Analyzing National Minority Councils in Serbia from Inception to the Present: The Role of Domestic Actors, Neighbours, and the European Union

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Abstract

This work attempts to fit into the broader research category of both post-Yugoslavian ethnic minority politics, as well as the European Union accession literature. Focusing specifically on the national minority council system in Serbia, I analyze the factors that led to its creation, evolution, and current situation. The focus is on identifying the levels of influence of domestic actors, neighbouring countries, and the European Union, and whether these actors have a positive or negative effect on ethnic minority rights through their approach to the national minority councils. My original research consists of a series of interviews conducted with leading figures of the Hungarian community in Vojvodina, and the analysis of these interviews using various theoretical approaches. The results show that the national minority councils are largely the result of domestic actors in Serbia, with the Hungarian government becoming very involved in the past decade. Comparatively, the EU is, and has been throughout the history of the national minority council system, a rather distant actor, however, it has achieved moderate successes in the overall context of Serbian ethnopolitics.

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List of Abbreviations

MNT – Magyar Nemzeti Tanács – Hungarian National Council

NMC – National Minority Council

NMC Law – Law on National Councils of National Minorities

VMSZ – Vajdasági Magyar Szövetség – Alliance of Vojvodina Hungarians

VMMSZ – Vajdasági Magyar Művelődési Szövetség – Vojvodina Hungarian Cultural

Association

Introduction

Does the possibility of joining the European Union entice countries to change their domestic laws and institutions? Based on the relatively recent accession of countries such as Hungary, Romania, Slovakia, etc., the answer is yes. All of these countries made major changes to their economic and legal systems to become eligible for joining the European Union. The criteria these states must meet is called the Copenhagen Criteria. Among these provisions are included certain requirements for the treatment of ethnic minorities. In a region such as Central and Eastern Europe and the Balkans, conflicts between various ethnic minority groups have been raging for centuries, until as recently as the Yugoslav Wars. Specifically, in the area of the former Yugoslavia, there is a panoply of ethnic groups, with diverse communities criss-crossing each other in every which way. While this has diminished somewhat in recent years, in large part due to assimilatory policies and displacement due to war, the region is still one of the most colourful in Europe. In Serbia specifically, there is an area in the north, Vojvodina, comprising approximately one third of the country. It contains multiple ethnic groups, living in various communities around the region. Some reflect historical borders that have since changed, others reflect migrations from centuries past. This analysis will focus on the region of Vojvodina, more specifically the Hungarian minority that makes up 13% of its population. In this paper, I will analyze whether the EU or domestic actors have influenced change on Serbia's laws regarding its ethnic minorities by looking at the Law on National Councils of National Minorities, and whether or not this law is actually being upheld.

Serbia applied for EU membership in 2009, it was given official candidate status in 2011, and access negotiations began in 2014. It is currently negotiating in multiple areas, officially called "chapters" with the EU commission. 16 Chapters of the eventual 35 have been opened, with two being "provisionally closed", meaning that while Serbia is not exactly close to joining the EU, it is definitely on the agenda for the eventual future.² Although the previous deadline of 2025 has been softly postponed, the project is still moving ahead.³

Why is the European Union, more specifically EU accession, so relevant to the ethnopolitics of Serbia, and by extension Vojvodina? The European Union has proved to be one of, if not the, most powerful foreign influence on European states that are not yet members of it. The European Union is the "richest club in the world", and it is highly exclusive. As evidenced by the massive structural changes implemented by the states that have recently joined the EU, more specifically those from post-communist Central and Eastern Europe, the EU seems to have a significant capability to enforce structural changes.⁴ On the other hand, there are articles in the literature that suggest that the EU has a much weaker capacity to create institutional change than is traditionally accepted: "our analysis shows that the mechanisms behind EU membership (and accession) provide at most a small benefit in terms of institutional improvements relating to better economic outcomes." Despite this touch of pessimism, it is foolhardy to state that accession does not have any impact at all. Smith concluded in his paper on the EU's ability to mold Estonia's domestic policy on ethnic minorities that "the dominant discourse amongst titular actors has plainly shifted towards the EU-sponsored multiculturalist paradigm since 1997."6

^{1 &}quot;Serbia - Consilium."

² European Commission, "Serbia State of Play."

³ Rankin, "Serbia and Montenegro Could Join EU in 2025, Says Brussels."

⁴ Bruszt and Vukov, "Making States for the Single Market."

⁵ Tarabar and Young, "Liberalizing Reforms and the European Union," 94.

⁶ Smith, "Minority Rights, Multiculturalism and EU Enlargement: The Case of Estonia," 31.

Thus, there are examples of the EU successfully intervening to shape minority relations in new/potential member states, making the analysis of Serbian ethnic relations a relevant topic. However, with the many setbacks, not least among them de-democratization, currently occurring in many of the recent additions to the EU, it is not mere speculation to say that the EU must be more careful, and more thorough, with future accession negotiations. Furthermore, the European Union's minority right's regime is by no means a complete system, although it is beginning to coalesce, albeit slowly. The fact that the system is not a complete one makes any sort of export of its ideas a difficult and complicated task.

In addition to the broader tightening of the drawstrings around EU accession, Serbia's role at the centre of the Yugoslav wars, gives the EU even more reason to be unforgiving in negotiations. A country with multiple convicted war criminals from just the last two decades can be expected to have a difficult time trying to get into the European Union. In fact, certain EU member states were unwilling to even accept the Association Agreement with Serbia until certain war criminals were extradited. A further, and still-ongoing, complication, is the status of Kosovo. Kosovo similarly wants to join the European Union, while Serbia simultaneously is unwilling to recognize it as a sovereign state. The unique situation caused by Kosovo will be discussed in its own section. In the 2018 EU Commission report on the status of Serbia's progress towards EU accession, it stated that "As regards its ability to assume the obligations of membership, Serbia has continued to align its legislation with the EU *acquis* across the board." Further analysis of the report shows repeated uses of phrases such as "moderately prepared" and

⁷ Rankin, "Serbia and Montenegro Could Join EU in 2025, Says Brussels."

⁸ Nimni, National Cultural Autonomy and Its Contemporary Critics, 188.

⁹ "EU Softens Stance on Serbia War Crimes."

¹⁰ European Commission, "Serbia 2018 Report," 5.

"some level of preparation", with the exception of the economic criteria section in which an additional "has made good progress" was added. 11 While it is expected that the economic indicators have taken precedence over other accession requirements, as they often do, the overall tone of the report is that Serbia has made much progress since the beginning of the accession process. While it may seem counterintuitive to take the European Union's words on how much it has affected Serbian institutions at face value, as the report is essentially a self-validation of EU foreign influence, the nature of accession negotiations gives it validity. Especially in light of calls for increased scrutiny of the accession processes of future member nations, it does not make sense for the EU to inflate or deflate the scope of its influence in accession negotiations, for the EU as a whole will suffer the negative consequences of a rushed and/or delayed accession process. Thus, based on the Commission report, the EU has made significant progress in effecting change in Serbia's laws and institutions across multiple accession chapters, therefore it is possible to move forward with the analysis of these chapters.

Based on the EU commission reports, Serbia has made much progress in the accession areas that deal with ethnic minorities. The reports do mention, however, that while enactment of the laws has happened in many cases, there is a lack of enforcement overall. The most recent EU Commission report recommends that Serbia "develop a comprehensive approach for the protection of national minorities by implementing its action plan on national minorities consistently across the country", further writing that "While the Regulation on the Work of the State Prosecutorial Council was amended to take into account the ethnic composition of the population in the nomination of public prosecutors, national minorities remain underrepresented

¹¹ European Commission, 3–4.

in public administration". ¹² Tamás Korhecz strengthens this claim by writing that "In order to make substantive progress in the field of implementation of minority language rights it is necessary both to modify and harmonise the relevant legislation and also to put into effect organisational, executive and financial measures which can make the rules a living practice." ¹³ Therefore, it is clear that while improvement in legislation is still necessary, a large part of the current problem is with the on-the-ground effect of already passed legislation. Specifically, relevant to this study is the creation of autonomous state institutions for what are termed national ethnic minorities. These institutions, called National Minority Councils, and how they work in the Hungarian case will be the focus of the majority of this work. The empirical portion will attempt to prove whether Serbia is actually enforcing its newly passed minority rights legislation, and whether members of its ethnic minorities feel as if the country's track record on minority rights has improved since the beginning of accession negotiations. This will complement my theoretical analysis of EU Commission reports to determine whether new legislation has been passed as a result of the EU.

Regarding future developments, the EU has emphasized that ethnic minority rights must be further reinforced, and a greater focus must be placed on the actual implementation of existing laws. The question is, is the European Union able to force Serbia's hand in following the aforementioned recommendations? In theory, the answer is yes. According to the most recent Commission report on the status of Serbia's progress towards accession, significant progress has been made in multiple areas of competencies required by the European Union. Furthermore, the EU is able to mold, or perhaps steer, Serbia's active executive policies to suit its goals as well, as

¹² European Commission, 23, 29.

