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State Policy of Serbia[1] – National Communities[2], Citizenship and Diaspora

1. State Policy of Serbia on National Communities

Before multi-party system was introduced in Serbia and Yugoslavia in 1990, national minority communities constituted a specific entity known as nationalities, which, at that point in our former country, was constitutionally, legally and politically equated with the concept of the peoples. This was particularly the case of Socialist Autonomous Province of Vojvodina, as there were a substantial number of them. In both political practice and everyday life, the complicated but highly efficient system of "the national key" was respected, ensuring that all the nationalities are adequately present in the institutions of political organizations[3] and the socio-political communities[4].

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[2] In this paper we will use the term "national communities", since this term is used in the Autonomous Province of Vojvodina, in order to avoid the offensive connotation of the term "minority".

[3] The League of Communists of Yugoslavia, the leading state and social force, as well as the Trade Union, the Socialist Alliance of Working People of Yugoslavia, the League of Veterans and the Socialist Youth League.

[4] Municipality, autonomous province, republic, federation.

Correspondingly, the president of the Presidency of the Socialist Autonomous Province of Vojvodina[5] was Nandor Major, of Hungarian origin, as well as many presidents of the Executive Council of the Province (Government of Vojvodina) have been from the lines of non-Serbs[6], many presidents of the Assembly of the Autonomous Province of Vojvodina, etc. This unprecedented harmony lasted until the mid-80s of the last century[7], when the Slovene and Serbian political coryphaei started voicing different attitudes regarding the division of the government. The first performed this through administration and bureaucracy – less taxation and less federative and "other" involvement in their endeavors, while the second claimed their right to the *national-constitutional unity of the whole territory*! Also, they demanded that others refrain from interfering with their affairs. At the end of the decade, when the Croats surfaced with their own ambition to pursue *a thousand-year-old dream of independence*, it was evident that the concept of Yugoslavia, *brotherhood and unity*, equality between people and nationalities, would not be able to remain for long. The consequence of the waged wars were six and one new independent states[8], unspeakable human and material victims[9], destruction just for its sake *per se*, ethnically

[5] The Presidency was a collective authority. Under the Constitution of the Socialist Federal Republic of Yugoslavia from 1974, the autonomous provinces had the same status as republics, so that they had all of the state authorities likewise.

[6] For instance, Geza Tikvicki, Stipan Marušić, Franja Nađ, Jon Srbovan.

[7] For more information refer to: D. Radosavljević, *Elite i transformacija*, Novi Sad 2001.

[8] Serbia does not recognize the independence of Kosovo.

[9] War activities were especially noticeable in Vojvodina, which was a sort of "a war chamber" of Milošević's regime having more than 100,000 soldiers mobilized for war in Croatia and in Bosnia and having been robbed

transformed population, and consequently, by implementing the prevailing nationalistic policies, diminished former nations to the status of "national minorities".

Well, the system which protects ethnic groups in the Republic of Serbia was established in the time of the Socialist Federal Republic of Yugoslavia (SFRJ), in which the issues of nation and ethnicity were dealt with in a more effective way than in any other socialist country. That meant that the SFRJ provided the protection of the ethnic groups (Serbian – *narodnosti*) through various mechanisms. Thus, the 1974 Constitution defined both the position and the collective rights of ethnic minorities, and Yugoslav institution of the "key" the mentioned above, enabled the ethnic groups to be a part of the political life, in spite of the one-party system. In accordance with this policy, all national groups of the former Yugoslavia (the Serbs, the Croats, the Macedonians, the Slovenians, the Muslims) had representatives proportionally on all levels of political power. However, they participated in it mostly on the local level. Members of these national groups had the right to the official use of their own languages, to the cultural autonomy (in the way of founding various cultural associations and institutions) as well as the right to the education in their mother tongues. Back to the time of the second state of Yugoslavia, the majority of the members of ethnic and cultural minorities lived in the Republic of Serbia, in the Autonomous Province of Vojvodina, to be more precise. After the break up of SFRJ, some new national groups – communities appeared on the territory of Serbia. In addition

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of its many years long agricultural production for those purposes. Besides that, the people belonging to different ethnicities such as Hungarian, Ruthenian, Slovak and Croatian were being forced to wage wars against their nationals in different republics of Yugoslavia.

to the difficulties of regulating the status of the Slovenes, the Macedonians, the Croats, the Montenegrins and the (Bosnian) Muslims, Serbia had to deal with a very tense social climate caused by the sanctions and wars on the territory of the former country and pauperization of a very large part of population. Ethnic animosity was obvious, in spite of the 1990 Constitution, which guaranteed rights to the national communities, but, however, these were not respected and obeyed. In the last decade of the 20th century the sources of financing national cultural societies of the ethnic minorities fell apart, as well as the institutions which were responsible for the implementation and protection of their rights. Populism and the ethnification of politics, used by the government in order to gain more votes in addition to conflicts with neighboring countries created the feeling of insecurity among the citizens and even greater distance, animosity and distrust among the ethnic groups in the country.

The decade from 1990 to 2000 has been marked by the victory of pro-European forces in Croatia and Serbia, challenged the ability of minority communities to endure, preserve their identities, gain power and participate actively in political and public life. Certain part of the national elite did not get by very well; certain part did not even made any effort, knowing the aggressive character of the Serbian regime, which had highly adverse effects both on Vojvodina as a whole and tendencies of national minority communities. Thus, there were the cases of representatives of certain communities being reluctant to support actively the efforts for democratic changes in government, some focused solely on their communities' interests, some, disregarding the larger context, were concerned only with preserving restricted national benefits (i.e. culture and

information), some were exponents of the matrix-state policies, some gave up on their rights for public and political engagement thus leaving the issue of solving problems to the politicians of matrix-countries, some had extremely unequivocal attitudes about indispensible change of the regime and development of democratic politics and institutions for preservation of human rights. Still, the prevailing inclination of these *Years of Lead* was that all these issues would be tackled much more easily within the Autonomous Province of Vojvodina, considering the great number of people of national minorities who live there, rather than within Republic of Serbia, not the least within Federal Republic of Yugoslavia (SRJ) Yugoslavia which still existed then.

