

Political Parties and Minority Participation

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Contents:

- 5 Florian Bieber
Introduction
- 31 Monica Caluser
Minority Participation at the Local and National Level in Romania
- 49 Antonija Petričušić
The Role of Political Parties in Minority Participation in Croatia
- 87 Marko Hajdinjak
Thou Shall Not Take the Names Ethnic or Minority, And I Will Bless Thee: Political Participation of Minorities in Bulgaria
- 127 Dane Taleski
Minorities and Political Parties in Macedonia
- 153 Gezim Visoka
Political Parties and Minority Participation: Case of Roma, Ashkalia and Egyptians in Kosovo
- 179 Nedjeljka Sindik
The Role of Political Parties in Minority Participation in Montenegro
- 201 Gjergj Sinani
Minority in Albania and their Participation in Public Life

1. INTRODUCTION: MINORITY PARTICIPATION AND POLITICAL PARTIES

By FLORIAN BIEBER

Minority political participation is where minority rights and social attitudes towards minorities meet. Conventionally, minority rights include approaches to avoid discrimination and affirm cultural distinctiveness of the community. Minority rights have experienced substantial progress over the past decade. From a marginal topic during the Cold War, they have entered mainstream debates and instruments of human rights. The establishment of the High Commissioner on National Minorities of the OSCE, the Framework Convention for the Protection of National Minorities of the Council of Europe and the Copenhagen Criteria for the admission of new members to the EU each provided for substantial advances in the promotion of minority rights.

Minority rights, nevertheless, remain largely undefined and international standards are vague and evasive, not last the definition of minorities themselves.¹ Although ‘the highest European standards’ remain often invoked by both minority leaders and governments in Southeastern Europe, the term is largely devoid of meaning. In addition to protecting minorities from discrimination, minority rights have focused on two key areas: linguistic and educational rights. The political participation of the minority community has not been the primary focus of minority rights. This neglect of minority representation, however, has been reduced in recent years. Both recent minority rights’ legislation in Southeastern Europe, as well as some international approaches, most notable the Lund Recommendations on the Effective Participation of National Minorities in Public Life drafted under the auspices of the OSCE High Commission on National Minorities, have included provisions on the political participation of

¹ See Tim Potier, “Regionally non-dominant titular peoples: the next phase in minority rights?” *Journal on Ethnopolitics and Minority Issues in Europe*, July 2001, pp. 2-3.

minorities. Most importantly, practice suggests that minority rights are often not implemented without political representation of the minorities themselves. For example, a report from Human Rights Watch contrasts municipalities in Croatia where Serb parties participate in local government with those municipalities where they are excluded despite constituting a significant share of the population, suggesting that the political inclusion of the Serb minority significantly advances minority rights.² Similar experiences at local and national levels are common across the region.

Thus, the political participation of minorities can be understood from two perspectives: a minority rights perspective and a democratic stability argument.

In terms of the minority rights' perspective, other minority rights and the prevention of discrimination of minorities cannot be effectively ensured, unless the minority itself is actively partaking in the political decision-making processes which govern the protection of minority rights. Thus, without participation, other mechanisms of minority rights protection can be substantially weakened. Furthermore, the political participation of minorities has roots in international human rights law. Key international conventions, such as the International Covenant on Civil and Political Rights (ICCPR) guarantee the right to all citizens to participate in the political life of the country. Thus, Article 25 of the ICCPR notes that [e]very citizen shall have the right and the opportunity... (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; (c) To have access, on general terms of equality, to public service in his country." The Universal Declaration on Human Rights and the European Convention on Human Rights and Fundamental Freedoms contain similar commitments to the free participation of citizens in the political process. However, such provisions lack a minority-specific dimension and can be thus primarily seen as prohibiting any discrimination of minorities. The

² Human Rights Watch (HRW), *Croatia: A Decade of Disappointment Continuing Obstacles to the Reintegration of Serb Returnees*, Vol.18 (2006), p. 19.

Council of Europe Framework Convention for the Protection of National Minorities (FCNM) also only contains a rather general clause regarding political participation in Article 15: “The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.” As this clause does not require states to engage in any special measures to secure the inclusion of minorities in public life, it appears rather vague and without much meaning. As Joseph Marko in a study of the Advisory Committee points, however, the work of the Advisory Committee has developed this article and set standards in terms of minority participation through its comments on state reports for the FCNM. The Advisory Committee has criticized measures which negatively impact minority representation, such as the ban on minority parties in Albania, while endorsing special measures which seek to facilitate the representation of minorities. Consequently, it has dismissed government reservations that special measures for minorities violate the principle of equality.³

When examining political participation from the point of view of democratic stability, one can note that minorities run the risk of being excluded from the political system without special protective measures. Especially in countries with mobilized ethnic nationalism, majorities (and minorities) have been unlikely to vote for parties or candidates of other nations or ethnic groups. The odds of political representatives from minority communities to successfully partake in the political system are thus limited. Furthermore, a number of approaches to democracy run the risk of permanently excluding minorities. Most obviously, the British-style First-Past-The-Post electoral system has the feature of excluding dispersed minorities from representation.⁴ Additionally, electoral districts can be drawn to favor the dominant nation. A number of other tools intentionally or inadvertently can preclude or minimize the minorities’ share of representation in political institutions. Thus, a number of scholars of

³ Joseph Marko, *Effective Participation of National Minorities. A Comment on Conceptual, Legal and Empirical Problems*. Committee of Experts on Issues Relating to the Protection of National Minorities, DH-MIN (2006)014, Strasbourg, 20.10.2006, pp. 5-8.

⁴ It favors, however, territorially concentrated groups, such as voters in favor of Scottish independence in the House of Commons.

divided societies and ethnic relations have concluded that conventional institutions of democracies without minorities are insufficient to allow for a stable democracy system in diverse societies.⁵

In addition to the ‘injustice of procedural democracy’⁶, stability provides for a key argument for specific measures to include minorities. The lack of participation in state institutions and the marginalization of minorities can lead to an alienation of minorities from the state of residence. As a result, there is often a lack of ‘ownership’ over the state and it is instead perceived to be in the exclusive domain of the majority. The response is often resorting to extra-institutional means to articulate minority concerns. These forms of engagement can range from parallel institutions and extra-parliamentary organizations up to armed secessionist movements. The loss of the state’s legitimacy in the eyes of minority community can thus significantly undermine the effectiveness of the state. It can thus be argued that it is in the interest of state and stability to provide for political inclusion of minorities to avoid the consequences of exclusion.

Political representation can thus be viewed both as part of minority rights and an enabler for other minority rights and as a broader tool to advance democratic governance in a country.

Now, we need to turn to the term ‘participation’ itself. ‘Participation’ can be understood very broadly. We can distinguish between consultative processes, co-decision making and full decision-making.⁷ In consultative processes, minority members have a great to voice their opinion on particular laws or decisions and state institutions

⁵ Donald L. Horowitz, “The Challenge of Ethnic Conflict. Democracy in Divided Societies,” *Journal of Democracy*, Vol. 4, No. 4 (October 1993), pp. 18-37; Arend Lijphart, *Democracy in Plural Societies. A Comparative Exploration* (New Haven-London: Yale University Press, 1977), pp. 25-52.

⁶ Expression borrowed from Thomas W. Simon, “The Injustice of Procedural Democracy,” Džemal Sokolović, Florian Bieber (eds), *Reconstructing Multiethnic Societies: The Case of Bosnia-Herzegovina* (Aldershot: Ashgate, 2001), pp. 11-28.

⁷ See European Centre for Minority Issues (ECMI), “Towards Effective Participation of Minorities. Proposals of the ECMI Seminar “Towards Effective Participation of Minorities”, Flensburg, Germany, 30 April to 2 May 1999. Available: <http://www.ecmi.de/34/2004/10/07/Towards-Effective-Participation-of-Minorities.php>

are required to communicate particular policies to minorities. By its very nature, consultative processes provide no guarantee that minority voices are heard. When considering co-decision making, minority representatives are part of the institutions or the processes which take decisions, this can be at the level of Government or Parliament in terms of institutions. In regard to decision-making processes, special minority institutions could also have the right to be included. This form of minority participation generally provides for greater safeguards that the opinions of minority communities are considered. Nevertheless, practice suggests that many forms of minority co-decision making often ignore minorities due to their limited representation. Final sole decision-making can occur when minority specific institutions or minority representatives in the Government have the ability to take decisions fully autonomously. While the most effective form of minority participation, it can only function for a limited area of decisions, as many state-wide decisions cannot (or should not) be delegated to a minority institution. These different forms of minority participation are thus not only complimentary, as Marko notes, but they have their specific scope.⁸ We thus need to distinguish not only the degrees of participation, as above, but also the scope of the decisions. Decisions can affect minorities only and directly, such as the use of minority languages in schools, etc, or they can have clear repercussions on minorities, such as the nature and content of history textbooks, and they can be of broader relevance, which might affect minorities. The varying scope of decisions, when examined from a minority perspective, suggest that they require different forms of minority participation, as outlined in the table below.

⁸ Joseph Marko, "Effective Participation of National Minorities. A Comment on Conceptual, Legal and Empirical Problems. Committee of Experts on Issues Relating to the Protection of National Minorities," DH-MIN (2006)014, Strasbourg, 20.10.2006, p. 9.

		Degree of Minority Participation		
		Consultation	Co-Decision Making	Sole Decision Making
Scope of Decision	General Relevance	X	X	
	Partially Minority Relevant		X	
	Only Minority Relevant		X	X

Table 1: Forms of Minority Participation

Frequently, institutional safeguards cannot supplant cooperative practices. Unless the political participation of minorities is structured in a way that the decisions cannot be taken without input, there is always a risk that minorities are ignored. As a result, institutional safeguards cannot provide for insured minority inclusion in the face of hostility of the majority and/or the government in question. Considering the frequent practice of institutional facades, where institutions appear to be effective on paper, but in reality either do not exist or function differently, caution is necessary before committing to unrealistic and excessively institutional solutions for problems of low interethnic trust. Bearing this in mind, this book is discussing institutional experiences of minority political participation, focusing on decision-making processes where minority participation is not limited to consultation (even if this can be more effective than some other forms of co-decision making).

a) Forms of Minority Representation

How are minorities represented? Minorities can achieve representation in four different forms. First, minority associations can have a formal role in representing minority interests. This can have the advantage of depoliticizing certain minority-relevant decisions. At the same time, minority associations are not necessarily representative and might exclude parts of the community, be it women or members of a minority living in a different region. Second, minorities can be represented through specific institutions which are established to represent minority interests. These institutions will be discussed in more detail in Chapter 6, which deals with cultural autonomy and minority councils. A problem these institutions often encounter is the form through which they are elected. Direct election by minorities raises a plethora of problems, from questions on who can vote (and who can determine who can vote) up to potential discrimination, whereas indirect elections can be exclusionary and be used by one particular party to exclude others. Third, minority interests can be articulated by parties or bodies which do not represent minorities *per se*, but rather a broader constituency which also includes a particular minority. In theory, such an inclusive form of representation can avoid overemphasizing difference and ethnicity. In reality, the record suggests that minority interests are easily ignored in this format and thus does not address the challenge of minority representation. Fourth, it has been a feature of minority politics in the Balkans that most minorities have either opted for their own political representatives, as has been the case with most large and geographically concentrated minorities, whereas others have withdrawn from the political system altogether. This might be a function of disagreement with the larger political system or state, or a consequence of insufficient political mobilization and organization, as is the case with Roma across the region. With the partial exception of Montenegro, majority of mainstream parties have been unable to attract the votes of minorities. The configuration of the party system along ethnic lines is largely a consequence of the unwillingness of majority parties to seriously incorporate minority community concerns, often due to fears of alienating the majority.

While the larger minorities are generally represented in the parliaments of the countries of Southeastern Europe, smaller minorities are often excluded due to electoral threshold or lack of political organization. Of the larger minorities, Roma generally suffer from a lack of political representation and, with the exception of few countries in the region, such as Macedonia, are not represented in the Parliament. While Bulgaria and Macedonia do not have minority specific electoral laws to ensure their representation, other countries have adopted some degree of positive discrimination in the electoral system. Romania has set aside one seat for every minority which does not manage to cross the threshold. As a result some 20 MPs hail from minorities other than the larger Hungarian minority. Similarly in Kosovo, 20 seats in the 120-member Parliament have been set aside for minorities. Irrespective of the participation of minorities and the additional seats minorities might gain through proportional representation, 10 seats are reserved for Serbs and 10 for all other minorities. Croatia has established a special country-wide electoral district for minorities, allowing minorities to choose whether to vote for their minority MPs or for the electoral district of their residence. Curiously, of the seats reserved for minorities some are ‘shared’ between several minority groups, i.e. between Albanians, Bosniaks, Slovenes and Montenegrins. Montenegro has also established a special polling unit, covering a geographical area where most Albanians live and thus ensuring that this community can elect its own representatives. In Serbia, the five percent threshold was abolished in 2004 for minority parties, meaning that only the ‘natural’ threshold for each parliamentary seat applies. The systems of choice in Southeastern Europe have thus largely ensured minority participation. At the same time, the systems have a number of flaws, either in terms of abuse (e.g. in Romania) by politicians arguably not belonging to the minority in question⁹ or systems which favor some minorities over others (Montenegro). An additional problem associated with the parliamentary representation of smaller minorities is the lack of influence such MPs have. Generally, they cannot impact parliamentary procedure and at times have been described as mere ‘window-dressing’. In some cases, the minority MPs, relying on the parliamentary majority to preserve their seats,

⁹ Ciprian-Calin Alionescu, “Parliamentary Representation of Minorities in Romania,” *Southeast European Politics*, Vol. 5, No. 1, 2004, p. 64.

might be little more than bolstering the Government coalition without any benefit for the minority.

In the first half of the 1990s, the only country in Southeastern Europe which included minorities in its Government was Macedonia. In the rest of the region, such a form of recognition of minorities seemed unlikely and often unimaginable. More than a decade later, all countries in the region have included minorities in the Government, ranging from the Serb minority party joining the HDZ government in 2007, the Hungarian minority party's participation in the DOS government in Serbia (2000-2003), the various Albanian parties participating in Macedonia since 1991, the Turkish-dominated Movement for Rights and Freedoms in Bulgaria and the Hungarian parties' participation in the previous and the support for the current Government in Romania. Finally, the predominantly Greek Union for Human Rights Party in Albania has also been included in the Government since 2001.

In addition to the minority-specific bodies, such as minority councils, parties have been at the forefront of representing minority interests in Southeastern Europe. Through political parties, minorities have achieved representation in parliaments and government. Political parties have been also influential in post-Communist Europe as the prime mediators between citizens and the political system. The power of parties is consolidated by electoral systems which favor parties, such as proportional representation and closed electoral lists.

In terms of the interrelationship between parties and minorities, one can identify 4 different types of parties:

1. Monoethnic Parties
2. Ethnic Parties with Minority Candidates
3. Diversity-sensitive civic parties
4. Multiethnic parties

In order to classify parties effectively, one needs to consider the programmatic orientation, the leadership and candidates of the parties, as well as the members and voters of the party.

Monoethnic parties generally appeal to only one community. Their program, membership and voters thus largely hail from only one group, be it the majority or minority. Often with conservative or nationalist parties, the inclusion of other groups is purely tokenistic and minimal. Thus, the Serb Radical Party (*Srpska radikalna stranka*, SRS) has had MPs of non-Serbian background. Strong nationalist programs and the fact that minority candidates, if at all put forth, are not to represent minority interests, but to prove the supposed inclusiveness of the party.

In order to obscure the promotion of the interests of only one community *Ethnic Parties with Minority Candidates* often do not state the protection of one group in the program or have candidates from other communities. Such a step might be a policy to prevent a ban in countries where ethnically-based parties are prohibited, or an effort to gain votes from other communities. In Bosnia and Herzegovina, for example, different nationalist parties have run candidates from other groups to control certain reserved seats. Such moves do not prevent parties from being classified as monoethnic. One thus needs to examine the effective inclusion of other groups, rather than focusing only on formal elements.

Diversity-sensitive civic parties are not explicitly dominated by one group and seek to down-play the role of ethnicity in its program and composition. In most countries, the parties might still be dominated by the large group, but are able to effectively recruit candidates from minorities and offer programmatic incentives to minorities. Such parties often include left-wing or liberal parties, such as the Social Democratic Party (*Socijal demokratska partija*, SDP) in Montenegro or the Liberal Democratic Party (*Liberal demokratska partija*, LDP) in Serbia.

The final category comprises multiethnic parties, which is largely an aspirational category. A number of parties, such as the Social Democratic Party (*Socijal demokratska partija*, SDP) in Bosnia and Herzegovina, aspire to be inclusive and represent the different communities in a given society. Considering the dynamics of party

formation, few parties have been able to consistently represent different ethnic groups. Instead, coalitions between minority and civic parties have been more likely.

Striking throughout the region has been the success of minority parties. With few exceptions, a significant proportion of minorities vote for parties which appeal explicitly to minority communities. Of course, minority parties vary widely, but most minority parties fall into the first two categories described above. As the table below indicates, the largest minorities in most countries of the region are represented by one or two significant political party. In some countries, the party might exceed the percentage of the minority, indicating either a high degree of mobilization for elections among the minority (or at least higher than among the majority) or the ability to gain some votes from other minorities or the majority.

	Census	Parties in the ...	Seats in Parliament
Albania (census 1989, elections 2005)	1.8% Greeks	Union of Human Rights Party, 4.13%	1.43% (2 of 140)
Bulgaria (census 2001, elections 2005)	9.4% Turks 4.7% Roma	Movement for Rights and Freedoms, 14.17%	14.16% (34 of 240)
Macedonia (census 2002, elections 2006)	25.2% Albanians	Democratic Union for Integration, 12.12%	14.16 % (17 of 120)
		Democratic Party of Albanians, 7.50%	9.17 % (11 of 120)
Montenegro (census 2003, elections 2006)	32% Serbs	Serb List, 14.7%	13.58% 11 of 81
	11.7% Bosniaks/Muslims	Liberal Party/Bosniak Party, 3.8%	3.70% (3 of 81)
	5.0% Albanians	Democratic Alliance, 1.3%	1.23% (1 of 81)
		Democratic Union of Albanians, 1.1	1.23% (1 of 81)
		Albanian Alternative, 0.8%	1.23% (1 of 81)
Romania (census 2002, election 2004)	6.6% Hungarians	Democratic Union of Hungarians in Romania, 6.2%	6.63% (22 of 332)
Serbia (census 2002, elections 2007)	3.9% Hungarians	Alliance of Vojvodina Hungarians, 1.3%	1.2% (3 of 250)
	1.8% Bosniaks	List for Sandjak, 0.84%	0.8% (2 of 250)
	1.4% Roma	Roma Union of Serbia, 0.42	0.4% (1 of 250)
		Roma Party, 0.36%	0.4% (1 of 250)
	0.8% Albanians	Albanian Coalition of Preševo Valley, 0.42%	0.4% (1 of 250)

Table 2: The Most Significant Minorities and Minority Political Parties in the Balkans¹⁰

¹⁰ The election data is taken from official election offices and the ODHIR reports. The census data is taken from the statistical offices of the countries. Note that only countries and minorities are included where minority parties secured parliamentary representation by other means than

b) Minority Parties and Electoral Systems¹¹

The election systems of the region share a number of features. In designing their electoral systems, most countries opted for proportional representation (PR), either with their first multi-party elections or by later shifting from mixed or majoritarian systems to PR. Thus, by 2008, among 9 countries in Southeastern Europe, only Albania has a mixed electoral system; all other countries vote by PR. The prevalence of PR has had other explanations than minority inclusion, but has had a significant impact on minority representation. Conventional wisdom in much of the academic discussions on minority representation suggests that proportional systems tend to be superior to majoritarian systems. In fact, a great variety of electoral systems can ensure minority representation.¹² The experience in Southeastern Europe suggests that PR in combination with relatively high thresholds might actually be a greater disadvantage to minorities than majoritarian systems when these are geographically concentrated. In Albania for example, the Greek minority party has been able to enter the Parliament only due to the mixed electoral system; similarly Albanian and Roma minority parties entered the Macedonian *Sobranie* through single-member constituencies used until 1998.¹³ It appears that in the case of Macedonia, the majoritarian electoral system in use from 1992 to 1998, in particular helped Roma representation due to a high geographic concentration of Roma in the Skopje neighborhood Šuto Orizari (60.6% in 2002).¹⁴ This effect is difficult to replicate elsewhere, however, as Roma mostly lack such geographic concentration and electoral units to match it.

reserved seats (i.e. Serbs and other minorities in Croatia, smaller minorities in Romania, Kosovo). Bosnia and Herzegovina is also excluded as the ethnification of the political system renders such a categorization problematic.

¹¹ This and the following sections are based on my chapter “Regulating Minority Parties in Central and Southeastern Europe,” Ben Reilly, *Political Parties in Conflict-Prone Societies* (Tokyo: UNU Press, 2008).

¹² Venice Commission, “Electoral Law and National Minorities,” CDL-INF (2000) 4, Strasbourg, 25.1.2000.

¹³ Ibid., Eben Friedman, “Electoral System Design and Minority Representation in Slovakia and Macedonia,” *Ethnopolitics*, Vol. 4, No. 4 (2005), pp. 381-396.

¹⁴ While Roma continued to be represented in the Parliament after the introduction of PR, Roma candidates only entered the Parliament through pre-election coalitions with majority parties. Friedman, Ibid., p. 392.

By contrast, most of the largest minorities in the region are geographically concentrated and have performed relatively well, irrespective of the electoral system. In Serbia, for example, Hungarian, Albanian and Bosniak/Muslim parties regularly succeeded in entering the Parliament, while gaining less than 2% of the votes during the 1990s. After the change to PR from a majoritarian system in 2000 in Serbia, minority parties failed to enter the Parliament in 2003 and only returned to the Parliament in 2007, once the threshold for minorities was lifted. With thresholds of 3-5% in most countries, minorities with a smaller share of eligible voters than the formal threshold have no chance of entering Parliament independently. Thresholds, however, were not established to prevent minority participation, but rather to avoid excessive fragmentation of the Parliament.

1. Introduction: Minority Participation and Political Parties

	Electoral System	Special Minority Representation	Threshold
<i>Albania</i>	Mixed Proportional	n/a	2.5%
Bosnia and Herzegovina	List PR	House of Representatives (42); House of People (15): reserved seats (5 Bosniaks, Croats, Serbs)	3%
<i>-Federation</i>	List PR	House of Representatives (98): reserved seats (min. 4 Bosniaks, Croats, Serbs); House of Peoples (58): 17 Croats, Bosniaks, Serbs, 7 Others	3%
<i>-Republika Srpska</i>	List PR	National Assembly (83): reserved seats (min. 4 Croats, Bosniaks, Serbs); Council of Peoples (28): reserved seats (8 Croats, Bosniaks, Serbs, 4 Others)	3%
<i>Bulgaria</i>	List PR	n/a	4 %
Croatia	List PR	8 reserved seats (of 151), 1 Czech & Slovak, 1 Hungarian, 3 Serbian, 1 Italian, 1 Bosniak, Albanian, Montenegrin, Macedonian & Slovene, 1 Austrian, Bulgarian, German, Polish, Roma, Romanian, Rusyn, Russian, Turkish, Ukrainian, Vlach and Jew minority	5%
<i>Kosovo</i>	List PR	20 reserved seats (of 120), 10 Serbs, 4 Roma/Ashkali/Egyptians, 3 Bosniaks, 2 Turks and 1 Gorani	
Macedonia	List PR	n/a	
<i>Montenegro</i>	List PR	4 reserved seats from Albanian electoral unit (of 81)	3%
<i>Romania</i>	List PR	18 Reserved seats (of 332) Armenian, Germans, Turks, Poles, Italians, Tartars, Ukrainians, Macedonians, Ruthenians, Greeks, Serbs, Lipovan Rusyns, Albanians, Slovaks and Czechs, Bulgarians, Roma, Croats, Jews	5%
<i>Serbia</i>	List PR	No threshold (of 250)	5%
<i>Slovenia</i>	List PR	2 reserved seats (of 90) 1 Hungarian, 1 Italian	4%

Table 3: Electoral Systems in Southeastern Europe (2008)

c) Marginalizing and Blocking Minority Representation

No single country in Southeastern Europe has completely prevented the representation of minorities in the Parliament since the introduction of multi-party systems in 1990. Nevertheless, reducing the representation of minorities in the political system has been an implicit and, at times, explicit policy of numerous governments in the post-Communist space. Here, we shall examine restrictions to the minority parties in the form of a) bans and other restrictive measures directed against minority parties; b) gerrymandering; and c) electoral thresholds.

Outright bans have been the exception, enacted only in Albania, Bulgaria and Bosnia and Herzegovina. The briefest experiment was in Bosnia, where monoethnic parties were briefly prohibited during the pre-election period in 1990. The Constitutional Court lifted the ban before the elections, thus having no impact on the outcome, which resulted in an overwhelming victory for the three nationalist parties.¹⁵ In Albania and Bulgaria, experience with such bans has been longer, but not much more effective, as the main parties of Turks in Bulgaria and Greeks in Albania—the two key minorities in both countries—have not been prohibited.

As the Venice Commission notes, bans are ineffective, unusual and incompatible with human rights standards.¹⁶ Bans on ethnic parties have been clearly instituted to prevent what the state and the ethnic majority considers threatening, rather than as a tool for moderating or de-ethnicizing the political system. Only the short-lived ban on ethnic parties in Bosnia failed at preventing the emergence of ethnically-based parties altogether, rather than only among minorities.

Most measures to hinder minority representation do not take the form of explicit bans, but rather express themselves through a number of obstacles, which sometimes inadvertently and, at times intentionally, seek to preclude or reduce minority representation. As the Venice Commission notes in its study of electoral systems and their

¹⁵ Suad Arnautović, *Izbori u Bosna i Hercegovini '90* (Sarajevo: Promocult, 1996).

¹⁶ Venice Commission, 2000, op. cit.

impact on minorities, “*it is not always easy to identify which of these general rules promote and which hinder representation of minorities.*”¹⁷

A common tool employed has been the ethnic gerrymandering, i.e. creating electoral units which reduce the representation of minorities in the Parliament. As electoral commissions or other institutions charged with the establishment of electoral units have been dominated by majorities, districting has often disadvantaged minorities.¹⁸ As voting in most countries considered herein follows ethnic lines, electoral commissions secured electoral units which would prevent state majorities from becoming regional minorities and thus being outvoted. Furthermore, electoral districts can be drawn to reduce minority representation. One poignant example is the electoral district 61 in Macedonia’s 1998 elections. In the monitoring report of ODIHR, the observers note that this snake-shaped district “curls around the mountains in the north-west of the country, joining ethnic Macedonian villages together in a mainly ethnic Albanian area.” As a consequence, electoral engineering secured additional seats for the majority and prevented the creation of a minority voting block.¹⁹ In the case of Macedonia, gerrymandering was so widely recognized as disadvantaging Albanians, that it was explicitly addressed in the demands of the Albanian National Liberation Army during the 2001 conflict.²⁰

Similarly, the size of constituencies has been a tool to disadvantage minorities. A number of countries, such as Serbia, have held elections in one country-wide constituency, which can also disadvantage minorities.²¹ Similarly, registration requirements constitute another potential obstacle for minority parties. A high number of required signatures for either registering a party or running

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ ODIHR “Parliamentary Elections in the former Yugoslav Republic of Macedonia, 18 October and 1 November 1998,” 1.12.1998.

²⁰ Iso Rusi, “From Army to Party—the Politics of the NLA,” in IWPR and Conflict Studies Research Centre, eds, *The 2001 Conflict in FYROM*, 2004, p. 3.

²¹ ODIHR, “The Slovak Republic Parliamentary Elections, 25 and 26 September 1998,” 26.10.1998.

the parliamentary elections can also disadvantage minorities.²² In Bulgaria, for example, 5,000 signatures are required for registration of a party. Considering that 5,071 citizens declared themselves to be Macedonian in the 2001 census, the high numerical requirement for party registration can be viewed as being directly linked to an effort to prevent the emergence of a Macedonian minority party.²³ Poland and Serbia, which have abolished the threshold for minority parties, have also lowered the registration requirements of parties or for registering in elections accordingly. In Serbia, the abolition of the electoral threshold of 5% for national minority parties could only effectively advance their representation after the electoral commission dropped the requirement to submit 10,000 signatures for national minority parties in order to participate in national elections to 3,000.²⁴ This rule was abolished in a controversial decision by the Constitutional Court in April 2008, presenting a considerable obstacle for parties representing smaller minorities to participate.²⁵

The most frequent obstacle for minority parties across Southeastern Europe is the electoral threshold. While the level generally varies between 3 and 5 percent, all countries have an effective threshold. In particular, as there has been a general trend towards proportional representation in the region since the 1990s, the importance of thresholds increased. When considering the demographic map of Southeastern Europe, it is apparent that in most countries only the parties of the largest minority would be able to secure parliamentary representation, and then only if they were to run on a single ticket. Thresholds have thus stifled minority party formation among smaller minorities and, at times, resulted in consolidation of a single minority party. Coalitions among several

²² Most countries considered herein have a minimum membership requirement. See Venice Commission, 2006, op. cit., p. 7. In most cases, the numerical requirement is too low to constitute an obstacle for minorities (e.g. 100 in Croatia, Serbia).

²³ I would like to thank Ms. Kalina Bozeva for this information.

²⁴ Republička izborna komisija, Uputstvo za sprovođenje Zakona o izboru narodnih poslanika, 15.11.2006, Available at: <http://www.rik.parlament.sr.gov.yu/latinica/propisi/Uputstvo210107Lat.doc>.

²⁵ Nevertheless, all significant minority parties succeeded in gathering the required number of signatures, including minority parties which failed to enter Parliament. "Povećan broj potpisa za manjine," *B92 Vesti*, 9.4.2008, http://www.b92.net/info/vesti/index.php?yyyy=2008&mm=04&dd=09&nav_category=418&nav_id=293145

smaller minority groups to overcome the threshold have been rare. The most significant attempt failed in 2003 in Serbia, when the “Coalition for Tolerance”, composed of parties from the Hungarian and Bosniak minority and regional parties, failed to cross the 5% threshold by only winning 4.2% of the vote.²⁶

Instead, thresholds contributed to minority parties or associations forming pre-election coalitions or securing seats on lists of majority and mainstream parties. In particular, parties of Roma and small minorities have only been able to secure representation through such means if no specific mechanisms favoring minority parties are in place. The regional experience with such representation through mainstream parties has been modest. If majority parties were willing to include minority candidates on electoral lists, such candidates were often placed at low positions on the ballot, resulting in only few seats gained by minorities. As Barany points out, in 2000 there were only 7 self-declared Roma represented in parliaments across Central and Eastern Europe, 5 of which gained representation on majority party lists.²⁷

d) Promoting Minority Party Inclusion

Despite the prevalent challenge for minority parties arising from thresholds, only one country in Southeastern Europe has opted to lift the threshold for minority parties. As will be discussed below, however, a number of countries have chosen more direct steps to include minority parties. In Serbia, the abolition of the threshold was a direct response to the failure of any minority party to cross the 5% threshold in the 2003 parliamentary elections. The impact in Serbia was immediate as five minority parties representing Hungarians, Bosniaks, Albanians and Roma were able to gain seats. Due to the small number of minorities in Poland and the authorities’ restrictive

²⁶ “Konačni podaci RIK o broju mandate,” *B92 Vesti*, 2003, available from http://www.b92.net/specijal/izbori2003/izborne_liste.php?nav_id=127234.

²⁷ Zoltan Barany, “Romani Electoral Politics and Behaviour,” *Journal on Ethnopolitics and Minority Issues in Europe*, 2001, p. 8, available from <http://ecmi.de/jemie/>. Considering that the number of Roma in the region is at least equal to the population of Slovakia or Croatia, the underrepresentation of Roma is considerable.

handling of the rules—barring for example the Silesian minority from competing for seats without threshold—the impact has been considerably lower than in Serbia, where in 2007 some 8 minority MPs (of 250) were elected.

In Southeastern Europe, the most common and popular mechanism of promoting minority inclusion is - reserving minority seats in the Parliament. Slovenia, Croatia, Bosnia and Herzegovina, Montenegro, Kosovo and Romania have set aside seats on basis of ethnic affiliation. The mechanisms for distributing such seats, however, vary greatly. Reserved seats primarily seek to secure representation of smaller minorities which would not be able to achieve representation without such special measures. Although a number of countries have upper houses of Parliament, reserved seats are primarily located within the lower chambers. As the number of reserved seats is generally small, they have not been a major distortion of the proportionality and equal representation.