¹³ Korhecz, "Official Language and Rule of Law," 457.

evidenced by increased Serbia-Kosovo relations as brokered by the EU. Specifically, on the topic of ethnic minority rights, the EU has provided a similar assessment as the other areas: progress has been made, but more is needed, and implementation is especially weak. This leads to the empirical portion of the study, which involves collecting and analyzing data on the implementation of the recent National Minority Councils.

Chapter 1: Overview

The purpose of this chapter is to familiarize the reader with specific concepts and political perspectives that are relevant to this work. It consists of definitions of the most important terms, followed by a review of literature relevant to the topic. In addition to this, the chapter provides a detailed history of Vojvodina's history, focusing specifically on the region's demographic history. Finally, there it concludes with a section that presents in detail the relevant actors that will be further discussed.

1.1 Definitions

The first, and most important definition for this paper is the concept of "national minority". It will be used interchangeable with "ethnic minority", and "nation" throughout this work. Even though the word nation can have a broader meaning, it will mostly be used to when referring back to an older theory in which this term was common. National minority is the term officially used by the Framework Convention for the Protection of National Minorities, yet it explicitly specifies that the definition is not at all explicit and is up to the member states to interpret. Thus, I will borrow a working definition from John R. Valentine: "The members of a national minority share essential characteristics (religion, language, traditions and cultural heritage) that define the self-identity of the individuals that make up the minority The members of a national minority most likely have all of these essential characteristics m common, and they may live separate and apart from the majorities among whom they live." 14

¹⁴ Valentine, "Toward a Definition of National Minority," 472.

The next important definition is non-territorial autonomy, as this is the predominant theory in this work on ethnic autonomy. This term has a plethora of definitions, ranging from broad ideas about self-government, to specific typologies of autonomy arrangements. For the purposes of this work, I will refer to Alexander Osipov's general definition of non-territorial autonomy being the idea "that minorities or ethnicities must be masters of their own affairs, as such be endowed with self-government and thus overcome the dictate of majority." As the specific type of non-territorial autonomy in question, the system of national minority councils, will be explained in depth further on, Osipov's definition provides a sufficient introduction to the term.

1.2 Literature Review

There relevant literature to this work can be divided into three broad categories: general political theory, European Union accession literature, and domestic political analyses of Serbian and Yugoslav ethnic relations. While some of the cited works, as well as the themes themselves do overlap, this division serves to clarify the different parts that will come together to form the thesis of this work. The broader political theory section consists of writings on path dependence, critical juncture theory, and non-territorial autonomy. The EU accession process literature is mostly technical documents, such as the Copenhagen Criteria, and the EU commission reports based on the chapter system. The literature on domestic Serbian ethnopolitics ranges from works on the National Minority Council system, to Vojvodina's territorial autonomy, and the effect that

¹⁵ Osipov, "Can 'Non-Territorial Autonomy' Serve as an Analytical Term?," 624.

¹⁶ Osipov, 626.

Kosovo's independence has had on the aforementioned two topics. I will now discuss each body of work in turn.

Following the order in which they were presented above, the first topic to be discussed is path dependence. Path dependence, for the purposes of this work, means the reinforcement of certain decisions by political actors over time, that then leads to certain actions being taken in the future. "Path dependence has to mean, if it is to mean anything, that once a country or region has started down a track, the costs of reversal are very high. There will be other choice points, but the entrenchments of certain institutional arrangements obstruct an easy reversal of the initial choice." In other words, a political entity is created, where the past decisions shape those of the future. What will be emphasized in this work is path dependencies tendency to create and reinforce political paradigms that can then endure for decades, or even centuries, through even monumental political upheavals. A relevant example is the influence on centuries old borders on voting patterns in Romania and Poland. While the scope of this work is in decades, not centuries, the theory of path dependence will be relevant in the analysis of Vojvodina's historical tendency towards territorial autonomy.

Critical juncture theory is next, it is often conjoined with path dependence, in such a way that the changes of a political path happen at critical junctures, where, due to multiple endogenous and exogenous factors, a decision must be made. A critical juncture itself, is a point in time where the possibility of large changes becomes a reality, or at least certain factors come to a head that make the decisions of the actors at that specific time especially relevant. It can be described as "a period of significant change, which typically occurs in distinct ways in different

¹⁷ Levi, "A Model, a Method and a Map: Rational Choice in Comparative and Historical Analysis" in Comparative Politics: Rationality, Culture, and Structure, "28.

¹⁸ Ekiert and Ziblatt, "Democracy in Central and Eastern Europe One Hundred Years On," 92.

countries (or in other units of analysis) and which is hypothesized to produce distinct legacies". One difficulty of critical juncture theory is that it is a very post-event science, as it is much easier to label something a critical juncture afterwards than predict it. In this work, critical juncture theory will be used to describe and analyze the specific political situation in Serbia that allowed the National Minority Council system of non-territorial autonomy to be created.

National Cultural Autonomy theory, or NCA, has a very important role to play in this work, as it is the central premise on which the National Minority Councils of Serbia were created. National cultural autonomy as a political theory can be traced by to the Austrian Social Democratic party, under Karl Renner, in the 1890s. It appeared as a form of non-territorial autonomy, an alternative to the liberal nation-state paradigm that intertwined the idea of nation with territory, and led to the carving up of much of Europe in the aftermath of World War I. It was in opposition to the concept of the state which operates on the idea of "if you live in my territory, you are subject to my domination, my law and my language". ²⁰ The Austrian Socialists specifically desired to create a system in which the interests of the ethnic minorities of the Austro-Hungarian Empire would be preserved, without compromising the Empire's territorial integrity. Ultimately, as history shows, they did not succeed, and National Cultural Autonomy has fallen into relative obscurity. It has only ever been seriously considered in the postcommunist sphere of politics, which is why this theory can be found in a work on Serbian ethnopolitics. ²¹ National cultural autonomy calls for the creation of institutions that protect, preserve, and develop ethnic minority communities, in the spheres of education, language rights, culture, etc. without necessarily having to rely on territorial autonomy methods, which are often

¹⁹ Collier and Collier, *Shaping the Political Arena*, 29.

²⁰ Nimni, National Cultural Autonomy and Its Contemporary Critics, 28.

²¹ Nimni, 1–2.

difficult due to overlap between ethnicities and geopolitical reasons. Contemporary literature on the topic attempts to address issues such as the various type so of ethnic minorities that exist: those with a mother-country, those without, those that do not have a regional majority, etc.²² This applies perfectly to Serbia, especially Vojvodina, since it is a cultural mosaic of over 20 different ethnic groups, with half as many languages. Furthermore, the fact that Karl Renner explicitly mentions minority councils in his original work State and Nation, suggests that the Serbia's system of national minority councils may have been directly built upon this idea.²³

The literature on the European Union accession procedure is large, and rather technical. Relevant to this work are the Copenhagen Criteria, and the chapters that Serbia must complete to be eligible to join the EU. Thus, the various forms of reports, from the EU commissions evaluation of chapter progress to the way in which funds are distributed are all relevant to this analysis.²⁴ Standard to this area are papers on the effect of the EU in general in affecting change in accession countries. Tarabar and Young conduct a quantitative analysis to determine whether accession to the European Union has an effect on economic policies and institutions, with their results showing moderate to no effect.²⁵ In the same vein of research, Grimm and Mathis's paper is a quantitative analysis of the EU's effect on democracy in the Balkans, once again yielding little to no correlation. ²⁶ While their conclusions do not bode well for the EU's role from the start, many of these papers conclude with a phrase along the lines of: case-by-case analyses may yield different results, and statistical correlations are not the end-allbe-all. In addition to these, there is a some literature on different forms of territoriality and

²² Nimni, 187–88.

²³ Nimni, 35.

²⁴ European Commission, "Serbia 2018 Report."

 $^{^{25}}$ Tarabar and Young, "Liberalizing Reforms and the European Union." 26 Grimm and Mathis, "Democratization via Aid?"

minority rights, such as those by Balázs Vizi, a prominent Hungarian political theorist in the area of non-territorial autonomy. He has a relevant work on the topic on the relationship between language rights and differing concepts of territoriality, especially within European minority rights frameworks.²⁷ Thus, this paper will lean more on official EU documents, such as those evaluating Serbia's accession process, and then compare these will literature directly related to the national minority councils. This will allow for a unique case-specific narrative to form, separate from, but simultaneously complimenting broader conclusions regarding the effectiveness of the European Union.