In the aftermath of the victory of the opposition in 2000, new laws have been issued, which took the rights of national communities into consideration. However, they were not met with expected approval neither from national communities nor from liberal-democratic and civil public. Although these laws complied legally and formally with the views of European emissaries[10], it was evident that the assigned national councils, as the umbrella national institutions, would be (too) strongly influenced by the dominant political party within a particular national community. This entails that the impact of their civil society organizations would be insignificant or non-existing, that the provisions of the law could easily be counterproductive, that they could trigger unwanted (nationalistic) reactions within the minority communities and what even

[10] Since 5 October 2000 in Serbia, the unequivocal compliance with the views of the European delegations, emissaries and institutions has been strongly stressed, with a special emphasis on the attitude that our laws are *the highest world standards in this area*!

more dangerously, nationalistic reactions of the dominant national community, that the "minor" and "major" national communities are not equally treated, that it is tailored to the interests of a particular national community, etc. However, it seems that the desire to be solve the problem as soon as possible, according to the author, outweighed the justified fears that the law could cause various problems, especially if some of the provisions are to be carelessly used.

Following 5 October 2000, the day of important changes, the democratic government took measures for SRJ to join the United Nations, the European Council and other international organizations, and to take over the responsibilities in accordance with international standards for protecting national communities, meaning that the country put itself under the obligation to encourage democratic institutions and procedures and to undertake special measures towards the protection of national communities, to put the multicultural system into practice, which was recommended in the instructions of the Organization for Security and Co-operation in Europe, the Council of Europe, the European Committee etc. By way of a reminder, Serbia signed the Frame Convention on the Protection of the Ethnic Minority Rights and the European Charter granting rights to regional and minority languages. All these documents define the minimum level of protection guaranteed to the national communities. The rights of the national communities were established by the 2006 Constitution and several specific laws, with the most important the Law on National Minority Rights and Freedom (passed in 2002, but it has been valid in Serbia since Montenegro left the Union of Serbia and Montenegro), the Law on the Official Use of Language and Script, the Law on State Education, the Law

on the Local Home Rule (2002/6/7). Serbia has signed bilateral agreements on the protection of ethnic minorities with Croatia, Macedonia, Hungary and Romania. The author will try to present some of the basic legal acts which define the position of national communities, the status of the Romanies in general, since the Romanies as a community have been in the most unfavourable position.

1.1. The Ethnic Structure of Serbia

In terms of ethnic structure, the Republic of Serbia is very heterogeneous. There are 20 ethnic groups with the status of national community. According to the 2002 census, 13.47% of the members of the national communities live in Serbia (excluding Kosovo). The largest number are the Hungarians (293,299 or 3.91%), then the Boshniaks (136,087 or 1.81%) and the Romas (108,193 or 1.44%). There is also a significant number of the Yugoslavs, the Montenegrins, the Croats, the Albanians and the Slovaks, while some national communities, for example the Czechs and the Ruthenians count only several thousands each. However, this number is not the essential criterion for the status of national community. An ethnic community is considered as a national community when it has been long in touch with the Serbian territory and it is distinct from the rest of the population on the basis of language, religion and customs and it tends to preserve its own identity. At the same time, citizens are offered an option not to declare their nationality at all, meaning that they can declare themselves by the region they live in.

Table 1. Ethnic Structure in Serbia (2002)

	Serbia	**%**	**Central Serbia**	**%**	**Vojvodina**	**%**
Total	7,498,001	100	5,466,099	73	2,031,992	27
Serbs	6,212,838	82.86	4,891,031	89.48	1,321,807	65.05
Montengrins	69,049	0.92	33,536	0.61	35,513	1.75
Yugoslavs	80,721	0.92	30,840	0.56	49,881	2.45
Albanians	61,647	0.82	59,985	1.10	1,695	0.08
Boshniaks	136,087	1.81	135,670	2.48	417	0.02
Bulgarians	20,497	0.27	18,839	0.34	1,658	0.08
Bunjevatzs	20,012	0.27	246	0	1,658	0.08
Wallachs	40,054	0.53	39,953	0.73	101	0
Goranatzs	4,581	0.06	3,975	0.07	606	0.03
Hungarians	293,299	3.91	3,092	0.06	290,207	14.28
Macedonians	25,847	0.34	14,062	0.26	11,785	0.58
Moslems	19,503	0.26	15,869	0.29	3,634	0.18
Germans	3,901	0.05	747	0.01	3,154	0.16
Romas	108,193	1.44	79,136	1.45	29,057	1.43
Russians	2,588	0.03	1,648	0.03	940	0.05
Ruthenians	15,905	0.21	279	0.01	15,626	0.77
Slovaks	59,021	0.79	2,384	0.04	56,637	2.79
Slovenians	5,104	0.07	3,099	0.06	2,005	0.10
Ukrainians	5,354	0.07	719	0.01	4,635	0.23
Croats	70,602	0.94	14,056	0.26	56,546	2.79
Czeks	2,211	0.03	563	0.01	1,648	0.08
Other	11,711	0.16	6,400	0.12	5,311	0.26
Undecided	107,732	1.44	52,716	0.96	55,016	2.71
Regional affiliation	11,485	0.15	1,331	0.02	10,154	0.50
Unknown	75,483	1.01	51,709	0.95	23,774	1.17

Source: *Etnički sastav stanovništva Srbije, po popisu iz 2002. godine*, "Saopštenje" [Beograd] 2003, br. 295.

