁰

¹⁶ Varady, 147.

¹⁷ *Ibid.*, 142-143.

¹⁸ Helsinški odbor za ljudska prava, “Izveštaj o položaju Mađara,” in *Izveštaj o ljudskim pravima u Srbiji za 1997, 90*.

¹⁹ Quoted in Dimitrijević, “Kosovo and Human Rights,” 17.

²⁰ A Serbian historian, Dubravka Stojanović, has analyzed the new history textbook for elementary and secondary schools. She came to the conclusion that children are being taught not to trust Croats, Albanians and Bosnian Muslims. These groups were habitually presented as treacherous and sinister in regard to the interests of the Serbian nation. Such collectivist interpretations of recent historical events will have negative effects not only on minorities but also on

In addition, the number of minorities attending schools in their own language dropped dramatically in the past ten years. For example, while in the late 1970s 36,000 students attended Hungarian elementary and high schools in Vojvodina, in the mid-1990s this had dropped to 26,000, representing only 6% of the students in Vojvodina (even though 17% of Vojvodina population are Hungarians).²¹ Moreover, since the early 1990s, a new request has to be presented every year for the continuation of education in minority languages. If a minority-language-speaking teacher cannot be found, a Serbian-speaking teacher will be hired.²² These provisions have led to a major erosion of the principle of multilingualism in the province.

In addition, the nationality structure of the municipal workforce in Vojvodina might suggest that positive discrimination was being applied and that there was no reason to fear that national minorities were being less well treated. Of the 4,488 public employees in local municipalities, 64% are Serbs, 4.8% Montenegrins, 15% Hungarians, 3% Slovaks, 2% Rumanians, 4% Croats, etc.²³ Nevertheless, a closer look shows that in almost all of province's municipalities, the leading positions are disproportionally held by Serbs. Thus, in many municipalities in which Hungarians are in the majority (Ada, Bečej, Bačka Topola, etc.), the commander of the local police is almost always a Serb. Serbs also virtually monopolize the top managerial positions in state-controlled companies.²⁴

The politics of national homogenization in Vojvodina may look mild or even benevolent compared to the state policies in Kosovo throughout the 1990s. However, the majoritization of the province has triggered the homogenization of the various Vojvodinian ethnic groups according to the same mono-ethnic principle. And just as the major Serbian parties are organized around the national principle, minority organizations have also tried to present themselves as "interpreters" of their respective national interests. They have nevertheless been ineffective in countering the state's policies of "soft" abuses of human and minority rights in the province.

At the heart of their activities is an effort to decentralize the political, social and cultural life of the province, in order to recover some of the lost autonomies the province enjoyed until 1990. None of the Serbian minorities in Vojvodina have challenged the territorial integrity of Serbia in the 1990s. Instead, their main effort has been to try to convince state officials that various aspects of minority autonomy in the province could be allowed in a way that was fully compatible with the political administrative system of Serbia as a whole. The initiatives of Hungarian political organizations provide an excellent example of such a political engagement.

The first Hungarian organization emerged on March 31, 1990, when the Democratic Community of Vojvodinian Hungarians (DCVH) was created. In an organizational sense, the DCVH did not represent a classic party. It was more of an umbrella organization, the main purpose of which was to provide a forum for discussion among ethnic Hungarians about how best to protect their cultural and political rights in Vojvodina. By this open and democratic process, the members of the DCVH believed that it should be possible to agree on a political platform that could legitimately claim to represent the political interests of all ethnic Hungarians in Vojvodina.²⁵

young Serbian generations as well, who are being taught not to trust members of other ethnic groups. From this perspective, it would seem that one of the most pressing tasks in a post-Milošević's Serbia would be a complete overhaul of Serbian school programs. See Dubravka Stojanović, "Construction of Historical Consciousness," (1999). <http://www.udi.org.yu/Founders/Stojanovic/conscious.htm> (September 28, 1999).

²¹ For a detailed information on the number of Hungarian students in elementary, secondary and high schools, see *Izveštaj o položaju Mađara*, 86-89.

²² Varady, 146.

²³ The figures are from the *Komentar vlade SRJ na izveštaj specijalnog izvestioca Elizabet Ren*, 321.

²⁴ "Izveštaj o položaju Mađara," 100-103.

²⁵ See Zoran Lutovac, "Političko organizovanje nacionalnih manjina u SRJ," *Položaj manjina u SRJ* (Beograd: SANU, Odeljenje društvenih nauka – knjiga 19, 1996), 206-211.