Slovenia provides representation for only two minorities—Italians (2002: 2,258) and Hungarians (2002: 6,243)—which are considered autochthonous, but which are numerically far inferior to other minorities in the country, which lack parliamentary representation. The Hungarian and Italian MPs are elected in special minority electoral units and hold certain veto rights in the Parliament in areas of legislation pertaining exclusively to the minority.²⁸

Another system of reserved seats has been in use in Montenegro since 1998 for the Albanian minority. While Montenegro was treated as one electoral unit in the parliamentary elections, one special electoral district was established first with five and, since 2002, with four reserved seats. Unusual in the Montenegrin system is that neither the voters in the affected polling stations are exclusively Albanian, nor are all Albanians included in these special polling stations. Furthermore, other minorities, such as the much larger Muslim/Bosniak minority, have not benefited from a similar treatment.

²⁸ Ivan Kristan, “Die Rechtstellung der Minderheiten in Slovenien,” Georg Brunner and Boris Meissner (eds), *Das Recht der nationalen Minderheiten in Osteuropa* (Berlin: Berlin Verlag, 1999), pp. 167-168.

ODIHR has thus criticized this electoral mechanism for its legal uncertainties and for singling one minority out.²⁹ As the system does not prescribe who gets elected, but only how, not all of the reserved seats have been held by Albanian minority parties. Half of the seats have generally been won by the governing parties, which usually do not have Albanian minority candidates.³⁰

The Romanian Parliament has the largest number of reserved seats, allowing new minorities to register with relative ease. Thus the number of minority seats rose from 11 in 1990 to 18 in 2004. A minority candidate is elected if he/she secures 5% of the nation-wide average number of votes needed for one seat, amounting to only 1,273 votes in 2000.³¹ The system has secured the representation of even the smallest minorities (including some potentially invented minorities), but minority MPs have been largely passive.³² However, for the Roma minority, it might be argued that guaranteed representation has facilitated Roma political organization.³³

In Croatia, the key challenge since independence has been the representation of Serbs and the 1990s saw multiple changes to the election law. Since 2000, minorities have the choice between voting for a general candidate list or for the specific minority list, amounting to a current total of 8 reserved seats. Confronted with the choice between voting for a minority list of candidates or the general list, a majority among all larger minorities opts for the general list; in the case of the Serb minority, less than a quarter voted for the minority list in 2003. Curiously, in Croatia, a number of minority MPs represent not only their own ethnic group, but also other communities. The Croatian Constitutional Law on Minorities and the Election Law reserves 1-3 seats for minorities larger than 1.5%, *de facto* only Serbs qualify.

²⁹ ODIHR, "Republic of Montenegro, Parliamentary Election, 10 September 2006," 28.12.2006, pp. 15-16.

³⁰ Veselin Pavićević, *Izborni sistem. Distributivni činioci izbornog sistema na primeru izbora u Crnoj Gori 1990-2001* (Belgrade: CeSID, 2002), pp. 35-36.

³¹ Ciprian-Calin Alionescu, "Parliamentary Representation of Minorities in Romania," *Southeast European Politics*, Vol. 5, No. 1 (2004), p. 64.

³² *Ibid.* pp. 69-70.

³³ Maria Spirova, "Electoral Rules and the Political Representation of Ethnic Minorities: Evidence from Bulgaria and Romania" Paper presented at the ASN Convention 15-17.4.2004, p. 16, available at: <http://www.policy.hu/spirova/ASN2004.pdf>, pp. 22-23.

Among the five seats reserved for smaller minorities, only Hungarians and Italians hold a seat in Parliament each, whereas the other minorities ‘share’ the remaining three reserved seats. The candidates of the minorities assigned to the same seat thus compete with each other, with the candidate receiving the most votes winning the seat. Nikola Mak, for example, elected to the Croatian *Sabor* in 2003, not only represented his own German community, but also the country’s Austrians, Bulgarians, Pole, Roma, Romanians, Rusyns, Russians, Turks, Ukrainians, Vlachs and Jews.³⁴ Unlike in Croatia, where minorities are forced to choose between voting for reserved seats or for the general lists, in Kosovo, minorities have been able to receive representation through reserved seats since 2001, in addition to a share in the overall proportional voting for the Assembly: Ten seats are reserved for the Serb community and additional 10 seats represent other communities. As a result, in the 2001 elections minority parties gained additional 15 seats in the Parliament, increasing their share from 16.7% (20 of 120 seats) to 29% (35 seats). In practice, this has only benefited the larger Serb minority, whereas other communities hold little chance of entering Assembly due to the threshold. Similar mechanisms are in use in the entities of Bosnia and Herzegovina where a minimum number of seats are set aside for all communities whose candidates do not reach the threshold through the regular electoral procedure.³⁵

In 7 of the 10 countries (including Kosovo) in Southeastern Europe, special mechanisms are in place to secure or facilitate the representation of minorities in the Parliament. In particular, all the countries of former Yugoslavia, with the exception of Macedonia, have some means of promoting parliamentary representation of minorities. This trend is both a reflection of the conflicts in the 1990s, but more so a continuation of the elaborate institutionalization of ethnic representation which took place under communism. As affirmative

³⁴ Antonija Petričušić, “Constitutional Law on the Rights of National Minorities in the Republic of Croatia,” *European Yearbook of Minority Issues* Vol. 2, 2002/3 (Leiden, Boston: Martinus Nijhoff Publishers, 2004), pp. 618-619.

³⁵ Florian Bieber, *Post-War Bosnia. Ethnicity, Inequality and Public Sector Governance* (London: Palgrave 2006), pp. 128-131. At the state-level reserved seats benefit the three dominant groups, Serbs, Bosniaks and Croats to the disadvantage of minorities. Thus, in the second chamber of Parliament, the House of Peoples, 5 seats each (of 15) are reserved for the three dominant nations.

policies by definition favor minority parties which would be at risk of not being represented through the regular electoral system, the main beneficiaries tend to be smaller minorities which generally do not have great “weight” in the Parliament. The impact on policymaking of minority MPs has thus been generally weak, as the ability to constitute a key group in government formation has been limited. Only in Croatia, where the three Serb minority MPs have supported the conservative government of the Croat Democratic Community since 2003, have minority parties been able to impact policymaking.

e) Conclusions

Political participation of minorities in Southeastern Europe has been largely channeled through minority parties. As the regional experience suggests, the largest minorities have been represented by relatively strong parties which have been included in government in all countries. Neither the electoral system, nor any particular promotion of minority rights or bans on ethnic parties have limited the significance of these parties, from the Movement for Rights and Freedoms in Bulgaria to the Independent Democratic Serb Party in Croatia. Smaller minorities have been largely unable to secure representation in parliaments across the region, except where special affirmative measures are in place, due to high thresholds and, at times, high registration requirements for elections or party registration. Larger minorities have generally not been able to benefit from positive measures promoting minority representation, which mostly favored smaller minorities. In fact, at times, minority representation through reserved seats has been established to promote smaller minorities over larger minorities. Thus, smaller minorities have been the primary beneficiaries of reserved seats and other affirmative policies across the region. However, parliamentary representation is often merely one aspect of a broader parcel of minority rights, which entails representation in municipal and regional levels and, in some cases, some degree of cultural autonomy, as well (e.g. Slovenia, Croatia). Parliamentary representation, though symbolically important, has often not been the most significant form of minority inclusion, as the impact of minority members in the Parliament has been marginal. The most

marginalized minority in the region, the Roma, has been the least able to benefit efforts to promote minority parties. Struggling with a fragmented Roma party landscape in most countries, suspicion towards mainstream politics and distrust in their own political elites, the Roma have been consistently underrepresented across the region.³⁶ In some cases, reserved seats or reduced thresholds have assured Roma's inclusion in the Parliament where elsewhere Roma either failed to be represented at all, or had to rely on majority party support. The number of Roma parties and members of Parliament, however, still lags behind the share of Roma in the population. While many Roma vote for majority parties, this voting pattern is hardly a reflection of the integration of Roma into mainstream politics, but rather of the political and social marginalization of the community. The cause and remedies for the political underrepresentation of Roma thus lie beyond the field of electoral systems.

Another key feature of the development of minority parties in post-Communist Southeastern Europe has been the European Union. Although the EU lacks a coherent minority rights policy, it has strengthened the European legal framework, above all the Framework Convention for the Protection of National Minorities, by insisting on its ratification by accession states. However, in regard to the representation of minority parties in the political system, the EU has not taken a clear position. Nevertheless, both the partial non-implementation of minority party bans in Albania and Bulgaria, as well as the inclusion of minorities in the Parliament through lower thresholds and reserved seats and in the Government are to be explained in part through countries' desire to join the EU. Rather than the consequence of a particular EU policy, minority inclusion has been a feature of positive conditionality in the sphere of minority rights and a clear emphasis of linking minority representation with EU integration.³⁷ Although, to a considerable degree, the EU's concern for minority rights has been security-driven, minority politics have become less securitized since the early 1990s.

³⁶ Barany, op. cit.

³⁷ Frank Schimmelfennig, Stefan Engert and Heiko Knobel, "Costs, Commitment and Compliance: The Impact of EU Democratic Conditionality on Latvia, Slovakia and Turkey," *Journal of Common Market Studies*, Vol. 41, No. 3 (2003), pp. 495-518.

The widespread existence of minority parties in Southeastern Europe has meant that minority concerns are commonly aggregated through political parties rather than through other institutions such as extra-institutional movements or NGOs. However, here one can observe considerable variation among minorities. While larger minorities found their primary voice through minority parties, smaller minorities more frequently articulate their concerns when it comes to minority-specific interests through institutions for cultural autonomy, minority associations, or local-level political activism. Similarly to smaller minorities, Roma in most of the region have found their interests aggregated by NGOs, both from within the community itself and larger national and international organizations. Only in exceptional circumstances have mainstream parties, often small liberal or regional groupings, effectively represented minority-specific concerns.

Minority parties themselves across Southeastern Europe are not cast out of a single block. The agendas of minority parties changed over the more than 15 years of democratic transition and most parties encompass divergent political views. Having their origins in broad anti-Communist coalitions, as in the case of Slovakia, or otherwise representing different political platforms, most minority parties are brought together not only by the common interest in representing a minority group, but also in the need for cohesion to secure parliamentary representation. Multiple strong and competing minority parties, as in Macedonia, are exceptional and only possible among a numerically strong minority.

The internal diversity and differences between minority parties in the region expresses itself in divergent views on how to secure minority interests and different positions along larger political cleavages. The first issue often juxtaposes views that seek greater inclusion in state institutions and minority rights with demands for political and territorial autonomy.³⁸ The second form of variation will

³⁸ Bugajski distinguishes between minority parties on the basis of their primary political platform: 1. Cultural revival; 2. Political autonomy; 3. Territorial autonomy; 4. Separatism; and 5. Irredentism. Generally speaking, most larger minority parties would fall in categories 2 and 3, whereas smaller minority groups often opt for category 1. Secessionist and irredentist minority

express itself in terms of support for larger ideological concepts, such as conservatism or liberalism. Thus some minority parties, such as the larger Hungarian minority parties, tend to represent more conservative options, whereas others, such as the Movement for Rights and Freedoms in Bulgaria, casts themselves as liberal. These ideological variations often are, however, not strongly developed as the overall political systems in most post-Communist countries lack clear ideological differentiation.

Across Southeastern Europe, political parties of larger minorities have been a relatively stable fixture in highly volatile political party systems. Whereas there has been overall a degree of moderation in the demands of minority parties, linked to their inclusion in the mainstream political system through coalitions, such parties have not gone away, even in countries which do not promote or even discourage ethnically-based parties. This consistency has been a reflection of the cleavages between majorities and minorities, especially in the early phase of the transition, as well as of the positive view taken by international organizations, in particular the EU, of minority interest articulation through minority parties. While minority parties have not been universally successful, the firm place larger minorities have achieved in the political system, including the executive, has arguably improved the legitimacy of the state and political system for minorities and contributed to the institutionalization of minority grievances. This process has generally moderated majority-minority relations, as well as minority demands themselves, bringing about greater institutional stability. At the same time, however, minority parties have not generally been able to meet the needs of smaller communities and Roma, which find their needs only inadequately addressed through state institutions, be they Parliament or the executive.

parties are few, especially since the mid-late 1990s Janusz Bugajski, *Political Parties in Eastern Europe. A Guide to Politics in the Post-Communist Era* (Amronk, NY., 2002), pp. li-lii.

2. MINORITY PARTICIPATION AT LOCAL AND NATIONAL LEVEL IN ROMANIA

By MONICA CALUSER

a) The Number and Types of Minorities in Romania

There are twenty officially recognized minorities in Romania – Albanians, Armenians, Bulgarians, Czechs, Croats, Jews, Germans, Greeks, Italians, Macedonians, Hungarians, Poles, Roma, Lipovans, Ruthenians, Serbs, Slovaks, Tatars, Turks and Ukrainians – comprising over 10% of the population according to the 2002 census.

Although there is no law on minorities and there is no clear criterion for defining the national minorities in Romania, the number of recognized minorities has increased continuously since 1989, from 11 to 20.

According to the number and to the specific problems they encounter, the minorities can be divided into three major categories³⁹. The first category is represented by the Hungarians, the most numerous of the minorities, with a strong identity consciousness and very organized from a political point of view. The organization representing the interests of the Hungarians is the *Democratic Alliance of the Hungarians in Romania* (Romániai Magyar Demokrata Szövetség). The organization has been among the first one, established after 1989, and for most of the post-communist period has been the only visible organization representing the interests of the Hungarian community.

³⁹ István Horváth and Alexandra Scacco. "From the Unitary to Pluralistic: Fine-tuning Minority Policy in Romania" Anna-Mária Bíró and Petra Kovács (ed.) *Diversity in Action. Local Public Management of Multi-ethnic Communities in Central and Eastern Europe* (Budapest: LGI/OSI. 2001), p. 244.

The second group includes the Roma, a group facing major problems including discrimination and marginalization. The Roma is officially the second numerous group in Romania according to the census, but unofficial numbers estimate the community to 1 –1.5 million people, even to 2 million. A series of organizations have been set-up in order to promote the interests of the Roma in the political sphere, the organizations disputing the priorities of the communities, their problems and solutions to these problems.

All the other 18 minorities have similar problems, mainly preserving their identity, since their number is continuously decreasing. They are usually included together as the ‘small minorities’ and range from 250 to 60.000 persons. Each minority has at least one organization that is representing the interests of the community in the political sphere.

2. Minority Participation at Local and National Level in Romania

Ethnic group	2002		1992		2002 in % as compared to 1992
	Persons	%	Persons	%	
Total	21680974	100.0	22810035	100.0	95.05
Romanians	19399597	89.47	20408542	89.5	95.05
Hungarians	1434377	6.6	1624959	7.1	88.1
Roma	535250	2.46	401087	1.8	133.4
Germans	60088	0.27	119462	0.5	50.02
Ukrainians	61353	0.28	65764	0.3	92.9
Lipovan Russians	36397	0.16	38606	0.2	92.7
Turks	32596	0.14	29832	0.1	107.6
Tatars	24137	0.11	24596	0.1	97.3
Serbs	22518	0.1	29408	0.1	76.7
Slovaks	17199	Under 0.1	19594	0.1	87.9
Bulgarians	8025	Under 0.1	9851	Under 0.1	81.5
Croats	6786	Under 0.1	4085	Under 0.1	166.6
Greeks	6513	Under 0.1	3940	Under 0.1	164.3
Jews	5870	Under 0.1	8955	Under 0.1	64.6
Czechs	3938	Under 0.1	5797	Under 0.1	67.9
Poles	3671	Under 0.1	4232	Under 0.1	84.1
Italians	3331	Under 0.1	1356	Under 0.1	242.5
Armenians	1780	Under 0.1	1957	Under 0.1	91.0
Slavic Macedonian	695	Under 0.1	-		100%
Albanian	477	Under 0.1	-		100%
Ruthenian	257	Under 0.1	-		100%

*Table 4: Population Distribution in Romania*⁴⁰

⁴⁰ National Institute of Statistics, 2002 Census.

b) Organizations Representing the National Minorities

According to the electoral laws of Romania, non-governmental organizations of national minorities can participate in elections with candidates. Thus, a series of organizations were set up, starting at the end of December 1989, when the Democratic Alliance of the Hungarians in Romania was established. The small minorities and the Roma also have at least one organization per minority that ensures their participation in local and national elections. All organizations are mono-ethnic; the only exception is the case of Czechs and Slovaks which jointly organized the Democratic Union of Slovaks and Czechs in Romania.

In certain cases there is more than just one group. Although the Democratic Alliance of the Hungarians in Romania is seen as the sole representative of the Hungarian community because there was no other Hungarian organization entering the Parliament, there were also other organizations of the Hungarians. Such an example is the Hungarian Civic Union. The two organizations are considered to be in high competition, the Hungarian Civic Union being perceived as an opposition to DAHR inside the Hungarian community. Recently, the organization has submitted a request to be registered as a political party.

Other cases of minorities presenting more than one organization include the Bulgarians, the Croats, the Greeks, the Italians, the Roma, the Turks and the Ukrainians.

Bulgarian organizations promote a model of cooperation, especially since they have different electorates, due to religions and historical differences in the Bulgarian community in Romania⁴¹. In other cases, the competition is very high, like in the Roma case, where the Roma Party has managed to become more prominent due to association to the Social Democrat Party.

⁴¹ According to the Deputy of the Bulgarian community in Parliament, Alexandru Mircovici, available at www.divers.ro

The fact that the organizations of minorities are given the possibility to present candidates in elections, produced consequences both for the representation of the interests of minorities in the public sphere. On the one hand, it has diminished the advantages of setting-up political parties of minorities. On the other hand, the set-up of organizations representing each national minority, encouraged by the allocated seat in the Chamber of Deputies and by the financial system related to the Council of Minorities, has led to the presumption that the issues of minorities are a responsibility of minority organizations. As a consequence, there are majority political parties that do not include any issues related to the minority agenda in the predominant discourse, because the minority organizations are perceived as having a monopoly on the issues related to minorities. This situation is accentuated by the low visibility of organizations of minorities in relation to other topics of more general interest that transcend the ethnic dimensions (transition, economic measures, social reforms, etc.). Even in cases of alliances or other forms of cooperation at national or local level, the issue of minorities still represents an issue only left to the minority parties that are part of that alliance.

c) Representation of National Minorities at National and Local Level

The Romanian electoral system is a proportional one, with an electoral threshold of 3% from 1992 to 2000 and 5% from 2000 on. The electoral threshold is applied at national level, other than the distribution of votes being made at the county level, which is the electoral unit. In these conditions, the Romanian Constitution guarantees the access of minority representatives in the Romanian Parliament by granting one seat for each in the lower chamber of the Parliament. Article 59: *(2) Organizations of citizens belonging to national minorities, which fail to obtain the number of votes for representation in Parliament, have the right to one Deputy seat each under the terms of the electoral law. Citizens of a national minority are entitled to be represented by one organization only.*

This Article of the Constitution was preceded by Article No. 4 in the Law-Decree no. 92/1990, for the organization of elections, that granted the one seat in the Parliament for the national minorities. On the basis of this Article, the first post- communist Parliament included 11 minority representatives benefiting from this allocated seat, while the Hungarian minority with the Democratic Alliance of the Hungarians in Romania, elected with 41 senators and deputies in 1990 elected as part of the general lists, rather than through reserved seats.

Since the new Constitution came into force in 1991, all minorities, except the Hungarian minority which is sufficiently numerous and politically organized to elect a political party directly into the Parliament, have been represented through one deputy seat in the lower House of the Parliament.

DAHR has constantly been represented in the different Parliaments of Romania with 39 deputies and senators in 1992, 37 in 1996, 39 in 2000 and again 39 in 2004.⁴² The 11 minorities represented in the first Parliament were: Germans, Roma, Lipovan-Russians, Armenians, Bulgarians, Czechs-Slovaks, Serbs, Greeks, Poles, Ukrainians and Turks). In 1992 there were 13 minorities - the ones before plus the Italians and the Tartars, in 1996 15 minorities were represented - the Albanians and the Jews were added, and in 2000 and 2004 there were 18 minorities - the last ones that were added on the list were the Croats, the Ruthenians and the Macedonian Slavs.⁴³

Organizations representing the national minorities in the Chamber of Deputies in the 2004-2008 mandate, are the following:

- **Democratic Alliance of the Hungarians in Romania** (*Româniai Magyar Demokrata Szövetség*)
- **Association of Italians of Romania** (*Asociația Italianilor din România*)
- **Bulgarian Union of the Banat – Romania** (*Uniunea Bulgară din Banat – România*)

⁴² Marian Chiriac, *Provocările diversității. Politici publice privind minoritățile naționale și religioase în România* (Cluj: EDRC Publishing House, 2005); Ciprian-Călin Alionescu, "Parliamentary Representation of Minorities in Romania," *Southeast European Politics*, Vol. 5, No. 1 (June 2004).

⁴³ Chiriac, op. cit.

- **Cultural Union of Ruthenians of Romania** (*Uniunea Culturală a Rutenilor din România*)
- **Democratic Forum of Germans in Romania** (Forumul Democrat al Germanilor din România)
- **Democratic Union of Slovaks and Czechs in Romania** (Uniunea Democratică a Slovacilor și Cehilor din România)
- **Democratic Union of Turco-Islamic Tatars of Romania** (Uniunea Democrată a Tătarilor Turco-Musulmani din România)
- **Federation of Jewish Communities of Romania** (*Federația Comunităților Evreiești din România*)
- **Greek Union of Romania** (*Uniunea Elenă din România*)
- **League of Albanians of Romania** (*Liga Albanezilor din România*)
- **Lipovan Russian Community of Romania** (Comunitatea Rușilor Lipoveni din România)
- **Roma Party of Romania** (Partida Romilor din România)
- **Turkish Democratic Union of Romania** (*Uniunea Democrată Turcă din România*)
- **Union of Armenians of Romania** (*Uniunea Armenilor din România*)
- **Union of Croats of Romania** (*Uniunea Croaților din România*)
- **Union of Poles of Romania Dom Polski** (Uniunea Polonezilor din România 'Dom Polski')
- **Union of Serbs of Romania** (*Uniunea Sârbilor din România*)
- **Union of Slavonic Macedonians of Romania** (*Asociația Macedonenilor Slavi din România*)
- **Union of Ukrainians of Romania** (*Uniunea Ucrainenilor din România*)

The Electoral Law No. 68 dated 15 June 1992 stated that the non- governmental organizations, constituted as organizations of citizens belonging to national minorities, can participate in the national elections with candidates and, on basis of Article 59 of the Constitution, have the right to a single Deputy seat if they have obtained (in the entire country) a number of votes equal to at least 5%

of the average number of votes necessary at national level for the election of a Deputy (art. 4: 1). In the case of several organizations presenting candidates in elections and none passing the threshold, the organization with the highest number of votes gets the seat in the Parliament. Since there is no legal definition of a national minority in Romania, the national minorities are defined as those represented in the Council of Minorities.

The new Electoral Law, No. 373/2004 has raised the total number of voted to 10% of the average number of votes necessary at national level for the election of a Deputy (Article 4: 2).

2. Minority Participation at Local and National Level in Romania

Ethnic group	Census 2002	Minority organization in Parliament (2004-2008)	Votes in the 2004 elections
Hungarian	1434377	Democratic Alliance of the Hungarians in Romania	628125
Roma	535250	Roma Party of Romania	56076
Ukrainian	61353	Union of Ukrainians of Romania	10888
German	60088	Democratic Forum of Germans in Romania	36166
Lipovan-Russian-	36397	Lipovan Russian Community of Romania	10562
Turk	32596	Turkish Democratic Union of Romania	7715
Tatar	24137	Democratic Union of Turco-Islamic Tatars of Romania	6452
Serb	22518	Union of Serbs of Romania	6643
Slovak	17199	Democratic Union of Slovaks and Czechs in Romania	5950
Bulgarian	8025	Bulgarian Union of the Banat – Romania	15283
Croat	6786	Union of Croatians of Romania	10331
Greek	6513	Greek Union of Romania	7161
Jew	5870	Federation of Jewish Communities of Romania	8449
Czech	3938	Democratic Union of Slovaks and Czechs in Romania	5950
Poles	3671	Union of Poles of Romania Dom Polski	5473
Italian	3331	Association of Italians of Romania	6168
Armenian	1780	Union of Armenians of Romania	9810
Slavic Macedonian	695	Union of Slavonic Macedonians of Romania	9750
Albanian	477	League of Albanians of Romania	5011
Ruthenian	257	Cultural Union of Ruthenians of Romania	2871

Table 5: Comparing the census with minority party election results⁴⁴

⁴⁴ Sources: Census of the Population 2002, www.recensamant.ro; Chamber of Deputies, www.cdep.ro; The Central Electoral Office, http://www.bec2004.ro/documente/Tvot_CD.pdf

The local political representation of minorities is established in the Law No. 67/2004 regarding the election of the authorities of local public administrations. At local level, there are no provisions facilitating the representation of the national minorities if they fail to gather the required number of votes.

Both at national and local level, the 2004 legislation introduced provisions that differentiate between the organizations that are already represented in the Chamber of Deputies and the ones that are not. The organizations of minorities not represented in the Parliament have to present the Central Electoral Bureau within 3 days of their establishment, a list of members comprising at least a number equal to 15% of the total number of citizens who, at the last census, declared to be members of the respective minority community. For communities exceeding 25,000 people, the list of members has to comprise at least 25,000 individuals residing in at least 15 counties and the municipality of Bucharest, but not less than 300 individuals from each of these counties and the municipality of Bucharest.⁴⁵ The organizations that are represented in the Parliament, do not have to comply with these requirements.

The implications of this legislation are twofold:

- organizations of citizens belonging to national minorities that are currently represented in the Parliament can propose their candidate(s) without any restriction;

- other, legally established organizations of citizens belonging to national minorities, can also propose their candidate(s), but these organizations have to present lists of members to the Central Electoral Office. The number of members of one community might be too small or concentrated territorially, making them impossible to comply with the legal provisions.

These limitations resulted in the exclusion from the electoral process of some organisations that aimed to represent the interests of ethnic communities at local level. At the same time, the competition has also disappeared and a mono-party (mono-institution) system was

⁴⁵ The provisions are identical in the Electoral Law, no 67/2004, Art 7, paragraph 3 and 4 and Electoral Law, no 373/2004, Art 4, paragraph 4 and 5.

imposed for minorities. As a result, while in the 2000 local elections, representatives of 4 organisations of the Roma community, 3 organisations of the Bulgarian community and 2 organisations of the Croat community were elected; in the 2004 local elections, only one organisation was allowed to participate from every community.⁴⁶ In many cases, because of these difficulties to submit candidates in elections, organizations other than the ones represented in the Parliament had submitted candidates on the list of other parties, like it was the case of the Hungarian Civic Union. Accordingly, the Venice Commission noted that these electoral provisions should be abolished.

d) Participation of minorities-in-power at local and national level

The participation of Hungarians-in-power at national level

The first years of transition after 1989 were characterized by ethnic nationalism that had become the defining feature for majority-minority relations.⁴⁷ The year 1993 brought a change in the Government due to the inclusion of nationalist and ultranationalist parties into the governing coalition; this resulted in a period of climax of inter-ethnic tensions. The western orientation of Romania and the electoral victory of the “democratic” opposition has also brought the Hungarians in power as part of the governing coalition in 1996. This form of participation of DAHR in the Government has continued since that moment.

The impact of the participation of Hungarian minority in the governance was the most visible in the first coalition. Thus, between 1996 and 2000, DAHR has been the promoter of a large part of the

⁴⁶ Institute for Public Policy. *The local Elections 2004. A political lesson*. 2004. Available at: <http://www.ipp.ro/altmateriale/alegeri%20locale%202004.pdf>

⁴⁷ István Horváth, *Facilitating Conflict Transformation: Implementation of the Recommendations of the OSCE High Commissioner on National Minorities to Romania, 1993-2001* (Hamburg: CORE, 2002), p. 22.

legislation that is responsible for the advancement of the minorities' rights, including the use of minority languages in public administration and the instruction of minorities in the mother tongue at all levels of education.⁴⁸ Even with these achievements, there was a long series of tensioning moments and endless negotiations in regard to certain objectives of DAHR. Maybe the most famous similar case is the issue of the Hungarian State University, which was on the agenda for more than half of the mandate.⁴⁹

There are fewer achievements of the participation of DAHR in power since 2000 on. Although many observers predicted that the return to power of the Social Democratic Party (SDP), of Ion Iliescu, would negatively impact the development of interethnic relations, the SDP, needed the support of DAHR to adopt their legislative initiatives, the alternative being the support of the ultra-nationalist party, the Greater Romania Party, a possibility that was against the accession agenda. In order to formalize the relationship, several agreements were concluded between the two, one for each year of governance. They are crucial statements of party positions since these yearly agreements stipulate the policy goals for the coming year. The first two protocols included as major objectives decentralization, restitution of property, protection of national minorities and regional development. The following two became more specific, emphasizing the desire of DAHR to settle an understanding in the case of the Hungarian language University. Some other projects were slowly put in practice, like the implementation of the law on the restitution of church properties and the language provisions of the Law on the Status of the Policemen.

The 2004 elections bring a coalition of National Liberal Party, Democratic Party and Conservator Party, along with the DAHR, to power. With the formal return of a governing coalition, the DAHR put the adoption of a Law on National Minorities high on its agenda. Thus, it drafted a proposal in the first months of the mandate. Previous initiatives in the 1990s to pass a law of minorities had failed. Due to

⁴⁸ Dan Chiribucă, and Tivadar Magyari, "The Impact of Minority Participation in Romanian Government" Monica Robotin and Levente Salat (eds), *A New Balance: Democracy and Minorities in Post-communist Europe* (Budapest: LGI/OSI. 2003).

⁴⁹ Ibid.

certain sensitive provisions, the draft Law has raised disputes in the Parliament and has been practically buried since the first half of 2005. So far, the difficulty in passing this Law has been the most important failure of the participation of DAHR in power over the past ten years.

The 2004 local and national elections raised the issue of the participation of DAHR in power and the benefits of this participation. Although the votes gained by DAHR in local or national elections were not considerably lower, the electorate has decided to target the coalitions or partnerships of DAHR after 2000, since it has not led to the accomplishment of the major projects of the Hungarian community. Two examples point this contestation by the Hungarian electorate. In Cluj, the Hungarians have voted to a large part against the candidate promoted by DAHR in the second ballot for the Mayor office. The trend was also visible in the national elections, when again, the Hungarian electorate voted for the presidential candidate of the opposition, not for the candidate supported by DAHR. The fact that the votes for DAHR at national or local level have not diminished significantly compared to the previous elections, is due to the fact that there is a conviction in the Hungarian community that, by dividing the votes among two or more organizations, the community might lose the possibility to be represented. In the local elections, DAHR was the only Hungarian party presenting candidates, but their “opposition”, the Hungarian Civic Forum, managed to obtain some mandates as mayors in major Hungarian cities of Transylvania, candidates participating in elections as independents. This has raised the issue of internal democracy inside DAHR and explained the opposition of the party to allow the set-up and development of other Hungarian organizations.

Roma participation in power

The issue of the Roma minority became relevant on the political agenda with Romania’s pre-accession negotiations. The living conditions of the community had deteriorated in the post-communist period; violence against members of the community, as well as widespread prejudice had become more and more frequent. 2001 was the moment of launch of the National Strategy for the Improvement of

the Roma Situation, a project elaborated together with the public institutions and civil society. Although the implementation is very slow, the Strategy aims at solving or improving many of the issues related to the condition of Roma in Romania. Although adopted by the public institutions under European Union scrutiny, the Strategy has not changed in any way the public discourse of the major political parties, nor has it brought a debate in the public sphere about the Roma problems and possible solutions. Still, the Strategy has led to an increased participation of the Roma in public life at national and local level.

The Strategy for the improvement of the Roma in Romania has provided for a higher participation of the Roma at local and national level. At central level, the National Office for Roma was set up, responsible for the monitoring and implementation of the relevant legislation for the improvement of the situation of Roma. At local and county level, according to the Strategy, each town hall and prefecture should hire one Roma expert. Although not an elected official, this is regarded in some cases as an instrument for increasing participation of Roma at local level, an instrument that has proven its efficiency in some communities.

The Roma community is one of the most fragmented minority communities with 5 organizations presenting candidates in local and national elections, until the 2004 local elections. Although the Roma Party is the main Roma party, its impact on policies at local or national level is very low. The implementation of the Strategy for Improving the Situation of Roma was very slow and politicized. Especially in the first years after its elaboration, the impact of the Roma Party was to a certain degree negative, by further slowing the selection of people for some of the mechanisms of implementation⁵⁰. This was possible also due to the association of the Roma Party with the main party in the Government, an alliance that was even less productive and visible than the one with DAHR.