National communities in Serbia have territorial homogeneity, with the exception of the Romanies, who are dispersed on the whole territory of Serbia. The Boshniaks mostly populate 6 municipalities in the region of Sandžak. They are in the absolute majority in Novi Pazar, Tutin and Sjenica and there is also a significant number of them in Priboj, Prijepolje and Nova Varoš. The Bulgarians are the majority in 2 municipalities – Dimitrovgrad and Bosilegrad, and the Slovaks traditionally live in Kovačica and Bački Petrovac. The Albanians make the absolute majority in the municipalities of Preševo and Bujanovac, and they are in the relative majority in the municipality of Medvedja[11]. A specific fact about this type of territorial arrangement is that in some Serbian multi-ethnic municipalities a minority on the state level makes the majority on a local level[12]. As a result, the Serbs, who are generally in majority, gain the minority status in these municipalities. Speaking of Vojvodina, two ethnic communities predominate: the Hungarian (14.28%) and the Serbian (65.05%). The Hungarians make the absolute majority in 6 municipalities on the north of Vojvodina, and they populate 25 more municipalities in the whole region of Vojvodina.

[11] According to all researches the Serbs express the strongest animosity towards the Albanians. The report of the Programme for United Nations Development says that one quarter of the citizens oppose to the possibility of the Albanians being the Serbian citizens, 30.4% of the people surveyed said they wouldn't like to have them as neighbours, and 65.5% wouldn't accept them for a spouse. See: http://hdr.undp.org/docs/reports/national/YUG_Serbia_and_Montenegro/Serbia_2005_en.pdf.

[12] From the total of 169 municipalities in Serbia (with the population of approximately 50,000 people) there are 68 multi–ethnic municipalities. There are 41 in Vojvodina, and 27 on the territory of Central Serbia. A municipality is considered to be multi-ethnic if 5% of the population belong to a certain national community, or, if more national communities together make at least 10% of the total population.

1.2. Constitutional and legal regulations which protect national community rights

2006 Constitution was a foundation for further development of the national minority protection and it also generally defines their status and protects their identity and integrity. There are several articles in this act referring to the guaranteed human and minority rights. Thus, the Constitution defines equality of all citizens' rights, prohibits discrimination, and is also against all kinds of arousing racial, religious or national hatred. It supports the right to be different, to keep distinctness, collective national communities rights (informing, culture, education, official language use) and the right to home-rule. The Constitution is also in favour of the spirit of tolerance, affirmative actions, acquired rights, equality in conducting public matters, authority of autonomous regions in implementing national communities rights. It prohibits assimilation by force and supports the right to join together, the right to cooperate with fellow–countrymen from other countries, and it proclaims the direct application of the guaranteed rights. As it is, the Constitution puts all the citizens into an equal position when it comes into law, no matter what their race, sex, birth, language, nationality, religion and political or other beliefs are. In addition, according to one of the Constitution articles any kind of arousing or encouraging racial, national, religious or any other non-equality, hatred or intolerance is subject to legal consequences. Even more, it is expected that all steps and segments of education, culture and media should support mutual understanding, respect and observance of differences, and that Serbia should encourage the spirit of tolerance and inter-ethnic dialogue, as well as partnership and understanding among people generally. Nevertheless, unlike the 1990 Constitution, this one defines Serbia

as *a democratic country of all the people who live in it*, while the concept of *the civic country* turns to *the country of the Serbian people and all the people who live in it*. Besides, this Constitution insists on the official use of the Serbian language and Cyrillic script, while the national symbols present Serbian national tradition exclusively. The national community rights are defined in more detail by specific laws.

The law on Protection of National Minority Rights and Freedom (2002/9) is the starting point for regulating and observing the status of national communities. It was passed on a federal level during the existence of the SRJ, and it has been valid since then, even after Montenegro separated from the Union of Serbia and Montenegro. This law will stay in power until the Parliament of Serbia passes a new law on national communities. This law took over the standards which were established in these sphere through the Council of Europe documents – the Frame Convention on the Protection of National Minorities and the European Charter on Regional and Minority Languages. This law also treats the definition of minority identities in a very flexible way. This means that the general concept of national communities covers various views of identity. However, as mentioned above, a certain group is considered as a national community if it has a long term and strong connection to this territory, and it has kept distinct features such as language, culture, national or ethnic affiliation, origin or confession, which distinguish them from the rest of the population. The basic principles of the system protecting minority community rights consist of: the ban on discrimination, the actions for preserving equality, the freedom of declaring one's nationality and expression, the cooperation with fellow countrymen in home country and abroad, obligatory obeying of constitutional acts, international law principles and public morality and the protection of the acquired

rights. The collective rights of national minorities are being realized through cultural autonomy. The essence of **cultural autonomy** is the right to keep a group's distinctness and its collective identity. Cultural autonomy guarantees the group the right to use its own language and script, to be educated in its mother tongue, to use one's name and surname, to found private educational institutions, to be informed etc. The idea of keeping a group's distinctness covers the concepts by which a group cultivates and enriches its language, religion and culture and brings in the use of national symbols (which, by the way, cannot be identical with the national symbols of the mother country). So, the most important elements of cultural autonomy are: the right to the official language use (on condition that 15% of the total population belongs to a certain national community), education, culture and informing. This law treats establishing of minority home-rules, or, to be more precise, national councils which represent a national community in sectors like official language use, education, media and culture. These councils are elected by the electors. In fact, they are elected in order to ensure the right to cultural autonomy. They are, actually, the representatives of community home--rules and their duty is to monitor all about a national community status and to start initiatives for passing adequate laws, decisions and measures. The system of their election has not been fully organized yet, although the mandate of the National Council of the Hungarian National Minority, which had been formed in 2002, ran out in the autumn in 2006. It caused the situation when people don't declare directly on a local level, but the national community political parties influence directly the election of community home-rules in the sphere of cultural autonomy. The fact is that those well organized communities, have one-party national councils, which is not the best option at all. Apart from that, law defines precisely

neither what falls within their competence, nor the way of financing from the budget. The Hungarians organized the first National Council, then followed the Ruthenians, the Romanians, the Croats, the Slovaks, the Bunjevatczs, the Bulgarians, the Ukrainians, the Romanies, the Boshniaks, the Germans, the Egyptians, the Greeks, the Macedonians and the Wallachs.