Even though the DCVH did not perceive itself as a party, its leaders regularly stood in Serbian and Yugoslav elections. As a result, thanks to the ethnic Hungarian vote, they would always win a few seats in the provincial, Serbian and Yugoslav parliaments. For example, in 1990 the DCVH won eight seats in the Republican parliament, while in 1993 it gained five seats. Moreover, from 1990 till 1996, its victories in local elections allowed the DCVH to control those municipalities in which ethnic Hungarians represented a majority of population (in northern Bačka). Thus, throughout the most of the 1990s, the DCVH was the only minority party with sufficient profile to make a public issue of its struggle for ethnic autonomy in Vojvodina within the existing Serbian and Yugoslav institutional framework.²⁶

According to Šandor Pal, one of the leading members of the DCVH, its program for Hungarian autonomy and self-rule in Serbia represents a compromise between two equally legitimate claims: the right to self-determination (including secession), and the principle of the state sovereignty. As Pal puts it, ethnic Hungarians are willing to give up their legitimate claims to self-determination and secession in return for recognition of their equally legitimate collective rights to education, information, culture, language and self-rule.²⁷

In other words, instead of opting for maximalist claims of either secession or full Serbian territorial sovereignty, Pal insists on the principle of “limited sovereignty.” Pal finds support for his aims in the principles spelled out by the Committee of the European Union on Yugoslavia’s dissolution (the so-called Badinter Committee). These include the inviolability of former Yugoslav republican borders (therefore, the inviolability of current Serbian borders), while at the same time they emphasize the responsibility of the newly emerging states to protect national minorities on their territory. It is within these parameters, Pal maintains, that the DCVH has developed its own concept of three-pronged local, territorial and personal autonomy.²⁸

In fact, however, the *concept of three-pronged autonomy* really derives from an almost identical program developed in another region with a substantial Hungarian minority – Erdelj (Transylvania) in Romania. The concept has been further elaborated within Hungary itself.²⁹ In addition, it should be noted that the roots of such a concept of minority protection go back far beyond the work of the Badinter Committee, and are already present, for example, in the work of the early twentieth century Austrian Marxists Karl Renner and Otto Bauer. They promoted the idea that people living in the Austrian-Hungarian Empire could be simultaneously both citizens of the Empire and members of ethnic associations striving to protect the identity and culture of their respective ethnic groups. Such protection might often require a certain measure of territorial autonomy within the Empire. Their central inspiration was to overcome ethnic conflict by accepting ethnicity as a strong political factor that could be mitigated and channeled through various forms of autonomy within the Empire’s borders.³⁰

What is the solution of the Democratic Community of Vojvodina Hungarians to the ethnic antagonisms in Serbia? At its heart is indeed the old Austro-Marxist idea that in true democracies, citizens are both constituents of the state and members of a distinct ethnic community. If a state

²⁶ *Ibid.*, 206-208.

²⁷ Šandor Pal, “Koncept manjinske samouprave Demokratske zajednice vojvođanskih Mađara,” *Položaj manjina u Saveznoj Republici Jugoslaviji*, 438.

²⁸ *Ibid.*, 439-440.

²⁹ For example, Ferenc Glatz, a leading Hungarian historian, in his study on the ethnic tension in East Central Europe has developed the most elaborate concept so far of three-pronged autonomy, incorporating both liberal principles of human rights protection and the communitarian principles of the national minority standards. See his *Minorities in East-Central Europe* (Budapest: Europa Institut, 1993). A good summary of Glatz’s work is Attila Pók, “A Recent Hungarian Plan to Address the Minority Issue,” *Položaj manjina u Saveznoj Republici Jugoslaviji*, 573-577.

³⁰ On Benner’s and Bauer’s ideas of three-pronged autonomy, see Helmut Ritšig, “Prava manjina ili ljudska prava,” 353-354.

consists of more than one ethnic group, certain relationships between the majority nation and ethnic minorities develop. Within democratic rules of conduct, these relationships should be cultivated on the basis of a recognition that both majority and minority nations are equal members of a given state. However, for minority ethnic groups, this principle of equality further requires certain collective rights to be recognized; rights that will allow them to protect their distinct ethnic identity from being undermined by the majority nation.