⁵⁰ The nomination of people for non-political positions was highly politicized by Roma Party, that refused to agree to certain appointments, as long as the persons were not party members. See, *Monitoring Report on the implementation of the Strategy for Improving the Situation of Roma*, 2005, available at www.romacenter.ro

Participation of small minorities-in-power

For the small minorities, the most relevant moments after the fall of communism were symbolized by their representation in the Parliament, as well as by the set-up of the Council of National Minorities in 1993. The relevance of the Council is primarily due to its main prerogative - the administration of financial support for the minority communities.

Although the Law is permissive, legal practice shows that the participation is not effective, the legislative initiatives of national minorities (others than the Hungarian one, whose parliamentary representation is not a result of this special measure) in general are not taken into consideration. Although the small minorities, together with the Roma, constitute the Group of the National Minorities in the Chamber, they had little impact so far on the projects meant to improve the policies concerning the minorities. The group has proven to be rather a constant associate of those in power, usually supporting the governments' policies, without ever trying to use this in the benefits of their own represented groups. Their overall activity is very weak, compared with all other groups, failing to have even one major political project.⁵¹

The benefits, as well as its limitations of the reserved seats system, are obvious. The system has led to increased visibility of the small minorities in public life, ensuring one voice for each in the Legislative. It has given access to resources for the minority communities through the financial support offered by the Council of National Minorities. As for the limits of the system, the first issues is the efficiency of the deputies in addressing the community interests visible in the low level of activity in the Parliament, and in the lack of projects addressing the problems of the minority communities. Another deficiency of the system refers to the link between the representative in

⁵¹ This issue is the goal of the monitoring report on the activity of the national minorities' representatives *The activity of the parliamentary representatives of the national minorities, 2004-2007*, done by EDRC, September 2007, available at www.edrc.ro.

the Parliament and the community. In several cases, there were suspicions and contestation from the community about the identity of the deputy. The most mediated case in this respect was the one of the deputy Vasile Savu, who represented (between 2000-2004) the Macedonian Slavs' minority in the Chamber of Deputies. Another organization of the same Macedonian minority, the Cultural Association of the Macedonian Slavs, founded in September 2004, tried to send to the Parliament a person who publicly admitted not to be of Macedonian origin. There are also other members of the Parliament, whose authentic membership within the ethnic minorities they represent, is questionable. The deputy Ileana Stana Ionescu was contested in 2000 for not being Italian, but this did not deter her from representing this ethnic group for four years. The deputy of the Albanian Cultural League, Oana Manolescu, claims to have an Albanian descent, but in the year 2000 she was strongly contested by other Albanians and even by some members of the association she belongs to. Another confusing situation is connected to the name of the deputy Gheorghe Firczak, representative of the Cultural Union of the Ruthenians. Firczak is of Hungarian origin and was a candidate on the lists of the Hungarian party in the local elections of 1996 and 2000, and then entered the Parliament in the general elections as a Ruthenian. Annex 2 shows the difference between the number of people declaring themselves as belonging to a national minority in the last census and the number of votes obtained in the 2004 national elections by the organization representing the community in the Parliament. The major differences in some cases (for example the Roma, the Ukrainians, two cases in which few of the declared members of the community voted for their representatives and the Macedonians, the Armenians, the Ruthenians who managed to raise more votes than the declared number of ethnics) and, more important, the variations from one election to another, shows that this representation mechanism is not advantaging the ethnic communities in the first place, but rather its beneficiaries are the minority organizations and the deputies in the Parliament.

e) Conclusion

If one looks at statistical data regarding the participation of persons belonging to ethnic minorities in the cultural, social and economic life, one can observe major deficiencies. The percentage of persons belonging to national minorities is considerably lower in “strategic” parts of the public administration, such as police, diplomacy, transports, post and telecommunications, financial activities, and property transactions. The under-representation of minorities in the public sector is a general phenomenon, although some measures have been taken to address this in the Police, for example.

This situation is preserved on the one hand by the majority population, which is tolerant to minorities, as long as their specific identity is not present in the public sphere; on the other hand, by the activity of the national minorities through their organizations.

The Hungarians, as the most numerous minority, had the greatest impact on the elaboration of policies accommodating diversity. But there are still discrepancies between the objectives of the Hungarian community and the majority perspective, as the issue of cultural autonomy has demonstrated. Moreover, the impact of DAHR’s participation has decreased considerably, putting under question the motivation of the party to stay in power or its ability to put on the political agenda the issues of the community.

The Roma community is quite fragmented from the political point of view, and the main legal acts meant to improve the situation of the community is very much owed to the European Union accession, to civic organizations dealing with Roma issues and not mainly to the activity of the political Roma organizations.

The efficiency of the system of representation of the small minorities is under question for some time, its impact on the public policies for minorities being practically null.

Unlike other countries in the region, Romania has not developed a mechanism of improved representation of minorities at the

local level. The participation of the national minorities in the last local elections has been restricted to organizations that are already present in the Parliament. This issue raises serious questions about democracy inside the system, about competition in representation of the national minorities, both at national and local level.

The issue of minorities and the instruments of accommodation suitable for Romania is not a topic of political debate. This situation is the result of creating parallel systems, in which the majority parties deal with any topic but the issues of minorities, while the minority parties deal only with issues of minorities.

The purpose of this analysis was to overview the main issues revolving around the system of representation of minorities through political parties or non-governmental organizations, and to point out the main limits that the 17 years of practice have brought to surface. A more in-depth analysis is required of not only the major problems, but also of the types of solutions suitable to these problems.

3. THE ROLE OF POLITICAL PARTIES IN MINORITY PARTICIPATION IN CROATIA

By ANTONIJA PETRIČUŠIĆ

a) Introduction

Covering the period from, shortly before the country gained independence up to present days, the present paper explores how have political parties helped the inclusion of national minorities in a political life and their participation in decision- making processes during a period of a democratic transition in the Republic of Croatia.

The first part of the Chapter deals with international framework that foresees participation of persons belonging to national minorities in public life. The international instruments are briefly examined, predominantly to point towards a rich plethora of international, soft law and legally binding sources that assure persons belonging to minorities the right to participate effectively in decision-making processes.

The second part of this Chapter offers a brief introduction into the Croatian political environment in a period of democratic transition. This part of the paper examines as well the (current) electoral system, briefly describing a political scene and the position of national minority parties and representatives in it. In this part, the paper scrutinizes if prerequisites for the ‘effective participation’ of national minorities in Croatia have been assured, arguing that the right to form ethnic political parties and minority associations contributes to the realization of this minority rights in Croatia.

In the third part, the Chapter explores the legal framework regulating the inclusion of minorities into the decision-making processes, both at national and local level. Namely, the Constitutional

Law on the Rights of National Minorities, passed in the late 2002, has essentially changed the organizational structure in the sphere of minority participation in the decision-making process. It prescribed minority representation in the Parliament, proportional representation of minorities in the state administration, as well as in the executive and legislative bodies of the units of local and regional government. Furthermore, it foresaw the establishment of national minority councils, consultative bodies that operate at local, regional and central level, thus increasing the voice of representatives of national minorities.

The Chapter will therefore attempt to answer the following questions: What is the role of Croatian political parties in minority participation in general? Which political options have managed to foster multi-ethnic political profile? Do ethnically based political parties predominantly attract minority electorate, or minority members tend to vote for civil political options? Do national minority electoral provisions, the reserved seats for minority MPs, as well as the special minority electoral unit, raise a risk of intimidation and discrimination? Has political representation been achieved primarily through minority parties at regional and local level? What role the kin states play in formation and maintenance of minority political parties? Are there several minority parties representing a single minority and what room is there for plural views within minority parties? Finally, answering specificities of the Croatian political context, the paper seeks to find out what has been the impact of Serb deputies supporting the HDZ government since 2003 at the local level and whether the minority councils had implications on the representation of minorities at local level?

3. The Role of Political Parties in Minority Participation in Croatia

	Total	%
Croatia (total)	4.437.460	100.0
Croats	3.977.171	89.6
National minorities (total)	331.383	7.5
Albanians	15.082	.3
Austrians	247	.0
Bosniaks*	20.755	.5
Bulgarians	331	.0
Czechs	10.510	.2
Germans	2.901	.1
Hungarians	16.595	.4
Italians	19.636	.4
Jews	576	.0
Macedonians	4.270	.1
Montenegrins	4.926	.1
Polacks	567	.0
Roma	9.463	.2
Romanians	475	.0
Russians	906	.0
Ruthenians	2.337	.1
Serbs	201.631	4.5
Slovaks	4.712	.1
Slovenians	13.173	.3
Turks	300	.0
Ukranians	1.977	.0
Vlachs	12	.0
Others	21.801	.5
Undeclared		
Total	89.130	2.0
Regional affiliation	9.302	.2
Unknown	17.975	.4

*In the 2001 census 19.677 citizens declared their ethnicity as Muslim.
Source: Central Bureau of Statistics

Table 6: National minorities according to the latest Census

b) The International and Comparative Frame for Political Participation of Minorities

Effective participation of persons belonging to national minorities in public life is well established in a number of international documents relating to the protection of national minorities. The legal obligation for providing effective participation of national minorities in public life, contained in such international minority rights instruments, has been transposed into the Croatian legislation.⁵² Therefore, the following paragraphs will shortly introduce an international legislative framework for the inclusion of minorities into political decision-making processes, as those norms either make an integral part of the domestic legal system (in accordance with Article 140 of the Constitution that provides that international agreements form part of the internal legal order and takes precedence over domestic legislation) or bound the state being a soft-law source of international law.

Even though it is not a legally binding instrument of international law, the United Nations (UN) Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities contains a provision on the right to effective participation in public life (Article 2, paragraph 3), thus contributing to the international minority rights system. The right of an individual or a group of individuals to create an association with an aim to participate in political life of the country and to take part in the conduct of public affairs are an integral part of the UN Convention on Civil and Political Rights of 1966 (Article 22 and 25). Unlike the UN, the Council of Europe has a long standing tradition in elaborating minority rights standards and codifying them into legally binding instruments of international law. The Council of Europe's European Convention on Human Rights is responsible for the protection of minorities because its universally applicable individual rights can also be claimed, individually or collectively, by persons belonging to national minorities. Relevant provisions include the freedom of thought, conscience and religion, the freedom of expression, the freedom of

⁵² See e.g. Antonija Petričušić, "Važnost sudjelovanja nacionalnih manjina u javnom životu: primjena međunarodnih standarda u Republici Hrvatskoj i Južnom Tirolu" Mitja Žagar et al. *Manjine i europske integracije* (Split: Stina, 2005), pp. 54-69.

assembly and association. In addition, Protocol No. 12, of which Croatia is a signatory party, provides a general prohibition of discrimination. The Council of Europe, in 1990s, drafted two prominent, legally binding minority rights-related conventions. Apart from the European Charter for Regional and Minority Languages, the Framework Convention for the Protection of National Minorities (FCNM), of which Croatia is also a signatory party, guarantees the right to effective participation in public life (Article 15).⁵³ The application of the Article 15 is “intimately linked” with the provision of Article 4 of the FCNM that prescribes the need to achieve “full and effective equality” and prohibits “any discrimination based on belonging to a national minority”.⁵⁴ The Organization for Security and Co-operation in Europe (OSCE) recognized the importance of participation of national minorities in the decision-making processes, as well. The Lund Recommendations on the Effective Participation of National Minorities in Public Life, has prescribed methods of diversity integration through participation in public life.⁵⁵ The Recommendations start from the assumption that effective participation of national minorities in public life is an essential component of a peaceful and democratic society. Experience of recent inter-ethnic conflict on the territory of Croatia in the 1990s underlines the importance of promotion of such participation. Another relevant OSCE instrument are the Guidelines to Assist National Minority Participation in the Electoral Process, which aim at making the participation of national minorities in public decision-making more effective by enhancing their representation.⁵⁶ Consequently, the OSCE

⁵³ See commentary to Article 15 in Marc Weller (ed.), *The Rights of Minorities. A Commentary on the European Framework Convention for the Protection of National Minorities* (Oxford: Oxford University Press, 2005).

⁵⁴ See Joseph Marko, “Effective Participation of National Minorities: A Comment on Conceptual, Legal and Empirical Problems”, Secretariat of the Framework Convention for the Protection of National Minorities, DH-MIN(2006)014, 20 October 2006, p. 3.

⁵⁵ OSCE High Commissioner on National Minorities, “Lund Recommendations on the Effective Participation of National Minorities in Public Life”, at <http://www.osce.org/documents/hcnm/1999/09/2698_en.pdf>. See also Kristin Henrard, “‘Participation’, ‘Representation’ and ‘Autonomy’ in the Lund Recommendations and their Reflections in the Supervision of the FCNM and Several Human Rights Conventions!”, *International Journal on Minorities and Group Rights*, Vol. 12, No. 2 (2005), pp. 133-168.

⁵⁶ Office for Democratic Institutions and Human Rights (ODIHR), “OSCE Guidelines to Assist National Minority Participation in the Electoral Process”, available at http://www.osce.org/publications/odhr/2001/01/12347_129_en.pdf.

created with the High Commissioner on National Minorities an institution which intervened silently but efficiently behind the diplomatic scenes for the protection of minorities. The importance of a need to establish specific arrangements for national minorities has also been included in the Central European Initiative Instrument for the Protection of Minority Rights which confirmed in 1994 that the states shall guarantee the right of persons belonging to national minorities to participate without discrimination in the political, economic, social and cultural life of the State and shall promote conditions for exercising these rights.

Finally, the European Union has become the centre of the European gravitation field, which means that it has become highly attractive for a majority of European states concerning the membership in this exclusive and welfare-creating club. The European Union used its level of conditionality in order to influence the minority performance of all states applying for EU-membership. Although the EU has quite limited legal competences in minority protection (e.g. Article 21 of the Charter of Fundamental Rights of the EU prescribes that members of national minorities shall not be discriminated against), the political criteria for accession to be met by the candidate countries, as laid down by the Copenhagen European Council in June 1993, stipulate that these countries must have achieved “stability of institutions guaranteeing democracy, the Rule of Law, human rights and respect for and protection of minorities.” In the case of Croatia, the conditions defined by the Stabilization and Association Process are also a fundamental element of EU policy. Namely, in the framework of the Stabilization and Association Process (SAP) a general approach prescribed in the Copenhagen criteria is combined with a country-to-country approach which allows flexibility in order to tailor conditionality to the specific situations in the respective countries.

Examining the EU policy towards the Western Balkans’ countries, it is possible to witness that the European Union is not only upholding the Copenhagen criterion of the “respect for and protection of minorities” but it applies a revised conditionality policy.⁵⁷ When

⁵⁷ This sort of second generation has been conditionally established by the Council’s conclusions of 29 April 1997 and it follows a so called “graduated approach”. See e.g. Council Conclusions

comparing the first generation conditionality (towards the Central and East European Countries) with the second generation conditionality (towards the countries of the Western Balkans), one can observe that the EU conditionality has become fine-tuned. In addition to this, the element of minority protection has become much more outspoken. For example, special emphasis is herein rather given to the return of refugees, restitution of property and the issue of tenancy rights is as well attached to the minority criterion. This leads to the conclusion that “the second generation conditionality is more exposed not only from a normative perspective, but also from a political view.”⁵⁸

On 21 February 2003, Croatia submitted an application for EU membership. After the Commission prepared a positive opinion on Croatia’s application for membership on 14 April 2003, Croatia was awarded candidate status on 18 June 2004. The opinion was accompanied by the European Partnership for Croatia, which listed short- and medium-term priorities for Croatia’s preparations for further integration into the European Union. Both the short- and medium-term priorities required improvement of minority rights, in particular ensuring that proportional representation of minorities in local and regional self-government units is achieved, as well as in the state administration and judicial bodies, and in bodies of the public administration. In addition, authorities were asked to provide the necessary means, including adequate funding, to ensure proper functioning of elected minority councils. The European Commission additionally annually scrutinizes the implementation of minority rights in the course of the accession in the progress reports. The 2006 report found out that the “[i]mplementation of the Constitutional Law on the Rights of National Minorities (CLNM) continues to be slow and problems persist particularly in terms of under-representation of minorities in state administration, the judiciary and the police.”⁵⁹ In

on the Application of Conditionality with a view to developing a Coherent EU-Strategy for the Relations with the Countries in the Region, in Bulletin EU, 4 (1997).

⁵⁸ Gabriel von Toggenburg, “A remaining share or a new part? The Union’s role *vis-à-vis* minorities after the enlargement decade”, *EUI Working Paper*, No. 15 (2006), available at <http://www.iue.it/PUB/LawWPs/law2006-15.pdf>. See also Gabriel von Toggenburg (ed.), *Minority Protection and the Enlarged European Union: The Way Forward* (LGI/OSI, Budapest, 2004).

⁵⁹ European Commission, “2006 Progress Report on Croatia,” 2006, available at http://ec.europa.eu/enlargement/pdf/key_documents/2006/nov/hr_sec_1385_en.pdf.

this way, the accession process directly contributes to the enhancement of the effective minority representation in the country, both in the legislature and in the state administration.⁶⁰ The 2007 report warns “[t]here are [...] still obstacles to the sustainable return of Serb refugees, such as enduring hostility in certain localities, and remaining housing concerns, mainly those involving former tenancy rights’ holders, as well as problems with validation of pension rights. Implementation of the Constitutional Law on the Rights of National Minorities provisions in practice presents a mixed picture - some provisions are implemented well, others only to a limited extent. Particular attention needs to be paid to its employment provisions, as well as to tackling discrimination more widely, especially in the public sector.” The issue of minority rights is being negotiated in the Chapter 23 on judiciary and fundamental rights. Screening has resulted with the conclusion that the opening of the Chapter will *inter alia* happen upon meeting the benchmark on minority rights. Croatia is due to provide the Commission with the plans on the full implementation of the CLNM, as well as on the accelerated implementation of the Housing Care Programme for former tenancy right holders wishing to return.

c) Croatian Political Environment in a Period of Democratic Transition

A Decade-Long Delayed Democratic Consolidation

The seeds of today’s political parties in Croatia must be traced in so-called citizens’ associations that were emerging in the late 1980s, i.e. in the last phase of Yugoslav socialist system. The first non-communist citizens’ associations of that time that emerged in Croatia were the Croatian Social Liberal Alliance (Hrvatski socijalno liberalni savez, later Croatian Social Liberal Party, HSLP), the Croatian Democratic Union (Hrvatska Demokratska Zajednica, HDZ),

⁶⁰ Compare Antonija Petričušić, “European Integration Process in Croatia: Powerful Tool for Minority Rights Improvement”, Joseph Marko (ed.), *European Integration and its Effects on Minority Protection in South Eastern European Countries* (Nomos, Baden Baden, 2007).

the Association for a Yugoslav Democratic Initiative, etc. They were able to emerge since a liberal Republican League of Communists legalized those citizens' associations that were, in fact, opposition parties. Croatia, like Slovenia, amended its constitutions in 1990 in order to create a statutory basis for multiparty elections that took place in the spring of 1990.⁶¹ The Croatian Democratic Union ended up first since the runoff voting system of the time favoured the two strongest parties. Such an electoral system allowed the HDZ, the party with relative majority, to win 205 out of 356 Parliamentary seats with 42% gained votes in the election.⁶² The reorganized Croatian League of Communists, renamed the Croatian League of Communists - Party for Democratic Changes (Savez komunista Hrvatske - Stranka demokratskih promjena, SKH-SDP, and later renamed again Socijaldemokratska partija Hrvatske, SDP) and the Coalition of People's Accord⁶³ (Koalicija narodnog sporazuma, KNS), the bloc of mostly moderate nationalist parties, came in second and third, respectively. The Serbs of Croatia also organized themselves politically already in 1990. The Serb Democratic Party (Srpska demokratska stranka, SDS), led at that time by Jovan Rašković, requested a change of regional policy that did not serve the interests of the Serb people any longer, advocating full territorial autonomy at first, and later independence. The SDS, apart from the Knin region, did not manage to organize itself properly prior to the elections, which resulted in a gain of only five seats in the Parliament.⁶⁴ The poor result was also a consequence of the fact that domestic opinion among Croatia's Serbs was still moderate, as most of them chose to vote for the reformed communists, SDP or for the Serbian People's Party (Srpska narodna

⁶¹ Compare Mirjana Kasapović, *Demokratska tranzicija i političke stranke: razvoj političkih stranaka i stranačkih sustava u Istočnoj Europi* (Zagreb: Fakultet političkih znanosti, 1996). Compare also Josip Kregar and Josef Marko, "Il sistema politico croato. Alcuni problemi di consolidamento della democrazia" Sergio Bartole and Pietro Grilli di Cortona (eds.), *Transizione e consolidamento democratico nell'Europa Centro-Orientale. Élités, istituzioni e partiti* (Torino: Giappichelli Editore, 1998), pp. 145-180.

⁶² Ivo Golstein, *Hrvatska povijest* (Novi Liber, Zagreb, 2003), p. 378.

⁶³ The Coalition of People's Accord encompassed the Croatian Social Liberal Party, the Croatian Peasants Party, the Croatian Democratic Party, the Croatian Christian Democratic Party, the Social Democrats of Croatia and a number of local, youth and environmentalist groups and individual candidates.

⁶⁴ Nikica Barić, *Srpska pobuna u Hrvatskoj 1990.-1995.* (Zagreb: Golden marketing - Tehnička knjiga, 2005).

stranka, SNS). After the electoral victory of HDZ in 1990, the SDS became even more radical.

Since in the context of emerging conflict with the Serb minority at the beginning of 1990s, the ethnicity became the most salient societal cleavage, a majority of political issues became interpreted in ethnic terms, and the mutual trust between two biggest ethnic communities fell drastically. Authoritarian rule of the President Tuđman naturally contributed to an additional rise of nationalistic rhetoric and ethnic-distancing among the population. Authoritarian system was witnessed in numerous areas, but particularly through the influence and control over the media, by restraining or shutting down media that openly criticized the Government, or by introducing the crime of insult of high government officials in the Criminal Code, as well as through the influence over the judicial system that was on purpose subjected to executive influence, and, *inter alia*, purged of the judges of the non-Croat ethnic origin. Discrimination against ethnic minorities was widespread in the public sector.

Throughout 1990s, the Croatian electoral and parliamentary system witnessed appearance of numerous new and disappearance of many political parties. At the same time, the power-relations between political parties had constantly been changing, as well as the ideological distances between them. However, it can surely be claimed that “parliamentary party system has changed from a typically two-party system, after 1990 parliamentary elections, into a multi-party system with a dominant political party, after 1992 parliamentary elections. At the same time, the processes of fragmentation, as well as of integration of non-parliamentary parties had been continued.”⁶⁵ The recent parliamentary elections, held in November 2007 indicated the return to bi-polar political system, as the centre-rightist HDZ and the leftist SDP gained together more than 80% of the popular vote.⁶⁶

In accordance with Linz’s and Stepan’s understanding of a conclusion of the democratic transition, it took a whole decade of

⁶⁵ Mirjana Kasapović, *Izborni i stranački sustav Republike Hrvatske* (Zagreb: Alinea, 1993).

⁶⁶ See results of the latest parliamentary elections at <http://www.izbori.hr/2007Sabor/rezultati/rezultatiSabor.html>.

1990s to complete it in Croatia. Namely, the predominantly authoritarian government in 1990s had been formed through (fairly) free and contestably fair elections, whereas the separation of powers between the branches of government had been, indeed, constitutionally set up, but in practice, often violated.⁶⁷ A consolidated democracy that encompasses a free and lively civil society, relatively autonomous and valued political society, Rule of Law to guarantee freedoms and independent associational life, state bureaucracy that is usable by the democratic government and institutionalized economic society (so-called *five arenas of a consolidated democracy*)⁶⁸ were finally able to take root after the coalition of the Social Democratic Party (SDP) and the Croatian Liberal Social Party (HSLP), as well as few smaller parliamentary parties formed the government in 2000, ending a nine-years' period of HDZ domination. The change of the government in 2000 allowed also for the establishment of a multicultural society unclear and introduced a climate of inter-ethnic coexistence that had been largely suppressed under the Tuđman regime.⁶⁹

Following the 2003 parliamentary elections, the Croatian Democratic Union (HDZ), which won relative majority of 66 mandates, launched a minority coalition government with the parliamentary support from parties representing minorities: the Independent Democratic Serbian Party (SDSS) that represents the Serb minority, the Croatian Democratic Action Party (SDAH) that represents the Bosniak minority, as well as the Pensioners' Party (HSU) and the Democratic Centre (DC). At the time of the latest government formation, the international community was clearly objecting the formation of a majority coalition government with far-right Croatian Party of Rights (HSP) that had won 7 mandates in the last elections.

⁶⁷ Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe* (Johns Hopkins University Press, Baltimore, MD, 1996).

⁶⁸ *Ibid.*

⁶⁹ Anđelko Milardović, *Političke stranke u doba tranzicije i globalizacije* (Zagreb: Centar za politološka istraživanja, 2006).

Political Parties in Croatia: Polarized Pluralism

Party systems can be classified according to the number of parties in the system. In accordance with such a typology, three principal types of party systems can be found in place: two-party systems, characterized sometimes by a limited format unclear and a small ideological distance; systems of moderate pluralism, characterized by limited pluralism and a relatively small ideological distance; and, polarized pluralism, characterized by extreme pluralism and a large ideological distance.⁷⁰ In accordance to such a Sartori's typology, "the Croatian political party scene is dominated by polarized pluralism, that is characterized by a) extreme fragmentation of the party scene, b) strong ideological distance among the parties (expressed in the confessional and class cleavages, as well as symbolic-ideological splits in the Croatian society), c) existence of anti-systemic parties, d) party dynamics and centrifugal type competition."⁷¹

The free formation of political parties is constitutionally⁷² and legally⁷³ recognized in Croatia, in a way that the internal organization of political parties must conform to the basic constitutional democratic principles. The Constitutional Court decides eventually on the non-constitutionality of a political party that, with its program or violent activity, tends towards undermining the democratic constitutional order or threaten the survival of the country. Finally, the Constitution also prescribes that parties must publicly account for the origin of their funds and properties (Article 6 of the Constitution). The register of political parties is kept by the Central State Administrative Office for Public Administration, serving as an official record of newly registered parties and those struck off the Register when no longer active. The question of the financing of the political parties had been

⁷⁰ Giovanni Sartori, *Parties and Party System: A Framework for Analysis* (New York: Cambridge University Press, 1976), pp. 126-139.

⁷¹ Dragutin Lalović, "Politički pluralizam i ustavni status političkih stranaka", *Politička misao*, Vol. 38, No. 4 (2001), p. 22.

⁷² Constitution of the Republic of Croatia, Official Gazette, 155/02.

⁷³ Law on Political Parties, Official Gazette, 76/93, 11/96, 164/98 and 36/01. See also Jasna Omejec, "Pravni pojam političke stranke" Ivan Prpić (ed.) *Država i političke stranke*, (Zagreb: Hrvatski pravni centar/Narodne novine, 2004), pp. 1-38.

prescribed in the Law on Financing of Political Parties, Independent Lists and Candidates.⁷⁴ Apart from the control of financial issues, there are no other mechanisms foreseen for control or supervision of the activities of political parties.⁷⁵ In addition to the right to form political parties, freedom of association is ensured, and citizens, both belonging to the majority population and to the national minorities may establish associations, endowments and foundations.⁷⁶ The associations are allowed to foster cooperation with kin-states.

The Croatian Democratic Union (HDZ) dominated political scene throughout the 1990s. With the exception of the coalitional 'Government of Democratic Unity'⁷⁷ formed in July 1991 and dominated by HDZ members, that occupied office till August 1992, this party was autonomously leading the country in almost a decade-long term of office. Being organized more as a broad national movement than a political party, it started to suffer from disintegrative tendencies between moderates, who advocated economic reform and integration into Euro-Atlantic structures already in mid-1990s, and hardliners who advocated a strict nationalist position. The first faction that emerged out of the HDZ were the Croatian Independent Democrats (Hrvatski nezavisni demokrati, HND) led by Josip Manolić and Stjepan Mesić. The faction came into being in 1993 as a response to the official Croatian irredentist policy towards Bosnia and Herzegovina. It merged with the liberal Croatian People's Party (Hrvatska narodna stranka, HNS) in 1997. Another moderate faction that emerged out of the HDZ, after President Tuđman's death and the

⁷⁴ Law on Financing Political Parties and Independent Lists and Candidates, Official Gazette, 1/07.

⁷⁵ Josip Kregar and Josef Marko, "Financiranje političkih stranaka", 2005, available at <<http://www.uni-graz.at/suedosteuropa/media/fpnfinstranaka.fix.pdf>>.

⁷⁶ State funding for the minority associations has increased in the last few years. In 2004, 22,000,000 HRK or 10% compared to previous year, was provided from the State Budget. In 2005 24,500,000 HRK, or 11.36% higher compared to 2004, whereas in 2006 29,700,000 HRK were provided, which constituted an increase of 21.22% compared to 2005. This total increase of about 43% in the three years assured the support of national minority interest groups, predominantly associations, towards the Government. Interview with the staff of the Government Office for National Minorities, August 2007.

⁷⁷ Some authors argue that this Government was not coalitional in a traditional sense, but "all-party-Government" formed in war conditions. See Mirjana Kasapović, "Coalition Governments in Croatia: First Experience 2000-2003", *Political Thought: Croatian Political Science Review*, Vol. 5 (2003), pp. 52-67.

parliamentary elections in 2000, was the Democratic Centre (Demokratski centar, DC). Even though after 2000 HDZ was deemed to continue extreme nationalist position, the election of Ivo Sanader as a party leader in 2002, resulted in a re-orientation of the party towards a centre-right position. Around the same time, two rightists' political parties emerged as an outcome of the party's shift towards a moderate course: the Croatian True Renaissance (Hrvatski istinski preporod, HIP) and the Croatian Block (Hrvatski blok, HB). The voters in the November 2003 election preferred the reformed HDZ, allowing Sanader to form a minority government in coalition with the Democratic Centre (DC) who gained one seat in the Parliament with eight minority representatives. Finally, the last faction that emerged out of the HDZ is the ultra-nationalist Croatian Democratic Alliance of Slavonia and Baranja (Hrvatski demokratski sabor Slavonije i Baranje, HDSSB), led by war-crimes suspect general Branimir Glavaš. This party came into being in late 2005, as a consequence of a political split between Sanader and Glavaš.

Apart from the HDZ and the DC, the centre-right political space was occupied by the Croatian Social Liberal Party (HSLŠ), which reunited with its offshoot from 1998, the Liberal Party (LS), in early 2006. This party has signed a pre-electoral agreement with another party of the centre-right, the Croatian Peasants' Party (Hrvatska seljačka stranka, HSS). Whereas HSLŠ won only two seats, the HSS won 7.2 % of the popular vote and 10 out of 152 seats (including one minority seat) on the November 2003 parliamentary elections. The coalition secured (only) eight mandates in November 2007 elections and entered into coalitional government with HDZ and SDSS.

The forerunner of the centre-left is the Social Democratic Party (SDP). Apart from the SDP, that remained relevant political actor after the political change at the beginning of 1990s, several minor (ultra)-leftist political parties have emerged out of the former League of Communists' membership: the United Left (Ujedinjena ljevica), the Action of Socialdemocrats of Croatia (Akcija socijaldemokrata Hrvatske, ASH) and the Socialist Workers' Party (Socijalistička radnička partija, SRP). The SDP was a leader of the coalitional

government that ruled from 2000 up to end 2003. SDP and the centre-right HSLŠ government indeed helped Croatia to liberalize the political sphere and the market, but also brought to an end the international isolation of Croatia that came as a consequence of the authoritarian and nationalistic Tuđman rule in 1990s. The achievements of the coalitional governments, as well as its failure were mostly ascribed to SDP, since the HSLŠ abandoned the coalition in 2002 “due to the feuding among the key coalition partners”.⁷⁸ After the death of the long-term party leader Ivica Račan in June 2007, the party leadership elections after a very long time put forward a new face (person) by electing a new party President Zoran Milanović. It is considered that those SDP inter-party elections were the first truly democratic party elections in the independent Croatia, as four candidates were nominated for the position of the party President. However, in spite of the positive media support of Milanović, his leadership did not secure the victory of the SDP in November 2007 elections. Nevertheless, the forerunner of the leftist bloc gained the majority of parliamentary seats in the Parliament since the country proclaimed independence, assuring its strong opposition position.

Another significant player at the centre-left side of the political scale is the Croatian People’s Party (Hrvatska narodna stranka, HNS) led by Vesna Pusić. The party was formed by former communist dissidents Savka Dabčević-Kučar and Miko Tripalo in the late 1980s. In the November 2003 elections, the party won 8% of the vote, assuring 10 seats. In February 2005, the HNS merged with the Party of Liberal Democrats (Libra) forming a new Croatian People's Party - Liberal Democrats (Hrvatska narodna stranka – Liberalni Demokrati), which holds 13 seats in the Parliament.