One of the problems is that the community members who live far from traditional centres can hardly have any impact on its cultural policy. However, it seems that the biggest problem about national councils is that community political parties influence them too much, as they have a good contact with media, and usually good possibilities of financing, and they even use their public functions in the sphere of minority home-rule. Since there are usually no more than one or two powerful political parties belonging to a certain community, there cannot be multiple concepts of cultural policy so the direction of the cultural autonomy development is very clear.

The law on the official use of language and script (2010) allows the right to the official use of a national minority language in a local authority unit if the people who live there traditionally and use it, are more than 15% of the total population. This rule means that the national community language is used:

a) in governing and legal processes;

b) in communication with local authorities;

c) in the process of registering people in the civil registers and official documents;

d) in the work of representative bodies;

e) in the use of the names of the local home-rule units, the names of public places, squares, streets and toponyms.

The 2006 Law on Identity Card allows that the form of the identity card can be printed in the language and script of

the national community. Of the total of 45 municipalities in Vojvodina there are only 7 in which Serbian is the only language in the official use (Indjija, Irig, Opovo, Pančevo, Pećinci, Ruma and Sremski Karlovci). In case that a certain community status does not meet the requirements necessary for obtaining right to have its language as the official language in the whole municipality, its language can be the official language in those parts of the municipality which this community populates in a large percent. Some municipalities have already done this in the cases of the Slovakian, the Croatian, the Hungarian, the Romanian, and the Ruthenian language, while the others are still delaying this act. At the moment, the Hungarian language and script are in the official use in 27 municipalities, the Slovakian in 10, and the Romanian in 8 municipalities, the Ruthenian in 5, the Croatian in 1 municipality, and the Czech on the territory of Bela Crkva.

We could say that the system of using the right to the official language use is well developed in Vojvodina. The situation is quite different in Central Serbia, meaning that this right is just partly implemented. Albanian language and script are in the official use in Presevo, Bujanovac and Medvedja, Bulgarian language in Bosilegrad and Dimitrovgrad, and Bosnian in three municipalities in which they are in the majority – Sjenica, Tutin and Novi Pazar. To conclude, there are seven languages in the official use in Vojvodina (Serbian, Croatian, Romanian, Ruthenian, Hungarian, Slovakian and Czech) while there are only four in Central Serbia (Serbian, Bosnian, Albanian and Bulgarian).

The Law on State Education (2009) states that the aim of education, besides developing the sense of belonging to the country and nationality, and cultivating Serbian culture and tradition, also has the aim to cultivate the tradition and culture of national minorities. Thus, members of national

communities can be educated in their mother tongue or bilingually. In case that the curriculum is carried out in Serbian, they also have a right to attend special lessons of their mother tongue with the elements of national culture. This law also states the minimum number of pupils necessary to organize the classes in the language of the national community. The required minimum of pupils who apply for the classes in their mother tongue is 15, but, if the Minister of Education gives a permission, this number can be smaller. According to this law, in that case, learning Serbian is still obligatory, and there is also an option in bilingual schools for pupils who attend classes in Serbian to study their minority mother tongue as well. In case that a member of a national community chooses to attend classes in Serbian, the school offers the classes of its mother tongue with the elements of national culture. In Vojvodina, the classes are organized in 6 languages (Serbian, Hungarian, Slovakian, Romanian, Ruthenian, and Croatian). As a result, in 78 primary schools there are classes in Hungarian, in 18 classes in Slovakian and Romanian, in 3 schools in Ruthenian and in 5 schools in Croatian language. Besides schools in which all the classes are organized in national community languages, there are many schools in which pupils can study their language as a subject. Again, the standards on this issue are higher in Vojvodina than in Central Serbia.

The Law on Local Authorities (2002/2007) is very important for many minority issues, as it brings to practice all new ideas about the citizens' participation. This law, (article 18) says that the municipalities have the authority to implement the national community rights. The mechanisms of the protection of these rights on the local level should create stable social relations and overcome various inter-ethnic animosities. According to this law, local authorities are to ensure the

conditions for preserving and promotion of the identity of national communities living on that particular territory. In reality this means that local authorities should take care of those national community rights which are related to establishing and further functioning of educational institutions, protection of cultural values, sharing news in public, using a language and script in public communication, the work of libraries, museums and other cultural institutions. In fact, local authorities should make sure that the conditions necessary for applying constitutional and legal acts really exist.

The Law on Local Authorities (article 63) states that the Councils for Relations Between Nationalities should be established in multi ethnic municipalities, or, more precisely, in those municipalities in which a national community makes more than 5% of the total population or all communities together make more than 10% of population. These councils (control mechanisms on a local level) are responsible for monitoring all activities and taking care of the issues of implementing and protection of national equity. This should be a mechanism which can create proper relations among ethnic groups on a local level. The same as in the case of national community councils it is not clear how the members should be elected (for example, in the municipality of Priboj the members of this Council are the district chairman and his deputy, who, in this case, are supposed to control the accordance of their own decisions with the Constitution), what their concerns are, and it also happens that some spheres of competence overlap with the spheres of a national council's competence. These councils have the authority to analyze every decision of a municipality council which deals with the national communities on that territory. In reality, there are many problems about the work of these councils because the law does not explicitly define neither their competence, nor their members' election rules,

so the work of these councils varies from one town to another. Thus, it happens that somewhere groups of citizens suggest members, and in some places it is the Serbian Orthodox Church or some other religious community, or in some cases even the members of the present Municipality Council do that etc. It should also be noted that the Council members who are elected after a suggestion from a political party are usually strongly influenced by that party afterwards. It would be better if the Council members were respectable citizens who don't belong to any party. One of the important issues is the overlapping of the Council's competence and the competence of local authorities and other national councils. These councils should be established in 68 municipalities in Serbia, but so far it has been done only in 43 of them. However, in practice these councils don't meet very often and local authorities don't always pass on their decisions to these councils' insight, which they are supposed to do. It is also known that so far it has never happened that a council set up legal proceedings about a decision brought by a certain municipality council. An additional role of this Council is building mutual trust among ethnic communities in Serbia, which is very important, considering the problems which existed in the 90s.