In addition, there is also a theoretical body of work that focuses specifically on the relationship between the European Union and the Balkan countries, or more specifically, Serbia. There are many papers that discuss, for example, the relationship between Serbian civil society and the EU, however, many of these are not of much use to this work. In fact, there is a striking ignorance of Serbia's domestic political institutions, most importantly the national council system, in many of these articles. As I will explain further on, there are very few civil organizations that work in the sphere of ethnic minorities that have absolutely no cooperation with one or more of the national minority councils. In papers such as the one by Nina Markovic on the role of Serbian civil society in promoting the European Union domestically, there is an entire section on how a Romanian-Serbian ethnic dispute stalled accession negotiations for a time. Yet national minority councils are not mentioned once, it is framed as a situation that was resolved between top-level state actors and NGOS, when such an issue would clearly involve the national councils as well since the issue was explicitly over the Romanian government taking issue with the Serbian government's recognition of both Vlachs and Romanians as separate

²⁷ Vizi, "Territoriality and Minority Language Rights."

ethnic minority groups.²⁸ Ironically enough, this takes place in a discussion of bilateral relations, and later in this work I will discuss how important the relationship between the Serbian state, the national minority councils, and civil organizations are when it comes to the Hungarian-Serbian relationship. This is not an isolated instance, a paper by Petrovic and Wilson on the possibility of Serbia's neighbours influencing its accession process does not mention the minority councils, despite paying much attention to ethnic disputes between the countries.²⁹ A quick search of "EU accession Serbia" yields many results, dealing with a variety of angles from the economy, to the judiciary, to the aforementioned NGOs, and an entire body of work on Kosovo. Yet the national minority councils are conspicuously absent from this literature. This absence in academia reflects the relative absence of the national minority councils from the EU's accession process as well, which will be discussed later. On a more positive note, the lack of literature means that this is an area that can, and should be better explored, as it can hold solutions that are possibly better than current approaches.

The final section of the literature is on the domestic politics of Serbia, much of it written by Serbian academics of many different ethnicities. In contrast to the absence of national minority councils from much of the EU literature, they figure prominently in this body of work. The most prominent author in this work is Tamás Korhecz, who is also one of the interviewees. As a lawyer and an academic who participated in the establishment of the national minority council system, he has unique insights into the workings of Serbia's national minority councils. One of his pieces is a general description of the history and workings of the national minority councils, and a second on the implementation of minority language rights in Serbia, both are

²⁸ Khaze, "The Role of Pro-Reform Civil Society in Serbia's Accession to the EU," 38.

²⁹ Petrovic and Wilson, "Serbia's Relations with Its Western Balkan Neighbours as a Challenge for Its Accession to the EU."

essential to this work. 3031 A third article by Korhecz on the constitutional situation regarding the Law on the National Councils of National Minorities provides additional strength to the interview data in the analyses.³² In addition to the literature on minority councils, there are papers specifically on the autonomous province of Vojvodina. Leonas Tolvaišis provides an account of Hungarian cultural autonomy in Vojvodina based on path dependency, which is essential in connecting the above-mentioned path dependency theory with the Serbian case.³³ Beáta Huszka writes about why Hungarians in Vojvodina have supported the autonomy of the province in addition to cultural autonomy, despite only making up a minority of the population.³⁴ Svetlusa Surova has a paper on opportunities for cooperation that are provided by the national minority councils, through the lens of the Slovak minority council.³⁵ All of these works are relevant to the analyses of this paper, in the sections on the national minority councils themselves, their relationship with the Vojvodina autonomous province, and inter-ethnic minority relations and coalitions. In addition, I have made an extra effort to use sources by experts from the region, such as Serbians, Serbian-Hungarians, Hungarians, Slovakians, to give the work a more nuanced Eastern European discourse, especially since much of the EU accession literature is written by Western European academics. In addition to academic works, technical documents, such as the text of the Law on National Councils of National Minorities, are used as reference material to properly illustrate the political system that is being analyzed.³⁶

³⁰ Korhecz, "National Minority Councils in Serbia."

³¹ Korhecz, "Official Language and Rule of Law."

³² Korhecz, "Nemzetiségi autonómia az Alkotmánybíróság szorításában [Ethnic Autonomy in the Writing of the Constitutional Court]."

³³ Tolvaišis, "Hungarian Cultural Autonomy in Vojvodina from the 1974 Socialist Constitution to the 2009 Statute of Autonomy."

³⁴ Huszka, "Voivodina's Autonomy and Its Minority Protection Dimension."

³⁵ Surova, "Exploring the Opportunities for Trans-Ethnic Cooperation within and across Serbia through the National Minority Councils."

³⁶ "Law on National Councils of National Minorities [Serbia]."

1.3 Historical and Demographic Review

A short overview of the history of the region is in order. After a turbulent period as a quasi-border region for the centuries long conflict due to the Turkish invasion of Europe, Vojvodina first became part of the Habsburg Military Frontier, then was one again administered by the Kingdom of Hungary within the Austro-Hungarian Empire from 1867 onwards. During this time, the region experienced strong Magyarization, where the dominant Hungarians were attempting to change the ethnic makeup of their multi-ethnic kingdom in their own favour. After the (according to some sources controversial) 1910 census, the ethnic makeup of the region was 33.8% Hungarian, 28.1% Serbian, and 21.4% German.³⁷ Following the dissolution of the Austro-Hungarian Empire in the aftermath of World War I, the region experienced a rapid succession of multiple states and borders, until Vojvodina was eventually given to the nascent Kingdom of Yugoslavia. The previous policies of Magyarization were substituted by extensive Serbianization during this time. During WWII, it was re-annexed by the Kingdom of Hungary from 1941-1944, with large-scale killings of Serbs, Jews, and Roma taking place, along with internments of hundreds of thousands of people. Following Hungary's defeat in the war, the region was returned to the now-communist Yugoslavia. Retaliatory killings began soon after, with the majority of the region's German population falling victim to either expulsion or death. Tens of thousands of Hungarians and Serbians were also killed and/or interned by the new regime. These horrific massacres and expulsions by various regimes dramatically altered Vojvodina's ethnic makeup. In the following decades, however, there ensued a period of relative peace for the region. In 1974, Vojvodina was constitutionally granted its long sought-after autonomy, leading to a positive development in ethnic relations for the first time in decades. However, this period came to an end

³⁷ Curcic, Duric, and Kicosev, "The Ethnic Structure of the Population in Vojvodina."

in the 1990s, with the looming dissolution of Yugoslavia, as Serbian Prime Minister Slobodan Milosevic began calling for the revocation of Vojvodina's autonomy, and renewed Serbianization policies.³⁸ While the area remained comparatively unscathed during the various ensuing Yugoslav wars, the largest city, Novi Sad, was controversially bombed by NATO forces.³⁹ Following the conflict, Vojvodina eventually regained its autonomous status, and can currently be regarded as the Serbian minority laboratory, for despite its violent 20th century, the region is still plays host to various ethnic groups.⁴⁰

Officially, Vojvodina currently has 26 recognized ethnic groups, and 6 recognized administrative languages. The major ethnic groups are Serbians (66.8%), Hungarians (13.0%), Slovaks (2.6%), Croats (2.4%), Romani (2.2%), and Romanians (1.3%). The 6 official languages correspond with these groups. Among the other 26 recognized groups, there are a diversity of ethnic minority cases, Some national minorities like the Hungarians, the Croatians, the Montenegrins, and the Bulgarians became minorities after historical events... while others, such as, for example, the Roma, the Slovaks, and the Ruthenians always had a minority status since they have lived in the current territory of Serbia. For example, the Bunjevci, a Croatian subgroup that at one point made up a plurality of northern Vojvodina's population, as well as the Pannonian Rusyns, belong to the second category. These groups reflect centuries of migration to the area, partially due to resettlement policies under the Austrian Empire, that increased the regions ethnic diversity. The diversity of the region is also important, as their unique characteristics and situation vis-à-vis the Serb majority shape their past, present, and future. The

³⁸ Tolvaišis, "Hungarian Cultural Autonomy in Vojvodina from the 1974 Socialist Constitution to the 2009 Statute of Autonomy."

³⁹ UNEP and Centre for Human Settlements, *The Kosovo Conflict*.

⁴⁰ "A Cultural History of Serbia."

⁴¹ Stojšin, "Ethnic Diversity of Population in Vojvodina at the Beginning of the 21st Century," 29.

⁴² Korhecz, "National Minority Councils in Serbia," 2.

above-mentioned differences are often relevant; they influence social and political positions, integration and assimilation, political demands, interests, and the overall influence of these groups in Serbia, such as the sentiments of the Serb majority towards these minorities." Sadly, these groups have suffered extensively over the last centuries, falling victim to Magyarization, and subsequent Serbianization. An important aspect of the relationship between ethnic minorities in Vojvodina, and in the field of ethnopolitics in general, is the concept of recognition. The demographic history of the region demonstrates what the consequences of not being an "accepted" or "recognized" minority are. For example, during the period of Hungarian domination, groups other than Hungarian and German suffered. In the subsequent Yugoslav and Serb period, whichever groups were determined to not count as Yugoslav nations suffered from assimilatory policies. While it is regrettable that these were the consequences of a twisted politics of ethnic recognition, the positive take-away is that currently 26 groups are recognized, with some numbering less than 1000 individuals.