The right-wing Croatian Party of Rights (Hrvatska stranka prava, HSP) has transformed drastically in the last few years from a rigid ultra-nationalist party. Although it was expected that the HSP could, with its ethnocentric platform, attract good portion of the voters that were disappointed with the HDZ moderate turn in the 2003 parliamentary election, that did not happen in the 2007 elections. Whereas in 2003 this party secured eight seats with the leading role of

⁷⁸ Ibid.

the independent MP Slaven Letica, the HSP experienced significant fall in the 2007 elections, assuring only one seat in the Parliament. Such a poor result was, to a great extent, accomplishment of the HDZ campaign that mobilized rightist voters, convincing them that “a vote for HSP is a vote to SDP”. Another party that shared such a destiny is the Pensioners Party (Hrvatska stranka umirovljenika, HSU).⁷⁹

Apart from the radically nationalist Serbian Democratic Party (SDS), a moderate political option that had been aiming at bringing together the Serb electorate in Croatia formed in 1991, was the Serb People’s Party (Srpska narodna stranka, SNS) led by Milan Đukić. Đukić at first joined the Serbian Democratic Party, but decided to leave it, establishing a new party and declaring loyalty to the newly elected government. The SNS was therefore established as a political platform of the Croatian Serbs who were not in favour of the radical and secessionist policies of the SDS. Being the only Serb political option that recognized the legitimacy of the newly independent states, it represented ethnic Serbs that have chosen to participate in political life in Croatia in the first part of 1990s. It was therefore favourably treated by the President Tudman in the first part of 1990s and has often been referred to as the ‘Party of Tudman’s Serbs’. The SNS was representing the Serb minority in 1992, 1995 and 1999 elections in accordance with the provisions of the 1992 Constitutional Law on National Minorities⁸⁰ that guaranteed three seats for the representatives of the Serb minority. Đukić was elected to the position of a deputy Parliamentary speaker from 1992 to 1995 and was among Croatian representatives in the Parliamentary Assembly of the Council of Europe. Đukić led the party until his death in October 2007. In spite of the fact that Đukić criticized the official policy of the Government towards the Serb minority in the aftermath of military actions

⁷⁹ The Pensioners Party (Hrvatska stranka umirovljenika, HSU) came into being as a consequence of the unresolved state’s debt to the pensioners. The party won 4% of the popular vote or 3 seats, entering the Parliament after the 2003 elections and forming the coalition with the HDZ, which promised to put into effect honour the 1998 Constitutional Court decision that ordered the Government to repay outstanding arrears in the pension system that the pensioners had been deprived of in the 1990s. See Law on the Implementation of the Constitutional Court’s Decision, Official Gazette 105/04. In 2007 elections however, the HSU secured merely one mandate.

⁸⁰ Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities in the Republic of Croatia, Official Gazette 65/91, 70/91, 27/92, 34/92, 68 /95, 105/00.

undertaken in 1995, his party failed to secure greater supports of the Serb electorate in Croatia in the second part of 1990s and afterwards since a new political option, that more unambiguously articulated the right to return of the Serb population, came into place.

The Independent Democratic Serbian Party (Samostalna demokratska srpska stranka, SDSS), led by Vojislav Stanimirović, whose agenda advocates the return of the Serb refugees and the restitution of their property, as well as cooperation with neighbouring countries, was formed in 1997. This political party integrates the political will and activity of the largest part of the Serb community in Eastern Slavonia and among returnees in other areas in Croatia (predominantly in Krajina region) as it won all three seats reserved for Serb representatives in the last two parliamentary election in November 2003 and November 2007. Its programme *inter alia* advocates equality before the law and equal legal protection for all citizens, protection of minority rights and respect for the acquired rights of the Serb ethnic minority, minority self-government and the proportional representation of ethnic minorities in representative, executive and judicial bodies, the cultural autonomy of Serbs in Croatia etc. Non-parliamentary party that is representing the Serb minority is also the Party of Danube Serbs (Partija podunavskih Srba, PPS) founded during the peaceful reintegration of Slavonia, Baranja and Western Sirmium in 1998.

Members of the Italian minority in Croatia cling towards the regional political options that are advocating regional development of Istria, the region traditionally inhabited by the Italian minority. Since Istria is economically outdoing in the country, such a strive for a greater autonomy or regionalism does not come as a surprise. The most prominent political party in this region is the Istrian Democratic Assembly (Istarski demokratski sabor, IDS-DDI) that has held 4 seats in the Parliament (won 2,6% of the popular vote in the latest elections). The party is the strongest political option in Istria, predominantly winning relative majority in all Istrian municipalities in local elections. However, a trend of downsizing the mandates can be traced in the latest two local elections held in 2001 and 2005. In order to secure passing the parliamentary thresholds, this party entered coalitions with

the Dalmatian Action and the Democratic Association of Rijeka in 1992, as well as with the HSS, HNS, Hrvatska kršćanska demokratska unija (HKDU) and Slavonsko-baranjska hrvatska stranka (SBHS) in 1995, with the HSS, HNS, Akcija socijaldemokrata Hrvatske (ASH) and Liberal Party in 2003, with the SDP, Stranka liberalnih demokrata (Libra) and Liberalna stranka (LS) in 2003. It is strongly present in the local and regional political affairs of Istria. The promotion of multi-ethnicity, the historic specificity of Istria core component of the IDS political programme, along with the promotion of development of regions in Croatia and the creation of the Euro-region of Istria as a permanent form of cooperation of parts of Istria in Croatia, Slovenia and Italy. In addition to this one, there are two non-parliamentary regional parties from Istria: the Istrian Social Democratic Independent Party (Istarska socijaldemokratska nezavisna stranka, ISDNS) and the Istrian Social Democratic Forum (Istarski Socijaldemokratski Forum - Foro Social Democratico Istriano, ISDF-FSDI).

There are several other political parties that mostly gather minority members: the Democratic Union of Hungarians of Croatia (Demokratska zajednica Mađara Hrvatske, Horvátország Magyarok Demokratikus Közössége) representing the Hungarian minority, the Party of Democratic Action of Croatia (Stranka demokratske akcije Hrvatske, SDAH) comprised predominantly of Bosniaks/Muslims, whereas several political parties that were counting on representation of Bosniak community ceased to exist in the meantime (e.g. Bosanska demokratska stranka, Demokratska zajednica muslimana Hrvatske, Hrvatska muslimanska demokratska stranka). German People's Union - National Association of Danubian Schwaben in Croatia (Njemačka narodnosna zajednica - Zemaljska udruga Podunavskih Švaba u Hrvatskoj) represent the German minority and has assured one seat in the latest parliamentary elections. The MPs from the minority-reserved seats are often, but not necessarily, members of these parties. For example, the representative of the Hungarian national minority is a member of the SDP, and the representative of the Czech national minority was put forward by the HSS.

The members of Roma community are given a possibility to vote for the Croatian Roma Party (Stranka Roma Hrvatske, Hromani

partija ande Hrvatska, SRH) and the Democratic Party of the Croatian Roma (Hrvatska romska demokratska stranka, HRDS), both of those political parties being non-parliamentary ones. Albanians were previously associated in the Albanian Christian Democratic Party of Croatia (Albanska demokršćanska stranka Hrvatske), the Democratic Alliance of Albanians of Croatia (Demokratski savez Albanaca Hrvatske, DSAH) and the Albanian Islamic Democratic Union (Albanska islamska demokratska unija) but all those parties were deleted from the registrar of political parties due to the inactivity.

Considering the polarized pluralism in which Croatian political parties operate, one must question if the system fosters party “ethnification” or it encourages the cross-ethnic voting and whether there is a space for inclusion of national minority interests into the political platforms of civil options. As studies on ‘party nationalization’ demonstrate, many parties in the new European democracies attract their voters with their position on ethnic issues. However, since the party “ethnification” is hereby seen as a consequence of centralization of government activities where “variance in party nationalization has been explained through the degree of government centralization: government decentralization gives incentives for regional parties to exist, while concentration of power at national level of government gives incentives to form national political organizations”⁸¹, the theory cannot be reflected into the Croatian political reality.

First of all, a trend of emergence of regional parties has emerged back in 1990s, in the time of strongest nationalist sentiment that was accompanied by the strong centralist rule. The change of the government in 2000 had weakened centralist tendencies, introducing the reform of regional and local governance.⁸² Secondly, it is true that many Croatian political parties (had) mobilise(d) their electorate around ethnic lines, particularly rightist and minority ones, but the very existence of civic parties (such as the Social Democratic Party and the

⁸¹ Daniel Bochsler, “Ethnic Diversity, Electoral System Constraints and the Nationalization of Political Parties. A Triangle Model, Applied on the Central and Eastern European Countries”, unpublished paper, p. 9.

⁸² Law on Local and Territorial (Regional) Self-Government, Official Gazette 36/01.

Croatian People's Party) whose programmes insist on the policy of multiculturalism, and promote inclusion of candidates with different ethnic backgrounds at the electorate slates, speaks in favour of (gradual) emergence of the ethnically inclusive (political) society. However, existing ethnic parties appeal almost exclusively to voters from their own ethnic group, rarely or not attracting majority electorate or members of other minority communities. Nevertheless, a fully mobilized ethnic party system has never been in place in Croatia, for a simple reason that the majority of Serb representatives at the beginning of 1990s withdrew from the Parliament, whereas in the second part of 1990s they were not allowed to be represented therein. The decline in the number of the Serb minority, after the ethnic conflict terminated, also significantly contributes to the inability to develop such a system. Due to the small number of population of other minority groups, it is not likely their political parties could form influential political force, at least not at national level. What is more likely, every electoral winner can undoubtedly count on eight minority representatives in the Parliament, since only partnership with the governing establishment guarantees successful political bargaining. If minority representatives had opted to support opposition in the last two assemblies of the Parliament, a set of their rights (no matter they are guaranteed by legislation) would not have been realized.

The change of minority legislation in late 2002 introduced reserved seats for the minority MPs in the Parliament and stipulated that the minorities have to be proportionally represented in the elected bodies of regional and local self-government units.

Changing Electoral System: Which Position for Minorities within It?

The right to vote and to stand as a candidate is guaranteed to persons above 18 years of age, since all citizens have universal and equal suffrage that they acquire when they turn 18 years, in compliance with a special law (Article 45 of the Constitution). The persons' voting should, as a rule, have their permanent residence in the area in which the elections are being held.

In accordance with the Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities (Article 17) and the 1992 Electoral Law, members of national minorities who constituted more than 8% of the population on the basis of the 1981 census, had the right to a proportional representation in the Parliament. Members of ethnic and national communities or Minorities who participated in the population with less than 8%, had the right to elect at least five, and not more than seven representatives (Article 10).⁸³ In the aftermath of military actions undertaken by Croatian authorities in the summer of 1995, when significant parts of the territories occupied by the rebelled Serbs were regained, the right to a political participation in the Parliament regarding Serb minority was suspended.⁸⁴ Even though in 1999 those suspensions have been brought to an end, they have not been implemented since the new Constitutional Law on the Rights of National Minorities was passed and the Electoral Law amended before the latest parliamentary elections in 2003. Former Law on Local Elections had foreseen a mixed electoral system, by which one quarter of the deputies in the local assemblies was elected through majority system constituencies, and three quarters via a proportional system. The same Law on Local Elections stipulated the right of minorities to be proportionally represented if they constituted more than eight per cent of the electorate of the local self-government unit.

Nowadays, the electoral system is the same for both national-wide and local elections. It is a proportional system, where the candidate lists have to pass a 5% threshold to qualify for the allocation of seats.⁸⁵ Any party, coalition or independent candidate participating

⁸³ Law on Elections for the Representatives in the Parliament of Republic of Croatia, Official Gazette 22/1992.

⁸⁴ Constitutional Law on Temporary Suspension of the Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities, Official Gazette 68/1995.

⁸⁵ The Venice Commission had criticised the 5% threshold, particularly with respect to representation of minority parties in local assemblies, stipulating it “is quite high and tends to favour larger groupings, to the detriment of small political parties. It should be noted also that the lower the number of seats in a unit [...] the lower the probability that the (proportional) representation of minorities will be achieved. For instance, in elections to small local councils with only seven to ten seats, minor parties will need to obtain between eight and twelve percent of valid votes in order to have a representative elected. The *de facto* threshold may therefore in fact

in the elections must submit a list with the same number of candidates as there are seats in the body of which the elections took place. Seats are distributed on a proportional basis using the d'Hondt method for the calculation of seat distribution, with candidates chosen from the list according to their position on the list.⁸⁶

The electoral system at the national level is regulated by the Law on Elections for the Representatives in the Parliament.⁸⁷ This Law also prescribes that eight seats should be assured for the minority representatives. A special country-wide electoral district is established for minorities, allowing minorities to choose whether to vote for their minority MPs or for the electoral district of their residence. The electoral system at local level is laid down in Articles 9 and 11-24 of the Law on the Election of Members of the Representative Bodies of Local and Regional Self-Government Units.⁸⁸ A system of proportional representation, which generally favours smaller groups and is therefore more advantageous to minorities, is provided for, with blocked lists in a single constituency at the level of each local and regional self-government unit. The number of seats in each unit is stipulated by the unit's statute.

Inadequate treatment of national minorities in 1990s has seriously contributed to the slow-down of the democratization processes in 1990s.⁸⁹ For example, the discriminatory treatment in granting citizenship to the Serbs in 1990s resulted in prevention to exercise their rights as citizens to participate in elections.⁹⁰ Some other

be higher than that laid down by law. Again, this acts to the detriment of small (often minority) political parties." See Venice Commission, "Consolidated Opinion on the Law on the Election of Members of the Representative Bodies of Local and Regional Self-Government Units of Croatia," CDL-AD (2002) 3, available at [http://www.venice.coe.int/docs/2002/CDL-AD\(2002\)003-e.asp](http://www.venice.coe.int/docs/2002/CDL-AD(2002)003-e.asp), para 16.

⁸⁶ Law on the Election of Representatives to the National Parliament, Official Gazette 116/99, 109/00, 53/03 and 69/03-consolidated version.

⁸⁷ Law on Elections for the Representatives in the Parliament of Republic of Croatia, Official Gazette 22/1992, 68/1995, 116/1999, 53/2003, 69/2003.

⁸⁸ Law on Election on Members of the Representative Bodies of the Local and Regional Self Government Units, Official Gazette 33/01, 45/03.

⁸⁹ Siniša Tatalović, "Nacionalne manjine i hrvatska demokracija", *Politička misao*, Vol. 43, No. 2 (2006), p. 160.

⁹⁰ Human Rights Watch, "Second Class Citizens: The Serbs of Croatia", and Human Rights Watch/Helsinki, "Civil and Political Rights in Croatia" (New York: Human Rights Watch, 1995), pp. 8-15. See also, UNHCR Regional Bureau for Europe: "Citizenship and Prevention of

discriminatory legislative provisions (e.g. dealing with the right to acquire property, to return, to acquire social benefits or pensions) that hampered the implementation of minority rights have in the meantime been changed by new legislation. However, such legislative amendments “in certain fields of realization of the rights [...] often do not have any impact on improvement of the situation”, as “[p]roblems of discrimination can still be encountered in recognition and realization of a broad spectrum of the so-called *acquired rights*, such as the right to status, property, pension and social rights, labour code, tenancy rights, compensation of victims of terrorist acts, etc.”⁹¹ Addressing the issue of the right to participate in the elections, after the change of government in 2000, special provisions were foreseen for the voting-displaced persons, who were allowed to vote in special polling stations that allowed them to cast their votes in their original place of residence.⁹² In March 2005, the Parliament adopted Amendments to the Law on Local Elections, abolishing the provision that members of national minorities can participate in local elections only if they have their registered permanent residence in Croatia and actually reside there. This allowed also refugees of Serb origin to vote in the local elections, since great number of them still reside in neighbouring Bosnia and Herzegovina and in Serbia.⁹³

d) Representation and Participation of National Minorities

In order to assure participation of minorities in the decision-making processes, it is necessary to establish legal instruments that will allow for both a certain level of autonomy in decision-making processes, as well as to foresee integrative mechanisms for the inclusion of minorities into political life. The integration “can be

Statelessness Linked to the Disintegration of the Socialist Federal Republic of Yugoslavia”, European Series, Vol. 3, No. 1, (June 1997).

⁹¹ Siniša Tatalović, “Exercise of National Minority Rights in Croatia and European Integrations”, available at <<http://www.fes.org.mk/>>, p. 8.

⁹² See Espen Pettersen, “Republic of Croatia: Local Government Elections 2001”, Norwegian Institute of Human Rights, Nordem Report, 2001, available at <<http://unpan1.un.org/intradoc/groups/public/documents/UNTC/UNPAN019183.pdf>>.

⁹³ See e.g. Miroslava Rožanković, “‘Bolja budućnost’ s predizbornih plakata”, *Vjesnik*, 13.3.2003, p. 7.

fostered and guaranteed through instruments of representation and participation”.⁹⁴ The integrational dichotomy requires that the ‘representation’ of minorities is achieved through the individual right of freedom of association, through putting into place electoral mechanisms, such as exemptions from threshold requirements in proportional representation systems or the drawing of boundaries in majority vote systems, through the reserved seats in the legislature, executive or judiciary, and finally, through the proportional representation or ethnic quotas in state bodies. Two instruments contribute to the achievement of effective ‘participation’: bodies and instruments which provide for the consultation of minorities, so that their voice can be heard and taken into consideration and instruments which provide for ‘effective’ influence on decision-making by various forms of veto powers based on the representation of minorities in the bodies which adopt decisions.⁹⁵ In Croatia, three of four possible representational instruments (right to form minority associations and ethnic political parties, reserved seats in the Parliament for minority representatives at national level and proportional representation at regional and local level, as well as in the state administration) and one participational instrument (national minority councils. i.e. consultative bodies active at regional and local level) are in place. They will be discussed in the subsequent paragraphs.

The Domestic Legal and Institutional Framework for Minority Participation

The Croatian Constitution lists in its preamble, as Croatian minorities, the Serbs, Czechs, Slovaks, Italians, Hungarians, Jews, Germans, Austrians, Ukrainians and Ruthenians and other ethnic minority communities that are citizens of Croatia.⁹⁶ Apart from these, constitutionally mentioned ethnic communities, members of several

⁹⁴ Joseph Marko, *op. cit.*, 4.

⁹⁵ *Ibid.*, 4-5. On the necessity to introduce special measures, including the introduction of autonomy regime, in order to protect and promote the minority culture and achieve effective participation, see also Steven Wheatley, “Non-Discrimination and Equality in the Right of Political Participation for Minorities”, *Journal of Ethnopolitics and Minority Issues in Europe*, Vol. 3 (2002), available at <http://www.ecmi.de/jemie/download/Focus3-2002_Wheatley.pdf>.

⁹⁶ Constitution of the Republic of Croatia, Official Gazette 41/2001. On the contrary, the CLNM does not include an explicit list of minorities.

other ethnic groups are recognized as minority communities: Albanians, Bosniaks⁹⁷, Bulgarians, Montenegrins, Macedonians, Poles, Roma, Romanians, Slovenes, Turks, Vlachs and Jews. A census conducted in Croatia in April 2001 reported that around 90% of the country's inhabitants are of Croatian ethnic origin. The results of the census further reported that 7.47% of population belong to national minorities, which is half of the total number of the minority population in 1991.⁹⁸ Minorities in Croatia can be found in substantial numbers in following counties: Šibenik-Knin situated in the south; Vukovar-Srijem and Osijek-Baranja located in the very East of the country, centrally located Sisak-Moslavina and Karlovac; Istria bordering Slovenia and Italy at the sea; costal-mountainous Primorje-Gorski Kotar and Lika-Senj; as well as in Međimurje, located in the North and in the City of Zagreb.

The legal framework for minority protection in Croatia has improved significantly with the adoption of the Constitutional Law on the Rights of National Minorities (CLNM) in 2002.⁹⁹ The Law sets the domestic legal framework for minority rights, and together with several related laws¹⁰⁰ it establishes a high level of normative prerequisites for the protection of minority rights. The Constitutional Law on the Rights of National Minorities in the Republic of Croatia guarantees the rights of national minorities to education in their language and script, to the usage of the language and script used by a national minority, to cultural autonomy, as well as the right to participate in public affairs through representation in representative bodies on local and regional, as well as on state level, including their representation in administrative and judicial bodies. The Constitutional Law has additionally introduced the new institutes of councils and

⁹⁷ Prior to the official introduction of the national minority category 'Bosniak' in 2001 Census of population, members of the Bosniak minority used the category of 'Muslim' to officially identify their ethnic belonging.

⁹⁸ Results of the 2001 Census of Population, available at <http://www.dzs.hr>.

⁹⁹ Constitutional Law on the Rights of National Minorities in the Republic of Croatia, Official Gazette 155/2002.

¹⁰⁰ Law on Elections for the Representatives in the Parliament of Republic of Croatia, Law on the Election of Members of Representative Bodies of Local and Regional Self-Government Units; Law on the Use of Languages and Scripts of National Minorities and Law on the Education in the Language and Script of National Minorities, Law on Civil Servants, as well as in the Law on Local and Regional Self-Government, the Law on Courts, and the Law on State Judicial Council etc.

national minority representatives, and on the state level, the Council for the National Minorities. Since the Constitutional Law expands the rights of minorities, it was necessary to secure special measures in order to implement these new rights in practice.

Participation of National Minorities at National Level

In accordance with the previously valid Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities and the former Law on Elections for the Representatives in the Parliament of Republic of Croatia prescribed in 1992¹⁰¹, members of national communities who constitute more than 8% of the population on the basis of the 1981 census, had the right to proportional representation in the Parliament. Other minorities had the right to elect at least five, and not more than seven representatives. October 1995 amendments to the Law on the Election of Members of Parliament provided for a total of eight minority representatives: 3 for Serbs, 1 each for Italians and Hungarians, 1 for Czechs and Slovaks, 1 for Ruthenians and Ukrainians, and 1 for Germans and Austrians. In October 1999, amendments to the Law on the Election of Members of Parliament were made, specifying that the five representatives (for minorities constituting less than 8% of population) would be distributed as follows: Italians, Hungarians, and Serbs each entitled to elect one, Czechs and Slovaks elected one, and Ukrainians, Ruthenians, Jews, Germans, and Austrians elected one.¹⁰² This scheme for minority representation was implemented as well in the 2000 parliamentary elections. The 2000 Amendments to the Law on the Election of Members of Parliament re-introduced proportional representation in the Parliament, Government and supreme judicial bodies for minorities that constitute more than 8% of the population. However, the law provided that implementation of this provision would be suspended until after the official results of the 2001 census and therefore had no concrete effects in the formation of the assembly.

¹⁰¹ Law on Elections for the Representatives in the Parliament of Republic of Croatia, Official Gazette 22/92.

¹⁰² Amendments to the Law on Elections for the Representatives in the Parliament of Republic of Croatia, Official Gazette 116/99.

If the provision had been implemented immediately, Serbs would have been entitled to proportional representation based on their share in the 1991 census, i.e. 12%.

A current minority rights regime in the country is prescribed by the Constitutional Law on the Rights of National Minorities (CLNM). It contains only a general clause on the right to be represented in the Parliament to national minorities in a way that national minority members elect at least 5 and a maximum of 8 representatives in special electoral units. National minority members representing more than 1.5% of the overall population are guaranteed at least 1 and a maximum of 3 parliamentary seats, while national minority members representing less than 1.5% of the overall population have the right to elect at least 4 national minority representatives (Article 19).

Such a vague provision reflects the intention of the legislator to provide a general framework for political participation of minorities in the CLNM that was subsequently to be filled-in with other specific electoral laws. In accordance with the Law on the Appointment of Representatives into the Croatian Parliament, Serbian national minority group elects 3 members, Hungarian and Italian national minority groups 1 member each, while Czech and Slovak national minority group 1 member. The Austrian, Bulgarian, German, Polish, Roma, Romanian, Ruthenian, Russian, Turkish, Ukrainian, Vlach and Jewish national minority groups elect 1 member and the Albanian, Bosniak, Montenegrin, Macedonian and Slovenian national minority groups also elect 1 member for the Croatian Parliament (Article 16). Even though the Electoral Law reserves up to 8 parliamentary seats for ethnic minorities, there are all in total 11 members of minorities in the 152-seat Parliament, 8 of them being elected as minority representatives, whereas the others were elected in parties' electoral slates.

	Number of reserved seats	Guaranteed number of minority MPs
Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities (1991-2002)	8	3 Serbs 1 Italians 1 Hungarians 1 Czechs and Slovaks 1 Ruthenians and Ukrainians 1 Germans and Austrians
Constitutional Law on the Rights of National Minorities (2002 -)	8	3 Serbs 1 Italians 1 Hungarians 1 Czechs and Slovaks 1 Austrians, Bulgarians, Germans, Poles, Roma, Romanians, Ruthenians, Russians, Turks, Ukrainians, Vlachs and Jews 1 Albanians, Bosniaks, Montenegrins, Macedonians and Slovaks

Table 7: Legislative guarantees of reserved seats since 1990 and the number of minority MPs

Parliamentary elections	Number of MPs representing minorities	Party affiliation
1992	8	SDP
	3	SNS
	2	HNS
	1	HSLs
	4	Independent deputies
1995	2	SNS
	1	ASH
	4	SNS
2000	1	HSS
	1	Nez.
	3	Independent deputies
2003	3	SDSS
	1	HSS
	1	SDAH
	3	Independent deputies
2007	3	SDSS
	1	SDAH
	4	Independent deputies

Table 8: Distribution of minority mandates and party belonging of the minority MPs in the parliamentary elections

The right to propose candidates as national minority members is ensured for political parties, voters and national minority associations. There are no limitations (election threshold) for the election of national minority members into the Parliament, and the candidate with the most votes is elected, which in practice means that national minority groups may gain a parliamentary seat with significantly less votes than the majority population candidates. In addition to these guaranteed seats, national minority members may run and win parliamentary seats through political parties' lists.

Eight national minority members elected in the Croatian Parliament have founded a National Minority Members' Club. In

addition to this Club, the Club of the Independent Democratic Serb Party has been founded, since the members of this party elected into the Parliament fulfill the criteria from the Rules of Procedure of the Croatian Parliament regarding the founding of a club. Minority MPs are in somehow more favourable position, since a national minority parliamentary member may also be a member in his party's club and of the National Minority Members' Club. Therefore, in spite of the fact that the Rules of Procedure prescribe that a member of Parliament can only be a member of one club, members of the Independent Democratic Serb Party are members of two different parliamentary clubs, enabling them to more actively participate in the decision-making. The Rules of Procedure of the Croatian Parliament prescribe that the Committee on Human Rights and Rights of the National Minorities must have at least one member elected from the list of each national minority with a member in the Parliament. The Committee on Human Rights and Rights of the National Minorities is one of the Parliament's working bodies with the task to contribute to the fulfillment of national minority rights as established by the Constitution and the related laws, and to propose measures for the fulfillment of these rights.

Participation of National Minorities at Local Level

The post-war context of the Croatian society has been characterized by the reluctance of some local governments and administrations to successfully implement relevant minority related legislation, particularly in the areas that were directly affected by the ethnic conflict. At the same time, regions that have not experienced direct casualties (e.g. Istria or Medjmurje) could have served as bright examples how a policy of multiculturalism and tolerance might be fostered at local level.¹⁰³ The discriminatory practice expressed towards minorities at local level are slowly dissipating, partly due to the comprehensive legislative framework that foresees the right to

¹⁰³ Jasna Omejec, "The Role of Local Self-Government in Multicultural Issues and Interethnic Relationships in the Republic of Croatia" Ivan Koprić (ed.), *Legislative frameworks for decentralisation in Croatia*, Zagreb, Faculty of Law and Konrad Adenauer Stiftung, 2003), pp. 315-361.

representation in the representation bodies of the local self-government and representation bodies of the regional self-government for minorities (Article 20 of the Constitutional Act on the Rights of National Minorities and the Law on Election on Members of the Representative Bodies of the Local and Regional Self Government Units), but to the bigger extent due to the change of the political will imposed mainly from Zagreb, i.e. central level of government. The legislation foresees corrective mechanisms to allow for political representation of minorities at local level, in a way when not even one member of a national minority has been elected into a representative body, i.e. the assembly (just to use simpler language) of the local self-government, based on the general voting right, when this minority represents between 5% and 15% of the population in the municipality, the number of members for this council will be increased by one member, and the first national minority member not elected as part of one of the electoral list will be considered as elected, unless a special act establishes the appointment of representation body members for a local self-government differently.

When the representation of the number of national minority members in the regional self-government authority has not been secured for a minority representing more than 5% of the population, which ensures their representation proportional to their percentage in the overall population of this regional self-government, the number of members in this representation body will be adequately increased to the number needed for achieving the adequate representation, and those members of a particular minority who have not been elected in order of the proportional success of each list at elections will be considered as elected, unless a special act establishes the appointment of representation body members for a local self-government differently. Self-governing authorities, where national minority members do not constitute the majority of the population, are given a possibility to determine by their statutes to elect national minority members, or a larger number of national minority members than their percentage in the overall population of this territory. In addition to the right to representation in the representative bodies of the self-government authorities, national minority members also have the right to representation in executive bodies of the local authorities.

In the most recent local elections held on 15 May 2005 for 426 municipal and 123 city councils, 20 county assemblies and Zagreb City Assembly, 369 minority representatives were elected to local and regional bodies of self-government. Majority of them are the Serbs (227), followed by 73 Italians, 26 Hungarians, 20 Czechs, 10 Slovaks, 6 Bosniaks, three Roma and Ruthenians, and one elected Ukrainian.¹⁰⁴ Political representation of national minorities at local and regional level has been achieved primarily through minority parties, what reflects the confidence of minority electorate their representatives will stand for, improved implementation of minority rights such as in the sphere of education, use of official languages and financing of minority associations. Serb electorate is divided at local level between the SNS and SDSS. When not voting for minority parties, minorities opt to vote for the civic SDP.

Even though the national-wide coalition between HDZ and the SDSS has been functional and assessed as successful throughout the whole duration of current government's tenure, different approach was often taken by local branches of HDZ. For example in Knin, following the local elections held in 2005, the HDZ formed a coalition government with HSP and two other right-wing parties instead of with the SDSS which won just short of an absolute majority of seats in the council. This is a entirely opposite to Sanader's policy pursued at national level, where he took into account international objections to the formation of a majority coalition government with far-right HSP.¹⁰⁵ Nevertheless, such political inconsistency has not damaged the coalition at national level. Results of the local elections in Eastern Slavonia indicate that there are several municipalities where HDZ-SDSS coalition was endorsed, but also un-natural coalitions between SDSS and the rightists HSP were formed.

¹⁰⁴ Interview with the staff from the Government Office for National Minorities, August 2007.

¹⁰⁵ See OSCE Mission to Croatia, "Spot Report: 15 May Local Elections in Croatia", available at http://www.osce.org/documents/mc/2005/05/14692_en.pdf.

National Minority Councils in Croatia: When Good Idea Proves Wrong?

Recent developments in international minority rights protection also strengthen the role of consultative bodies and emphasize regional and local components in the minority rights' assurance. According to the CLNM (Articles 23 to 34) two new institutions that operate at local level have been introduced - the council (CNM) and national minority representatives, with the aim of participating in public life and the management of local activities. Creating those bodies, Croatian legislator went beyond legally binding international standards.¹⁰⁶ The legislator, being aware that parliamentary representation usually does not result in the ability to substantially influence political decision process, has foreseen the establishment of national minority councils which were expected to have a greater impact on the areas of concern for the community, e.g. issues concerning education, use of minority languages and or minority language, cultural autonomy and media. Minority-specific institutions are therefore considered as an important supplement to parliamentary minority representation. They "grant the communities a degree of self-government and make them the main interlocutors for contacts with [local and regional] governments."¹⁰⁷

The right to appoint a council can be exercised in the local self-governments on the territory of which members of a particular national minority participate with at least 1.5% of the total population, the self-government on the territory of which more than 200 members of a particular national minority live, as well as in regional self-governments, where more than 500 members of a particular national minority live. Members of national minority councils and the representatives are elected by a direct secret ballot for a term of four years. The first mandate of the national minority council expired in May 2007, and the latest elections for local councils of national

¹⁰⁶ Marc Weller, "Consultation Arrangements Concerning National Minorities", Secretariat of the Framework Convention for the Protection of National Minorities, DH-MIN(2005)011-final, 24 February 2006.

¹⁰⁷ Florian Bieber "Minority Rights in Practice in South Eastern Europe", *Balkan Yearbook of Human Rights 2004, Minority Rights* (Balkan Human Rights Network, 2005), p. 57.

minorities took place on 9 May 2007. Members of 19 national minorities had been given the possibility to vote for 308 minority councils and 228 individual minority representatives throughout the country.