Summary of the policy on national community right protection

At this moment, when Serbia is in the second decade of 21st century, it is still burdened with ethnic problems, which modern societies have almost overcome, or they have almost adjusted different interests of traditional ethnic communities to each other. Any intention to compare the experience of Serbia to the cases of problematic relations in Western Europe

is not productive, as their causes are completely different. In Europe, the problems are related to the population from former colonies, and in Serbia they are connected with the traditional ethnic groups. Serbia should look for solutions in the neighbouring countries, which have similar multicultural situation, and they have found a solid base for developing permanent democracy principles. The present moment in Serbia does not seem to be very optimistic, and this situation it could easily cause a crisis in some parts of Serbia. The future is yet to show if the constitutional acts and other legal acts will be applied wisely, and thus serve as a starting point for creating appropriate policy of multicultural society. So far, we are only sure that it has been a long time since the proclamation of the 2006 Constitution of the Republic of Serbia and during that time, many excuses have be heard for not doing the things right.

2. State policy on the issues of citizenship

In 2004 the Parliament of Serbia passed the Law on Serbian citizenship[13], which has been in use since February 2005[14]. This Law governs the process of acquisition and the termination of citizenship of the Republic of Serbia, re--acquisition of the citizenship, ascertaining citizenship, the process of acquiring citizenship, jurisdiction, and keeping record on citizenship. The Ministry of Internal Affairs decides on requests for acquiring and termination of citizenship. The requests for acquiring and termination of citizenship are

[13] "Gazette of the Republic of Serbia", no. 135/04.

[14] When the use of the Law on the Citizenship of the Republic of Serbia started, neither the Law on the Citizenship of Yugoslavia nor the Law on the Citizenship of the Socialist Republic of Serbia could be longer valid.

submitted to the Internal Affairs offices by place of residence, that is, the current address of the person who applies for it, or, it may be submitted to the competent diplomatic or consular mission of Serbia and Montenegro[15].

2.1. The acquisition of citizenship by descent

According to the article 7 of this Law it is provided that a child acquires Serbian citizenship in case that:

1) a the time of his/her birth both parents are Serbian citizens;

2) a the time of his/her birth one parent is Serbian citizen and the child is born on the territory of the Republic of Serbia;

3) a child is born in Serbia, and at the time of his birth one parent is a Serbian citizen and the other is another country's citizen, but they mutually agree that the child acquires Serbian citizenship;

4) a child is born abroad, but at the moment of his/her birth one of the parents is a Serbian citizen, and the other is unknown, or of unknown citizenship or without citizenship.

2.2. Children born abroad

In case that one or both parents at the moment of a child's birth are Serbian citizens, and their child is born abroad, one of the parents can submit an application for entry in the registry, where the record on citizenship is

[15] At the time of passing this law, Serbia was a member of the State Union of Serbia and Montenegro.

also kept. The parent applies for the citizenship through DCR[16] of Serbia and Montenegro, whose territory he/she lives on temporarily.

On condition stated in Articles 7 to 10 of this Law, an adopted foreigner can also acquire Serbian citizenship by descent, or if he is an adopted person with no citizenship, in the case of complete adoption. The adopted person should submit the request for admission when he/she reaches the age of 18, and it should be by the age of 23.

2.3. Acquiring citizenship by admission

The issue of admitting foreigners into the citizenship of the Republic of Serbia is regulated by Article 14 of this Law, which allows a foreigner, in accordance with the regulations on movement and residence granted for permanent stay in the Republic of Serbia, to apply for Serbian citizenship, on condition that:

1) he/she has reached the age of 18 and that he/she is not deprived of working capacity;

2) he/she has a release from foreign citizenship or that he/she can provide some evidence that he/she would get this release if he/she acquires admission into Serbian citizenship;

3) he/she had continuous residence on the territory of Serbia for at least three years prior to the date of submission for the citizenship;

4) he/she submits a written statement which says that he/she considers Serbia to be his/her own country.

[16] DCR – diplomatic and consular representatives.

2.4. A request for admission of emigrants in Serbian citizenship

This process is regulated by Article 18 of this Law, which says that emigrant and his descendant can acquire Serbian citizenship if they have reached the age of 18 and they are not deprived of working capacity. In that case, they should also submit a written statement that they consider Serbia to be their own country. A spouse of the person mentioned in paragraph 1 of this Article (who has acquired Serbian citizenship) can acquire admission into Serbian citizenship if he /she submits a written statement that he/she considers Serbia to be his/her own country. An emigrant is a person who left the Republic of Serbia with the intention to live abroad permanently.

A release from foreign citizenship is not necessary for acquiring Serbian citizenship, which means that a person can have double citizenship (he/she doesn't have to live in the Republic of Serbia and he/she doesn't need a permission on permanent stay).

In addition, Article 52 states that a Yugoslav citizen is also considered a Serbian citizen. This stands for a Yugoslav citizen, who, on the day when the application of this Law started, was a citizen of any other former Yugoslav country, or of a new country created on the territory of former Yugoslavia, or if he has a permanent residence on the territory of Serbia for at least nine years. He should also submit a written statement that he considers himself to be a Serbian citizen and that he should submit a request for entry in the records of the citizens of the Republic of Serbia.