The group that this study will specifically focus on, Vojvodina Hungarians, make up approximately 13% of the region's population. They are concentrated largely along the Hungarian border, with the cultural centre of Vojvodina Hungarians being Subotica (Szabadka), the first major border city. Hungarians make up the absolute majority in five municipalities, and the relative majority in 3. Hungarians can be found as a significant minority can be found as far south as Novi Sad (Újvidék), and south-east at Vršac (Versec). Vojvodina is relatively unique in the distribution of its ethnic groups, as it is entirely common for an ethnically Hungarian

⁴³ Korhecz, 2.

⁴⁴ Demeter, Bottlik, and Csaplar-Degovics, "Ethnic Mapping on the Balkans (1840–1925): A Brief Comparative Summary of Concepts and Methods of Visualization."

⁴⁵ Vukmirović and Republički Zavod za Statistiku Srbije, Vesroispovest, maternji jazik i nacionalna pripadnost, 54.

village to be neighboured by an ethnically Serb village, with both communities being almost entirely homogenous.

In summary, Vojvodina is a diverse region with multiple ethnicities, with a history of both autonomy and violent conflict, depending on the historical situation and/or who was in power at the time. After even the condensed version of Vojvodina's history, it becomes painfully obvious that the region, and its people, are in need of strong protections and rights for its ethnic minority populations, both to protect them from discrimination and to ensure their continued survival. The EU has recognized this, and in addition to the broad implementation of the Copenhagen Criteria, the European Commission is actively monitoring the implementation of laws in Serbia. One of the areas in which the EU is paying specific attention is that of ethnic minority rights. However, Vojvodina does have a history of domestic autonomy, it is currently an autonomous province within the Republic of Serbia. Its autonomy was recently reinstated, with multiple official languages and recognized minorities existing in the current structure. This aspect of Vojvodina's history is discussed in a separate section further on.⁴⁶

1.4 Political Actors Belonging to the Hungarian Minority in Vojvodina

This section provides a quick overview of the major Hungarian political institutions that will be referred back to throughout this work.

The Magyar Nemzeti Tanács, Hungarian National Council, MNT, is the legal entity entrusted by the Serbian government to manage the cultural autonomy of the Hungarian

⁴⁶ Tolvaišis, "Hungarian Cultural Autonomy in Vojvodina from the 1974 Socialist Constitution to the 2009 Statute of Autonomy," 77.

community as defined by Serbia's laws. The MNT is one of many National Minority Councils, with each one representing a recognized ethnic minority in Serbia. The MNT operates in four areas that broadly fall under the definition of cultural autonomy: education, culture, providing access to information, and supporting the official use of the Hungarian language. The contemporary relationship between the Hungarian population in Serbia and the Serbian state largely operates through the MNT, as it is the legally empowered entity to represent the Hungarian community in Serbia. The MNT has under its mandate the ability to make recommendations to local and state-level councils on domestic projects, such as the naming of streets, squares, and other local projects. More importantly, it can both unilaterally, and with the help of local councils or the Serbian state, create organizations ranging from Hungarian schools, to libraries, to fine arts clubs, broadly anything to do with the Hungarian ethnic minority. However, while these institutes can be funded by state or municipal funds, the Serbian state byand-large fulfils its minimum obligations to the NMCs as defined by law, with further support being entirely optional. The MNT thus operates as a sort of umbrella organization, exercising the powers devolved to it by the central state over cultural issues, and managing many sub-units of Hungarian civil and state institutions and organizations. Its operating expenses are provided by the Serbian state, as required by law.⁴⁷

The Vajdasági Magyar Szövetség, or Alliance of Vojvodina Hungarians, VMSZ, is the largest political party representing the Hungarian minority in Serbia. Its predecessor was the VMK, which was formed in the twilight of the Yugoslav system in the early 1990s. ⁴⁸ The VMSZ contests elections in both the Serbian national assembly and the Vojvodina provincial

⁴⁷ Lulic, Personal Interview: Lulic, 1.

⁴⁸ Ördögh, "Vajdaság politikatörténete," 26–27.

parliament. Its vote share roughly corresponds with the ethnic Hungarian electorate. VMSZ has participated in government at both the federal Serbian parliament and provincial Vojvodina parliament.⁴⁹

The Vajdasági Magyar Művelődési Szövetség, Vojvodina Hungarian Cultural Association, VMMSZ, is an association responsible for the promotion of Hungarian culture in local communities. It can be described as "one of the arms or legs of the Hungarian National Council in the sphere of cultural life." The VMMSZ is an important part the analysis on the ways in which the EU and the Hungarian government fund institutions in Vojvodina.

1.4 Methodology

As stated already in the introduction, this research is focused analyzed the National Minority Council System through the lens of the Magyar Nemzeti Tanács, or Hungarian National Council, in Vojvodina, which is responsible for the devolved administrative responsibilities in the Hungarian minority areas. My research involved a series of interviews with MNT leaders, as well as other influential members of the Hungarian community in Serbia. My interview questions ranged from asking about the history of the Hungarian political movement in Serbia, to the establishment and competencies of the national councils, to the role the European Union played in the process, and whether there existed other factors, such as Kosovo, that had a significant effect on the process. While my proverbial sample size is small, with only four interviews that I could use, these individuals are very important to the Vojvodina Hungarian community. I

⁴⁹ Tolvaišis, "Hungarian Cultural Autonomy in Vojvodina from the 1974 Socialist Constitution to the 2009 Statute of Autonomy," 72.

⁵⁰ Sutus, Personal Interview: Sutus, 1.

conducted a few more, but these individuals did not wish those interviews to be recorded. Two of the interviewees, Tamás Korhecz and Tibor Várady, were instrumental in the establishment of the national council system. Korhecz serving as MNT president as recently as 2014 and is currently a sitting judge of the Serbian constitutional court. Várady was the Yugoslav Minister of Justice in 1992, and also worked as legal counsel for Serbia at the International Court of Justice. Emil Lulic was the legal advisor to the president of the MNT at the time of the interview, and Áron Sutus the president of the Vojvodina Hungarian Cultural Association. Since a large part of my research was conditional on being able to interview individuals at the highest level of Hungarian politics in Serbia, and in this I was successful, these interviews play a large part in my analysis. The analysis is organized as such: a condensed and commented version of how the national minority council system came to be, followed by the appropriate theoretical analyses. The history will be divided into two large sections, before and after 2009.

Chapter 2: Development of the National Minority Councils

I have split the story of the development of the NMCs in two, based on the information from my interviews that up until 2009 the legal situation around the minority councils improved, while after 2009 it slightly worsened. In addition, this split naturally divides story into one that is more one of formation, and another that is solidification and implementation.

2.1 Development of the NMCs and Vojvodina Hungarian Politics until 2009

The creation of the National Minority Council framework in Serbia began in the early 2000s, when roundtable discussions began between the leaders of the various ethnic minorities and the Serb majority. The actual specifics of how these discussions occurred is discussed in a later section, the focus here is on the connection with path-dependence and critical juncture theory. To do this, it important to once more take a look at Serbia's history in the years leading up to 2002. First, the fall of communism, followed be the rise of Milosevic, the Yugoslav wars, and then the subsequent democratization after the fall of Milosevic created a very specific political situation in the early 2000s. While the Serbian dominated Yugoslavia (still including Kosovo and Montenegro at that time) had fallen apart, the new borders meant that Serbia was now a majority-Serb nation with significant national minorities. Following Milosevic's electoral loss, Yugoslavia shifted slightly towards Europe, with the staunch nationalist rhetoric being replaced with a more conciliatory tone, a Yugoslavia that was now looking to the European Union. Land to this critical juncture caused by the factors mentioned above, Tolvaisis

⁵¹ Várady, Personal Interview: Várady 2.

⁵² Várady, Personal Interview: Várady 1, 1–2.

adds that path dependence played a significant role as well. The system of autonomy established in Vojvodina in 1974 instilled the idea among the elite that autonomy for ethnic minorities is the answer, and whenever there was a possibility for change, be it in 2002 or 2009, Vojvodina's political elite chose the option that gave increased autonomy to the region's ethnic minorities. In other words, "the re-institutionalization of minority rights protection became possible due to political processes, driven by path-dependent actors pursuing path-dependent political agendas." This path-dependent approach is echoed in the fact that despite no longer pushing for territorial autonomy for Hungarians, the Hungarian political actors in Vojvodina are consistently pushing for more and more autonomy in the cultural sphere. A more everyday example of this is the mentality among those who lived during Vojvodina's initial autonomy, as they often refer to the Tito era as a time when it was less difficult to live as an ethnic minority in Serbia.