The council and national minority representatives in a local self-government have the right to: (i) propose measures to the local authorities for improving the position of a national minority, including proposals of general acts establishing the issues of significance for national minorities; (ii) promote candidates for functions in state administration bodies and local self-government authorities; (iii) be informed about all issues to be discussed by working bodies of the representative self-government authority pertaining to the national minority position; and (iv) provide opinions and proposals regarding programmes of radio and television stations intended for national minorities.

The European Commission has noted that “[m]isunderstandings and a lack of awareness among both the local authorities and the minority groups are widespread with respect to the role of the local minority councils [...] especially [...] when it comes to the difference in the role of representatives of minorities elected to the local executive bodies. Financial sustainability of the minority councils is not guaranteed everywhere; some local authorities provide funds, others do not.”¹⁰⁸

Both the executive and legislative organs of the local self-government authority have the obligation to request the opinion and proposals of the national minority council regarding all acts determining the rights and freedoms of national minorities. Nevertheless, this task has not been always executed by the local self-government authorities. The EC 2006 Progress Report detected that “the capacity of CNMs to advise local government in relation to minority issues [...] continues to go unrecognized by the majority of local authorities. Progress was noted in Eastern Slavonia and some

¹⁰⁸ European Commission, 2005 Progress Report on Croatia COM(2005) 561 final, pp. 20-23 available at http://ec.europa.eu/enlargement/key_documents/reports_nov_2006_en.htm#press_mat.

urban areas, especially Zagreb, but overall CNMs, of which 274 have been elected to date, lack a clear understanding of their role and struggle to obtain premises and basic funding.”¹⁰⁹

Elections for local minority councils were initially held twice, on 18 May 2003 and on 15 February 2004.¹¹⁰ The second elections for the councils were held in June 2007. Even though the minority representatives and associations themselves strongly advocated for the postponement of the recent second elections to mid-2009 when the next elections for the regional and local authorities will take place, the government, after all, did not accept their proposal. Namely, the minority associations were hoping that shifting of the elections that would take place parallel with the elections for regional and local authorities would significantly increase the turn out of the minority electorate, that was both time under 10% of the minority population. Such a small number of minority members who vote for the local minority councils raises the question of legitimacy of the elected councils, but also reflects the weakness of the local minority councils’ competences.

State Council for the National Minorities and National Minorities Assembly

The CLNM established two new bodies at the state level: the State Council for the National Minorities and the National Minorities Assembly. The State Council for the National Minorities (the Council) has been founded at the state level with the aim of having national minorities participate in the public life, and in particular for the analysis and proposals to determine and resolve issues regarding exercising and protecting the rights and freedoms of national minorities. The Council has the right to: (i) propose to state authorities a discussion regarding certain issues of importance for national

¹⁰⁹ European Commission, 2006 Progress Report, op. cit.

¹¹⁰ The Registry of National Minorities’ Councils kept by the Central State Administrative Office for Public Administration included following number of councils by ethnic minority group: 13 Albanian, 24 Bosniak, 7 Montenegrin, 13 Czechs, 29 Hungarian, 3 German, 21 Roma, 4 Ruthenians, 4 Slovak, 10 Slovene, 119 Serb, 20 Italian and 4 Ukrainian. All in total, 274 councils and 69 minority representatives had been elected in the first minority councils elections.

minorities, or measures for improving the national minority position; (ii) submit proposals and opinions regarding programmes of public stations and public television intended for national minorities; and (iii) propose economic, social and other measures in areas inhabited by national minority members. The Council furthermore allocates funds secured by the State Budget for the needs of national minorities. The Council for the National Minorities members are appointed by the government as follows: 7 members of the national minority group from the list of candidates proposed by national minority councils and 5 members of the national minority group proposed by associations and national minority members among the renowned cultural, scientific, professional and religious persons. Members of the Council for the National Minorities are also national minority representatives in the Parliament by their function.

The National Minorities' Assembly (the Assembly) has the right to propose to the Croatian Parliament and the Government to debate the issues significant for the implementation of the CLMN, as well as that of special acts establishing national minority issues. One of the important authorities of this Assembly is the allocation of funds secured by the state budget for the needs of national minorities, while the users of these funds have the obligation to submit reports on spending these funds to the Assembly which then informs the Government and the Parliament about this.

e) Conclusions

The Constitutional Law on the Rights of National Minorities (CLNM) guarantees representation at all levels of elected government for minorities, as well as in the judiciary and state and local administration. Even though political participation of minorities at national, and regional and local level has been properly resolved by amendments of the electoral legislation, the minority under-representation in the administration and judiciary persists to be a problem, in spite of the strong international monitoring and EU conditionality policy. The Government attempted to address the

problem by introducing minority provisions in the Law on Civil Servants, the Law on Local and Regional Self-Government, the Law on Courts, and the Law on State Judicial Council, but such a regulation has not (yet) contributed to a significant increase of the civil servants of minority ethnic background. The reason for that might be a hesitance on the side of current civil servant to declare their (minority) ethnicity.

Although the formation of ethnic political parties is allowed, the ethnic party system is not in place in Croatia, since minorities constitute merely 7.5% of the population. However, results of the elections for representative bodies of regional and local self-government units reveal that Croatian political party scene remains to be ethnically divided at local level, as the examples of voting for multi-ethnic or civic political parties among minority members at local level are atypical and rare. Even though a number of political parties within a single ethnic minority could indicate a plurality of views in a single ethnic group, this is often not a case as several minority political options barely exist in the paper only.

The minority representation at national level is assured through the eight minority seats guaranteed in the Parliament. In addition to those eight seats, several more MPs are elected from the slates of civic political parties. Nevertheless, the Croatian political society is not yet completely (ethnically) desegmented, as several dominant political parties address predominantly voters of majority population, particularly rightist and central-rightist ones. However, the climate of ethnic-intolerance, particularly towards Serbs, and open nationalism is no longer socially acceptable after the change of government in 2000. The reformed HDZ has surprisingly done a lot in reducing ethnic distance, primarily by symbolic gestures of the Prime Minister Sanader who formed the minority government with the support of eight minority representatives in the Parliament. Such behaviour, generated predominantly by the EU accession process and its minority protection criterion, contributes to the rise of the democratic stability and rise of multicultural climate in the society that was until recently sharply divided along ethnic lines.

4. THOU SHALL NOT TAKE THE NAMES ETHNIC OR MINORITY, AND I WILL BLESS THEE: POLITICAL PARTICIPATION OF MINORITIES IN BULGARIA

By MARKO HAJDINJAK

a) Introduction

Talking about minorities and minority political participation in Bulgaria is a curious affair. Despite the fact that over 16 percent of Bulgarian population is of minority origin, the authors of the first democratic Bulgarian Constitution of 1991 strongly believed that “minority” is a “no-no” word, which does not go together with the “territorial integrity” and “unitary character” of the Bulgarian state. To be on an even safer side, they added the infamous Article 11, which prohibits the formation of political parties on ethnic grounds.¹¹¹ Yet, despite the ban, what is widely perceived as “the Turkish Party” has become one of the most important political parties in the country. The Movement for Rights and Freedoms (MRF) is the only party in Bulgaria, which can boast that it has increased its results on each consecutive elections. Its political record is impressive: three times it was a member of governing coalition under three different Prime Ministers (a conservative, a liberal and a socialist), two times it was given the mandate by the President to form a government, and once it brought down the government in which it participated by supporting the opposition’s vote of no confidence.

As mentioned above, the term “minority” is neither mentioned nor defined in the Bulgarian constitution. The constitution states that “all citizens shall be equal before the law” and that “there shall be no privileges or restriction of rights on the grounds of race, nationality,

¹¹¹ Article 11 (4): There shall be no political parties on ethnic, racial or religious lines, nor parties which seek the violent seizure of state power. Available at <http://www.Parliament.bg/?page=const&lng=en>

ethnic self-identity, sex, origin, religion, education, opinion, political affiliation, personal or social status or property status” (Article 6).¹¹² On the other hand, Article 36/2 explicitly mentions those “citizens whose mother tongue is not Bulgarian” and who have “the right to study and use their own language alongside the compulsory study of the Bulgarian language.”¹¹³

All citizens belonging to various ethnic, religious, linguistic and other communities in the state are regarded as part of the Bulgarian nation and, according to the Constitution, have no collective minority rights, but only individual ones.¹¹⁴ For example, Article 54 defines their right to “develop their own culture in accordance with their ethnic affiliation, which is recognized and guaranteed by the law.”¹¹⁵ Bulgarian citizenship is defined in the following way (Article 25/1): “A Bulgarian citizen shall be anyone born of at least one parent holding a Bulgarian citizenship, or born on the territory of the Republic of Bulgaria, should he not be entitled to any other citizenship by virtue of origin. Bulgarian citizenship shall further be acquirable through naturalization.”¹¹⁶

Despite the fact that the highest Bulgarian law is silent on the issue of minorities in the country, a number of laws, acts and court orders contain texts referring to groups other than the majority. In its Decision No. 4 from April 21, 1992 the Constitutional Court stated that despite being based on the principle of national integrity and unity, “the Bulgarian Constitution acknowledges the existence of religious, linguistic and ethnic differences, and respectively, of bearers of such differences.”¹¹⁷ Bulgaria has also ratified the Framework Convention

¹¹² Full text of the Bulgarian Constitution can be found on <http://www.Parliament.bg/?page=const&lng=en>

¹¹³ Ibid.

¹¹⁴ For a very detailed and informative overview of the legal status of minorities in Bulgaria, read Orlin Avramov, *Citizens for Human Rights Vol.1: We and the Others. On Minorities and Law* (Sofia: IMIR, 2004).

¹¹⁵ <http://www.Parliament.bg/?page=const&lng=en>

¹¹⁶ Ibid.

¹¹⁷ “Съдия Александър Арабаджиев - Решение N: 4 на Конституционния съд от 21 април 1992 г. по конституционно дело N: 1 от 1991 г. - група н.п. -> ТЪЛКУВАТЕЛНО /чл. 4, 5, 11, ал. 4 и чл. 44, ал. 2 от Конституцията,” http://www.constcourt.bg/re4_92.htm. The Court named the following Articles of the Constitution as those mentioning the persons belonging to

for the Protection of National Minorities and the European Convention for the Protection of Human Rights and Fundamental Freedoms in 1999. Both conventions, which contain articles mentioning national, ethnic, religious and linguistic minorities, are now a part of the Bulgarian legislation and even have priority over it.

When ratifying the Framework Convention, the Bulgarian National Assembly declared its commitment “to the policy of protection of human rights and tolerance to persons belonging to minorities, and their full integration into Bulgarian society,” on the condition that such policies “do not imply any right to engage in any activity violating the territorial integrity and sovereignty of the unitary Bulgarian State, its internal and international security.”¹¹⁸

In the beginning of 2004, Bulgaria passed the Law on Protection against Discrimination,¹¹⁹ which brought the country closer to the European standards in this sphere. The law provides for special measures benefiting minorities, for example protection of their distinctive culture and identity, the right to maintain and develop their culture, the right to practice their religion and use their language. The law obliges the ministries of education and of culture and the local authorities to take the necessary measures to avoid racial segregation in schools and other educational institutions. Central and local authorities must also implement a policy resulting in the minorities’ participation in governance and decision-making.

different religious, linguistic and ethnic communities: Article 37/1 (The state shall assist the maintenance of tolerance and respect among the believers from different denominations, and among believers and non-believers), Article 36/2 (Citizens whose mother tongue is not Bulgarian shall have the right to study and use their own language alongside the compulsory study of the Bulgarian language), Article 29/1 (No one shall be subjected to forcible assimilation), Article 44/2 (No organization shall incite racial, national, ethnic or religious enmity or an encroachment on the rights and freedoms of citizens) and Article 54/1 (Everyone shall have the right to avail himself/herself of the national and universal human cultural values and to develop his/her own culture in accordance with his/her ethnic self-identification, which shall be recognized and guaranteed by the law).

¹¹⁸ Council of Europe, “Human Rights and National Minorities: Country Specific Information,” September 19, 2007. Available at:

http://www.coe.int/t/e/human_rights/minorities/Country_specific_eng.asp#P129_6593

¹¹⁹ The Law is available on <http://www.mlsp.government.bg/equal/equalen/anti-discrimination%20law%20en.doc>

The principle of equal treatment of all the citizens regardless of their ethnicity is established in many other Bulgarian laws, like the Labor Code, the Law of Encouragement of Employment, the Law for Protection, Rehabilitation and Social Integration of Disabled, the State Employees Act, the Criminal Code, and others. The same principle was fortified by a number of Constitutional Court's rulings.

b) Minorities in Bulgaria¹²⁰

There are over 15 ethnic communities in Bulgaria. The largest group are Bulgarians 83.9% (according to 2001 census), followed by Turks and Roma. Most experts consider that the real number of Roma in Bulgaria is almost double the official number – between 600,000 and 700,000. The reason for the difference is that a large number of Roma self-identifies as Bulgarians or Turks, while some also choose

¹²⁰ An excellent encyclopedical publication containing articles dedicated to a variety of ethnic and religious groups in Bulgaria (including Pomaks, Turks, Gagaus, Tartars, Jews, Armenians, and Catholics) is Anna Krasteva, (ed). *Communities and Identities in Bulgaria* (Ravenna: Longo Editore, 1997). Other suggested reading on minorities in Bulgaria: Ilona Tomova, *The Gypsies in the Transition Period* (Sofia: IMIR, 1995). Available at: http://www.imir-bg.org/imir/books/Gypsies_in_Transition_Period1.zip; Antonina Zhelyazkova, Bojidar Alexiev, Georgeta Nazarska, *Мюсюлманските общности на Балканите и в България* (Sofia: IMIR, 1997); Jenja Pimpireva, *Каракачаните в България* (Sofia: IMIR, 1998). Available at: <http://www.imir-bg.org/imir/books/karakachans.pdf>; Evgenia Miceva, *Арменците в България – култура и идентичност* (Sofia: IMIR, 2001). Available at: http://www.imir-bg.org/imir/books/armencite_v_bulgaria.pdf; Emmy Barouh, (ed.) *Jews in the Bulgarian Lands: Ancestral Memory and Historical Destiny* (Sofia: IMIR, 2001). Available at: <http://www.imir-bg.org/imir/books/jews-ancestral%20memory.pdf>; Vera Mutafchieva, (ed.) *Многоцветие. Из културата на мащичествата в България* (Sofia: IMIR, 2001) available at: <http://www.imir-bg.org/imir/books/Mnogocvetie.pdf>; Ibrahim Yalamov, *История на турската общност в България* (Sofia: IMIR, 2002); Svetlozar Eldarov, *Католиците в България (1878-1989)* (Sofia: IMIR, 2002). Available at: <http://www.imir-bg.org/imir/books/Katolicite.zip>; Tsvetana Kyoseva, *Руската емиграция в България (20 – 50-те години на XX в.)*. (Sofia: IMIR, 2002). Available at: <http://www.imir-bg.org/imir/books/Ruskata%20emigracia.pdf>; Iva Kyurkchieva, *Светът на българите мюсюлмани от Тетевенско* (Sofia: IMIR, 2004). Available at: <http://www.imir-bg.org/imir/books/myusyulmani-Teteven.pdf>; Myumyun Isov, *Най-различният съсед* (Sofia: IMIR, 2005); Ilona Tomova, "Migrations of Roma in Bulgaria," Katerina Popova, Marko Hajdinjak, eds, *Forced Ethnic Migrations on the Balkans: Consequences and Rebuilding of Societies* (Sofia: IMIR, 2005), pp. 122-135. Available at http://www.imir-bg.org/imir/books/Forced_Ethnic_Migrations.pdf; Alexey Pamporov, *Ромското всекидневие в България* (Sofia: IMIR, 2006). Available at: http://www.imir-bg.org/imir/books/Pamporov_Roma_everyday_life_2006.pdf

4. Thou Shall Not Take the Names Ethnic or Minority, And I Will Bless Thee:
Political Participation of Minorities in Bulgaria

Vlach identity. Additional reason for inaccurate numbers is that many Roma do not live on addresses where they are officially registered, but have migrated to other towns or villages without officially changing their residence and are therefore hard to interview during census.

Ethnic Group	
Bulgarians	655 210
Turks	746 664
Roma	370 908
Russians	15 595
Armenians	10 832
Vlachs	10 566
Macedonians	5 071
Greeks	3 408
Ukrainians	2 489
Jews	1 363
Romanians	1 088
Others*	18 792
Undecided	62 108
No answer	24 807
TOTAL	928 901

Table 9: Division of the population according to ethnic group¹²¹

¹²¹ Source: <http://www.nsi.bg/Census/Ethnos.htm>. Other smaller minority groups include Karakachans, Tatars, Gagaus, Cherkez, Arabs and Albanians.

The fourth, significantly large ethno-religious group, are Bulgarian Muslims or Pomaks. The issue of Pomak identity has been a controversial one ever since the establishment of independent Bulgaria in 1878 and has yet to be resolved. The widespread belief, shared by many politicians, intellectuals (especially historians) and the predominant part of the majority population, is that Pomaks are not a separate ethnic group, as the only difference between Pomaks and other Bulgarians is religion. Over the years, much political, scientific and quasi-scientific effort has been made to “prove” that Pomaks are an inseparable part of the Bulgarian national body. These efforts were especially determined under the Communist rule. One of the best such examples is the book “On the Past of the Bulgarian Mohammedans in the Rhodopes,” published in 1958 by the Bulgarian Academy of Sciences.¹²² The book strongly reflected the cultural policy, which viewed Pomaks as “lesser” Bulgarians – inseparable part of the Bulgarian family-nation, but blemished with the wrong, Muslim religion.

Many times in history, the academic discourse about the Pomaks as “brothers who have lost their way” transformed into violent campaigns of forced assimilation during which Pomaks were forced to abandon their religion, customs and even their names. As a result, even today, the Pomak community is still very divided and uncertain regarding their identity. As no official data about their number exist, only estimates can be made. One indicator about their approximate number can be the census data, which show that around 130,000 people belonging to the Bulgarian ethnic group are Muslims by religion.¹²³ Some experts believe the real number is much higher. For example, one publication quotes an unofficial estimate made by the Ministry of Interior that there were 270,000 Pomaks in Bulgaria in 1989, however there is no explanation about how the Ministry came up

¹²² Из миналото на българите мохамедани в Родопите (Sofia: БАН, 1958).

¹²³ The National Statistical Institute provides a very detailed analysis of data on religious division of Bulgarian population on <http://www.nsi.bg/Census/StrReligion.htm>

with the number in the first place.¹²⁴ Another author presents similar figure of one quarter of a million.¹²⁵

All other communities are relatively small. Only Russians, Armenians and Vlachs number more than 10,000 people, while all others are lower than 5,000. Most of the people belonging to small minorities are well integrated into the Bulgarian society, intermarried with ethnic Bulgarians, and have, in numerous cases abandoned their mother tongue for Bulgarian language. Almost all of them, however, are active in preservation of their culture and traditions through organization of various cultural societies and publication of newspapers, journals and books. As a rule, they are not politically organized, with one notable exception – Macedonians.

Apart from Roma and Pomaks, Macedonians are the third minority group in Bulgaria whose numbers are highly disputed, ranging from the official 5,071 to 200,000, claimed by some Macedonian nationalists. The experts of Bulgarian Helsinki Committee estimate there are between 15,000 and 25,000 people with Macedonian self-awareness in Bulgaria, but add that most of them have a Bulgarian national self-consciousness and a regional Macedonian identity similar to the Macedonian regional identity in Greek Macedonia.¹²⁶ Historically, the policies of Bulgarian state toward its citizens with Macedonian self-identity have been highly controversial. In the 1940s and 1950s, the Communist Party encouraged the inculcation of Macedonian self-awareness in the Pirin region, but in the mid-1950s this policy was dramatically reversed. The official Bulgarian position became the complete denial of existence of Macedonian nation and language, not only in Bulgaria, but also in the neighboring Yugoslav Republic of Macedonia – something many in Bulgaria are still having difficulties in overcoming even today. In the censuses, the number of

¹²⁴ Yulian Konstantinov, Gulbrand Alhaug, and Birgit Igla. "Names of the Bulgarian Pomaks." *Nordlyd*. Tromsø University Working Papers on Language and Linguistics, No. 7 (1991), p. 103.

¹²⁵ Dobrinka Kostova, "Minority Politics in Southeast Europe: Bulgaria" *The Ethnobarometer Working Paper Series* (Rome: International Research Network on Interethnic Politics and Migration, 2001), p. 26. Available at: <http://www.ethnobarometer.org/pdf/wp05.pdf>

¹²⁶ Mariana Lenkova, *Macedonians of Bulgaria*. Center for Documentation and Information on Minorities in Europe - Southeast Europe (CEDIME-SE), <http://www.greekhelsinki.gr/pdf/cedime-se-bulgaria-macedonians.PDF>

Macedonians miraculously dropped from 187,789 in 1956 to 9,632 in 1965 to disappear altogether in the later censuses.¹²⁷

Religion	1887		1893		1900	
	Number	%	Number	%	Number	%
Orthodox	2 424 371	76.86	2 606 786	78.74	3 019 999	80.66
Mohammedans	676 215	21.44	643 258	19.43	643 300	17.18
Israelites	24 352	0.77	28 307	0.86	33 663	0.90
Catholic	18 505	0.59	22 617	0.68	28 569	0.76
Protestant	1 358	0.04	2 384	0.07	4 524	0.12
Armenian-Gregorian	5 839	0.19	6 643	0.20	13 809	0.37
Others	1 461	0.04	-	-	326	0.01
Undeclared	2 274	0.07	718	0.02	93	0.0
Total for the Principality	3 154 375	100.0	3 310 713	100.0	3 744 283	100.0

Table 10: Division of the population according to religion (Principality of Bulgaria, 1878-1908)¹²⁸

¹²⁷ Ulrich Büchsenbüch. *Малцинствената политика в България. Политиката на БКП към евреи, роми, помаци и турци (1944-1989)*. (Sofia: IMIR, 2000), p. 128. Available at: <http://www.imir-bg.org/imir/books/malcinstvena%20politika.pdf>

¹²⁸ Source: <http://www.nsi.bg/Census/StrReligion.htm>

4. Thou Shall Not Take the Names Ethnic or Minority, And I Will Bless Thee:
Political Participation of Minorities in Bulgaria

Religion	1910		1920		1926		1934		1946		1992		2001	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
Total	4 337 513	100.0	4 846 971	100.0	5 478 741	100.0	6 077 939	100.0	7 029 349	100.0	8 487 317	100.0	7 928 901	100.0
Eastern Orthodox	3 643 918	84.0	4 062 097	83.4	4 569 074	83.4	5 128 890	84.4	5 967 992	4.9	7 274 592	5.7	6 552 751	2.6
Muslim	602 078	13.9	690 734	14.4	789 296	14.4	821 298	13.5	938 418	3.3	1 110 295	3.1	966 978	2.2
Catholic	32 150	0.7	34 072	.7	40 347	0.7	45 704	0.8	-	-	53 074	.6	43 811	.6
Protestant	6 335	0.1	5 617	.1	6 735	0.1	8 371	0.1	-	-	21 878	.3	42 308	.5
Jewish	40 067	0.9	43 232	.9	46 431	0.8	48 398	0.8	43 335	.6	2 580	.0	653	.0
Armenian-Gregorian	12 259	0.3	10 848	.2	25 402	0.5	23 476	0.4	-	-	9 672	.1	6 500	.1
Other	706	0.0	371	.0	1 456	0.0	1 802	0.0	79 604	.1	15 226	.2	7 784	.1
No answer / undeclared	-	-	-	-	-	-	-	-	-	-	-	-	308 116	.9

Table 11:
Division of the population according to religion
129

¹²⁹ Source: <http://www.nsi.bg/Census/StrReligion.htm>

c) Brief Historical Overview of the Bulgarian State Policies towards Minorities

The first Bulgarian Constitution (1879) guaranteed the right to free practice of religion to those subjects of the Bulgarian Principality who were “Christians of non-Orthodox denomination or other believers” (Article 40).¹³⁰ The Constitution guaranteed the autonomy of minority religious communities and wide cultural rights for minority groups (the right to have their places of worship, schools, newspapers and journals). In Turkish schools, which were financially supported by the state, the language of instruction was Turkish. Turks also had their political representatives in the Bulgarian National Assembly, but had no right to form a political party on ethnic grounds. Yet, despite the Constitutional guarantees, the rights of the Muslim population were often not respected.

Bulgarian borders changed after the Balkan Wars of 1912 and 1913 and again after the World War I. As a result, despite the mass migrations, the size of the Bulgarian Muslim population increased instead of decreasing for the first time since 1885 (see Tables 10 and 11). This had a predominantly negative reaction among the majority population and some of the most important institutions in the country. Thus in early 1920s, the Bulgarian Orthodox Church, supported by the government, organized the first forced mass attempt to Christianize Pomaks. After the 1923 coup in Bulgaria, the state limited the autonomy of Turkish schools. In 1934, the King outlawed all political organizations in the country, including those of the Bulgarian Turks. The number of Turkish schools significantly decreased. At the same time, attempts to assimilate Pomaks were intensified, culminating with a forced substitution of the names of Pomaks with Christian Bulgarian names.

When the communists-dominated coalition came to power in September 1944, the state policies towards minorities initially changed for the better. Turks received a wide cultural autonomy, periodical publications in the Turkish language reappeared and private Turkish schools were legalized. Old names of Bulgarian Muslims were restored

¹³⁰ Constitution at <http://www.Parliament.bg/?page=history&lng=bg&hid=4>

and restrictions on wearing of traditional clothes were lifted. The Constitution of 1947 is the only Bulgarian Constitution ever to directly mention “national minorities.” Article 79 stated that “the national minorities have the right to study their mother tongue and develop their national culture.”¹³¹ The Constitution guaranteed equal rights to all Bulgarian citizens, regardless of their nationality, origin, denomination and property, while the propaganda of racial, national or religious hatred was declared to be against the law (Art.71). In the same period, the plans developed by Georgi Dimitrov and Josip Broz Tito about the creation of a federation between Bulgaria and Yugoslavia resulted in a political decision to count the entire population of Pirin Macedonia as members of Macedonian national minority. With Dimitrov’s death and Tito’s break with Soviet Union, the plans for Federation became irrelevant and, several years later, the Macedonian minority in Bulgaria, which officially numbered almost 200,000 in the 1956 census, all but “disappeared” as its existence was denied by the authorities.

The period of tolerant policies towards ethnic and religious minorities did not last long. In 1953, religious holidays were officially discouraged, in 1958 wearing of traditional Muslim clothes was outlawed and, a year later, the circumcision was prohibited. All private schools were closed down and religious education was forbidden. Children of Turkish, Jewish and Armenian origin, which could previously receive their education in private schools, had to enter secular state schools. Periodically, authorities tried to deal with the “Turkish issue” by forcing Turkish citizens to emigrate to Turkey. For example, between 1949 and 1951 over 150,000 Turks left Bulgaria.¹³²

The situation of minorities further worsened in the beginning of 1960s, when the communist authorities begun changing the names,

¹³¹ Constitution at <http://www.Parliament.bg/?page=history&lng=bg&hid=5>

¹³² For a concise analysis of the history of (forced or voluntary) emigration of Turks from Bulgaria from 1878 to 1989 see Omer Turan, “Turkish Migrations from Bulgaria” Popova, Hajdinjak, op. cit., pp. 75-91.

See also Mila Maeva, *Българските турци - преселници в Република Турция (Култура и идентичност)*. (Sofia: IMIR, 2006). Available at: <http://www.imir-bg.org/imir/books/balgarskite%20turci%20preselnici.pdf>

seen as a mark of “foreign” ethnic and religious affiliation.¹³³ First victims of this forced assimilation were the Roma Muslims, whose names were replaced with Bulgarian Christian ones. At the same time, the nomadic Roma were forced to settle. Next were the Pomaks in Western Rhodopes. An unprecedented resistance to the name changing among the population in several villages in 1964 led to deployment of army units. Despite that, the majority of Pomaks had their names changed between 1970 and 1974.

A decade later, the authorities for the first time initiated similar oppressive measures against Turks. In the period 1984–1985, the government forced nearly one million Turks (around 10% of Bulgaria’s population) to change their names. As a result of cruelty and large scale of this campaign, more than 360,000 Turks left the country in 1989, when the authorities decided to open the border with Turkey.

The fall of communist regime and the democratization of Bulgaria, which started in late 1989, enabled a full restoration of human and minority rights in the country. All those whose names have been changed were able to restore their original names, people who were forced to leave the country were able to return (although only a small portion in fact did return, the reasons for this are mostly economic rather than political), and all restrictions on free expression and development of minorities’ culture, religion and language were lifted. Although the first democratic Constitution, adopted in 1991, did not include the term “minority” nor its definition, it did specifically mention “citizens whose mother tongue is not Bulgarian” (Article 36) and added that everyone had the right to “develop their own culture in accordance with their ethnic affiliation, which is endorsed and guaranteed by the law” (article 54).

¹³³ A detailed account of the renaming, or the “revival” process, as it was known in Bulgaria, can be found in Evgenia Ivanova, *Отхвърлените “приобщени” или процесът, наречен “възродителен”. 1912-1989* (Sofia: Institut za iztochnoevropska humanitaristika, 2002); See also Ibrahim Yalamov, “The ‘Renaming’: Consequences and how to Overcome Them,” Evgenia Ivanova, “The ‘Renaming Process’ among the Pomaks: Thirty Years Later,” and Moyuru Matsumae, “Traces of the ‘Renaming Process’ among Pomaks in Bulgaria” Popova, Hajdinjak, op. cit., pp. 103-139.

In December 1997, the Government established a special body called the National Council for Ethnic and Demographic Issues (now named the National Council for Cooperation on Ethnic and Demographic Issues).¹³⁴ The Council's main task is to coordinate the cooperation between government institutions and NGOs of the Bulgarian citizens, belonging to ethnic minorities, or NGOs concerned with the issues of interethnic relations and minorities. The main goals of this cooperation include strengthening the ethnic tolerance in the country, monitoring that policies of equal rights and development for all citizens are respected, and assisting the preservation and development of culture, identity, religion, language, tradition and cultural heritage of Bulgarian minorities. The Chairperson of the Council is Emel Etem, the Deputy Prime Minister and a representative of the Turkish minority. The Council has around 70 members, including the Deputy Ministers from all ministries (three of them are minority representatives), several representatives of the Bulgarian Academy of Sciences and over 40 representatives of various minority NGO's, cultural societies or other organizations. These include the following minority organizations:

1. Armenian organizations:
 - Association of Armenian Schools "Stepanos Hovagimian" (Sofia)
 - Armenian General Benevolent Union "Parekordzagan" (Sofia)
 - Union of Cultural-educational Societies of Armenians in Bulgaria "Erevan" (Sofia)
 - Armenian Society "Homenatmen" (Sofia)
 - General Armenian Union for Education and Culture "Hamazkain" (Plovdiv)
 - Female Union "Armenian Benevolent Society HOM – Bulgaria" (Plovdiv)
2. Aroumanian organizations:
 - Centre for Aroumanian Language and Culture (Sofia)
3. Jewish organizations:
 - "Shalom" Organization of the Jews in Bulgaria (Sofia)
4. Karakachan organizations:

¹³⁴ For more on the NCCEDI, see <http://www.nccedi.government.bg/index.php>.

- Federation of Karakachan Cultural-educational Societies in Bulgaria (Sliven)
5. Roma organizations:
- National Roma Centre “St. George” (Sofia)
 - Foundation “Gyulchai” (Sofia)
 - Foundation “SHAM” (Montana)
 - Center for Interethnic Dialogue and Tolerance “Amalipe” (Veliko Turnovo)
 - National Centre of Roma in Bulgaria (Kostinbrod)
 - Foundation Regional Roma Union (Burgas)
 - United Roma Union Sliven (Sliven)
 - Society “World without Borders” (Stara Zagora)
 - Foundation “Lozenec” (Stara Zagora)
 - Foundation “Ethno-cultural Dialogue” (Sofia)
 - Democratic Union Roma (Sofia)
 - Foundation “Romano Drom” (Sofia)
 - Confederation of Roma Europe (Sofia)
 - NGO “Gypsy Europa” (Stara Zagora)
 - Foundation “S.E.G.A.” (Sofia)
 - Foundation “Hope for Roma” (Yambol)
 - Foundation for Regional Development Roma (Plovdiv)
 - Foundation “Roma-Lom” (Lom)
 - Foundation “Integration and Development of Minorities” (Yambol)
6. Turkish organizations:
- Cultural-Educational Centre “Navrez” (Dobrich)
 - Turkish Cultural Society “Dobrudzha” (Dobrich)
 - Society for Cultural Links with Turkey “Gyunesh” (Ruse)
 - Foundation “Centre for Youth Initiative” (Antonovo)
 - Cultural Centre “Yumer Lyutvi” (Kardzhali)
 - Turkish-Alevi Cultural and Charity Society “Akkadanlar” (Dulovo)
7. Vlach organizations:
- Association of Vlachs in Bulgaria (Vidin)

In addition to the National Council for Cooperation on Ethnic and Demographic Issues, there are also District Councils for

Cooperation on Ethnic and Demographic Issues. District Councils include experts from the district administration, municipality mayors, representatives of the regional offices of the central executive government, representatives of the regional providers of communal services, representatives of non-profit organizations and especially of minority NGOs, as well as the municipal experts on ethnic and demographic issues. Many municipalities have adopted municipal programs and plans for integration of minority communities and some municipal governments are trying to solve the most important problems in cooperation with the central authorities and the NGO sector. Unfortunately, there are large differences between municipalities, both in their willingness to address the existing problems and in their capacity to deal with them.