The DCVH program follows these precepts for safeguarding ethnic identity and operates, as its name suggests, on three levels. **Personal autonomy** is based on the idea of collective legal and political standing of the Hungarian national minority. This means the right of self-government for Vojvodina Hungarians, in the sense of the right of ethnic Hungarians to elect their own political, cultural and interest organizations. The most important bodies of self-government would be a Hungarian ethnic assembly (parliament), a council of self-government and a president. Through direct talks between the Council as the legitimate representative of Vojvodina Hungarians and the Serbian parliament, certain key collective rights of ethnic Hungarians should be identified in the areas of minority education, official languages, information and protection of religious and cultural identity. The recognized collective rights would then be protected under the Serbian Constitution and defined in a way that would not undermine the sovereignty of Serbia.³¹

Local autonomy is a political right to exercise local self-administration in places where ethnic Hungarians are in the majority, but which are not contiguous with other Hungarian villages or municipalities. In other words, the emphasis is on the situation of those Hungarian villages or counties surrounded by members of other ethnic groups. Within these “islands” of Hungarian ethnicity, the local autonomy principle would provide safeguards against the politics of assimilation, by granting those villages a full administrative and linguistic autonomy.

Finally, **territorial autonomy** represents a full political, administrative, linguistic and cultural autonomy for those municipalities in which Hungarians are in the majority. Moreover, areas where there are several communities with more than 51% Hungarians will have the right to create regional minority autonomy. The document *Hungarian Autonomy – an Initiative for Achieving Self-Rule in the Republic of Serbia*, adopted at the DCVH’s conference on March 11, 1995, envisions the creation of a so-called “Hungarian Autonomous Region”, comprising the municipalities in the northern region of Vojvodina, known as northern Bačka, with Subotica as its territorial, cultural and political center.³²

From the mid-1990s, new Hungarian parties have developed other visions of solving the minority question in Serbia. As a result of friction within the DCVH over the question of “internal liberties,” a group of influential Hungarian intellectuals organized the League of Vojvodina Hungarians (LVH). Their main critique was that the DCVH had relapsed into classic, party rules of procedure under which the diverse voices of its members could not be heard. Eventually, the LVH managed to attract a majority of Hungarian votes, so that by 1996 it was the only Hungarian party to win seats in the Serbian and Yugoslav parliaments – three seats in the Yugoslav parliament and four in the republican parliament. At the local elections the LVH also won in most of municipalities previously controlled by the DCVH.³³

Nevertheless, the differences in the national programs of the DCVH and the LVH are formal rather than substantial. The LVH has opted for a more pragmatic approach, being willing to compromise certain elements of territorial autonomy for gains in personal and local autonomy. Many Hungarian intellectuals have moved away from the ethnic parties with a clear national program. For example, unlike the two parties already mentioned, the Citizens’ Movement of

³¹ Pal, 441-442.

³² Pal, 440-441. Also, see “Izveštaj o položaju Mađara,” 94.

³³ “Izveštaj,” 93.

Vojvodina Hungarians (CMVH) insists on the preservation of Hungarian national identity “in accordance with the existing legislation in Serbia and Yugoslavia.” They see democratization of Serbia as the best way of protecting minority standards in Vojvodina. Accordingly, they have a less ethnic-centered approach to solving the national minority question than the other Hungarian parties.³⁴

In addition, many Vojvodinian intellectuals have provided elaborate critiques of the concept of territorial autonomy and the idea of creating an autonomous Hungarian region. Istvan Bošnjak (István Bosnyák), for example, asserts that there are subtle similarities between the idea of the homogenous nation-state in post-socialist Eastern Europe and the previously legitimizing concept of the one-party state. Both are based on a monistic logic that denies any right of being different; the older version outlawed ideological differences; the present one represses ethnic ones. In this view, the emphasis on an ethnic territory leads its “owners” to deny to members of other ethnic groups that happen to live on the same territory the right to an equitable share of the land.³⁵

In other words, Bošnjak seems to imply that the DCVH in its program accepted the very logic of the superiority of the majority nation that was being advocated by Serbian nationalists. For its concept of territorial autonomy (although not those of local and personal autonomy) was based on a denial of Vojvodina’s ethnic, cultural, confessional and linguistic diversity. Hungarian regional autonomy, as envisioned by the DCVH, would incorporate the municipalities of Ada, Bečej, Bačka Topola, Kanjiža, Senta, Mali Idoš, Temerin and Subotica. These municipalities cover the northern region of Vojvodina (Northern Bačka), which consists of around 350,000 inhabitants. However, not more than 55% of the inhabitants are ethnic Hungarians. The population of Subotica, the biggest city in the region and the would-be capital of Hungarian autonomous region, is only 42% Hungarian, the “rest” comprising Serbs, Croats, and many other ethnic groups.