After the first roundtable discussion ended in 2002 (and the law came into effect in 2004), there was a period until 2009 where Serbia became a sort of "wild west" for ethnic minorities. More specifically, as the law on National Minority Councils was rather vague, this led to a period where the National Councils were not very clearly regulated: "for seven years they remained symbolic institutions without rules for the democratic election of their members or clearly defined competences for financing".⁵⁴ However, this was a period where many Hungarian institutions were formed, Korhecz describes it as the period with the most momentum, which then fades away by around 2007.⁵⁵ In 2009 the Law on National Councils of National Minorities was passed that was designed to concretely establish the role of National

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⁵³ Tolvaišis, "Hungarian Cultural Autonomy in Vojvodina from the 1974 Socialist Constitution to the 2009 Statute of Autonomy," 78–79.

⁵⁴ Korhecz, "National Minority Councils in Serbia," 9.

⁵⁵ Korhecz, Personal Interview: Korhecz, 4.

Councils in the Serbian system of governance, to fix the unclear nature of the first law. ⁵⁶ The 2009 law addressed many of the faults of the original piece of legislation, with one of the most important changes being the direct election of National Council positions. This specific point will be addressed in a later section, as the EU played an interesting role in why this change had to be made. Moving on, the 2009 law entrenched the National Minority Councils within the Serbian system, in the spheres of education, culture, and media. ⁵⁷ The law came to more and more resemble a system of non-territorial autonomy, with the National Councils being involved with the minority communities at the federal and municipal level, and in the case of Vojvodina Hungarians and other ethnic minorities in the region, through the Vojvodina provincial government. According to Korhecz, the 2009 law marked the high-water mark of the legal process that began in the 2000s, as Serbia's ethnic minorities reached a degree of non-territorial autonomy that was unprecedented up until this point. ⁵⁸ However, from this point onwards, the clear progress of the years leading up to 2009 ended, and the situation became one of constant legal challenges and many small revisions. ⁵⁹

2.2 2009 until the Present

Following 2009, the new NMC law faced multiple constitutional challenges. There was an initial constitutional challenge in 2014, followed by another one in 2018. An important fact of the constitutional cases highlighted by Korhecz is that whenever a law came into conflict with the NMC law, the NMC law was the one that suffered, and had clauses struck or amended. In

⁵⁶ "Law on National Councils of National Minorities [Serbia]."

⁵⁷ Korhecz, "National Minority Councils in Serbia," 15.

⁵⁸ Korhecz, Personal Interview: Korhecz, 4.

⁵⁹ Korhecz, 4.

other words, precedence was given to other laws over the NMC law. He refers to this as a case of blatant judicial activism, where the court, despite calling on constitutional precedent as a justification, instead decided to privilege one law over another. The 2014 change was a clear step backward, in that it restricted the privileges of the National Minority Councils, instead using language to emphasize that the NMCs are simply exercising privileges because the federal government allows them to. While the analysis of these varies, based on both interview data, as well as academic works, the consensus that I have drawn is summarized by Korhecz's statement that "this is roughly the gist of the amendments to the law, that there are more steps backwards than forwards". The outcome of these constitutional challenges has not been drastic, but it has led a narrowing of the NMCs role, with steps backward in certain areas.

The second important event that occurred in the post-2009 era, was similarly to how the law was clarified, its operations became clearer as well. More specifically, the Serbian state proved that it was willing to discuss rights for minorities on paper, but tended to drag its feet in actually transferring competencies, providing funding, etc. This is mirrored at the local government level. The main exception to this is the Vojvodina autonomous province which, relative to the federal and municipal governments, has proven to be keener to work with the NMCs within its jurisdiction. An example of the Serbian government obstructing the effective utilization of NMCs is the case of the Europa Dormitory. The Europa Dormitory was a project to build a university dormitory in Novi Sad for Vojvodina Hungarians. The dormitory was successfully built, but the Serbian government refused to maintain it as a public institution, and it is currently maintained by the Hungarian government, the cost of which is mentioned in a further

⁶⁰ Korhecz, 2.

⁶¹ Korhecz, 1–2.

section.⁶² Actions such as these demonstrate that while the Serbian state is willing to implement a system of non-territorial autonomy for its ethnic minorities, it is not willing to finance it, especially if there is someone else who will. Despite the fact that the language coming from the European Union is that it is up to a country to finance its own ethnic minorities, the Serbian state gladly passes this responsibility onto the Hungarian government.⁶³ Although the Hungarian government is able and willing to step up in the case of the Hungarian minority in Vojvodina, many of the other minorities do not have a backer state that is willing to front these costs, or simply do not have a backer state at all. Therefore, despite pledging to support the NMC system, the Serbian state is allowing it to become hollowed out, through a narrowing of its legal operating space, as well as by neglecting to maintain the system in practice.

⁶² Korhecz, 8–9.

⁶³ Korhecz, 8.

Chapter 3: Analysis

3.1 Domestic Actors

3.1.1 Academic Elites in the Right Place at the Right Time

A very important part of the process that created the NMC law, besides the two theories discussed above, are the domestic intellectuals that seized this opportunity to actually create the National Councils. As in many countries making the post-communist transition, political life was dominated by an intellectual elite, with universities serving as rallying points. What was uniquely important in Yugoslavia, was that these intellectuals came from varying ethnic backgrounds, yet they were connected through their academic lives. Many attended universities in either Belgrade or Novi Sad, and then continued as peers in universities around the world. What this meant was that it removed much of the enmity that was apparent in minority politics at the time. Not only did it help that they knew each other, many of these intellectuals were lawyers, political scientists, and economists, they were familiar with theories and terms that reflected their fields. Furthermore, their background as academics gave them the slightly idealistic edge that perhaps an administrator or peacekeeping mission would lack. While there were many disagreements between these actors, "there were open-minded Serb intellectuals there, and then here there was this intellectual idea that it's finally time to kick away this nationalist craziness."64 In summary, the initial negotiations on the idea of National Councils were between university educated individuals, who were intellectuals first and politicians

⁶⁴ Várady, Personal Interview: Várady 2.

second, of whom many were connected through academia. The resulting situation led to the passing of the Law on National Councils of National Minorities being passed in 2002.⁶⁵

3.1.2 The Effect of Vojvodina and Kosovo

While it may, at first, not make sense to include Vojvodina in this analysis, upon a further inspection of the political situation, it becomes clear that it is necessary. The political system around ethnic minorities in Serbia does not only involve the federal state, municipalities, and the National Minority Councils, but also the Vojvodina Provincial Government. A unique relationship exists between certain NMCs and the Vojvodina Autonomous Region that some NMCs outside of the region cannot take advantage of. The autonomous region provides for an additional level of funding and potential integration of organizations, as it has its own budget, essentially operating as Serbia's only federal region, with the exception of the Kosovo case. Most NMCs that have parts of their ethnic community in Vojvodina have their headquarters located in the autonomous region to take advantage of these perks. 66 The relationship is quite complex between the NMCs, Vojvodina, and the central government, however, the overall takeaway is that the autonomous region provides greater opportunities for funding, as well as an additional step in the relationship between the NMCs and certain aspects of the administration, which can be expected to increase their efficiency within the autonomous province. "While the authorities of the Autonomous Province of Vojvodina were cooperative in this respect, local selfgovernments were seldom cooperative, while central authorities were reluctant to implement

⁶⁵ Várady, Personal Interview: Várady 1, 2–3.

⁶⁶ Lulic, Personal Interview: Lulic, 5.

these legal stipulations."⁶⁷ As the reluctance of other Serbian state organs was discussed above, this section focuses on Vojvodina specifically. This means that when it comes to funding, for example, a Hungarian institution has the provincial government as an additional potential source of support.

Taking a look at the Hungarian National Council's website, the logo of Vojvodina is displayed right next to that of the Serbian Office for human and minority rights.⁶⁸ Interestingly enough, when looking at the website of the other organization that was analyzed for this work, the VMMSZ website only has the Vojvodina provincial logo, alongside the MNT and Hungarian government logos.⁶⁹ It can be assumed that this is due to the Vojvodina government being much more willing to work with the National Councils then other state and municipal organs. The Hungarian minority population in Vojvodina has a special relationship with the autonomous nature of the province. Firstly, Hungarians have an intimate history with the autonomous status of Vojvodina. Following Tolvaisis's account on path-dependence, Hungarians were part of the driving force behind the reinstatement of Vojvodina's autonomy to a level similar to its 1974 system. From a more short-term political perspective, the fact that Hungarians are the largest of the ethnic minorities in Vojvodina, making up 13% of the population, menas they have a reasonable number of votes in the provincial elections. These votes, of course, translate to seats, and thus the VMSZ tends to perform comparatively well. In other words, the VMSZ is a moderately strong party in provincial politics with a slightly dwindling but still consistent voter base that supports it. As a supporter of autonomist politics, the party has been part of governing coalitions multiple times, holding cabinet positions such as the ministries of economy, as well as

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⁶⁷ Korhecz, "National Minority Councils in Serbia," 15.