2.5. Termination of Serbian Citizenship by Release

According to Article 28 the status of Serbian citizenship is terminated by release if a person submits a request for release and if he meets the necessary conditions:

1) that a person has reached the age of 18;

2) that a person has no interference to military service17;

3) that his tax is reconciled and that other legal requirements are completed;

4) that he has regulated proprietary obligations, stemming from marital relations and parent child relations;

5) that there are no criminal proceedings for offenses that are prosecuted *ex officio* and that if a person was sentenced to imprisonment – the sentence has been endured;

6) that a person has a foreign citizenship or a proof that he will be admitted to one.

2.6. Termination of Citizenship by Renunciation

Any adult citizen of the Republic of Serbia, who is born and has been living abroad, and has a foreign citizenship, can renounce his Serbian citizenship by the age of 25 (Article 33 of this Law). The issues regarding renunciation of citizenship by the age of 18, are regulated by Article 30 of this Law.

[17] In the meantime, conscription has been has been abolished in Serbia.

2.7. Re-acquisition of Serbian citizenship

A person who is released from citizenship of the Republic of Serbia, who has acquired a foreign citizenship, and his citizenship of the Republic of Serbia was terminated at his parents' request by release or renunciation, can re-acquire Serbian citizenship (Article 34 of this Law) when he reaches the age of 18, on condition that he is not deprived of working capacity on condition that he submits a written statement that he considers the Republic of Serbia his own country.

2.8. Ascertaining of citizenship

If a person who has acquired citizenship of the Republic of Serbia, and has not been registered in the register of births or in the records of the Serbian citizens the Ministry which is responsible for internal affairs shall establish his citizenship at his request, or at the request of competent authorities conducting the procedure for exercising the rights of *ex officio* (Article 44). A person whose citizenship is ascertained shall be registered in Serbia nationals, according to the record kept under this Act.

2.9. Amendments to the Law on citizenship

Amendments and additions to the Law on citizenship (2004), which were passed in September 2007, all people of Serbian nationality, who don't have residence in Serbia, are offered a possibility to acquire Serbian citizenship, on condition that they reached the age of 18 and that they are not

deprived of working capacity. Along with the request for acquiring citizenship it is necessary to submit a written statement that they consider Serbia to be their own country. A special benefit lies in the fact that acquiring citizenship on this basis is not conditioned by prior release from a foreign citizenship. This practically means that the members of Serbian Diaspora are given an option to add Serbian citizenship to the citizenship they already have, and without the condition that they have to live in Serbia. This option is also offered to members of other ethnic groups and nationalities from the territory of Serbia, on condition that they submit the application for citizenship in no longer than two years afterwards. It should also be noted that the amendments and additions to the Law on citizenship enabled citizens of Montenegro to acquire Serbian citizenship if on 3 June 2006[18], they had residence on the territory of Serbia, on condition that they submit the application for citizenship no longer than 5years after this law came into force.

3. State policy towards Diaspora

In the sphere of state policy of Serbia towards Diaspora, which is hard to see, rather sporadic and ineffective, one of the few organized activities was **Strategy for preserving and strengthening the relations of the mother country and the Serbs in the region**, which was passed as a document by Serbian Government[19]. Here, we shall present certain parts of it, along with the appropriate comments and conclusions.

[18] The declaration of independence of Montenegro.

[19] 21 January, amendment 2 March 2011, "Gazette of the Republic of Serbia", no. 4/2011, 14/2011.

This strategy was adopted from the need to preserve and strengthen the relations between mother country and Diaspora, as well as with the Serbs in the region. There are no precise data about the number of the Serbian people in Diaspora but it has been roughly calculated that this number is around 4 million[20], which means that almost one third of all Serbs live abroad, outside the borders of the Republic of Serbia. The relation towards Diaspora and the Serbs in the region is based on Article 13 of the Constitution of the Republic of Serbia. Several acts of different legal force regulate these issues[21]. According to the Law on Diaspora and the Serbs in the region, the term "Diaspora" refers to the Republic of Serbia who live abroad and those members of the Serbian people, emigrants from the territory of Serbia and from the region and their descendants. The term "Serbs in the region" refers to the members of the Serbian people who live in Slovenia, Croatia, Bosnia and Herzegovina, Montenegro, Macedonia, Romania, Albania and Hungary.

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[20] All the data in this chapter are taken from the Strategy.

[21] The Constitution of the Republic of Serbia. The Law on Diaspora and Serbs in the region ("Gazette of the Republic of Serbia", no. 88/9) – the first systematic law on the relations between mother country and Diaspora, as well as between mother country and the Serbs in the region. As such, it stands for a normative base for practicing long term policy towards scattering. This Law clearly demonstrates willingness to take much more serious, responsible and rational policy towards Diaspora and the Serbs in the region as well as:

– Declaration on considering the relation between mother country and the scattering to be a relation of greatest national interest ("Gazette of the Republic of Serbia", no. 88/09);

– Strategy on governing migrations;

– National strategy for the young ("Gazette of the Republic of Serbia", no. 55/08).