This demographic picture poses serious questions about the DCVH’s project. Why should such a multiethnic region with only a slight Hungarian majority be defined as a Hungarian autonomous region – a name with distinctively mono-ethnic flavor? Could Hungarians enjoy the majority status in the region without further undermining the status of the other ethnic groups there? Would it only mean that members of other ethnic groups would have to cope with two majorities instead of one – Hungarian as well as Serbian? Would the “personal autonomy” accorded to the roughly 50% of Hungarians in Vojvodina who live outside Northern Bačka give them equal status to that envisioned for Hungarians living in the Hungarian autonomous region? Finally, to what extent would the creation of Hungarian territorial autonomy lead to a *de facto* minority position for the Serbs, who otherwise belong to the majority nation in the country?

Although there are no easy answers to such questions, it would seem at least possible that a principle of territorial autonomy based on an overtly mono-ethnic logic of self-representation could be seen more as a part of the problem than of a potential solution. Moreover, an unintended consequence could be to territorialize the potential conflict between the majority nation and the Hungarian minority. This is, after all, not hard to envision. Throughout the 1990s, the Serbian regime did everything to make any suggestion based on the principle of territorial autonomy unacceptable, not only to radical nationalists, but also to those Serbs who were otherwise in favor of positive discrimination vis-à-vis national minorities.³⁶

This does not necessarily mean that any effort at conceptualizing territorial autonomy would have negative consequences. While territorial autonomy based on the principle of the

³⁴ Zoran Lutovac, “The Participation of Minorities in Political Life,” *Election to the Federal and Republican Parliaments of Yugoslavia*, ed., Vladimir Goati (Berlin: Edition Sigma, 1998), 137.

³⁵ Istvan Bošnjak, “Mogućnosti i problemi uspostavljanja manjinske lokalne samouprave i personalne autonomije u Vojvodini,” *Položaj manjina u Saveznoj Republici Jugoslaviji*, 447.

³⁶ Bošnjak, 448.

ethnification of politics has obvious dangers, the same cannot be said for the concept of multiethnic territorial-administrative autonomy. Such autonomy aims to safeguard the internal liberties of the members of a single minority against its own “representatives,” while at the same time protecting minority collective rights vis-à-vis the majority nation. Approaching territorial autonomy on the basis of the recognition of the demographic and ethnic diversity of Vojvodina (which the idea of a Hungarian autonomous region fails to do) would seem to offer a better chance of reconciling the seemingly divergent principles of individual and collective rights.

Recently, such a plan was designed by the Belgrade Center for Human Rights. In their vision of constitutional pre-conditions for the development of democratic Serbia, the authors suggested a full-blown political territorial decentralization of Serbia to be based on principles of proportionality, consociationalism and subsidiarity. Thus although liberal democracy would be the main organizing constitutional principle of the state, the corrective mechanisms of consociationalism and subsidiarity – including fully explicated constitutional guaranties for the protection of minority rights – could allow for the emergence of autonomous regions based not on the principle of mono-ethnicity but rather on the recognition of mutuality. In short, the model aims to develop conditions for a politics of constitutional patriotism and civic ethnicity, rather than accepting the principle of ethno-nationalism.³⁷

In the final analysis, the three-pronged concept of autonomy – just as any other of the proposals discussed above – can be shown to have inconsistencies. Nevertheless, as a basis for a broader dialogue on the future of a multiethnic Vojvodina it certainly merited public scrutiny. The fact that it received virtually none is certainly not due solely to its deficiencies. As with other failed reform efforts in Serbia, the principal responsibility for not entering dialogue about the cultural and territorial autonomy in Vojvodina lies on the other side; that is in the deafness of the official “representatives” of the Serbian nation and the state. Given Serbia’s political experiences in the 1990s, it is safe to conclude that as long as Milošević’s regime prevails, any program of Vojvodinian autonomy, no matter how civic or multicultural it may be, will remain at the level of political fantasy.

The Politics of Non-Recognition of Sandžak Muslims (Bosniaks)

If policies of creeping assimilation represent the main problem for Vojvodinian ethnic minorities, the Muslims in the Serbian part of Sandžak (the Raška region)³⁸ are faced rather with **the regime’s open rejection of their claim to the status of a distinct ethnic group**. This was in drastic contrast with the previous socialist line, which from 1971 had recognized Yugoslav Muslims

³⁷ See Beogradski centar za ljudska prava, *Ustavne pretpostavke za demokratsku Srbiju* (Beograd, 1997), 34-36.