While the post-1989 period was in general characterized by the positive developments regarding the change of legislation and the general consensus among the main political parties regarding the protection of minority rights, there was also a notable opposition to these trends and especially to the active participation of minorities (most notably Turks) in the political life of the country. For example, when in December 1989 the Parliament passed the decision to restore the names of the people, whose names were forcibly changed, the nationalists organized a large protest meeting in Sofia. Many people rejected also other religious and cultural rights of minorities, like teaching of Turkish language (introduced to the state schools in 1991). The nationalists are also outraged by the daily 10-minute long news program in Turkish language on the national TV and have repeatedly demanded its removal. Sociological studies showed that only one half of the Bulgarians recognized the right of minorities to participate in the political life and to be involved in government.¹³⁵

The inter-ethnic relations in Bulgaria, which have developed in the course of the centuries, are manifested very differently on individual and on group level. The traditionally good relations at

¹³⁵ Peter Emil Mitev, "Relations of Compatibility and Incompatibility in the Everyday Life of Christians and Muslims in Bulgaria," Antonina Zhelyazkova (ed.), *Relations of Compatibility and Incompatibility*. (Sofia: IMIR, 1994), pp. 180–182; Попа Томова, "Социални промени и етнорелигиозни отношения" Georgi Fotev (ed.), *Съседство на религиозните общности в България* (Sofia: Institute of Sociology, BAN, 2000), pp. 171–269.

individual level have assisted in formation of mechanisms for prevention of conflicts at local level, which were often strong enough to successfully counteract the policies, made at central level. Yet, at the same time, the deep-rooted prejudices and stereotypes continue to prevail in the society, and have in recent years been marked by an exceptionally worrying rise in popularity of ultra-nationalist political parties.

d) Minority Participation in the Central and Local Government

The participation of minorities in the political life of Bulgaria has been, from the very beginning, shaped by Article 11 of the Bulgarian Constitution. Whether this Article is undemocratic and discriminatory, as it potentially denies a large number of the Bulgarian citizens a proper political representation, or was its introduction a wise decision, which helped to prevent the ethnicisation of politics that brought about a series of bloody conflicts in the former Yugoslavia, can be a subject of a long debate. The fact is that, despite the Article 11, most voters belonging to Bulgarian minorities are represented and feel represented both at central and local level of government.¹³⁶

This is especially the case for Bulgarian Turks and Pomaks, the majority of whom vote for the Movement for Rights and Freedoms, the third strongest party in the Parliament and member of the governing coalition. Roma minority is poorly represented at central level, despite the fact that Political Party “Roma” is one of the eight members of the Coalition for Bulgaria (a coalition overwhelmingly dominated by the Bulgarian Socialist Party, and officially the senior member – rather than BSP on its own – of the current governing coalition). Party “Roma” does not have much say in the work of the government, and has one single representative in the Parliament – its leader Toma Tomov. Another Roma party, Movement for an Equal

¹³⁶ On the other hand, one has to raise a question how many people actually do feel represented by any given political party in a country like Bulgaria, where only 10% of citizens trust the political parties, while 82% have no trust in them (trust/distrust values for the Government are 21%/69% and for the Parliament 14%/76%). European Commission, *Стандартен Евробарометър 66: Национален доклад България*, Fall 2006, pp. 44-47. Available at: http://ec.europa.eu/public_opinion/archives/eb/eb66/eb66_bg_nat.pdf

Public Model – DROM, is nominally represented in the Parliament, as it is one of the 6 parties comprising the right-wing coalition United Democratic Forces, dominated by the Union of Democratic Forces. While UDF used to be the strongest political force (along with the BSP) in the 1990s, its 2005 election result was very poor and as a consequence, none of DROM's candidates (who were rarely placed near the top of coalition's candidate lists) managed to enter the National Assembly. There are two more "hidden" Roma in the Parliament, members of the MRF, but as many others from the ethno-religious community of Muslim Roma, they self-identify as Turks.

In addition to the Movement for Rights and Freedoms, which has 34 MPs in the current Parliament (23 of whom are Turks, 4 who are Pomaks, and 2 who are Muslim Roma), there are only three other minority representatives in the Bulgarian National Assembly. All are members of the governing coalition member National Movement Simeon the Second: Rupen Krikorian is Armenian, and Soloman Passy and Nina Chilova are Jews. Passy was a Foreign Minister in the previous government, while Chilova served as Minister of Culture from February to August 2005, replacing the highly unpopular Bozhidar Abrashev on the post. However, it needs to be noted that none of them are representatives of their ethnic communities in the Parliament – they have not been elected as such and make no claims to stand for them and their interests.

In general, it is a bit of a problem to obtain accurate data about the ethnic origin of members of the Parliament and municipal councils or, in general, about the ethnic composition of Bulgarian political parties. In line with the legal environment, set by the Constitution, ethnic and religions affiliation of each person, including public servants, is an individual affair and is never declared. There are no official statistics, no database. The available personal information about MPs includes date and place of birth, education, previous employment, languages spoken, family status and political career. Thus, virtually the only way to determine the ethnic background of a politician is by name. This however works only for some ethnic groups with distinctive names, for example Turks, Armenians and Jews, although even in their case, this method is not always reliable (for

example, Chilova has an ordinary Bulgarian name and surname). In most cases Pomaks can be identified by having Muslim first names and surnames, often ending with Bulgarian suffix –ov or –ev, but this is not always the case. Some of the Pomaks whose names were changed before 1989 have kept their new, non-Muslim names. Roma are in general almost impossible to identify solely by name and thus often remain “hidden.”

The situation regarding minority political participation is more diversified at local level (see tables 13 and 14). In 2003, thirteen and in 2007, ten minority parties and coalitions entered municipal councils all over Bulgaria, along with many independent minority candidates or minority candidates elected on the lists of the civic parties. Although the number of successful minority parties decreased in 2007 as compared with the previous elections, their overall result increased. The number of minority municipal councilors rose from 908 to 1181, the number of minority municipal mayors from 30 to 45, and of village mayors from 573 to 883.

The vast majority of minority municipal councilors and mayors belong to the most important minority party, the Movement for Rights and Freedoms. In most municipalities, the MRF run independently, but (in line with the party’s declared political goal of “expanding its geography”¹³⁷) in many municipalities with no or with insignificant Turkish or Pomak population, it run in coalitions with different civic parties. For example, in several municipalities in the district of Vidin, its coalition partner was the Bulgarian Socialist Party. In Kyustendil district, however, MRF allied with several right and center-right parties in joint opposition to the BSP candidates. In several municipalities, MRF’s partners were small non-parliamentary parties like Christian Social Union, Agricultural National Union, Liberal-Democratic Union and Bulgarian Party Liberals. In two municipalities (Belogradchik and Samokov), MRF entered the municipal councils in coalition with the main Roma party, Euroroma. In Samokov, this

¹³⁷ Filiz Hyusmenova, MRF’s representative in the European Parliament, said on the press conference after the proclamation of unofficial results from the 2007 local elections that “compared to the 2003 elections, MRF significantly expanded its geography.” Quoted on the Movement for Rights and Freedoms web site, 29.10.2007, <http://www.dps.bg/cgi-bin/cms/vis/vis.pl?s=001&p=0232&n=000035&g=>

coalition was in fact the winning political formation, taking 6 out of 29 places in the council.

The main (and only) competitor of the MRF for the Turkish votes, the National Movement for Rights and Freedoms, fared much worse than in 2003 and seems to be slowly disappearing from the Bulgarian political landscape. The results of Roma parties have also been poorer than in 2003, although in total they have received more votes than on previous elections (to be discussed in more detail later). Six Roma parties have gained places in the municipal councils: Euroroma, Party “Roma”, Movement for an Equal Public Model (DROM), Party for Liberal Alternative and Peace (PLAM), Movement for Freedom and Justice, and Solidarity.

On the latest local elections, there was a significant increase in the number of civic parties, running with minority candidates in municipalities with ethnically diverse population. However, in most cases the motivation for this decision was not so much the genuine desire of civic parties to diversify their own ranks and provide more political space to the minority representatives, as was their desire to use minority candidates to try to fight the overwhelming dominance of the Movement for Rights and Freedoms in the predominantly Muslim populated areas of Bulgaria. The best example for this is the Ardino municipality, where the non-parliamentary party, the New Time, supported the former MRF minister Mehmed Dikme, who was forced out of the party after publicly voicing his criticism over authoritarian style of the party leaders. Dikme came close second behind the MRF candidate Resmi Murad, but owing to him, New Time received 9 out of 21 places in the municipal council, which was previously dominated by the MRF (18 out of 21 places). This was by far the best result New Time scored in any of Bulgarian municipalities.

Despite the fact that those civic parties, which tried to fight the MRF in “Turkish” municipalities by running minority candidates on their lists, more often than not did this to benefit themselves, rather than the local population, this new trend can be seen as a positive development. Unlike the rest of the Bulgarian voters, the MRF electorate base suffers from the lack of genuine political choice, as the

MRF virtually monopolized the minority vote and established a *de facto* one-party rule in the minority populated areas. This has, in recent years, led to the increase of ethnic tensions in the country and fueled the popularity of newly-formed nationalistic parties. On the other hand, it was increasingly capsulating the Turkish and Pomak communities, driving them away from the majority population. While the 78 minority municipal councilors elected on the lists of various civic parties is a small step forward compared to 850 councilors, won by the MRF, a step forward it nevertheless is. The above mentioned Ardino case shows that, even the MRF's strongholds can be shattered or, perhaps, taken over if minority voters are taken seriously by civic parties and given a genuine alternative they can vote for.

The latest local elections have thus shown that the civic parties have started turning their attention to minority voters and have tried to win them over by putting forward minority candidates. But what place do the minorities have in the programs of the main political parties? The program of the Bulgarian Socialist Party describes the party as "a national party, standing for the policy of national unity," which can be guaranteed only through "national consensus among different political, ethnic and religious communities." The BSP is declared as open for all people from "various social levels, age groups, ethnic communities and professional backgrounds." The party is strongly against any attempts to stir up ethnic and religious tensions in the country and openly promotes inter-ethnic and inter-religious tolerance. Socialists vigorously defend the principle of equality of all Bulgarian citizens and fight against any kind of discrimination, including those on ethnic and religious grounds. However, they believe that human rights should be seen as individual, collective rights on ethnic, religious, linguistic or other criteria that could lead to conflicts within a given society, often with "serious or even dramatic consequences."¹³⁸

Among the main civic parties, the National Movement Simeon II seems to be the one not only most concerned with the minority issues, but also one of the few to formulate concrete policies

¹³⁸ *Program of the Bulgarian Socialist Party*, 23.2.2006, <http://www.bsp.bg/cgi-bin/e-cms/vis/vis.pl?s=001&p=0323&n=000002&g=>

aimed at minorities. Its program, entitled “People are the Wealth of Bulgaria,” names the integration of minorities and development of the “Bulgarian ethnic model” as one of its priorities.¹³⁹ Among the concrete steps the party wants to pursue are: improving the education level of minorities (financial stimulation of schools to enlist and teach minority children, work with parents to encourage the education of their children) and providing the minorities, especially Roma, with proper employment (through social programs which would address concrete obstacles that keep them away from the regular labor market). The NDSS also believes an active state policy is needed “to preserve and encourage the culture of various ethnic and religious communities.”¹⁴⁰

The leaders of the Union of Democratic Forces viewed it as necessary to define that, among the values and principle their program is based on, “nation” is among the most important ones. Nation is one, regardless of the ethnic, religious and racial origin, and the members of Bulgarian nation are “all its citizens, who recognize Bulgaria as their motherland, who preserve and pass on the spirit of Bulgarian historical destiny, who can speak Bulgarian language well enough to participate in the society, and who do not lean towards a foreign national identity.” The main principle of UDF’s social policy is defined as “No discrimination, but also no privileges.” In other words, the UDF is against special social programs for minorities, which would put them into a privileged position compared to the rest of the citizens.¹⁴¹

Their colleagues from the UDF’s splinter party, the Democrats from Strong Bulgaria, state in their program that there are against “a special Bulgarian ethnic model, the sole protector and guarantee of which one ethnic party claims to be.” Bulgarian Turks, Bulgarian Roma and all other ethnoses belong to the national cultural wealth and the Democrats for Strong Bulgaria “strongly believe in European integration and free coexistence of people with different ethnic and religious identity.” The party is open for all citizens, belonging to all ethnic and religious groups, but are, like the UDF,

¹³⁹ *People are the Wealth of Bulgaria*, <http://www.ndsv.bg/?magic=0.1.19.129.0.2.0>

¹⁴⁰ *Ten Visions for Better Bulgaria*, <http://www.ndsv.bg/?magic=0.1.19.139.0.2.0>

¹⁴¹ *Prosperity and Security*, April 19, 2006, <http://www.sds.bg/full-story-137.php>

against any privileges for minority groups and against quota principles and positive discrimination. The DSB believes that Roma integration can be achieved through better education for minorities (setting up of pre-school classes for minority children, desegregation of schools, adult education), improved health care for minorities and more active employment policy.¹⁴²

The program of the small nationalist party, VMRO – Bulgarian National Movement (VMRO is a part of a parliamentary coalition Bulgarian People’s Union, together with the Bulgarian Agrarian People’s Union and Union of Free Democrats) is hardly surprising. VMRO is deeply concerned that the MRF is turning the Bulgarian Muslims (Pomaks) and some Roma into Turks and sees MRF’s alleged efforts for having Turks recognized as the “national minority” as threatening to the Bulgarian state. Fighting such developments is among VMRO’s main priorities. The party also came up with the “Demographic Program Bulgaria 2050” in which they speak about the need to overcome the demographic catastrophe threatening the Bulgarians, and to integrate the minorities into one, homogenous society.¹⁴³ Among many interesting surveys, published on the VMRO web site, one is particularly telling about the people running the party and those supporting it. The question was “What do you think about the MRF’s victory on the elections for European Parliament?” The following answers were provided (in brackets – the number of votes / percentage for the answer):

1. Tragedy, I’m leaving the country (45 / 15.79%)
2. I don’t care, I’m a liberal (8 / 2.81%)
3. I’m cleaning my grandfather’s rifle (97 / 34.04%)
4. I support it, but let me continue later, because it’s Ramadan now (5 / 1.75%)
5. Congratulations, Yusuf (79 / 27.72%)
6. I’d kill them all (51 / 17.89%)

¹⁴² For Strong Bulgaria in United Europe, 2005, http://www.dsb.bg/upload_files/Programa%20DSB.pdf

¹⁴³ VMRO – BNM: Protector of the National Democracy in the 21st Century, <http://www.vmro.org/modules.php?name=Programa>

All answers: 285¹⁴⁴

The program of Ataka, the ultra-nationalist political coalition,¹⁴⁵ well known for its anti-minority (and especially anti-Turkish, anti-Roma and anti-Jewish views) was not available at the time of writing of this report, as its web site has been closed down “for maintenance” for more than a month. The slogan under which Ataka participated on the 2005 elections was “Bulgaria for Bulgarians” and its populist program covered the widest possible spectrum of “anti” sentiments in the country – from anti-EU and anti-NATO, through anti-mainstream political parties and anti-corruption, to anti-minorities. It would thus be wrong to assume that all almost 9 percent of voters who supported Ataka share its nationalistic and xenophobic views, as a large portion of their voters voted for Ataka as some sort of protest vote against the established political parties. This was evidently demonstrated on the 2007 local elections, where Ataka performed modestly, most of the protest vote switching to the newly formed populist GERB party, headed by the controversial, but popular Sofia mayor Boyko Borisov. Ataka pre-election program was titled “20 Principles.” It defined Bulgaria as a one-nation state and asserted the supremacy of the state and the Bulgarian nation above ethnic and religious diversity, while simultaneously demanding the Orthodoxy to receive the status of official state religion. Among the main principles was also the change to the penal code, which was to include a crime of “national betrayal” and criminal prosecution of the “national traitors” (most Bulgarian politicians and almost all human rights and minority rights activists are national traitors according to Ataka). For Ataka, the biggest Bulgarian problem is called - the Movement for Rights and Freedoms. The MRF has been attacked time and again by Ataka leader Volen Siderov and other coalition figures. For example, on the Ataka meeting in Sofia on March 3, 2006, Siderov declared that Bulgaria was not yet free as it was still under Turkish rule (i.e. governed by the MRF).¹⁴⁶

¹⁴⁴ http://www.vmro.org/modules.php?name=Voting&op=poll_show&poll_id=35

¹⁴⁵ Coalition Ataka (Attack) consists of political party Ataka, Political circle “Zora” (Sunrise), Union of Patriotic Forces and Military Reserves Union, National Movement for the Salvation of Homeland, and the Bulgarian National-Patriotic Party.

¹⁴⁶ *National Union Attack*, http://en.wikipedia.org/wiki/National_Union_Attack

GERB (Citizens for European Development of Bulgaria) is a non-parliamentary party due to the fact that it was formed in 2006, but it is widely perceived as the most likely winner of the next elections in 2009. GERB won the local elections 2007, taking positions of mayors in many Bulgarian cities, including the capital Sofia. The party was also a winner among those civic parties which decided to run minority candidates for municipal councils in minority-populated municipalities – 22 minority councilors from GERB were elected. GERB's program does not devote much space to the minorities, yet it is one of the few to actually feature a word "minority." Program notes that the "state should implement the will of a majority in a democratic way, while at the same time protecting the rights of the minorities." The Program also mentions that the rich national culture of Bulgaria consists of the cultures of all communities, living on its territory, and that GERB will work to protect the diversity of cultures and religions in Bulgaria.¹⁴⁷

e) Minority Political Parties in Bulgaria

The Movement for Rights and Freedoms (MRF) - the first political party, representing Turks and other Muslim communities in Bulgaria - was formed in 1990. Since its establishment, the MRF has always been represented in the Parliament and has been a member of three governing coalitions.

The MRF's statute defines the party as a "political organization, established to contribute to the unity of Bulgarian citizens through respect of rights and freedoms of minorities in Bulgaria – in accordance with the Constitution and laws of the country, the Universal Declaration of Human Rights, the European Convention on Human Rights, the Framework Convention for the Protection of National Minorities and other international documents." It further defines the MRF as a liberal-democratic party. Among its priorities is to "create legal and social guarantees for prevention of ethnic and religious intolerance and discrimination and for equality in rights,

¹⁴⁷ *Political Program of GERB*, <http://gerb-bg.com/index1.php?menu=dokumenti&id=2>

freedoms and social security for all communities.”¹⁴⁸ The MRF believes that the state has to lead an active policy for integration of minorities into all spheres of civil society, with special attention given to the study of mother tongue – a condition for preservation and development of unique culture of all minority groups.¹⁴⁹

The reaction of the majority population to the appearance of the MRF on the political scene was predominantly negative. Such reaction was, to a large extent, caused by the attitude of the main political parties – both from the right and from the left – towards the MRF. Despite the persistent efforts of the MRF leaders to present the party as a national civic party and not as a representative of a single ethnic group, its political opponents time and again insisted on using “ethnic” terminology in the political debate, persistently referring to the MRF as “the Turkish party.” On several occasions, most notably prior to the 1992 elections, efforts were made to ban the MRF on the grounds that it was unconstitutional (Article 11). The Bulgarian Socialist Party (BSP) questioned the legitimacy of the MRF before the Constitutional Court. However, the Court ruled in 1992 that the MRF was not unconstitutional and could operate as any other political party as its statute made no restrictions to membership in the party on ethnic grounds, nor it included any other provisions defining it as “ethnic party.”¹⁵⁰ Since then, the MRF has always been represented in the Parliament, successfully passing the 4% threshold on each elections.¹⁵¹

¹⁴⁸ *The Statute of the Movement for Rights and Freedoms*, <http://www.dps.bg/fce/001/0061/files/Ustav.pdf>

¹⁴⁹ *Program Declaration Adopted on the VI National Conference*, 2006, <http://www.dps.bg/cgi-bin/e-cms/vis/vis.pl?s=001&p=0062&n=&vis=>

¹⁵⁰ “Съдия Александър Арабаджиев - Решение N: 4 на Конституционния съд от 21 април 1992 г. по конституционно дело N: 1 от 1991 г. - група н.п. -> ТЪЛКУВАТЕЛНО /чл. 4, 5, 11, ал. 4 и чл. 44, ал. 2 от Конституцията,” http://www.constcourt.bg/re4_92.htm.

¹⁵¹ There is a 4% threshold at the national election for a party to enter the Parliament. Seats in the Parliament are distributed proportionally among the parties that have passed this threshold.

Elections	BSP Seats (%)	UDF Seats (%)	NMSS Seats (%)	MRF Seats (%)	Others Seats (%)	Voter turnout %
1991	106 (33,14)	110 (34,36)	-	21 (7,55)	-	84,82
1994	125 (43,50)	69 (24,23)	-	15 (5,44)	31 (11,24)	75,34
1997 ¹⁵²	58 (22,07)	137 (52,26)	-	19 (7,60)	26 (10,43)	64.11
2001 ¹⁵³	48 (17,15)	51 (18,18)	120 (42.74)	21 (7,45)	-	67.03
2005 ¹⁵⁴	82 (33,98)	UDF 20 (8,44) DSB 17 (7,07) ¹⁵⁵ BPU 13 (8,93)	53 (21,83)	34 (14,07)	Ataka (Attack) 21 (8,93)	55.76

Table 11: Parliamentary elections’ results in Bulgaria after 1989

Among the main “national” political parties, the Union of Democratic Forces (UDF) coalition has been the most sensitive to minority issues in the first years of the transition. Advocating the minority rights was also seen as one of the main identity markers, separating the “democrats” from “ex-communists,” who continued to talk about “protection of Bulgarian national interest” and the “Turkish threat.” After winning the 1991 election, the UDF formed a government with the MRF. However, the coalition was short-lived and in 1992 the MRF, dissatisfied with the UDF’s approach to agrarian reform, toppled the government by supporting the BSP-organized vote of no confidence. The MRF received the mandate to form an expert government, which was in power until the 1994 elections, won by the BSP. The MRF remained in opposition until 2001, when the elections were won by a new political force, National Movement Simeon II

¹⁵² All main parties participated in the elections in coalitions: the United Democratic Forces (Union of the Democratic Forces, the Democratic Party, the Bulgarian Agrarian People’s Union - BAPU, the Bulgarian Social-Democratic Party -BSDP); the Bulgarian Left (BSP and *Ecoglasnost*); the National Salvation Alliance (BAPU-Nikola Petkov, MRF, the Green Party, the New Choice, and the monarchist Federation “Kingdom of Bulgaria”).

¹⁵³ The coalitions were UDF (approximately the same composition); Coalition for Bulgaria (alliance of the left parties led by the BSP); MRF (in coalition with the Liberal Union and the Roma party Euroroma).

¹⁵⁴ The coalitions on the last elections: UDF (UDF, Democratic Party, *Gergiovdan* (St. George’s Day Movement), BAPU, National Association–BAPU, Movement for Equal Public Model); Bulgarian People’s Union - BPU (Union of Free Democrats, which separated from the UDF, BAPU–People’s Union, IMRO); Coalition for Bulgaria; Coalition *Ataka* (Attack; the *Ataka* Party and several other nationalist parties, which have not been represented parliamentary until now).

¹⁵⁵ Democrats for Strong Bulgaria, another party which separated from the UDF, led by the former Prime Minister Ivan Kostov.

(NMSS), led by the former king Simeon Saxe-Coburg-Gotha. The decision of Prime Minister Saxe-Coburg-Gotha to invite the MRF into the coalition was not a necessity, as the NMSS could have formed a government on its own, holding exactly 50% of the seats in the Parliament. However, being aware that a more comfortable majority was needed in the crucial years of Bulgaria's NATO and EU accession, the MRF was a natural partner. First reason is that both parties are (or claim to be) liberal and the second that the NMSS largely won the election due to the protest votes against the BSP and the UDF - parties which largely disappointed the voters with their performance in the previous two mandates. As a result, for the first time since gaining its independence from the Ottoman Empire in 1878, Bulgaria had two ethnic Turks as ministers.

After the 2005 elections, the Movement remained a part of the governing coalition, this time together with the NMSS and the reformed Socialist Party, which won the elections. The post-election government-forming process was a long and troublesome one. The BSP and the MRF made a pre-election agreement to govern together, and while the MRF provided more votes than expected, the BSP, despite winning the elections, did significantly worse than was predicted. Two parties were therefore 5 votes short from the needed majority and a third partner was needed. The only possible candidate, the NMSS, however refused to enter the government with the MRF, which almost toppled the government in the last year of its mandate, due to strong disagreements over the privatization of the tobacco giant *Bulgartabak*.¹⁵⁶ The attempt to form a minority BSP-MRF government failed, as did the second attempt to form a government, with President giving the mandate to the NMSS, the second political force. The third mandate was given to the MRF, which "nominated" BSP leader Sergey Stanishev as "its" Prime Minister and after over three months of post-electoral crisis, the new three-party government was finally elected.

¹⁵⁶ *Bulgartabak* is of prime importance for the MRF, because a significant number of the MRF voters live on tobacco growing – a traditional livelihood of Turks and Pomaks living in the Rhodope mountain. The MRF was strongly against the privatization of the company, without sufficient guarantees that the new owner would continue to rely predominantly on Bulgarian-grown tobacco for *Bulgartabak* production.

The MRF has three ministers in the current government: Emel Etem is a Deputy Prime Minister and a Minister of the State Policy for Disasters and Accidents, Dzhevdet Chakarov is the Minister of Environment and Waters and Nihat Kabil is the Minister of Agriculture and Forestry. The movement also has Deputy-Ministers in all ministries. The MRF has 4 (out of 28) District Governors (post appointed by the government) in the following districts: Dobrich, Lovech, Smolyan, and Sofia. In the state administration, the MRF holds leading positions in most agencies, which are important for the minority population. As already mentioned, Emel Etem chairs the National Council for Cooperation on Ethnic and Demographic Issues, Kemal Eyup is the chairperson of the Commission on Discrimination, Gyursel Emin is the executive director of the State fund "Tobacco," while Shirin Mestan heads the Agency for Child Protection.

While former arch enemies, the MRF and the BSP, are now governing together, former MRF's partners from UDF (and especially from the splinter party Democrats for Strong Bulgaria) are now (together with nationalist and populist parties like Ataka) among the Movements fiercest critics and opponents. They often accuse the MRF's leader Ahmed Dogan of trying to isolate and confine the Turkish minority in order to preserve full control over its votes, thus obstructing its integration into Bulgarian society.

The UDF encouraged the formation of an alternative National Movement for Rights and Freedoms, which remained a loyal coalition partner of the UDF, but never managed to gain significant influence among the Turkish population. The party did manage to obtain a number of places in several municipal councils on the local elections (although far less in 2007 than in 2003), but had only negligible results on the national elections. Another party, the Turkish Democratic Party led by Adem Kenan, has been active since the autumn of 2005. The TDP has caused much controversy when it appeared with its Turkish nationalist political platform. The registration of the party has been rejected and in 2005 Kenan has been summoned for interrogation by the Bulgarian Supreme Prosecutor's Office on suspicion for crimes against the state in connection with special services' information about the activities of the Turkish Democratic Party and media statements by

Kenan. In an interview given to the Darik radio, Kenan said that Sofia should be subjected to a bomb raid by NATO troops as Bulgaria was violating the rights of the ethnic Turks on its territory, while on other occasions, he demanded the change of the Bulgarian Constitution, establishment of autonomous territories in Turkish-populated regions and introduction of Turkish as the second official language in the country.¹⁵⁷ The MRF distanced itself from the nationalist actions of the TDP, which also failed to attract any significant support among the Turkish population.

As mentioned above, the MRF always did its utmost to deny the claim it was an ethnic party (for example, during the 2007 elections for the European Parliament, their list of candidates included exactly 50% of ethnic Turks and 50% of ethnic Bulgarians). The party also made sure to always disassociate itself from any possible separatist agendas, strongly rejecting even the claims for some sort of territorial autonomy for Turkish populated areas. Because of this and because of its strong control over the minority votes, the party was able to pursue realistic policies benefiting minorities (legal protection in conformity with international law, political rights and participation at all levels of local and central government structures, guarantees for cultural and linguistic identity).

During the latest two parliamentary mandates, the MRF prepared and proposed the following laws, which have been to a significant extent important for the minority population:

- Amendments to the Law on restitution of ownership of lands and forests owned by the State forest fund
- Law on religious rights and religious association
- Amendments to the Law on tobacco and tobacco products
- Amendments to the Law on local elections
- Amendments to the Law on local self-government and local administration
- Amendments to the Law on political and civil rehabilitation of repressed persons
- Amendments to the Law on regional development

¹⁵⁷ Адем Кенан и дейността на нерегистрираната “Турска демократическа партия.” *Fokus News*. 10.9.2005. <http://www.omda.bg/bulg/NEWS/DPS/Adem%20Kenan.htm>

- Amendments to the Law on citizens' registration
- Law on access to the documents and archives of the State Security Service and the Intelligence Headquarters of the Bulgarian People's Army

As can be seen from Table 11, the MRF has become the third strongest party in Bulgaria and since 1994, its electoral results have been steadily increasing – an achievement unparalleled on the Bulgarian political scene. This was possible, above all, by its ceaseless effort to defy the “ethnic” limitations and appeal to voters across the ethnic spectrum. Thus in 2005, the MRF achieved good results in some areas of Bulgaria which are not populated by Turks or Pomaks and where its election results had previously been negligible. For example, in the district of Vidin, the party came third, with 13.39% of the vote (there are no Turks living in Vidin district, which has a significant Roma population), in Gabrovo and in Lovech (both with less than 1% of Turkish residents) it was fifth with respectively 6.16% and 7.37%, in Pleven (2% Turks) MRF was fifth with 8.24% of the votes, and in Montana (no Turkish population) sixth with 4.12% of the votes cast. The MRF was an overwhelming victor among the voters living abroad, winning 59.09% of their votes.¹⁵⁸

Vidin is perhaps the most striking example. On the parliamentary elections in 2001, the MRF received 753 votes (1.01%) in this electoral district, while in 2005 the party convinced 8026 voters (13.39%). Prior to the elections, the MRF opened offices in Vidin and other districts where they have never been active before and campaigned tirelessly, visiting towns, villages and above all, Roma settlements. The MRF representatives met and talked with the most important informal leaders of the Roma community, discussing the problems and concerns of the community, and carefully choosing who to place on the party's candidate lists. As a result, the leaders of the MRF's lists in areas with important Roma population, were popular and influential Roma persons. Due to the fact that personalities are much more important for Roma voters than programs, a wise selection of candidates helped the MRF to break new ground, while taking the wind out of the sails of Euroroma, which remained far behind the MRF

¹⁵⁸ <http://www.2005izbori.org/results/index.html>

4. Thou Shall Not Take the Names Ethnic or Minority, And I Will Bless Thee:
Political Participation of Minorities in Bulgaria

in most municipalities with significant Roma minority. In Vidin, for example, it received only 341 votes.

At local level, the Movement for Rights and Freedoms has also been very successful. On the latest local elections in 2003, the party came second with 13.16% of the vote (elections were won by the BSP with 17.64%). The MRF received 695 places in municipal councils (out of 5281), 29 mayors of municipalities (out of 263 municipalities) and 549 positions of village/settlement mayors (out of 2545).