It is possible to distinguish several categories of Diaspora according to a period of emigration – economic emigration which dates from before the Second World War; political emigration, immediately after the Second World War; economic emigration, which started at the end of the 60s (and lasted until the 80s of the 20th century); the latest, partly economic, partly political migration, which started in the 90s and was caused by the wars on the territory of former Yugoslavia and long standing economic crisis. At present, about one and a half million Serbs live in European countries, while about a million of Serbs live in overseas countries – mostly older emigrants (political emigration after 1945) and their descendants. There is also a considerable number of Serbian emigrants overseas who emigrated after 1990, and they are mostly young people with a university degree. By disintegration of the SFRJ, number of members of the Serbian people who live outside its borders was increased, and that category of the Serbian people abroad was covered by the legal definition of "Serbs in the region", and they make almost 2 million altogether. In the last 20 years, parts of the Serbian people have become national minorities (communities), or ethnic groups, on the territories of former Yugoslav republics, which have become independent countries in the meantime. Thus Serbia, as mother country of all its citizens who live abroad, the Serbs in the region and also the Serbs, emigrants from the territory of the Republic of Serbia and from the region, as well as their descendants, is trying to change it in the following ways:

– restoring Diaspora's confidence in the home country;

– improving the position of Diaspora and Serbs in the region, in the foreign countries where they live;

– raising awareness of the Serbian public in the mother country about the importance of Diaspora and the Serbs in the region;

– networking.

In order to improve the position of Diaspora, it is necessary to involve it actively in the political life in Serbia and enhance the participation of Diaspora in democratic processes in Serbia. Diaspora was granted the right to vote in 2004 (presidential elections) for the first time, but it did not use that right very much. There are various reasons for the low response and they are mostly political, technical, financial and many other, but some of the reasons also lie in the fact that there was no possibility to vote via Internet. The Strategy provides that the right to vote is not only active, but passive as well. The passive right to vote would mean considering a possibility for representation of Diaspora in the National Assembly (Diaspora as an election unit).

The second and the third generation of Diaspora have a divided identity, meaning that they have both the Serbian and the identity of the country they live in. It is essential to modernize the Serbian part of their identity and to enrich it with various contents, so that it is no longer frozen in the time of their ancestors who arrived in a new country. Knowledge and the use of the Serbian language and the Cyrillic alphabet (and naming it by that name exactly) presents *condition sine qua non*, on which all the work on cooperation with Diaspora is based. Apart from direct consequences on individuals, denial of education in mother tongue affects a national community as a whole. Assimilation is prevented by all possible ways of cultivating close relations between Diaspora and the mother country and with raising awareness of the origin and nurturing of Serbian cultural, ethnic and religious identity. This is achieved by wearing national costumes, by recording, singing and public showing of their own folk songs and other forms of folklore, by the right to practice their own religion and religious ceremonies, by building churches, and religious education. It is also achieved by the right to publish books, the right to found theatres, radio stations, TV programs and other forms of the art of the community, that is,

in the language of the community. It is also important that they can use freely their national symbols and that they can show them in public, as well as to have the right to celebrate national and religious holidays of the mother country etc.

3.1. Suggested measures for accomplishing the goal

Preserving national identity – raising capacity, the level of organization and modernization of the organizing principles in Diaspora in order to use the program mentioned above. Diaspora organizations throughout the world are to use national symbols of the Republic of Serbia – the state emblem, flag and the anthem.

Serbia should encourage and help sustaining the present and forming new sections and schools associated with the Serbian Orthodox Church, where in addition to already existing religious education, there would be a unique standard of educating children. One of the instruments which could improve and modernize learning Serbian in Diaspora is creating interactive Web site.

3.2. Specific Goals of Preserving and Strengthening Relations between Mother Country and the Serbs in the Region

Serbian Republic (Republika Srpska) – Bosnia and Herzegovina

– Serbian Republic should be the most important sphere of interest and one of the major state and national foreign policy priorities of the Republic of Serbia;

– Consistent implementation of the Dayton Agreement and the absolutely necessary help and support of the progress of the Serbian Republic;

– The duty of the ministries with this issue in their jurisdiction to provide the citizenship for all the citizens of the Serbian Republic who want it;

– Ministry of Education should carry on with the process of consolidating the two educational systems.

The Federation of Bosnia and Herzegovina – Bosnia and Herzegovina

The Republic of Serbia should be engage in the issue of the position of the Serbian people in the Federation of Bosnia and Herzegovina; the Serbs are a constitutive nation in this entity, but they are in a more unfavorable position than the Bosnians or the Croats in the Serbian Republic.

Croatia

– Endeavoring to take a positive approach and thus reduce animosity between the Serbs and the majority in Croatia; Serbia must pay great attention to returning and existence of the Serbian people in the regions of Krajina, Slavonia, and Baranja as well as their position in the cultural, economic and political life of the people in other parts of Croatia, especially in big cities;

– Restoring sacred heritage of the Serbian people;

– Developing of educational system and the Serbian Orthodox Church (seminaries, grammar schools, primary schools, nursery schools etc.).

Montenegro

– The Republic of Serbia should treat Montenegro as the center of its foreign affairs and regional policy;

– It is important to provide conditions in which the Serbian people can have equality and a fair participation in state institutions, state administration and local authorities;

– It is essential that all Serbian people get the Serbian citizenship if they want it;

– It is especially important that the acquired right is systematically arranged and that the right to education in Serbian language is granted;

– It is necessary to restore religious heritage of the Serbian people;

– Educational System and the Serbian Orthodox Church should get more attention (seminaries, grammar schools, primary schools, nursery schools).

Macedonia

The Serbian people in the Republic of Macedonia have the status of a national minority. Nevertheless, their rights are not completely realized, as the Republic of Macedonia fails to fulfill the obligations, especially of material nature, towards the Serbian people in Macedonia.

Slovenia

The Serbian people are the largest minority national community in the Republic of Slovenia. Nevertheless, the Serbs are not granted the status of a national minority, the right to participate in the Parliament of Slovenia or any other rights resulting from that status.

Albania

The Serbian people in the Republic of Albania have recently been granted the status of a national minority and there is still a need to put a lot of effort into encouraging them to declare their national and religious identity.

Romania

The status of the Serbian people in Romania is satisfactory, but it is necessary to take more active steps in the policy of the Republic of Serbia so that the community in border districts maintains end improves its position. Although Romania has friendly attitude and affiliation towards the Serbian

people, Serbia should pay a great attention to preventing gradual assimilation of the Serbs in Romania.