³⁸ Both terms Sandžak (used primarily by Muslims) and Raška (the official name of the region) are loaded with historical “memories.” For Serbs, Raška symbolizes the place where the medieval Serbia was founded. Sandžak, on the other side, recalls a military, administrative and territorial unit of the Ottoman Empire. Hence, it is not surprise, as Dušan Janjić asserts, that both terms are subject to numerous disputes and that they act with the force of political myth. Except for two years of the Second World War, 1943-45, the region has never constituted a single political and territorial entity. Once known as the Sandžak of Novi Pazar, it is split in two parts: the municipalities of Novi Pazar, Tutin, Sjenica, Prijepolje, Nova Varoš and Priboj are attached to Serbia, while Bijelo Polje and Pljevlja are in Montenegro. The 1991 Census showed that of the 258,000 people living in the Serbian part of the Sandžak, 60% were Muslim; while Muslims comprised 40% of the 182,000 in Montenegro. This means that Muslims form 52% of the total population of the two areas, and Serbs and Montenegrins 48%. Straddling Serbia and Montenegro, and between Kosovo, Bosnia and Albania, the Sandžak is of key strategic importance in maintaining the territorial unity of the two Yugoslav republics. See Dušan Janjić, “Report on the Political, Juridical, Sociological and Political Aspects of the Nationality Politics and Minority Protection in the Federal Republic of Yugoslavia” (Belgrade: Forum for Ethnic Relations, 1993): 4 (footnote 7); and Zoran Lutovac and N.D.A. Arvanites, “Politics and Geopolitics of the Raška Region,” *Eurobalkans* No. 25 (Winter 1996/97): 26-29.

as having the status of a founding Yugoslav nation (their ethnic identity having been recognized in 1961). The official Serbian stand since 1991, that is since the collapse of the former Yugoslavia, has been to disregard the Muslims' claims to a distinct national status. Instead, both the state and the Serbian national intelligentsia keep representing the Muslim population in Serbia primarily as Serbs who in the past converted to Islam.³⁹ At the same time, Serbian Muslims are increasingly calling themselves Bosniaks (since 1995, the officially recognized name of the Muslim nation in Bosnia) in order to emphasize their historical and cultural links to their kin-state of Bosnia and Herzegovina.⁴⁰

The relationship between the Serbian regime and the Sandžak's Muslims has been envenomed by the war in Bosnia and Herzegovina between the Bosnian Muslims and the Bosnian Serbs. The reaction of the Serbian regime has been to label its whole Muslim population as potentially treacherous – aiming to secede from Serbia and join Muslim dominated Bosnia and Herzegovina. The leading Muslim party (the Party of Democratic Action or PDA) played into the regime's hands by constantly shifting back and forth between requests for cultural autonomy and claims for full-fledged territorial autonomy for Sandžak, including possible secession from Serbia.

When the PDA was founded in Novi Pazar on August 11, 1990, it was organized as an affiliate of the Muslim party of the same name based in Sarajevo (Bosnia and Herzegovina). Thus, from the very beginning, the party linked its political program to that being developed in Sarajevo. In the severe political crisis in the former Yugoslavia, the PDA affiliate in Novi Pazar accepted that demanding changes in the borders between the former Yugoslav republics could only end in bloodshed. Instead it promoted the idea that educational and cultural autonomy for the Muslim population in Sandžak could be achieved within Serbia and Montenegro. The PDA therefore participated in the first multiparty election in Serbia in December 1990, winning three seats in the Republican parliament.⁴¹

However, the collapse of Yugoslavia soon re-opened the question of the legal and political status of Muslims in Serbia. As the Serbian political scene became increasingly radicalized, and recognizing that the formerly administrative internal boundaries between Yugoslav republics would become the external borders of independent nation-states, the PDA and the Muslim National Council of Sandžak (MNCS – a non-party coordinating body of all Sandžak Muslims) organized a referendum on the autonomy of Sandžak (October 1991). This time, the rhetoric and the character of the PDA's political claims were decisively different.

In the campaign preceding the referendum, the Muslim leaders emphasized that they had a legitimate right, as any other nation in the former Yugoslavia, to full political and territorial autonomy, including the right to join one of the former Yugoslav republics (namely, Bosnia and Herzegovina). According to MNCS estimates, 70% of eligible voters in Sandžak went to the polls, and cast their votes almost unanimously (99% of voters) for full autonomy. Serbian officials reacted

³⁹ A typical example of the anti-Muslim bias in the writing of many Serbian intellectuals can be found in Miroljub Jevtić, "Muslimankse manjine na Balkanu," *Položaj manjina u SR Jugoslaviji*, 743-749. In the article, the Muslim question is reduced to a kind of "clash of civilizations" thesis. According to the author, Muslim minorities have been targeted by various Muslim countries trying to use the minority question to interfere in the internal Balkan affairs and thus spread Islam.