^{68 &}quot;Magyar Nemzeti Tanács Hivatalos Honlapja."

⁶⁹ "Vajdasági Magyar Művelődési Szövetség Vajdasági Magyar Művelődési Szövetség."

minorities and education. In addition, the speaker of the house is currently a Hungarian.⁷⁰ This strength in the provincial parliament at both the legislative, and the executive level, has given the Hungarian minority some influence in how and to what degree Vojvodina upholds and enforces ethnic minority rights, and integrates itself with the national councils. Huszka writes that "At the end of July, the government concluded that the implementation of the law on minority languages in local administrative and judicial bodies was unsatisfactory and called on local governments to take decisive steps in order to ensure that minority languages could be used more widely in practice."⁷¹ Therefore, there is a clear indication that in addition to Vojvodina's path dependence related penchant for autonomy, the relative strength of the Hungarian minority in provincial politics is a relevant positive factor.

Moving on to the issue of Kosovo, one point of contention mentioned by the MNT has to do with the language around competencies themselves (*hatáskőr* in Hungarian). In the 2014 constitutional revision, a major change was in the wording of the law. The Serbian supreme court ruled that the NMCs do not have any innate right to a cultural jurisdiction within the Serbian state apparatus, instead they have a right to manage devolved competencies from the central government. While this may seem trivial, and in practice it is, it highlights a recent centralizing tendency in the republic of Serbia. It highlights a persistent issue between the central Serbian state and its peripheries, meaning the Vojvodina region and its ethnic minority groups, that the central government is unwilling to de facto devolve its powers. Várady said that "Now here you have Vojvodina's autonomy, and here there is, well, a radical Serbian stance which is very opposed to autonomy, because they see that Kosovo had too much autonomy so it seceded and

⁷⁰ Huszka, "Voivodina's Autonomy and Its Minority Protection Dimension," 150-51.

⁷¹ Huszka, 151.

⁷² Korhecz, Personal Interview: Korhecz, 2.

Vojvodina will also secede."⁷³ While territorial autonomy is not necessarily preferable over, or better than non-territorial autonomy, due to the Vojvodina provincial government's important role in the operation of Vojvodina NMCs, any attack on Vojvodina's autonomy reduces the operative abilities of these NMCs. This aversion has affected laws regarding NMCs in the past and may serve as a barrier for improvements in the future. In fact, depending on what direction the Kosovo situation develops in, it could result in not only less progress, but actual reductions in the rights of ethnic minorities in Serbia. As Kosovo's secession has created a mentality in the Serb national consciousness, which is reflected in politics, that autonomy leads to secession, the idea of giving greater autonomy to Vojvodina is considered anathema.

3.1.3 A Brief Look at Other NMCs and Opportunities for Cooperation

Outside of defined arenas of cooperation and support between the MNT and the Serbian state apparatus, there exist degrees of cooperation between the various recognized ethnic minority communities of Serbia, although this is less regulated than the NMC structure itself. There exists an informal Council of National Minority Councils, a consensus-based decision-making body of the NMCs, with a rotating presidency. It is informal in the sense that it is not codified in law like the councils themselves. This body aims to promote cooperation between the NMCs along those lines that they can mutually agree on. NMCs do not go against their own goals in this council, instead filtering out conflicting issues, and only taking a position on those issues on which a consensus can be found. The council will then present these aims to the Serbian state and work towards achieving progress on them.⁷⁴ Outside of achieving consensus,

⁷³ Várady, Personal Interview: Várady 1, 6.

⁷⁴ Lulic, Personal Interview: Lulic, 5.

there do exist areas in which NTs find themselves in opposition to each other. The MNT highlighted a case where the Croatian NT was pushing for the teaching of Serbo-Croatian in standard letters in schools across the country, not only Cyrillic, in which case the MNT opposed this on the grounds that the Hungarian community does not want other interfering in how it teaches Hungarian, and therefore it cannot support an action where a minority group would influence the way in which Serbians learn their own language. On a more positive note, there also exist more bilateral arrangements between NMCs, such as cooperation between the MNT and the Albanian NMC, which was facilitated by the European Union and the OSCE. In this case, the Albanian NMC studied certain "best practices" used by the MNT and attempted to implement them. This was followed by the MNT evaluating the implementation and providing feedback for further improvement.

While the MNT is one of, if not the strongest NMC in Serbia, there are many other NMCs with varying degrees of strength. The strength of an NMC can largely be attributed to two factors, the size of the national minority that an NMC represents, and the amount of funding it receives. The question of numbers is a difficult one, as it cannot be directly fixed, but it highlights a weakness in the NMC system. Larger minorities will naturally have the ability to better fulfil their role and operate more efficiently than smaller, and less concentrated minorities. Considering that many of their devolved responsibilities, such as translation of official documents from Serbian to their respective minority language, require constant human capital, NMCs with fewer members will not be able to offer the same level of cultural support as larger NMCs. A relevant example is that of the Bunjevci minority, who number approximately 16,000,

⁷⁵ Lulic, 8–9.

⁷⁶ Lulic, 8.

but less than half speak Bunjevac.⁷⁷ Due to being a smaller community with less resources at their disposal, the Bunjevci NMC has only been able to provide a few courses in their native language, while the MNT has a fully Hungarian curriculum.⁷⁸ In addition, the size of a minority is also connected to the amount of funding they receive, as NMCs receive funding from those municipalities in which they make up at least 10% of the population.⁷⁹ Therefore, it can be derived from this rule that national minorities that are not only small, but dispersed instead of regionally concentrated, will receive less funding.

Specifically addressing funding that is unrelated to population size, there are various issues in the way that NMCs are funded. While the Serbian government fully funds the operations of the NMCs themselves on paper, in reality, there have been few significant increases in recent years to the funding of NMCs, and this situation has been worsened due to inflation. In the case of the Hungarian minority, the massive amounts of funding coming in from an outside source plugs this hole and allows the MNT to have more than enough funding for its projects. This is discussed in the following section. For minorities that do not have such support from their majority nation, or minorities that simply do not have a majority nation, such as the Rusyn community, who number approximately 14,000 and have no outside support from a mother nation, the lack of funding presents a serious challenge.

⁷⁷ Stojšin, "Ethnic Diversity of Population in Vojvodina at the Beginning of the 21st Century," 34.

⁷⁸ Lulic, Personal Interview: Lulic, 6–7.

⁷⁹ Lulic. 6.

⁸⁰ Korhecz, Personal Interview: Korhecz, 9.

⁸¹ Stojšin, "Ethnic Diversity of Population in Vojvodina at the Beginning of the 21st Century," 30.

3.2 Hungary's Influence in the Hungarian National Council

A critical, and somewhat unique, relationship that the Hungarian minority of Vojvodina has, is that with the Hungarian government. Due to the historical situation discussed at the beginning of this paper, the Hungarian minority has very strong ties to Hungary, and these exist in the contemporary political relationship. It may even be argued that of all the relationships discussed in this paper, the Hungarian connection is the strongest one. Besides being publicly supported by the Fidesz-led government since 2010, with Prime Minister Viktor Orbán openly referring to the VMSZ as "a strategic partner for the Hungarian government". 82 The Hungarian minority in Serbia receives massive amounts of funding from Hungary through the Bethlen Gábor Foundation, which is an entity designed to help the Nemzetpolitikai Államtitkárság (National-political State Secretariat) of Hungary deliver funds to projects in the Hungarian diaspora communities, such as those listed above. 83 A large portion of these funds are specifically earmarked for Vojvodina Hungarians, and they have proven to be a stable source of funding for almost a decade now. There is no single data source that details all of the Hungarian money being injected into Vojvodina, but the 2019 budget for the Bethlen Gábor Foundation mentions that the Hungarian National Council receives 490 million forints, the Vojvodina Hungarian media conglomerate Pannon RTV receives 260 million forints, and the Europa Dorm 200 million forints. These combined amount to just a little bit more than 2.8 million euros.⁸⁴

The consistency of this funding was highlighted by MNT members as being a huge boost for the organization, as it could count on receiving these funds in the future. There is the caveat

⁸² Press Office of the Prime Minister, "Alliance of Vojvodina Hungarians Remains a Strategic Partner for the Government."

⁸³ Sutus, Personal Interview: Sutus, 3.