Hungary

The status of Serbian people in the Republic of Hungary is in accordance with international standards meaning that they are equal with all other national minorities. Nevertheless, this status is not on the same level as the status of national minorities in the Republic of Serbia. The Hungarian Parliament ignores the constitutional obligation to provide participation of the minorities in the parliament. Financing the Serbian institutions and cultural and educational projects is sporadic and insecure. It is necessary to strengthen educational policy in general, especially learning Serbian language. Another important issue is an increase in population and gradual assimilation of the Serbian community in Hungary.

3.3. Present standards

With the exception of Romania and, to one extent, Bosnia and Herzegovina, the rest of the six countries in the region have not reached the international standards on the protection of the Serbian people. To guarantee the rights of the Serbian people in the region, the Republic of Serbia should invest more diplomatic and financial means into these issues.

3.4. Promised standards

The Constituency was promised to the Serbian people in Bosnia and Herzegovina. It was guaranteed by the Dayton Agreement and the Constitution of Bosnia and Herzegovina.

In the Serbian Republic, the Serbs were promised a safe return. In the Republic of Slovenia, the Serbian national community was denied the right to the status of national minority. In Montenegro, the Serbian people were denied collective status. In the Republic of Macedonia the Serbian people were denied the right to free choice of religion and stable funding of their organizations. In the Republic of Albania Serbian people are just beginning to enjoy the rights of a national minority, after rapid assimilation during 98 years of the existence of the Albanian state. In the Republic of Hungary the Serbs do not enjoy the guaranteed constitutional rights, most of all, the right to guaranteed representation in the Parliament and stable funding of their institutions and media.

3.5. Conclusion about politics on Diaspora

The strategy of preserving and strengthening the relations between the mother country and Diaspora and the mother country and the Serbs in the region is a very ambitious project of the Republic of Serbia, which is just beginning its independent life, after 78 years of existence within a large-scale state assemblies. Not only because of that, it is burdened with historical "alignments", a wish to improve situation in the spheres where such situation is not utopia. We also get the impression that, in solving problems faced objectively by the members of Serbian community, the only solutions are those which were painfully paid in the last decade of the 20th century, or that the members of the Serbian community are treated in a paternalistic manner, so that they are not encouraged to articulate their interests in the public and political life of the countries they live in, and all that is mixed with deceptive hope that the Serbian government (rather

weak so far) and the Republic of Serbia will do that instead of them. Without real knowledge about realistic elements in the international community, about the existence of certain European values, the policy of Serbian accomplishments in the sphere of the protection of national community rights glorified (a well known expression *the highest international standards*), which is disputable, and at the same time it is not the best benchmark of searching for the rights for the members of the Serbian community in the region[22]. Just like many other documents which Serbia passed after 2000, this Strategy offered us just *another brick in the wall*, just another task of the so-called "European agenda" done, but the situation has not really improved. Thus, the Strategy is just on a paper and not a real action, similarly to most strategic documents, which have been successively passed for the recent years, with no real intention to change certain issues in Serbia.

Concluding remarks

Time will punish those who are late!

Mikhail S. Gorbachov

The Republic of Serbia is an incomplete country. This fact causes all other problematic situations and requests for fulfillment of the tasks of a certain field of public policy, which Serbia faces today. Situation is similar in the spheres of policy towards national communities, citizenship and Diaspora.

[22] Serbia was surprised at Romania blocking the Serbian candidacy for the membership in United Nations and asking for prior discussions on the Wallach and Romanian community in Serbia, as well as the position of the Romanian Orthodox Church.

This stops us from viewing certain steps in this sensitive political area with confidence, since they are not systematically designed and carried carefully, with contradictory contents in different documents. The protection of the rights of national communities has not reached the 1990 level, with the general buzzword in Serbian political speech that all legal solutions, created after 2000, were *lined up with the highest international standards*, while on the other hand the members of the Serbian community in the region ask for more rights, referring to the historical and acquired rights. There is an impression that a bad compromise has been made between the Serbian authorities and the authorities of neighbouring countries, especially former Yugoslav republics, so that national communities get nothing but the existence of the national Councils, as for anything more than that there is no active response, no need and no financial support. Thus, the perspective of this area is very disputable. Certain improvements in the policy on citizenship have been made, but under the obvious pressure of international community. They started to solve this neglected area[23] in some ways, correcting the serious mistakes made in the 90s of the 20th century. In this way the right to double citizenship[24] was finally regulated, as it had been an aggravating factor in this area for many years.

The policy on Diaspora, to some extent, reflects the policy of the "old regime". It is absolutely insincere, and unrealistic,

[23] A very large number of people did not manage to get the citizenship, even after years of waiting for it, although they fulfilled all the conditions, while those individuals who were close to authorities could achieve the same in a very short time.

[24] In one part of the Serbian political scene, mostly in the Right, giving double citizenship to the members of the Hungarian national community was not welcomed, but this strong disapproval is actually typical for all benefits which minority communities get from a mother country.

in view of its goals and in the ways of reaching them. By its character, it is just a list of nice wishes, and it also contains elements of destabilization of the countries in the region. It is impossible to implement its statements without any serious disagreement with neighbouring states. It would be very difficult for neighbouring countries to accept it with the request for reciprocal application, for the protection of their communities' interests in Serbia. Obviously, these difficulties, just like many other matters, were not seriously taken into consideration.

In the end, Serbia has not found the adequate policy for remediation of certain challenges on its route of modernization and reconnection to the flows of Euro-Atlantic integrations. One of the major tasks for Serbia is making political scene more serious, turning to productive dialogue among the members of the political elite, which would create a new form of a "social contract", as a necessary means of mapping the Serbian way towards a new normal situation. All other issues, as well as the policies in the spheres of interest mentioned above, will be the result of that agreement, which is yet to come. However, the lost time cannot be brought back.

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