⁴⁰ In Serbian, the word "Muslims" denotes ethnic identity, while the same word written without a capital letter – "muslims" – denotes a religious affiliation. Thus, throughout the 1990s, in a war over a capital letter, the Serbian official press constantly addressed the Muslim population in Raška as "muslims." In this context, the term "Bosniaks" might have been more appropriate. However, it should be noted that, contrary to public opinion, the term "Bosniaks" is rather old. It was used both by the Ottoman Empire in the early nineteenth century and by Austria-Hungary in the late nineteenth century as a political device to promote an (ethnic) identity for Slavic Muslims distinct from the ethnic identities of the Christian Orthodox and Catholic Slavic population in Sandžak and Bosnia. See Ejup Mušović, "Položaj Muslimana u Srbiji," *Položaj manjina u SR Jugoslaviji*, 752.

⁴¹ Lutovac and Arvanites, 30.

by branding the referendum as “illegal, unnecessary and senseless.” They also argued that such a move towards independence was contrary to the Helsinki principles on the inviolability of state borders.⁴²

The conflict between the Sandžak Muslims and the Serbian regime deepened when the PDA decided to boycott the republican elections in December 1992. This was a clear message to Belgrade that the main Muslim party did not perceive Serbia as a legitimate home for the Muslim community. The antagonism between the two sides reached its zenith in mid-June 1993, when the PDA and the Muslim National Council adopted a *Memorandum on the Establishment of Special Status for Sandžak*. The document proposed very loose (con)federal relations with Serbia and Montenegro. For example, according to the *Memorandum*, Sandžak should enjoy the following: a regional parliament as a lawmaking body, a governor and a cabinet as the executive body, full authority over the educational, social and health systems, independent cultural and media policy, a judiciary completely independent from the Serbian state, local police, and the right to independent international contacts – all these rights spelled out in detail in a Sandžak Constitution.⁴³

The *Memorandum* further proposed the unification of the Serbian and Montenegrin municipalities that were historically part of the Sandžak of Novi Pazar, even including three Montenegrin municipalities with a Muslim majority that had never been part of the Sandžak (Ivangrad, Plav, Rožaje). However, as Lutovac has pointed out, Muslims were only in the majority in five of the eleven proposed municipalities of the Sandžak autonomous region.⁴⁴ Rather paradoxically, the Muslim national representatives were repeating the same “mistake” that promoters of various Serbian national memorandums (or, should we call them manifestos) had made before them. Their exclusive emphasis on a mono-ethnic logic of representation was possible only at the price of misrepresenting the region as ethnically homogenous, when it had throughout the twentieth century been a home shared equally by Serbs, Montenegrins and Muslims.

The official state response was to prohibit further publication of the *Memorandum*, dismissing it as openly secessionist and anti-Serb. Also, given the ethnic character of the war in neighboring Bosnia, this stand of the Sandžak Muslims on their political status only helped state officials to present their leaders as extremists intent on provoking hatred and religious intolerance in the region. The only result was a continuation of the state-sponsored “politics of fear” in the region, leading to an almost complete disruption of Serbian-Muslim relations throughout Serbia. There followed years (1991-1994) of official intimidation, harassment, arbitrary police conduct in Muslim houses, periodic abductions of Muslims living close to Bosnian border, blackmail, robberies, and, finally forced emigration designed to change the demographic picture of the region.⁴⁵

The “silent ethnic cleansing” of Sandžak abated in 1994, and since the 1995 Dayton Peace Agreement the Muslims have stopped being the target of attacks by regular Serbian police forces as well as various Serbian nationalist militias and paramilitaries from neighboring Bosnia. Also, the peace in Bosnia has allowed voices of discontent with the *Memorandum*’s proposals to emerge

⁴² Quoted in Milan Andrejević, “The Sandžak: a Perspective of Serb-Muslim Relations,” *Muslim Identity and the Balkan State*, ed., Hugh Poulton and Suha Taji-Farouki (London: Hurst & Company, 1997), 170, 175.

⁴³ *Memorandum o uspostavljanju specijalnog statusa za Sandžak* (Novi Pazar: Muslimanski nacionalni savet Sandžaka, 1993), 2-4.

⁴⁴ Lutovac and Arvanites, 32.