⁸⁴ "A Bethlen Gábor Alap 2019. Évi Költségvetési Javaslata [The Bethlen Gábor Foundation's 2019 Budget Proposal]."

that these funds may be dependent on the current governing party, Fidesz, staying in power, however, this does not seem to change anytime soon, and many opposition parties emphasize supporting Hungarian minority communities in their platforms. ⁸⁵ In addition, the fact that these minority communities can vote in national Hungarian elections, and the fact that they form a significant part of the electorate, means that any major reduction in funding would result in a significant loss of votes for the party making the change. Thus, it is reasonable to assume that the support from Hungary will continue whether or not Fidesz is in power, and the party's consistent electoral victories make this possibility almost irrelevant in the coming future. While it is true that many other NMCs receive funding from what they would identify with as a mother country, the Hungarian government's support is vastly greater. ⁸⁶

However, despite the Hungarian community not being in danger of losing support from the Hungarian government, the nature of the bilateral relationship between Hungary and Serbia has serious consequences for the future of the Hungarian community in Serbia. Both Korhecz and Várady stated that the relationship of the Hungarian ethnic minority itself can be characterized as being a bilateral one between Hungary and Serbia, with other actors playing much less significant roles in determining the community's future. In light of the recent changes to the law on NMCs, despite the system working well under the present relationship, any change in the bilateral relationship between Hungary and Serbia could negatively affect the operation of the MNT, and the Hungarian minority in general. 8788 In other words, the current laws are sufficient insofar as relations stay positive. Várady described how where certain municipalities

⁸⁵ "Sokak Magyarországa - A Demokratikus Koalíció Programja [Hungary for Everyone - the Democratic Coalition's Platform]," 81–82.

⁸⁶ Korhecz, Personal Interview: Korhecz, 9.

⁸⁷ Korhecz, 8.

⁸⁸ Várady, Personal Interview: Várady 1, 3-4.

were previously required to display signs in Hungarian, due to changes in certain laws, there is now no penalty if the signs are not placed. 89 This then begs the question, if the new laws were applied in practice, by a government that no longer has the best interests of the Hungarian community at heart, how damaging can they be? A further, even more negative aspect of this relationship, that is also less hypothetical, is the fact that Hungary has been taking over more and more of what can be considered to be the Serbian state's responsibilities. "In the last few years since this Serbian-Hungarian friendship has existed, we have been witness to Hungary gradually taking over many of Serbia's responsibilities regarding the upkeep and protection of Hungarian minority institutions. Bluntly, parallel to the extension of dual citizenship and parallel with its goodwill, Hungary has moved into a territory that does not belong to it."90 This presents a serious long-term dilemma for the Hungarian community in Vojvodina. While Hungarian financial involvement is currently not an issue due to the current strong positive relationship between the two countries, a change in this relationship would only be amplified by the strong financial and political ties that Hungary as built and continues to build in Vojvodina. While the intent behind these actions on the part of the Hungarian government is outside of the scope of this essay, what is clear is that they create a relationship where a significantly large ethnic community with strong kinship to a neighbouring country has stronger ties to the outside nation. There are innumerable examples of where this has gone wrong, not least from Serbia's own past, but it is clear that Serbia must take greater responsibility over the wellbeing of its ethnic minority communities. Referring back for a moment to the accession criteria, the EU's leverage over Serbia could be much better used to improve this situation, however, the European Union must first realize what is at stake. By utilizing the present situation to the fullest, and not only in areas

⁸⁹ Várady, 3–4.

⁹⁰ Korhecz, Personal Interview: Korhecz, 8.

such as economic and legal reform, the EU has the chance to develop safeguards in the region against any negative effects of a downturn in the Hungary-Serbia relationship.

3.3 The Effect of the European Union

This section deals with the most important aspect of this piece of research, analyzing the European Union's role in the creation of the NMC system, as well as its current role.

3.3.1 In the Formation of the National Minority Council System up to 2009

As the main purpose of this work is to evaluate the role of the European Union in Serbia's minority rights framework, in the period of the early 2000s until 2009, it can be viewed as the provider of certain positive underlying currents, such as a general support for improving the situation of ethnic minorities. Based on interviews with certain actors that were at the negotiating table, the EU's role was more of a normative justification, essentially, everyone at the table knew that they were generally for increased minority rights, even though they were not the ones writing the laws. The EU provided an air of Europeanness, essentially, domestic Serbian actors attempted to portray themselves as ever more western and open-minded, shaping the general direction of the discussions. ⁹¹ The presence of the accession criteria was clearly there in the minds of the negotiators, however, the majority of changes clearly came from domestic elites, the aforementioned intellectuals, meaning that the actual Law on National Councils of National Minorities had little direct input from the European Union. "However, that there be ethnic

⁹¹ Várady, Personal Interview: Várady 1, 3,5.

minority rights in general, this, this had some EU backing, so this was there, however precisely what, where, what should happen, therefore the actual debate was in the legal committee that primarily consisted of intellectuals. It was known that the EU looked favourably on minority rights, but there was very little on the scope or method, there were very few concrete EU things here"⁹² It can be imagined that a different group of elites in the same situation, could have potentially brought a very different result regardless of the EU's presence.

There were also moments where instead of providing its usual consistent undercurrent of support for improved minority rights, the EU took stances that openly went against them. In the original negotiations behind the 2002 version of the law, there was a debate over how the leaders of the National Minority Councils should be determined. The table proposed the that minorities be listed, and these lists would then vote for candidates from that ethnic minority. However, an OECD member drew a parallel between this and the listing of Jews in the Second World War, with the result being that the proposal was rejected. Instead, an elector system was established, where already existing politicians and community leaders became electors, and then the electors voted on who was to run the National Council. It is obviously clear that this system served to keep already existing elites in their positions of power, and it was subsequently replaced with a directly elected system in the 2009 revision of the law. While the OECD does not count as the European Union explicitly, as a European-dominated economic organization, it can be assumed to have had similar goals. The fact that the negotiators themselves considered the two organizations' stances to be one and the same supports this. 93 Other than this one unique case,

⁹² Várady, 3.

⁹³ Várady, 2–3.

the European Union participated as less of a direct actor, and more of a proverbial moral compass during negotiations.

3.3.2 Methods of Funding and the Minority Action Plan

The relationship between the Hungarian minority and the EU is much less direct than any of the aforementioned relations, revolving mostly around the MNT's participation in the Minority Action Project. The MNT participated in this project in 2015 and plans on participating further and more intensively in the project in the future. The MNT submits annual reports to the EU through the purview of the Action Plan, in which the other NMCs also participate, thus the EU is directly aware of the situation of each NMC, including the MNT. ⁹⁴ There also exist projects directly sponsored by the EU, such as OSCE supported project that opened a bilingual Serbian-Albanian University in Bujanovac, south Serbia, which was largely funded by the EU. ⁹⁵ Also, the inter-NMCs dialogue fostered by the OSCE on the advice of the EU between the Hungarian and Albanian NCMs also belongs to this category of direct action. ⁹⁶

Regarding EU funds, the picture is much less clear. This is in large part due to the Serbian state's control over the distribution of such funds, as well as the comparatively little directly available funds. If the central government does not earmark EU funds for use by the country's ethnic minority groups, then these options simply do not exist. An interesting case is Novi Sad being selected as one of the 2021 European Capitals of Culture along with Timisoara

⁹⁴ Lulic, Personal Interview: Lulic, 7.

^{95 &}quot;Serbian Prime Minister Inaugurates OSCE-Supported Multilingual University Department in Southern Serbia | OSCE."

⁹⁶ Lulic, Personal Interview: Lulic, 8.

(Romania) and Elefsina (Greece). When asked whether his organization would be participating in the preparations, Sutus Áron, the president of the VMMSZ stated that funding opportunities for this event would most likely be done at the regional and municipal level, largely leaving the NMCs out of the equation. Korhecz echoed this sentiment, saying that he does not expect the "capital of culture" to involve anything Hungarian, nor anything multicultural for that matter. As Novi Sad is a city with a significant Hungarian minority and history, and especially as this event is about culture, the lack of direct funding opportunities from the EU is striking. Sutus did however mention mention that the organization is very much aware of the availability of EU funds that have been made available recently, especially through the IPA system, and is actively preparing to utilize them in the future. He cited a lack of institutional experience with such funds as the reason why they had not yet taken advantage of them but indicated that the VMMSZ is in the process of adapting its institutions to these types of funding. Overall, the EU as a more direct actor is still in its infancy, and it is unclear how future funding will be handled, but the positive side is that domestic actors are gearing up for more EU involvement.

Overall, it seems that the EU is treating Serbia the same as any other country that is currently in the accession process. More specifically, it is clear that the European Union either does not appreciate the opportunities offered by the existence of the NMC system, or it has only just begun to take baby steps towards utilizing it. The fact that institutions and organizations already accustomed to operating within a certain funding structure, that structure being the National Councils, have to develop the institutional knowledge to be able to take advantage of EU funding opportunities demonstrates that these funds have not been designed with the local

^{97 &}quot;First Progress Report for the Monitoring Panel - Novi Sad- European Capital of Culture 2021 Foundation."