Party	Municipal councilors	Municipality mayors	Village mayors
Movement for Rights and Freedoms	695	29	549
National Movement for Rights and Freedoms	65	1	22
Party "Roma"	62		1
Euroroma	33		1
Free Bulgaria	18		
Coalition for Justice and Unity	10		
Democratic Party of Justice in Bulgaria	5		
Patriotism 2000	7		
Democratic Congress	4		
Bulgarian Party "Future"	3		
Union for Democratic Development	2		
Movement for Rights Roma Drum	3		
Civil Movement for Equality	0		
Political Movement "Bulgaria for Everyone"	1		
Democratic Movement "Patriotism"	0		
All-national Social Party	0		
Coalition "Roma-Pirin"	0		
TOTAL FOR MINORITY PARTIES	908	30	573
TOTAL FOR THE COUNTRY	5281	263	2545

*Table 13: Minority parties on local elections 2003*¹⁵⁹

¹⁵⁹ Source: Central election commission, <http://izbori2003.is-bg.net/rez/partii.html>

The MRF again improved their previous result on the 2007 local elections, not just in terms of absolute numbers (compare tables 13 and 14), but also by winning places in the councils of some municipalities, where they previously had none. For example, in Vidin coalition, MRF-Euroroma received 1538 votes and 3 mandates, while in 2003, the MRF had only 128 votes. In Chuprene coalition MRF-Agricultural People's Union received 473 votes and 5 mandates against 27 MRF votes in 2003. The MRF received a place in municipal council in Krivodol, where it did not even run in 2003. In Nova Zagora, the party now has 4 councilors, having received 1649 votes against 656 in 2003. The coalition MRF-Euroroma was a winner in Samokov, receiving 3088 votes and 6 places in the council. In 2003, the MRF did not run in Samokov, while Euroroma received 1325 votes.

4. Thou Shall Not Take the Names Ethnic or Minority, And I Will Bless Thee:
Political Participation of Minorities in Bulgaria

Party	Municipal councils - mandates	Municipality mayors	Village mayors
Movement for Rights and Freedoms	850	35	713
MRF in coalition with civic parties	63	8	25
Coalition MRF – Euroroma	9		
National Movement for Rights and Freedoms	17 (+4 in coalition)	1	3 (+9 in coalition)
Euroroma	39 (+29)		4 (+1)
Party “Roma”	28 (+22)		2 (+4)
Solidarity	10		
Movement for an Equal Public Model – DROM	6		1
Coalition DROM – Euroroma	3		
Party for Liberal Alternative and Peace (PLAM)	12		
Movement for Freedom and Justice	4		
Independent	7	1	43
Minority candidates elected on the lists of civic parties	78		78
Total for parties	1051		844
Total for coalitions	130		39
TOTAL	1181	45	883
TOTAL FOR THE COUNTRY	5231	264	2916

Table 14: Minority parties on local elections 2007¹⁶⁰

While one can view the MRF as a success story, the situation regarding other minority-related parties is quite different. The Roma community, the second largest minority group in Bulgaria, has never managed to unify behind one Roma party and send it into the National Assembly, despite potentially having more than enough votes to do so. By 2005, there have been 26 registered Roma parties in the country (although only few of them contain the word “Roma” in their name). During the 2003 local elections, 15 of them participated actively in the

¹⁶⁰ Source: Central election commission, <http://www.mi2007.org/results1/01/index.html>

election process and their results can be seen in Table 13. All 15 parties together have received 84,044 votes. The already modest electoral result, given the potential number of Roma voters, have been additionally fragmented by a large number of parties which, more often than not, tried to decrease the number of opponents' voters, rather than increase their own support. Thus, only two parties, Party "Roma" and Euroroma had more than symbolic success.

The most ambitious attempt undertaken so far by a Roma party on the Parliamentary elections occurred in 2005, when the Euroroma party tried to rally its voters by placing a set of the most well-known Roma persons (including few of the most popular pop-folk performers in the country) on their electoral list. Despite the well-organized and long campaign, the party received only 1.25% of the votes, well below the 4% needed for entering the Parliament.¹⁶¹ Instead, the largest share of the Roma votes seems to have benefited the MRF, which significantly improved their results in a number of municipalities with large Roma population, but none or negligible Turkish presence. As already mentioned above, such was the case in the electoral district of Vidin, where the MRF received 8026 votes against only 341 votes for Euroroma. In Gabrovo district, the ratio was 4041 against 403, in Kyustendil 978 against 339, in Lovech 5658 against 2007, in Montana 3047 against 1008, and in Pleven 10238 against 855.¹⁶²

Apart from Euroroma, which was the only Roma party to run independently on the 2005 elections, two other Roma parties participated as coalition members. As mentioned above, Party Roma received one seat in the Parliament as part of the winning Coalition for Bulgaria (33.98%), led by the Bulgarian Socialist Party, while DROM was less successful, due to the disappointing result of the United Democratic Forces, a right-wing coalition in which they participate (8.44%).¹⁶³

The only Roma party currently represented in Bulgarian Parliament is Party "Roma," which has been a member of the Coalition

¹⁶¹ Ibid.

¹⁶² Ibid.

¹⁶³ Ibid.

for Bulgaria since 2001. Its leader, Toma Tomov, has been an MP since 2001. Tomov is at the moment the only Roma MP, but there have been others in the past (apart from the 1991-1994 period, there have always been 2 or 3 Roma MPs in the Assembly). The most well known among them is Cvetelin Kunchev, the current leader of Euroroma, who entered the Parliament in 1997 as member of Bulgarian Business Bloc party, only to have his immunity revoked in 1999 to face charges for kidnapping, beating, robbing, and blackmailing persons in his district of Zlatiza. In February 2000 he received 6 years imprisonment sentence, but was released in 2003 by the Sofia City Court for good behavior.¹⁶⁴

Among the smaller Bulgarian minorities, Macedonians are the only community, which has organized politically in the OMO Ilinden party. The presentation on the party's website describes it as "a democratic party in the Republic of Bulgaria that protects the rights of the minorities and strives for the decentralization of the country. It is the only political party that fights for the rights of the Macedonian minority in Bulgaria."¹⁶⁵ The party was registered in 1999 and participated in municipal elections in October 1999. It ran only in 9 municipalities of the Blagoevgrad electoral district, receiving a total of 3069 votes, winning three seats in three different municipal councils (Goce Delchev, Razlog, Hadzhidimovo) and two positions of village mayors (both in Goce Delchev municipality).¹⁶⁶ On February 29, 2000, the Constitutional Court declared the party unconstitutional. OMO Ilinden was described as a separatist party, working against the unity of Bulgarian nation and against the sovereignty and territorial integrity of the country.¹⁶⁷ The European Court on Human Rights has condemned Bulgaria, accusing it of violating the European Convention on Human Rights, however this did not revoke the ban on the party.

¹⁶⁴ "Bulgarian Parliamentary Deputy Jailed", *RFE/RL NEWSLINE*, 10.2.2000, <http://www.hri.org/news/balkans/rferl/2000/00-02-10.rferl.html#21>; *Bulgaria: Country Reports on Human Rights Practices - 1999*, Released by the Bureau of Democracy, Human Rights, and Labor, February 23, 2000, <http://www.state.gov/g/drl/rls/hrrpt/1999/322.htm>

¹⁶⁵ <http://www.omoilindenpirin.org/about.asp>

¹⁶⁶ <http://www.namrb.org/izbori/info.html>

¹⁶⁷ Constitutional Court Decision No. 1, February 29, 2000, http://www.constcourt.bg/re1_2000.htm

In 2006, OMO Ilinden significantly rewrote its statute and by-laws after holding a new founding meeting. Despite that, Sofia City Court refused the party's application for registration, claiming that the necessary 500 signatures collected for setting up a political party cannot be verified due to "irregularities." Despite additional critical remarks and recommendations from various EU bodies (including from Franco Frattini, the Vice President of the European Commission), OMO Ilinden has not been registered to this very day.¹⁶⁸

f) Concluding remarks

It can be said that Bulgaria has come a long way in 20 years. Managing to overcome the consequences of the shameful and cruel assimilation campaigns, undertaken by the communist regime, Bulgarian politicians and society in the first years of transition succeeded in avoiding the traps of nationalism. Instead of slipping into the chaos of ethnic conflicts and war, which engulfed the former Yugoslavia, Bulgaria was able to set up a so-called "Bulgarian ethnic model," which made possible a peaceful regulation of ethnic relations during a period of excruciatingly difficult economic and social changes.¹⁶⁹ The Bulgarian ethnic model is described as "a successful development of multiethnic policy in Bulgaria resulting in tolerant, peaceful co-existence and co-operation of different ethnic and religious communities" and as a "social and political construction, which is characterized by stability, equality and common responsibility" with complete absence of any separatist claims.¹⁷⁰ The biggest "asset" of the model is that, unlike in some of the former Yugoslav republics, where the post-conflict efforts to build a multi-ethnic society have been imposed from above and from outside, it has developed in an exceptionally democratic, "bottom-up" way. Based on a centuries-long

¹⁶⁸ "EU calls on Bulgaria to recognize OMO Ilinden," Sofia Echo, 18.9.2007, http://www.sofiaecho.com/article/ec-calls-on-bulgaria-to-recognise-omo-ilinden--macedonian-media/id_24945/catid_66

¹⁶⁹ Antonina Zhelyazkova, "The Bulgarian Ethnic Model," *East European Constitutional Review*, Vol. 10, No. 4 (Fall 2001). Available at: <http://www.law.nyu.edu/eect/vol10num4/focus/zhelyazkova.html>

¹⁷⁰ Yantsislav Yanakiev. *The Bulgarian Ethnic Model – A Factor of Stability in the Balkans* (Sofia: Institute for Advanced Defense Research). Available at: http://www.bmlv.gv.at/pdf_pool/publikationen/wg3-yanakiev.pdf

tradition of “komshiluk,” or neighborhood, characterized by genuine inter-ethnic and inter-religious tolerance and cooperation, the model proved strong enough to defy all attempts made by a number of political actors to play on the nationalist cards, especially in the pre-election periods.

The critics, however, point out that the model practically concerns only the relations between Bulgarians and Turks.¹⁷¹ The most important “left-outs” are the Roma. During the whole transition period, the social, educational, economic, health and housing situation of the Roma community has been progressively deteriorating. The government-endorsed Decade of Roma Inclusion 2005-2015, a number of other initiatives launched both by the central and local authorities, and even the pressure and assistance of the EU bodies have so far proved too little, too late to change this negative development. As mentioned, Roma have also failed to secure proper political representation, despite a big number of Roma political parties. The common and very serious problem with these parties is that they often have no genuine political platform and offer no realistic solutions for improvement of dire situation of Bulgarian Roma. Instead, they often pursue only economic interests of their leaders.

Another dangerous setback of the Bulgarian ethnic model is that, for almost 15 years, it has been used as an excuse, which allowed the Bulgarian politicians and the wider society to live in a selfish self-deception. While self-promoting Bulgaria as an island of stability on the Balkans and as a genuine multi-ethnic paradise where no nationalistic political party ever managed to score more than one or two percents on the national elections, a much darker picture has been developing underneath. In 2005, when the ultra-nationalist and xenophobic Ataka entered the National Assembly with a bang, riding high on the platform of open hatred towards minorities, especially

¹⁷¹ See Alternative Report to the Bulgarian State Report Pursuant to Article 25, Paragraph 1 of the Framework Convention for the Protection of National Minorities (Sofia: Inter Ethnic Initiative for Human Rights Foundation, October 2003), pp. 34-35. Available at: www.minelres.lv/reports/bulgaria/Bulgaria_FCNM_NGO_2004.doc and Krastyo Petkov, “The late ethno-nationalisms in Bulgaria: their economic and social roots,” *South-East Europe Review*, No. 2 (2006), pp.15-17. Available at: <http://www.ceeol.com/aspx/getdocument.aspx?logid=5&id=4F351EEF-FA04-41F8-BBEB-C49040F1C988>

Roma, Turks and Jews, Bulgarians suddenly realized they were no less racist or nationalist than any of their neighbors. Unlike them, however, Bulgarian society overslept a decade and a half, failing to develop any defense mechanisms against these social-political diseases. As a consequence, today, despite Bulgaria's successful EU accession, the situation regarding inter-ethnic and inter-religious relations, minority rights and minority political representation gives more cause for concern than it has been a case for quite a long time.

On the positive side, studies like the ones conducted by the International Center for Minority Studies and Intercultural Relations in regions with mixed population show that the inter-ethnic relations in such areas continue to develop in the spirit of tolerance, mutual understanding and respect.¹⁷² Unlike certain political circles in the country, which have in recent years opted for the dangerous game of playing with nationalism, the ordinary citizens in most of the ethnically mixed areas tend to sit-and-wait through the election craze, and then again resume their life as usual.

Most of the reasons for general deterioration of inter-ethnic relations in the country have social-economic origin. Especially, the alarmingly dire situation of the Roma community has been, in recent years, among the most important generators of the rising anti-Roma sentiment in the country. The increased awareness among the politicians that after long years of neglect, serious effort needs to be made to secure the genuine inclusion of the Roma community into the Bulgarian society, also gives us some reason for cautious optimism.

Most importantly, the appearance of Ataka and other, even more extreme political formations (like the Bulgarian National Union, which has set up a Nazi-like paramilitary formation National Guard) have served as a wake-up call for many politicians, journalists,

¹⁷² See Evgenia Troeva-Grigorova and Valeri Grigorov, *Minority Rights Protection and Inter-ethnic Relations in Municipalities with Diverse Population*, December 2006, http://www.imir-bg.org/imir/reports/Finalreport_IMIR-Ardino_eng.pdf and Galina Lozanova, Bozhidar Alexiev, Georgeta Nazarska, Evgenia Troeva-Grigorova and Iva Kyurkchieva, *Regions, Minorities and European Integration: A Case Study on Muslim Minorities (Turks and Muslim Bulgarians) in the South Central Region of Bulgaria*, 2006, http://www.imir-bg.org/imir/reports/Bulgaria_Muslims_case_study_FINAL-ed.pdf.

intellectuals, NGO activists and other members of the society. It is true that nationalist parties have never since 1989 been so strong and prominent as today. However, the awareness how dangerous this is and that every possible effort needs to be made to not only preserve, but also strengthen, develop and expand the “Bulgarian Ethnic Model”, has also never been stronger.

5. MINORITIES AND POLITICAL PARTIES IN MACEDONIA

By DANE TALESKI

a) Background Information

One of the best known characteristics of the Republic of Macedonia is that it is a multi-ethnic state. The multi-ethnic composition of the society has become an integral part mainly of the political system of the country, but also of the socio-economic ones. While other Balkan countries had issues to recognize and support the different ethnic communities living in its borders, Macedonia, since its independence, has always recognized the existence of different communities as a given fact. The problem of supporting and developing the minority rights had its own development path, which will be elaborated further in this chapter. However, the data from the three censuses conducted in Macedonia from 1991 to 2002 showed the possibility of the population to declare its ethnic identity and, thus, the multi-ethnic character of the society. Table 15 below features the results from all three censuses.

	1991		1994		2002	
Total	2,033,964	100%	1,945,932	100%	2,022,547	100%
Macedonian	1,328,187	65%	1,295,964	66.6%	1,297,981	64.2%
Albanian	441,987	21.7%	441,104	22.6%	509,083	25.2%
Vlach	7,764	0.4%	8,601	0.4%	9,695	0.4%
Roma	52,103	2.6%	43,707	2.2%	53,879	2.6%
Turk	77,080	3.8%	78,019	4%	77,959	3.9%
Serbian	42,775	2.1%	40,228	2%	35,939	1.8%
Other	84,068	4.1%	38,309	2%	47,706	2.3%

Table 15. Ethnic structure of the Republic of Macedonia, Censuses 1991-2002¹⁷³

According to data from the last census in 2002, 64.2% of the population in the country has declared itself as ethnic Macedonians, 25.2% as ethnic Albanians, 3.9% as Turk, 3.9% as Roma, 1.8% Serb, 0.4% as Vlach and 2.3% as other. The overall ethnic composition of the society has remained the same, even though some communities have experienced a change of numbers. Specifically, the number of members from 'other' ethnic communities has halved between 1991 to 1994, a very radical change in first glance. This is due to the reason that, in 1991, there was still a strong presence of the 'Yugoslav' identity, created as a supranational political identity of the Socialist Federative Republic of Yugoslavia (SFRJ). Following the collapse and the break-up of Yugoslavia, this identity has been lost, while the people went for more ethnic identification. Another factor influencing the changes or, better said, influencing the choice of ones' ethnic identity is the slim border between the characteristic of the ethnic identity. Ethnicity, nationality, language and religion are the cornerstones of the primordial identities in Macedonia, sometimes they are overlapping and fostering a single identity and, in other cases, they are

¹⁷³ Source: State Statistical Office of the Republic of Macedonia, www.stat.gov.mk

providing incentives for having multiple identities or a choice of identity: "The concepts of ethnicity, nationality, language and religion have a complex history of interrelationships in Macedonia, one whose complexity continues into present day."¹⁷⁴

b) Minority Rights Legislation

The first Constitution of the Republic of Macedonia, enacted in 1991, defined Macedonia as the country of the Macedonian nation and other nationalities living therein. This form of definition was a legacy of the terms and definition used in the Socialist Federative Republic of Yugoslavia (SFRJ). The Constitution of SFRJ recognized nations (dominant in the constituent Republics) and nationalities - a term used for minority communities. The definitions of nation and nationalities were present in the Constitution of the Republic of Macedonia, when the country was part of SFRJ. Once gaining independence, the first Constitution kept the same definition of the, now independent, country. The legacy of the SFRJ-used terminology is one of the factors influencing the first definition of the Republic of Macedonia. The second is that the ethnic Macedonians, the dominant ethnic group, felt that this was a historic chance to proclaim the independent state of the Macedonian nation.

The preamble drafted in such manner did not please the minority groups living in Macedonia. Over the years, the political parties representing minorities, of which the Albanians have been most vocal, have stressed that such a definition is degrading and puts the minority members in a manner of 'second-class citizens'. From 1991 to 2001, the definition of the state, especially in terms of the usage of the terms "nation" and "nationalities", was an open political issue. Disagreements and objections from political parties representing minorities were sporadically raised, but the political momentum to open a wider political process of amending the Constitution was not raised. After the conflict in 2001 and the adoption of Ohrid Framework Agreement, the definition of the state was changed. The change to the

¹⁷⁴ Stefan Bužar, "Geographies of Ethnopolitics: Unravelling the Spatial and Political Economies of Ethnic Conflict," *Occasional Paper No 7/06*. St Antony's College Oxford: South East European Studies at Oxford, 2006, p. 7

preamble of the Constitution was among the main points of the Agreement. The more specific provisions for increasing minority rights are given below. However, concerning the definition of the state, the new preamble defines the Republic of Macedonia as a country of citizens belonging to the Macedonian nation and citizens belonging to the Albanian, Turkish, Vlach, Serbian, Roma, Bosniak and other nations living in Macedonia.

In the Constitution of the Republic of Macedonia enacted in 1991, the "free expression of the national belonging" is among the founding values defined in Article 8 (Constitution of the Republic of Macedonia 1991). Furthermore, in Article 20, citizens are guaranteed the freedom of association for "accomplishment and protection of their political, economical, social, cultural and other rights and beliefs" (Ibid). Article 48 of the Constitution is devoted to the minority rights. It stipulates the rights of expression of opinion, nurturing and development of the ethnic identity, the formation of association to accomplish that, along with the right of education in the mother tongue in primary and secondary education. It was on this basis that the minorities found the rights and possibilities to protect their identities and to act for the development of their rights until 2001. In the period of 10 years, many political parties were formed representing different minorities. Some of them won seats in the Parliament, local council and positions of Mayors in different municipalities. Some parties representing minorities have entered the Government coalitions and participated in the executive. The first democratically elected government between 1990 and 1992 was an expert government and, therefore, did not have representative of political parties *per se*. However, even in this government, some portfolios were held by members of different ethnic communities (namely Albanian and Turkish). From the formation of the first political Government coalition until present, there is an unwritten gentlemen agreement that the coalition forming the Government must be a multi-ethnic one. Each and every Government coalition has consisted of parties representing ethnic minorities. While this practice up to 2002 has applied mainly to the parties representing Albanians, from 2002 the Government coalitions have also included parties that represent practically all ethnic communities represented in Parliament. This development came as a

result of the strategic behavior of political parties and the formation of wide multi-ethnic pre-election coalitions. In this manner, the multi-ethnic coalition winning majority seats in the Parliamentary elections would form a Government that will include different parties representing minorities in Macedonia. Leaders of parties representing smaller ethnic groups (Roma, Serbs and Turks) confirm that the negotiations prior to the formation of the pre-election coalitions included the issue of minority representation in the Parliament and in the Government, as well.¹⁷⁵ In this respect the talks were more a 'horse trading' activity rather than a process forming a joint platform that would encompass minority demands and concerns. After the elections, parties representing minorities gained seats in the Parliament and positions in the Government, as well. The party representing Albanians had several ministries in the Government, while parties representing smaller communities had deputy Ministers and high-ranking officials in several portfolios.

The Constitutional provisions from 1991 were amended in 2001 on the basis of Ohrid Framework Agreement (OFA). The OFA was signed on August 13, 2001 by the leaders of the largest Parliamentary parties, two of them representing mainly Macedonians and two representing mainly Albanians, together with the Special Envoys of the US and the EU. The deal brought to stop the escalating inter-ethnic conflict that developed between Macedonians and Albanians throughout 2001. The main goal of the OFA was to stop the hostilities and to disarm the Albanian guerrillas, however, its main contribution for the future of Macedonia was in terms of the development of minority rights. This included:

1. **Development of Decentralized Government:** enhanced competencies in the areas of public services, urban and rural planning, environmental protection, local economic development, culture, local finances, education, social welfare, and health care, revision of municipal boundaries under international supervision and election of local heads of police by municipal councils from lists of candidates proposed by the Ministry of Interior;

¹⁷⁵ Interviews with Nexhdet Mustafa, leader of the United Party for Emancipation, and Ivan Stoiljkovic, leader of the Democratic Party of Serbs in Macedonia, 29.5.2007, Skopje

2. **Non-Discrimination and Equitable Representation:** principle of non-discrimination and equal treatment of everyone under the law, measures to assure equitable representation of communities in all central and local public bodies at all levels of employment, election of one-third of the members of the Constitutional Court, three members of the Judicial Council, as well as the Public Attorney by a special parliamentary procedure that came to be known as “Badinter majority” [majority of the total number of representatives in the Parliament that includes a majority of the total number of representatives claiming to belong to the communities not in the majority in the population of Macedonia];
3. **Special Parliamentary Procedures:** these procedures, i.e. the “Badinter majority” are to be used for adopting a number of Constitutional amendments, the Law on Local Self-Government, as well as laws that directly affect culture, use of language, education, personal documentation, use of symbols, laws on local finances, local elections, the city of Skopje, and boundaries of municipalities;
4. **Education and Use of Languages:** state funding for university level education in languages spoken by at least 20 percent of the population of Macedonia and the principle of “positive discrimination” in the enrolment at State universities of candidates “belonging to communities not in the majority in the population of Macedonia.” Regarding the use of languages, any language spoken by at least 20 percent of the population is also an official language in Macedonia which can be used in: 1. municipalities where at least 20 percent of the population speaks that language; 2. in communication with a main office of the central government and 3. regional office of the central government if it is located in “a unit of local self-government in which at least 20 percent of the population speaks an official language other than Macedonian”;
5. **Expression of Identity:** next to the emblem of the Republic of Macedonia, local authorities will be free to place, on front of local public buildings, emblems marking the identity of the community in the majority in the municipality.

A substantial change was also made in the Preamble of the Constitution. The new preamble now reads "Citizens of the Republic of Macedonia, the Macedonian people, as well as citizens that live within its borders, who are part of the Albanian people, Turkish people, Vlach people, Serb people, Roma people, the Bosniak people, and others ... have decided to establish the Republic of Macedonia as an independent, sovereign state." Now the Constitution provides for the ethnic groups that comprise at least 20% of the total population of the state to "gain official recognition of its language with specific modalities regarding its use, guaranteed equitable representation at all central and local public bodies and all levels of employment, enhanced local self-government through decentralization processes, veto powers on matters involving culture, use of language, education, personal documentation, use of symbols, laws on local finances, local elections, and boundaries of municipalities, as well as state-funded university education in their mother tongue."¹⁷⁶ All principles of the amendments have been translated in relevant laws that have been enacted and implemented since 2001. There are still some discussions on the usage of languages and the need for a special law regarding this question, while the 'equitable representation' is an ongoing process.

It would be interesting to note that the Constitution from 1991, as well as the OFA envisaged a special body for handling multi-ethnic issues. In the 1991 Constitution, Article 78 stipulates the formation of a "Council for inter-ethnic relations" in the Parliament, comprised of "the President of the Parliament, two Macedonians, two Albanians, two Turks, two Vlach, two Roma and two members of other ethnic groups in Macedonia."¹⁷⁷ The OFA restructures this Council, now called Committee, comprised of "19 members of whom 7 Macedonians and 7 Albanians, and one each from the communities of Turks, Vlach, Roma, Serbs and Bosniaks" elected by the Parliament.¹⁷⁸ In both cases, this is a Constitutional provision for a body operating in the Parliament, however with special competences, not to be mistaken for

¹⁷⁶ Zoran Ilievski, *Conflict Resolution in Ethnically Divided Societies: The Case of Macedonia*, Master Thesis. University of Graz, 2006.

¹⁷⁷ Constitution of the Republic of Macedonia 1991, available at <http://www.sobranie.mk/mk/default.asp?vidi=ustav> (accessed on June 27 2007).

¹⁷⁸ Amendment XII of the Constitution of the Republic of Macedonia, 2001.

a Parliamentary committee or other type of body. This body is among the highlight of the development of the inter-ethnic relations in Macedonia and potentially the most potent agent of discussing and developing the minority rights in Macedonia. The aim of the Constitution is to have the Committee be a political forum for expression of issues connected to different ethnic communities, especially ones having to do with inter-ethnic relations. Beyond that, the Committee has the right to give opinions and suggestions how to approach such issues. Having in mind that it is a special body inside the Parliament, and that all members are MPs, the possibilities for interaction with the legislative process and political deliberation in cases of minority issues are significant. However, this body has never become a functional part of the political system for handling inter-ethnic issues in Macedonia. It was not formed in the previous Parliamentary assemblies, being constituted for the first time after the Parliamentary elections in 2006. The process of constitution followed some controversies which made the Committee not functional. Namely, one of the MPs from the majority coalition in 2006, after becoming a member of the Committee, declared to be of Vlach ethnic origin, which gave the ruling majority an upper hand in the Committee. The other parties - the ones in opposition and the ones representing minorities - regarded this step as a manipulation of the ruling party and objected to the formation of the Committee which later caused a blockade of the work of this Committee.

One of the weaknesses of the minority participation is the lack of instruments for the parties representing minorities to articulate more strongly their needs and demands. Even though, in practice, parties representing minorities (Albanians, Turks, Roma and Serbs) were represented in the Parliament and in the Government, the lack of instruments to have a public deliberation on the issues pertinent to their political activities has created incentives for finding alternatives modes. The basic one has been the attempt to gain the favor of, or to have good cooperation with the Government at least, or to be a part of the Government coalitions at most. In such a position, the parties representing minorities, especially the smaller ones, have an incentive to undertake 'political clientalism'.

The most recent legislative proposal, from August 2007, envisages changes to the election legislation in terms of guaranteed seats in the Parliament for the members of smaller communities. The proposal coming from the Government envisages "4 MPs from the Turk community, 2 MPs from the Serb community, 2 MPs from the Roma community, and one MP for each of the communities of Bosniaks and Vlachs."¹⁷⁹ The issue of guaranteed seats for minority groups is present in different countries from Southeastern Europe. There are no clear standards how to approach this issue, so there are different categories where, in some cases, there are Constitutional provisions, while in other, specific election procedures for the members of minority groups.¹⁸⁰ The advancement and benefits for the smaller minorities are self-evident from this Governmental proposal, however it also comes with costs. The motivation of the Government for this proposal is between the declarative explanation for advancement of the rights of smaller communities, and the practical need to have a 'double majority' support from the ethnic communities in the Parliament. At the same time, the proposal comes without any public deliberation that would include the parties in opposition, or domestic or foreign expert opinion. It seems that the full implications of the proposed changes have not been taken in consideration. However, the changes in the election legislation are strongly desired by the MPs representing the parties of minorities that are already present in the Parliament.¹⁸¹ The changes have been the main request from these parties to the Government, in return for their vote that would help create the 'double majority' required for some changes. At the given moment, this means downgrading the importance of one Albanian party that is in opposition, but has won most seats in Parliament from the Albanian voters. In this respect, there is a potential for creating political tensions on relations between the Government and the party representing Albanians which is not part of the Government coalition, but also between the Albanians and the smaller ethnic communities. In the long run, the new system of voting would induce the ethno-political mobilization, especially among the smaller ethnic communities. On

¹⁷⁹ Ministry of Justice, Proposal for changes and amendments to the Election Law, June 2007.

¹⁸⁰ Zoran Jovanovic, *Electoral Systems in South East Europe* (Belgrade: Faculty of Political Science, 2004).

¹⁸¹ Mustafa, op. cit.; Stoiljkovic, op. cit.

one hand, there would be an inflation of parties and election contestation for the guaranteed seats, but all of these parties would function on an ethnic platform standing strongly, yet only, on the issues pertinent to their specific ethnic community. In the long run, the envisaged legislative proposal has the potential to fully determine the integration model in Macedonia. From 1991 to 2001, that model has tended to be more multi-ethnic, even though it had some elements of integration. The functioning of political parties has lined to multi-ethnic, while the institutions, educational and social provisions had some integration characteristics. After the OFA and 2002 elections, the behavior of parties also turned to integration, through the process of forming multi-ethnic pre-election coalitions. However, this has functioned on the level between the Albanians that stood alone on elections and the others, that would form coalitions. If the election legislation is changed, there will be no incentives for parties representing smaller ethnic communities to enter pre-election coalitions, while as standalone actors in the Parliament, they would be susceptible to political clientalism. The proposed change also has the potential to impact the special voting procedures, the so called 'Badinter majority rule'. If the MPs entering the Parliament through the guaranteed seats from smaller minority groups support the Government proposal, it will cause a situation where decisions are enacted even when majority of the Albanian representatives do not support the proposal. It would diminish the power of the parties representing Albanians and would create a situation where the special voting procedures are secured through mathematical summing-up, rather than through a quality political process, which opposes the logic of the system established by the OFA.

c) Parties representing minorities in Macedonia

While the existence of different ethnic communities has never been put to a question, the size and numbers of these communities has been a contentious issue over the years. The number and size of the ethnic communities has been used as a political tool for achieving the

goals of different political parties.¹⁸² Mainly, such a behavior has centered over the size of the Albanian community in Macedonia. This issue "suited the ethno-politicians within both ethnic Macedonian and Albanian camps."¹⁸³ Similar type of behavior, i.e. inflating or deflating the size of an ethnic community has been used as a tool by the political parties that represent the different ethnic communities in Macedonia. Somehow, the question of the size is connected to the issue of collective rights, as if a more significant size would be the best justification for supporting and developing one's right for a collective identity. The size of the community has become an important benchmark for introduction of minority rights in terms of the possibilities of the community for enjoying the rights. Such a 'quantitative' approach is seen in the most typical instruments and processes, aiming at improvement of the minority rights. The Ohrid Framework Agreement (OFA), the document that brought amendments to the Constitution that enhanced the minority rights, provides the main collective rights, i.e. usage of languages and symbols, to a community which represents at least 20% of the population in a given municipality. Beside that, the OFA introduced the principle of 'equitable representation', which means reflecting the multi-ethnic landscape from the society in the public administration. Again, it is pinned down to the size of a specific ethnic community. Down these lines is the proposal of the Government, submitted to the Parliament in August 2006, for changes in the election legislation providing for guaranteed seats for the 'smaller ethnic' communities (i.e. Turks, Serbs, Roma, Bosniak and Vlach). The number of guaranteed seats per community is formed according to the size of the community. Obviously, the processes having to do with the minority rights are strongly shaped by the quantitative dimension of the state of affairs. Therefore, it should not come as a surprise the political behavior of different parties that are trying to use or misuse the size of the ethnic communities. While this feature is unavoidable when discussing minority rights, especially having in mind the limitations and effectiveness of the provisions, it also gives a focus for the political claims having to do with the minority rights. While all political parties in Macedonia have to deal with the minority rights, for some they

¹⁸² Bužar, op. cit..

¹⁸³ Ibid., p. 20.

make for a great part of their political platform, and for others they are the platform in itself.