⁴⁵ Cases of flagrant violation of the human rights of Sandžak Muslims are well documented by the Humanitarian Law Center, an independent NGO in Belgrade. See Report No. 2, *Discrimination and Harassment of Muslims in the Sanjak* (February 1993); Report No. 11, *Police Repression Against Muslims in the Sanjak* (March 1994); the 1997 Annual Report of the Humanitarian Law Center, 17-19; and its 1998 Annual Report, 36-39. It is still hard to estimate how many Muslims left their homes in the 1990s and went to Turkey or other countries in Europe. The Belgrade Center for Human Rights’ 1998 Report quotes the International Crisis Group as mentioning a figure of 80,000 Muslims, which suggests that almost every second Muslim left, or was forced to leave, the Serbian part of Sandžak. However, the correct figures should be known only after the upcoming census.

among Muslim's top politicians and intellectuals. In fact, as early as 1993, many prominent Muslim writers rejected the document for its openly collectivist bias. They doubted that a democratic and equitable solution to the ethnic animosities in the region could be found by any sort of repetition of the policies of national homogenization that were dominating Serbia. The Montenegrin Muslim intellectual Šerbo Rastoder epitomized their view that the very idea of an autonomous region of Sandžak was based on dubious historical and ethnic arguments that perpetuated an obsolete ideal of the nation-state. Accordingly, "by their nature [such programs] cause an inevitable conflict, which vitiates the basic aims of the initiators." In the end, the victims of such maximalist national programs "are precisely those on whose behalf [national liberators] act."⁴⁶

Discord has also arisen within the ranks of the most influential Muslim party – the PDA. Throughout the mid-1990s, Rasim Ljajić, general secretary of the party, was trying to distance himself from a maximalist party line that emphasized the state-like characteristics of the would-be autonomous region of the Sandžak. Instead, he advocated a policy of reestablishing trust at the local level, that is at the level at which both communities (Serbian and Muslim) live and work together. Eventually, many new Sandžak parties mushroomed with different ideological and national platforms. Still, what unites them all is the acceptance of the Serbian borders and a program for cultural and educational autonomy based on the recognition of the region's diversity and the ethnic identity of the Muslim population in Serbia.⁴⁷

Muslim (Bosniak) political representatives have come a long way from advocating cultural autonomy for the region, through various concepts of territorial autonomy, including secession from Serbia, towards accepting Serbia as their legitimate state within which they could – at least potentially – democratically resolve questions about the economic, cultural and political development of the region. However, the Serbian political regime still refuses to engage in an open dialogue about the possible means of achieving various forms of cultural and possibly territorial autonomy for the Raška region. At the end of the decade, as it was at the beginning, Serbian official policy is based on the non-recognition of Muslims as a distinct ethnic community. It is difficult to envisage substantial change in relations between the Serbs and the Muslims as long as Milošević's mono-ethnic regime remains in power in Serbia.⁴⁸

Conclusion

⁴⁶ Quoted in *NIN*, Beograd, 26 August 1994, 21.

⁴⁷ Zoran Lutovac, "The Participation of Minorities in Political Life," 132-134. Interestingly, Sulejman Ugnjanin, the most influential Sandžak's politician and one of the principal architects of *Memorandum*, has also, as of 1996, rejected the maximalist national program in favor of solving the Muslim national question using democratic means within the institutional channels of the existing Serbian system. As result of this change, he participated at the 1996 elections, in which his party won one seat in the Federal Parliament. It also won majority in the municipal assemblies of Novi Pazar, Sjenica and Tutin.

⁴⁸ Even though the Serbian regime does not openly support gross violations of human rights, as was the case in the early 1990s, the regime still has at its disposal all kinds of discriminatory, administrative techniques against the Muslims in the region. For example, an interim administration was imposed in Novi Pazar on July 10, 1997, even though the List for Sandžak – Dr. Sulejman Ugljanin won absolute majority of seats in the municipal council. That was done under the pretext that the flag of another state (Bosnia and Herzegovina!) is displayed in the offices of the Town Hall of Novi Pazar. In 1998, in another Sandžak municipality, Tutin, the Serbian Ministry of Local Self-Government ordered the town council to stop using Latin script typewriters and to write official documents in Cyrillic script, using ekavian (Serbian) dialect. The Muslims from the region, as well as many Serbs, use ijekavian dialect (typical for Bosnia and Montenegro). Finally, it should be noted that out of 75 judges in both Serbian and Montenegrin parts of Sandžak only 24 are Muslims. All quoted examples are from the 1998 Report of the Humanitarian Law Center, *Spotlight Report No. 28*, 37-39.

This brief analysis of the majority-minority relationships in Serbia has uncovered a whole cluster of ambiguities that cut across contemporary international documents on the issues of the national minority protection. For example, minority rights are essential for the protection of various ethnic groups who do not enjoy numerical superiority in a state, and yet those rights can lead to maximalist claims that would turn the minority into a majority in its own little area. In this way, policies designed to protect minorities may end up creating the need to protect the rights of a new minority.