⁹⁸ Korhecz, Personal Interview: Korhecz, 5.

⁹⁹ Sutus, Personal Interview: Sutus, 5–6.

system in mind. While this does not at all mean that the European Union is neglecting to pay attention to minority rights and groups in Vojvodina, it demonstrates an almost willful ignorance of Serbia's domestic minority institutions.

3.3.3 The European Union and Other Priorities

There was an undercurrent that became quickly apparent throughout the series of interviews, and this was that it was clear to the local actors that the European Union has larger issues to deal with. Korhecz provided an apt comparison to detail why the EU prioritized the tense situation between Serbia and Kosovo, which is clearly ethno-territorial, over the minority rights cases in Serbia. He stated that there is a theory that as long as there is no war, rebellion, or in other words, blood being spilled, then for outside observers that indicates that the minorities are content. Onsidering that the Hungarian minority is especially peaceful, especially in the Serbian context, there is no strategic reason for the EU to push for greater minority rights. Moving on from the Kosovo situation, this stance is echoed in other areas, with issues such as judicial reform and freedom of the press being front and centre on the EU agenda, while the situation in Vojvodina is considered to be much less important. 101 This is where the question that lies at the heart of this paper is raised, does the EU honestly care about ethnic minority rights in its accession criteria beyond purely strategic reasons? The results of my research are skeptical in response. While an absolute yes or no answer is not possible to obtain, at least on the part of domestic actors in Serbia, it seems the European Union clearly cares a lot more about its

¹⁰⁰ Korhecz, Personal Interview: Korhecz, 7–8.

¹⁰¹ Korhecz, 5.

principles when they align with its strategic interests, in this case, the addition of another member to the economic union.

Chapter 4: Conclusion

4.1 Summary of Findings

A few key points can be drawn from this study that offer greater insight into the situation of Serbia's ethnic minority relations, and what role the European Union plays in this relationship. Overall, the verdict is neither entirely positive, nor entirely negative. The National Minority Council structure has solid foundations, it has an evolving but evermore stable legal framework, and is constantly being monitored by the EU through quarterly reports from NMCs. Furthermore, the NMCs have actively participated in the Minority Action Plan, and the MNT specifically cited that the institutional experience gained through the process has prepared them for the next phase of the plan. With regards to funding, the European Union does provide opportunities for funding, however, these are often underutilized. Much of this funding is indirect, being made available through the Serbian central government, thus the EU does not have direct control over how much of it makes it into the hands of Serbia's ethnic minorities. However, the MNT and its underlying associations have cited that they are aware of increased EU funding opportunities and are planning to better take advantage of these moving forward. An important caveat to the above points is the unique nature of the Hungarian minority in Serbia, the funding from the Hungarian state combined with the moral support of an EU member state have had a significant positive effect on the MNT's functioning. Thus, the results of this study may be overly positive with regards to the MNT's experience in Serbia, as other NMCs without strong outside support, such as the Rusyn, and other smaller minorities, may be in a much more negative situation. Finally, regarding the effect of the Kosovo crisis on Serbia's ethnic minority's and the NMC system, it has caused certain setbacks, as the negative attitude towards Vojvodina's autonomy inhibits the strongest domestic supporter of the system from further improving and utilizing it. The existence

of this strong aversion in the Serbian apparatus to any form of territorial autonomy, or innate right to competencies beyond devolution from the centre may impact future progressions in the National Minority Council system. Overall, compared to the situation after the Yugoslav wars, Serbia has one of the strongest and most unique systems of non-territorial autonomy in place, yet this system is in danger of slowly eroding away from the inside. The legal operating field of the NMCs has been slowly chipped away at through the constitutional court, and neither the Serbian federal state, nor the municipal governments are keen on providing funds for these minority associations.

4.2 Possible Improvements in the European Approach

The role of the European Union is critical in the sense that any long-lasting change in the institutional framework regarding ethnic minorities in Serbia is largely dependent on what action the European Union takes in the future. Summing up the arguments mentioned above, the Serbian state and national consciousness itself are averse to territorial autonomy, and to an extent cultural autonomy. The Hungarian minority in Serbia, and many others, are facing critical demographic decline, and both the federal Serbian government and the municipal governments are dragging their feet when it comes to working with the National Minority Councils. The legal situation is evidenced by a slowdown in forward progress, with less new legislation occurring, and more restrictive verdicts coming from the constitutional court, where other laws are given precedence over the Law on National Councils of National Minorities. In addition to this, as the law is becoming ever more precise and entrenched, it becomes more and more difficult to take the necessary steps forward, because there are many that should be taken. Yet in this aspect of the situation, the European Union is currently doing little more than monitoring existing

arrangements and delivering vaguely worded calls for increased implementation of recommendations. The future of Serbia's ethnic minorities depends on whether the European Union is willing to move away from a purely strategic view of the country, shifting to a proactive approach that prioritizes the further building of institutions, not simply the maintenance of the status quo in certain crisis zones such as Kosovo, as well as general accession funding projects. If it does not take action, there is the risk that these minorities will continue to dwindle until they eventually stop being a political issue and instead become a footnote in history.

Based on the above conclusions, there are various areas that the EU could increase its role in from a funding perspective: providing more direct funding opportunities for NMCs and ethnic minority associations to shift from a macro actor to a micro actor in the region, encouraging the Serbian government to earmark more funds for the use of its national minority populations. The EU could pay specific attention to smaller ethnic minorities that cannot fulfil their devolved responsibilities due to either a lack of numbers, funds, or both. The European Union should also take into consideration that the Vojvodina provincial government has a better track record of supporting the National Minority Councils within its jurisdiction than the Serbian federal government. It would therefore be the logical next step for the European Union to take advantage of this provincial level of government, either in its funding structure or the Minority Action Plan. Furthermore, the EU could take a stance on Vojvodina's autonomy situation, to preserve and possibly even expand its autonomy.

Finally, it is glaringly obvious that the European Union must take much more localized approach to Serbia, especially Vojvodina. While it is currently putting out feelers by gathering reports and taking other such baby steps, it needs to realize that there already is a legally enshrined system of Minority Councils operating at multiple levels inside the Serbian federal

system. If the European Union adapts its approach to the national minority councils, then it can take advantage of both the legal infrastructure, as well as the vast professional and institutional experience that the National Councils have amassed over the past decade and a half. There also exists the potential for the European Union to learn from the national minority council system, and this knowledge could be used in other situations where ethnic minorities live in the EU. This is not at all a call for Serbia to be given preferential treatment, simply that the European Union must realize that the NMC system is there, the groundwork has already been done for the support of minorities, and by taking advantage of this system it will do itself, Serbia, and all of Serbia's ethnic minorities a favour. The system of non-territorial autonomy in Serbia is a unique, mostly domestic creation, it is entirely possible that there is much that can be learned from it if it is properly explored and utilized.

4.3 Avenues for Future Research

Regarding avenues for future research, the obstacles to this current project must first be discussed. The primary obstacle was the different languages of the source material, varying from English, to Hungarian, to Serbian. While I was able to read and interpret the Hungarian sources, the large body of Serbian source material remained largely inaccessible, without finding/paying a translator for hours, possible days, of translation work. Outside of academic sources, much of the legal material from the Serbian government is also available only in Serbian, and in Cyrillic as well, making this area of research very difficult. Furthermore, the material in each language covers different topics. For example, the English language literature places a greater focus on the European Union, the Hungarian sources clearly dealt with the Hungarian minority, while, based on abstracts and titles that were translated to English, Serbian publications have a more domestic

focus. Therefore, there is a chance that the one-sidedness of sources in certain languages may have impacted the results of this project. Future projects would benefit from either a trilingual individual (English, Hungarian, Serbian), or a team of multilingual individuals to combine both the knowledge of the language with the cultural background that, for example, a Vojvodina Hungarian or Serbian from Novi Sad can bring to the table. Another important note for future research is that it must also target smaller minority groups in Serbia. Minorities such as the Croats, Bosnians, Albanians, etc. have been researched extensively due to the violence that affected them during the Yugoslav wars and the Kosovo situation, and minorities such as the Hungarians, Romanians, and Slovaks, while largely escaping the bloodshed of the past decades, have the support of EU countries behind them. Smaller groups, such as the Bunjevci and Rusyns, would benefit the most from additional attention from political science, and putting them under the microscope would also demonstrate the effectiveness of the National Minority Council system in the most extreme conditions. Finally, a comprehensive study, using both quantitative and qualitative indicators, and involving all of the minority councils currently operating in either Vojvodina or even the entirety of Serbia, combined with interviews of both EU and Serbian state actors, is most likely the only way to properly analyze the national minority council system in a comprehensive way.

Appendix A

All interviews were conducted in Hungarian, and subsequently transcribed and translated to English. All interview data is available on request, in both Hungarian and English.

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