Also, in societies characterized by the existence of more than one ethnic community, and yet regulated by the constitutionally enshrined principles of an ethnically homogenized nation-state, as in Serbia, tension between individual rights and collective rights seem completely to blur any boundaries between the two. For, any organized human rights abuses in such a state will necessarily involve, or lead to, violation of one's rights to language, culture, free expression of religion, right to self-rule and the like. In other words, the target of such violations of human rights will not be some abstract individual, but an individual that is a member of a distinct national community. In many cases his or her only crime may be that s/he belongs to the "wrong" ethnic group. So, what may start as a case of violation of individual human rights can and indeed quite often does end up as a case of violation of collective rights.⁴⁹

The problem is further exacerbated by the existence of two distinctive traditions of the rights to national self-determination. One, emanating from the perspective of liberal democracy, tends to represent a nation in pluralist terms, where all ethno-cultural differences can be accommodated within the model of a representative government. Under such a model, the right to self-determination is basically a democratic right to political participation in a state irrespective of an individual's ethnic, racial or other identity markers. Accordingly, since all members of the society are treated as equal, such a model does not require discussing questions of territory: the borders of a liberal democratic nation-state are effectively understood as pre-given and unproblematic.

Yet turning a blind eye to the phenomenon of powerful minority nationalisms in the contemporary world does not seem to be helpful in dealing with those ethnically diverse societies where more than one political community lives in the "nation," but where the institutions are tailored to the needs and size of the majority group. Under such conditions, the principle of self-determination necessitates a rather different interpretation. It cannot aim to paper over all differences in the state in the name of political equality. Instead, national self-determination emerges as a means of protecting these differences. This inevitably involves reinterpreting democratic principles so that they aim to protect minority identities in a state run by a majority that happens to have a different linguistic, cultural and religious makeup.⁵⁰

To put it differently, the rhetoric of nationhood tends to take over the classic liberal interpretation of the right to self-determination. Then the principle of national self-determination ceases to be related only to the question of the character of the political system. Instead, the issue becomes the extent to which the majority in a multination state is ready to recognize national minorities' claims to nationhood, and thus their status as peoples with distinct languages, cultures, religions, and so on. Accordingly, one of the corollaries of the principle of nationhood in multination states is that questions about the social unity and territorial integrity of such states are always open and never fully resolved.

⁴⁹ On contemporary liberal and communitarian approaches to the ambiguities between individual and group rights, see Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford: Clarendon Press, 1995).

⁵⁰ Many of the above mentioned issues are extensively dealt with in Percy B. Lehning, ed., *Theories of Secession* (London and New York: Routledge, 1998), and Margaret Moore, ed., *National Self-Determination and Secession* (Oxford: Oxford University Press, 1998).

Yet this does not mean that multination states are time bombs bound to explode, as the Serbian example might suggest. The ideology of ethnic monism of the Serbian state, particularly in the case of Kosovo, certainly supports the hypothesis that the greater the pressure of the majority against the minorities, the more complete will be the disintegration of the social unity of the state. Still, nationality needs not be imprisoned by such interpretations. Forms of mutuality can equally be envisioned. Paradoxically, Serbia is also a good example of such (counter)policies in the efforts of Hungarian minority and, as of late, Sandžak Bosniaks to show that both social unity and cultural distinctiveness can be possible to the extent that minorities are recognized for what they really are – societies with their own territory, languages, institutions and cultures which are nevertheless open to being integrated into the larger societal framework of a multination state that is not guided by the principle of simple majority.

To put it another way, both Vojvodina Hungarians and Sandžak Bosniaks perceive themselves as the members of their respective nations – Hungarians and Bosniaks. Yet, in the case of ethnic Hungarians, from the very onset of the post-socialist Serbia, they were looking for a solution for their minority status through the institutional channels of the Serbian state. Bosniaks reached their Rubicon in 1995 when they finally accepted that their political aims should not be state-like territorial autonomy but the status of a recognized national minority with substantive rights protecting its historic, religious and cultural specificity. Since then, not unlike ethnic Hungarians, they have tried to interpret the question of national self-determination primarily as the question of various forms of autonomy that can legitimately be secured within the Serbian territorial boundaries.

Hence, from such a perspective, it would seem that it is now up to the Serbian majority to respond to their suggestions. A full application of the principles of the *Framework Convention* that had been adopted by the Yugoslav Parliament would seem to be a first necessary step towards achieving a social unity in a country shared between ethnic majority and various minority groups with their own distinctive languages, culture and history.