There are some political parties in Macedonia that have been formed to represent specific ethnic communities that exist in the country. Some scholars in Macedonia have written-off the existence of 'ethnic parties'¹⁸⁴, while others have defined them as 'party of nationalities'¹⁸⁵. According to Svetomir Škarić "the first party infrastructure in Macedonia was influenced by four factors: 1) renewal of the old political parties which were formed at the end of the 19th and the beginning of the 20th century when Macedonia was part of the Ottoman Empire (historic parties); 2) the transformation of the former socialist organizations into new political parties (reformed parties); 3) increase of ethnic nationalism (ethnic parties); and 4) establishment of other political parties with a wide range of civil, political, social, religious and other interests (new parties)."¹⁸⁶ For Škarić, the ethnic identity is one of the key factors that have influenced the formation of the party system since the independence of Macedonia, and some parties that are dominantly representing one ethnic community are labeled as - ethnic parties. However, there is a gap in the definition of the representation of the ethnic communities, i.e. how to differentiate which parties are ethnic or which ethnic communities have parties to represent them or not? Cane Mojanoski takes a different approach in the definition of the identity of the political parties in Macedonia. In his work, he defines the parties in Macedonia as "1. ethnic or national parties, 2. civil and liberal, 3. socialist and social-democratic and 4. other parties."¹⁸⁷ The basis of his classification for ethnic parties is the orientation of the political strategies of parties towards national entities. Having this in mind, for Mojanoski the ethnic parties in Macedonia are subdivided as "a) parties of the Macedonian nation and b) parties of the nationalities."¹⁸⁸ In the group of the parties of the Macedonian nation, Mojanoski puts mainly the right-oriented political

¹⁸⁴ Svetomir Škarić, "Political Parties and the Party System in Macedonia,". Dimitri Tsatsos et al. (eds), *Political Parties in the 21st century* (Athens: Ant. N. Sakkoulas, 2004), pp. 309-335.

¹⁸⁵ Cane Mojanoski, *Social and Political Profile of the Political Parties in Macedonia* (Skopje: Liber, 1996).

¹⁸⁶ Škarić, op. cit., p. 313.

¹⁸⁷ Mojanoski, op. cit., p. 178.

¹⁸⁸ Ibid.

parties in Macedonia, while the group of the parties of the nationalities has parties that represent Albanians, Turks, Roma and also Yugoslavians. The research done in the early 1990s counts for the shortcomings of the conclusions. The derogative form of 'nationalities' is a reminiscence of the Yugoslavian experience, also connected with the size of the community. Therefore, the need for division between Macedonian nation and nationalities is quite unclear, having in mind that the strategies of all parties have been oriented towards expressing an ethnic identity and standing for the rights of that ethnic community. Also it is dubious whether the right-wing parties in Macedonia should only be labeled as ethnic parties? It is certain that in the early 1990's the agenda and platform of the right-wing parties in Macedonia, representing ethnic Macedonians and addressing mainly their needs, has been strongly based on ethno-nationalism. However, in their behavior and political strategy to attract voters, all political parties in Macedonia have played with the ethno-nationalism, using it as a tool to attract voters. Substantive analysis of the voter behavior in Macedonia, done on several cycles of elections, shows that the primary voter mobilization is based on the ethnic identity of the voter.¹⁸⁹ This model is applicable to all political parties and not reserved for some - the parties that represent the ethnic minorities in Macedonia. All political parties have primary voter support from some ethnic community, and also they are basing their party identification around that community. In a sense, all political parties in Macedonia are ethnic parties, at least on the first level. The ethnic identity is, indeed, a key feature of the party system, the ethnic identity is embedded in the party identification, and the ethnic identity is used for gearing voter support. On the next level, parties try to differentiate among them on ideological basis or on basis of a stand towards different issues. There is a correlation between the size of the ethnic communities that the parties represent and their development on a second level (ideology and issues). The parties that represent bigger communities have a greater voter base which is not only interested in the ethnic identity and needs of that specific ethnic community. This is applicable to the parties representing and addressing ethnic Macedonians and ethnic

¹⁸⁹ Husein Shala, "Voting Behavior in Macedonia," Svetomir Škarić (ed.), *Democratic Elections in Macedonia, 1992-2002* (Berlin: Wissenschaftszentrum Berlin für Sozialforschung, 2005), pp. 119-136.

Albanians. The parties that represent the smaller communities have a smaller voter base and stronger ethnic identification, and therefore have low incentives or possibilities to develop ideological differentiation. This is applicable for parties representing and addressing Serbs, Roma, Turks and others. The leaders of some of these parties acknowledge that the agenda of the ethnic community is a limited one, at some point the specific needs of the community will be fulfilled or will not create a strong platform for a party identification and party activities.¹⁹⁰ However, they do not see a need for change in the near future.

Using the ethnic identity to label some parties is not conclusive. Using the party strategy towards an ethnic community is not conclusive as well, parties do not appeal to all ethnic communities. In their declarations they support the creation of the *demos*, but in their practice they use the *ethnos* to identify themselves and to attract voter support. Even though some research has shown that different ethnic communities have the same attitudes towards main-stream issues (i.e. Euro-Atlantic integration) and towards state institutions,¹⁹¹ the political parties still generate support primarily through ethno-nationalistic mobilization. Nevertheless, the scope of the work of some parties has been quite limited to the needs of one specific group. These parties represent minorities of different ethnic communities living in Macedonia, and the programs of some are limited only to advancing minority rights. Some of these parties have been present for the entire period of political pluralism in Macedonia,¹⁹² such as:

- the Party for Democratic Prosperity in Macedonia (PDP), registered on May 25 1990, representing Albanians
- the Party for Full Emancipation of the Roma (PCER), registered on August 29 1990, representing Roma
- the Peoples' Party of Macedonia (NDP), registered on June 19 1990, representing Albanians
- the Democratic Alliance of the Turks (DST), formed on June 2 1990, representing Turks

190 Mustafa, op. cit., Stoiljkovic, op. cit.

191 Dane Taleski, "Minderheiten und Mehrheit in Mazedonien: Sichtweisen und Auffassungen," 45 *Internationale Hochschulwoche Inklusion und Exklusion auf dem Westbalkan, 09 -13 October 2006* (Tutzing: Akademie für Politische Bildung, 2006).

192 Mojanoski, op. cit., p. 5.

- the Democratic Party of the Turks (DPM), formed on February 27 1992, representing Turks.

Other parties representing minorities include the United Party for Emancipation, representing Roma, and also The Democratic Party of the Serbs in Macedonia, formed in March 16 1991, representing Serbs.¹⁹³ The Albanians have few other parties that represent their views and interests, most prominent ones being the Democratic Party of the Albanians, registered in 1997 and the Democratic Union for Integration, registered in 2002 (Siljanovska 2006:).¹⁹⁴ Other parties that represent minorities having seats in Parliament include the Party for European Future (PEI) and the Union of Roma (SR).¹⁹⁵ Parties of minorities that had seats in the Parliament from 1991 to 2002 include: "the Party for Democratic Prosperity (PDP), the Democratic Party of Albanians (DPA), the Party for Full Emancipation of the Roma, the Democratic Alliance of the Turks (DST), the Democratic Party of the Turks (DPM), the Democratic Party of the Serbs in Macedonia (DPS) and the United Party for Emancipation (OPE)"¹⁹⁶.

d) Elections and minority representation

Since the independence in 1991, Macedonia had five cycles of Parliamentary elections, four cycles of local elections and three cycles of Presidential elections. Most of these elections have been analyzed from the perspective of the election legislation, but also from the perspective of the political party behavior.¹⁹⁷ For the parties representing minorities, the Parliamentary and local elections are of specific importance since there they can gain entry to power. It is important to note that election legislation for the parliamentary election has changed several times. In 1991 and 1994 the parliamentary elections were organized in a two-round majority system, in 1998 there

¹⁹³ Ibid.

¹⁹⁴ Gordana Siljanovska, "The Macedonian Political Parties Through the Prism of Ideology," Zoran Lutovac. (ed.), *Political Parties and Elections in the Countries of Former Yugoslavia* (Belgrade: FES, 2006), pp. 229-231.230-231

¹⁹⁵ For more information see the Parliament of the Republic of Macedonia, www.sobranie.mk

¹⁹⁶ Siljanovska, op. cit., p. 229.

¹⁹⁷ Svetomir Škarić, *Democratic Elections in Macedonia, 1992-2002* (Berlin: Wissenschaftszentrum Berlin für Sozialforschung, 2005).

was a mixed system featuring two-round majority and proportional voting, while from 2002 a system of proportional voting with six electoral units was established.¹⁹⁸ The system of proportional voting was also used during the parliamentary elections in 2006. However "the effects of the electoral system design on minority representation are neither negligible nor decisive."¹⁹⁹ The local elections are conducted through a proportional voting system in the local municipalities for the seats in the local councils and two-round majority voting for the position of Mayor.

Parties representing different minorities have won seats in all cycles of parliamentary elections; however, with the change of the election system, they have changed their campaigning and platforms.

¹⁹⁸ Savo Klimovski and Tatjana Karakamiseva, *Political Parties* (Skopje: Kultura, 2005)

¹⁹⁹ Eben Friedman, "Electoral System Design and Minority Representation in Slovakia and Macedonia," *Ethnopolitics*, Vol.4 No 4 (2005), pp. 381-396.

Parties	Parliamentary seats 1991-1994	Parliamentary seats 1994-1998	Parliamentary seats 1998-2002	Parliamentary seats 2002-2006	Parliamentary seats 2006-2010
PDP	17	11	11	2	3
DPA	5	4	10	7	11
NDP	5	3		1	
PCER	1	1			
DST		1		1	
SR		1	1		1
DPT				3	2
DPS				1	1
DUI				15	13
Democratic League of Bosniaks				1	
OPE				1	1
PEI					1
TOTAL	28	21	22	31	33

Table 16: Seats in Parliament won by parties representing minorities, 1991 - 2006²⁰⁰

The Parliament in Macedonia has 120 seats in total, from which the political parties representing minorities have had from 21 to 33 seats since 1991 to present. The number of 28 MPs from 1991 decreased to 21 and 22 between 1994 to 2002. The downsizing does not come only in pure numbers, but also in representation of different parties. The parties representing Albanians have always won seats in the Parliament, regardless of the election system, especially quite strong up to 2002. Since 2002, when the proportional voting system was established, the seats won by parties representing minorities increased by 50%, but even more the proportional system allowed for greater representation of different minority groups. Even though the highest concentration of seats still goes to parties representing

²⁰⁰ Source: Parliament of the Republic of Macedonia (www.sobranie.mk)

Albanians, parties from other ethnic communities have also been able to gain seats in the Parliament. The smaller ethnic minorities have gained from the proportional voting system. The change of the voting system was envisaged in the OFA. As stated previously, the perception is that Albanians have gained most from the collective rights for the ethnic communities, due to the benchmark of 20% for using some collective rights. However, the increase of seats in the Parliament for different parties representing minorities is one of the reasons why different political parties agree that the OFA has created benefits for all minority groups.²⁰¹

The parties representing minorities, primarily count on the support from the ethnic group they are representing - this is their strong base. Their approach during the elections reflects this. The election platforms are made to articulate the needs of the ethnic community, and the campaign materials are primarily made in their mother tongue. Albanian parties having a broader base also need to reflect issues that go beyond the collective rights, therefore the "election platform of DUI was 70% focused on economy in the parliamentary elections in 2006".²⁰² The party primarily communicates and seeks for the support of Albanian voters, its campaign materials are seldom translated in other languages than Albanian, namely Macedonian. However, the main reason for that is not so much to attract voters from that ethnic group, but rather to show that the party does not have any hidden agenda and makes its message available to all. The parties of the smaller ethnic minorities create their materials in their mother tongue, Roma or Serb, but also in Macedonian. However, this is due to their participation in the pre-election multi-ethnic coalitions, were they have the option to have a joint platform and campaign materials. On the ground when discussing with their potential voters, representatives of the parties of the smaller ethnic communities do not always stand to the common platform. The distancing is a helpful tool "to attract your own voters since some of them may not like your coalition partner".²⁰³ Smaller parties enter the pre-election coalitions for strategic reasons.

201 Interviews with Ermira Mehmeti, spokesperson of the Democratic Union for Integration, 20.5.2007, Mustafa, Stoiljkovic, op. cit.

202 Interview with Mehmeti, op. cit.

203 Interview with Stoiljkovic, op. cit.

The pre-coalitions have joint voting lists in the six electoral districts; therefore, smaller parties representing minorities have a better chance to enter the Parliament if they have a high enough place on the list. On the other hand, they also have a deal with their partners on the divisions of the spoils after the elections. In this manner, they are also promised positions in the executive, after the elections when the Government is to be formed. The experience of the smaller parties so far has been that those kinds of agreements are not fully kept after the elections, and the negotiations for placements on the lists can be burdensome.²⁰⁴ In a manner of speaking, they feel put in a tight place, providing stable voter support of their ethnic groups and, in return, not gaining enough. They are strongly in favor of the guaranteed seats in Parliament, hoping that in this respect they would become a more important actor, independent of the relations between Macedonians and Albanians. The negotiations with the Government on the changes to the election legislation have been a flex of their political power. In either way, they are open for cooperation with different political parties. Cooperation among them in the Parliament is a clear exercise of their common political motives; however, the cooperation with the other parties is on basis of the gains from it, as they showed readiness for clientilistic behavior. The issues that are important for the smaller parties representing the minorities are dependent on the socio-economic situation of the ethnic groups that they are representing. For the Roma, the issues are more of existential nature (the economical and social issues, together with their dwellings and infrastructure), and for the Serbs they are cultural (support for traditional festivities).

The parties representing smaller ethnic communities have used their participation in the Government to meet the demands of their ethnic group. During the 2002-2006 multi-ethnic coalition Government, the party representing Serbs and the party representing Roma, that were part of the coalition, had the positions of deputy Minister for Transport and Communication and deputy Minister for Labor and Social Policy, respectively. The leaders of these parties confirm that these posts were important for them in order to meet some of the demands of the minority groups they were representing.²⁰⁵ For

204 Interviews with Mustafa and Stoiljkovic, op. cit.

205 Ibid

the Serbs, the high position in the Ministry for Transport and Communication meant a possibility to initiate infrastructure projects, repairing or building new roads to the villages where Serbs are mostly concentrated, in the northern parts of the country close to the border with Serbia. For the party of Roma, a high-ranking position in the Ministry for Labor and Social Policy was very important, having in mind the weak social position of the Roma community. The post of deputy Minister for Labor and Social Policy meant a possibility to initiate programs that would aid the empowered Roma community, where many members are dependent on social welfare. In their efforts, both parties had modest success; however, their behavior shows their efforts to effectively use their participation in the Government, on one side, and on the other it also shows the integrative elements of the political system to allow effective minority participation in the Government.

The Albanian political parties are more oriented toward their collective rights, such as the usage of the language, education and symbols, but also promote more equitable representation. The idea of integration is the underline goal of DUI, "integration of Albanians in Macedonia, and integration of Macedonia into EU and NATO".²⁰⁶ However, the primary interest is the implementation of the OFA as an instrument of accomplishing the collective rights of Albanians in Macedonia. Albanian parties enter pre-elections only with themselves. Such were the cases of DPA and PDP coalition in 1998, or DUI and PDP in 2006. The main reason is the dominant ethno-national voter mobilization, and also the concentration of the Albanian voters in certain electoral districts. The two elements make the multi ethnic pre-election coalitions not beneficial for the parties of Albanians. On top of that, such behavior would open an opportunity for political attacks from their opponents that they do not seek to represent Albanians only. Strongly considering the guaranteed seats for the smaller ethnic communities as a downsize of their political power in Parliament, mainly due to the possibility of mathematical creation of a 'Badinter majority' without taking into count the votes of the biggest political party representing Albanians, Albanian parties have, nevertheless, tried to cooperate with other political parties. In the 2006 elections DUI

206 Interview with Mehmeti, op. cit.

entered a pre-election coalition with the League of Bosniaks, while DPA entered the post-election Government coalition. However, the cooperation with other parties is again a strategic decision of the party based on the gains from that coalition. Ideological differentiation or standing coalitions with different political parties are not attractive for the Albanian parties, at least not in the near future.

Albanian parties have been most successful in using their participation in the Government in order to meet the demands of the ethnic community they are representing. Staying shy of heading power ministries (Ministry of Interior, Defense or Foreign Affairs), the parties representing the Albanians have led the portfolios for Local Self Government or Education, which enacted some of the crucial reforms envisaged in the OFA. The Ministry for Local Self Government initiated and led the process of decentralization, which brought more competences at local level and thus provided for more effective minority participation in the local politics. The Ministry of Education provided for the creation of a new state University in Tetovo, where courses are mainly taught in Albanian language, which was one of the key features of the OFA. However, the corner-stone of the Albanian effective participation in the Government has been the creation of a special governmental body in charge for implementation of the OFA. It was created by the multi-ethnic coalition Government in 2002 and was headed by a Vice Prime Minister coming from the political party representing Albanians that was the junior coalition partner. In the new multi-ethnic coalition Government in 2006, this body was raised to the level of a Secretariat for implementation of the OFA, again headed by a Vice Prime Minister coming from the political party representing Albanians, i.e. the junior coalition partner. Having in mind that the OFA set up the system for inter-ethnic issues and provided for substantial improvements of the minority rights, it was quite important for the political parties representing Albanians to have such an institution and also be in charge of the process. The crucial activity of the Secretariat is that it is in charge of meeting the 'equitable representation' criteria set in the OFA. This means that new employments in the public administration have to take into consideration the need to have minority representation in the public administration. Since 2002, new employment opportunities were

opened and the minority representation in the public administration has substantially improved. Again, this process has been initiated and led by the largest minority group in Macedonia; however, at the end all minority groups benefited from it.

It is interesting to note that parties representing ethnic minorities contemplate on coalitions with other parties, mostly in constellation of the Parliamentary elections. On local elections, they sometimes prefer to go alone. In both cases, it is a strategic decision. However, such a behavior shows that the party, when deciding on the matter of a coalition, does not take on first account the responsiveness from its voter base i.e. the ethnic group it stands for. If this would be the case, then the parties would not differentiate on the type of elections, since their voters are the same throughout the different cycles. The persons voting for the parties of Serbs, Roma, Turks or Albanians are likely to vote for them on local, as well as Parliamentary elections. It seems that political parties of ethnic minorities behave as any other political party being primary interested in the power-sharing model. In the run-up for Parliamentary elections, the pre-election coalition brings some guarantees for entering the Parliament, but also the Government in case of a election victory, while in the local elections they make coalitions where they have to, but not necessarily the same as the ones for the Parliamentary elections. The parties of the ethnic minorities in the last cycle of local elections have won positions of Mayor, as well as local council seats in the municipalities where their ethnic groups live. In their understanding, the relations with the central Government depend upon whether they are part of the coalition forming the Government.²⁰⁷

Parties representing ethnic Macedonians in their programs or statutes do not address the needs and issues of the minority groups living in the Republic of Macedonia. They superficially and declaratory mention the equality and non-discrimination as their values, but do not have any policies or actions envisaged to meet the interests of the minority groups. On a practical level, minorities that are members of the political parties representing ethnic Macedonians are scarcely found, especially among the party leadership. Some of the

207 Interviews with Mehmeti, Mustafa, Stoiljkovic, op. cit.

few cases that are present (for example, one of the Vice Presidents of the main opposition party is a Vlach) do not distinguish themselves as members of minority groups. This is again showing the primary mono-ethnic identification of the political parties that was previously discussed. The support and cooperation from minority groups is sought during elections, local and Parliamentary, but also Presidential elections. Presidential candidates from parties representing ethnic Macedonians have sought the support of parties representing minorities during Presidential election. The support from the parties representing minorities has largely been dependent on the already formed coalitions. For the parties representing smaller minorities, the support was dependent on their lineage within the pre-election Parliamentary coalitions. The party representing Albanians came with own candidates in the first round of elections, which were seen as a test for the party support. However, in the second round, the parties representing Albanians would endorse the candidate of the party with which they formed a post-election coalition. In all cases, the support during the Presidential elections has been conditioned with support for the demands of the minority groups. The more votes a party would bring, the more support it would get from their coalition partners. For example, in the 1999 Presidential elections Boris Trajkovski, the candidate of the, then ruling, VMRO-DPMNE won the election, despite the fact that he was second in the first round and lagging in the polls. The most important factor that allowed his victory was the strong support which he received from the junior coalition partner in the Government representing Albanians, the Democratic Party of Albanians (DPA). DPA secured very high voter turn out of the Albanians, predominantly voting for Trajkovski. In return, in 2000 the Macedonian Government supported the opening of the private South-Eastern European University in Tetovo, which was the first University in Macedonia to offer courses taught in Albanian language. In the 2004 Presidential election, both candidates in the second round of elections had the backing of different parties that represented minorities. The support they received depended on the multi-ethnic coalitions that were formed prior to the 2002 Parliamentary elections and the post-election coalitions that were made in Parliament. In this respect, the candidate of the Social Democrats (SDSM) had the support of DUI, and the one of VMRO-DPMNE the support of DPA. The candidate of

the ruling SDSM won the election and the Government continued their strong support of the implementation of the OFA, a process largely demanded and led by DUI.

The multi-ethnic coalitions are the key feature of the inter-party cooperation. However, they are not stable at all levels and have several limitations. Firstly, they are not formed on a common coalition platform, rather on an informal agreement of division of spoils after the elections once the power is won. Secondly, they are not always applicable in the same format at national and local level, due to the differences in the political configuration at local level. Thirdly, if the multi-ethnic coalition is not forming the Government, the cooperation and lineage between partners is quite weak. This is most visible in the Parliament where the voting patterns of the pre-election coalition partners are sometimes very different. However, the multi-ethnic coalitions have provided for longstanding practices of minorities inclusion in the system and, after the changes brought with the implementation of the OFA, they remain a needed element in the system of managing inter-ethnic issues. While the most elements and models for integrative approach are found in the system of state institutions, the political parties remain generally mono-ethnic providing multi ethnic integration through the party coalitions.

e) Conclusions

To summarize the findings of the research, we can conclude that the ethnic identity is found in the core of the party system in Macedonia, it is used for party identification as well as for voter mobilization. In Macedonia, the ethnic identity has not been suppressed, it has been acknowledged from the independence and proclaimed in the Constitution in 1991. That gave a way forward for forming political parties that would represent the ethnic minorities in the country. Such parties have participated in the Parliament as early as the first parliamentary elections; they have been part of all Governments and assumed positions in the local governments. Therefore, there is a long-standing practice of cooperation between political parties that represent different ethnic minorities. The

cooperation is among themselves, but also with parties that represent the ethnic Macedonian majority. The coalitions between different parties has been on basis of strategic decision prior or post elections and on basis of gains from the power-sharing model. The changes introduced with the OFA, namely the change of the election system has created greater incentives for forming multi-ethnic coalitions which are now the main element of the party interaction, especially during various election cycles.

The changes of the OFA have induced the elements of the integrative model, especially in the state institutions. The representation of the minorities in the public administration has increased, but also the collective rights have improved as has the access to education in mother tongue of minority groups. While all minorities have benefited from the OFA, on the other hand, some of the practices introduced, namely the 'double majority' voting in Parliament and local councils, create tensions between Albanians and other ethnic minorities. Another issue of division is the principle of equitable representation. The problem in both is the underlying 'quantitative' approach to the provisions and development of minority right. This would mean that the size of the minority group predominantly determines the quality of their rights. The instrument intended to provide for greater equality and deliberation concerning minority rights - the Committee for inter-ethnic relations - is still not functioning. The model of minority integration in Macedonia has some elements of multi-ethnic cooperation in the party coalitions, but also it has some integrative features found in the practices of the state institutions. While the OFA clearly provided impulses for more integrative approach, the issues rising from the implementation of the OFA and the proposed changes to the election legislation could push the model of minority integration to minority contestation. Political parties representing minorities are still dependent on ethno-national mobilization and are quite weak to develop ideological differentiations between them or to form standing coalitions. Provided the possibility to continue with the mono-ethnic practices, they are not likely to miss the opportunity.

6. POLITICAL PARTIES AND MINORITY PARTICIPATION: CASE OF ROMA, ASHKALIA AND EGYPTIANS IN KOSOVO

By GEZIM VISOKA

a) Introduction

Minority participation is a key concern in ensuring human rights and equal opportunities for all members of a society. Minorities should have the right affect formulating and implementing public policies and be represented by their political and community leaders. Minorities' participation in public life is a predominant indicator of whether or not a society ensures democratic, equal and fair treatment of all citizens. Inclusion of minorities and their political parties in public life and decision-making is an important condition for ensuring democratic governance and an open, functional and pluralist society.

Among Kosovo's diverse communities, the Roma, Ashkalia, and Egyptians are the most vulnerable and excluded. The Roma community lives mostly in the Serbian-dominated areas in Kosovo²⁰⁸, speaking Romani and Serbian languages, with a distinctive culture and lifestyle. Thousands of Roma fled from Kosovo in 1999 and live as Internally Displaced Persons, mostly in south Serbia and north Kosovo. After the 1999 war, Ashkali emerged as ethnic minority; they speak Albanian and live mostly in Kosovo Albanian populated areas. Their culture is characterized by Roma and Albanian cultural attributes. Egyptians as divided community appeared in mid 90s and most of them speak Albanian and have cultural similarities.²⁰⁹ These

²⁰⁸ The largest Roma community, however, is in Prizren and generally speak Albanian, as well as their mother tongue, and are in better relations with the Albanian community compared with Roma elsewhere in Kosovo.

²⁰⁹ While the Ashkalia and Egyptian communities are only recognized by the majority population and international and local institutions in the 1990s, members of the communities recall their ethnic roots through decades of family history.

communities live in extreme poverty, in peripheral areas and at health risk. Most of the population is uneducated and unemployed.

The international administration installed immediately after the 1999 war tried to create a comfortable environment for minority participation. The right to public participation in political, economical, social and cultural affairs was proclaimed politically and in the legal system. Their rights were included in international human rights standards, as held applicable in Kosovo, in the Constitutional Framework²¹⁰, UNMIK regulations and PISG laws. Roma, Ashkali and Egyptians enjoy a guaranteed representation in the Kosovo Assembly; RAE communities together have the right to four seats out of the 20 reserved seats for ethnic communities.

A number of obstacles emerge as factors in all aspects of this article. These include: RAE social and political status, low level of education, high population growth, poor health conditions, lack of civil registration and basic legal documentation, discrimination, political pawn status between Albanian and Serbian communities, lack of a kin state, untrained and self-appointed leadership. These are strong obstacles to forming social cohesion, which effects low level of involvement and participation in political, civil, educational and health institutions.

Few formal channels exist for local RAE communities to express their needs and interests to decision-making bodies. Often distanced from civic institutions and processes, RAE communities also lack the confidence and skills to represent their interests at municipal or Kosovo level.

²¹⁰ The Constitutional Framework for the Provisional Institutions of Self-Government (PISG) in Kosovo, 2001.

b) Historical Background on Roma, Ashkalia and Egyptians

In 1989, Kosovo's autonomy within Serbia was revoked by a set of constitutional and legal discriminative changes undertaken by Milosevic's regime. Albanians answered Belgrade's revocation of their status with protests and hunger strikes. Immediately, the political life dramatically changed, which empowered Serbian minority by giving them extraordinary power implementing Serbian nationalists program in Kosovo.

The situation of other ethnic groups Kosovo during the 90s was similar with Albanians. Except Serbian-speaking minorities, others were not allowed to have political democratic representations. The Serbian speaking Roma-community had somewhat better position. Even though they were living in poor economic conditions, Milosevic's regime did not further degrade their basic rights and freedoms. At the revocation of Kosovo's autonomy in 1989, most Roma identified themselves with the Serbs. This was a typical historical compromise; Roma must gravitate towards those who hold the power. Roma became an unfortunate showcase for the Serbs; they were held up to the West as examples of Serbian tolerance²¹¹. This supported Serbian diplomacy by showcasing positive treatment of the most despised ethnic community in Europe.

Roma

While Albanians and Serbs are the most well-known people in Kosovo, Roma communities have been living and thriving among them for centuries. Although their exact origins seem to be a mystery²¹², the Romani people have a unique culture very different than their Albanian and Serbian counterparts. Over time, the Roma became influenced by local people, mainly by learning the native tongue and, quite often, by adopting the people's religion. In Kosovo,

²¹¹ Kosovo Roma Oral Histories Project. Communication for Social Development, 2003. Available at: <http://www.balkanproject.org/roma/history4.shtml>.

²¹² The Roma originated in India, but the timing of their migration or migrations, and the route of their travel, ultimately ending in the Balkans, remains uncertain. They are first documented in Kosovo in Prizren in 1348.

most Roma speak Albanian and are Muslim in faith. Others speak Serbian; some of the Serbian speakers have adopted Orthodox Christianity. The European Roma Rights Centre has estimated the pre-1999 Roma population was around 120,000²¹³. Roma integration into Kosovo's society had been a slow progression, which came to a virtual halt since the war. After the war, many Albanians accused the Roma of being allies with the Serbs, deemed an unforgivable act by most Albanians. Since the war, Kosovo's Roma feel threatened and ask for protection for their rights²¹⁴. In the early 1990s, when many Albanians were dismissed from their jobs, Roma took some of their positions. The Roma were used by the Serbian authorities to bury the dead during the 1999 war, and are seen by many Albanians as collaborators with Milosevic's regime. For this reason they faced attack by ethnic Albanian militants during and following the 1998-1999 war²¹⁵.

During the 90s, there were no Roma organized political parties which would represent this community in a very critical and changing period. On the other side, there were few Roma intellectuals who appeared to speak in the name of this community. Luan Koka was a self-appointed Kosovo's Roma leader, who publicly aligned Roma with the Serbs. In fact, at that time most of the Roma had little concern about these ethnic and political issues. They were not Serbian, nor Albanian; they were concerned with their own families and their own lives, and the need to identify with one side or another was imposed for them by others.

Prior to the 1999 conflict in Kosovo, Luan Koka joined the Serb delegation at the Rambouillet Conference²¹⁶. He went there to support the Serbian side, claiming to represent the Roma. He made no real effort to speak of the Roma community and their interests. The failure at Rambouillet led to the NATO bombing campaign of 24 March to 10 June 1999.

²¹³ World Directory of Minorities and Indigenous Peoples (London: MRG 2008). Available at: <http://www.minorityrights.org/?lid=2463>. Population numbers are quite disputed, ranging from far lower to higher. Censuses during this period were political.

²¹⁴ Kujtim Zenelaj, "I am Kosovo," *New Kosova Report*, 17.2.2008. Available at <http://www.newkosovareport.com/20080217570/Views-and-Analysis/I-am-Kosovo.html>

²¹⁵ World Directory, op cit.

²¹⁶ Communication for Social Development, "Roma History: Kosovo from 1989 to the Present," 2003. Available at: <http://www.balkanproject.org/roma/history4.shtml>.

The war has affected negatively to Roma in Kosovo. They were driven from their homes in every city and village in Kosovo, with the exception of the Serb-dominated northern municipalities. The south Mitrovica Roma Mahala²¹⁷ - previously a home to nearly 7,000 Roma - was destroyed by angry ethnic Albanians. Mitrovica's Roma nowadays live in Serbia, or in IDP camps in north Kosovo" Žitkovac, Cezmin Lug and the Leposavic Roma collective centers. In Gnjilane/ Gnjilan, the Roma population went from over 6,000 to 350. Pristina's Roma almost entirely fled²¹⁸. Around 5,000 have returned after the war, out of 30,000 Roma who fled from Kosovo and went to Serbia and Montenegro.

Ashkali

Ashkalia are native Albanian speakers, who mostly live in Albanian populated communities. The name Ashkalia may come from the city Ashkan, in Persia, or from the Turkish root-word "ash-hash"²¹⁹; it was applied to sedentary Kosovar Roma that settled in Albanian areas during Ottoman times. The Ashkalia speak Albanian as their first language; Roma have often claimed that they are Roma who lost Romanes language generations ago. Ashkalia were often blacksmiths or manual and handcrafts laborers. Ashkalia live mainly in eastern and central regions of Kosovo.

Though the Ashkalia note a tradition in Kosovo, they only promoted themselves as an ethnicity after the end of the 1999 war, in an attempt to extricate themselves from the violent situation they found themselves in, along with the Roma. In an effort to maintain peace and stability, the International Community has not taken into consideration the issue of ethnic division among Roma, Ashkalia and Egyptians. The Ashkali community is more closely affiliated with Kosovo Albanians in terms of politics, ideology, culture and religion. But, above all, it appears that language-use is perhaps the most defining characteristic.

²¹⁷ Ibid.

²¹⁸ Ibid.

²¹⁹ Granit Kurti and Minci Fisnik, "Cilet jane?" *Koha Ditore*, 8.3.2008, p. 37.

Despite the fact that they are linked with the majority Albanian population, however, the Ashkali community in many regions of Kosovo remains one of the poorest and is isolated from mainstream Albanian communities.

Egyptians

Egyptian communities as a recognized entity date back to 1994 when the Yugoslav Egyptian Association was formed²²⁰. Egyptians live in western Kosovo - mostly in Djakovica/Gjakovë, Pec/Pejë, and Decani/Deçan. They define themselves as originating from Egypt as opposed to India.

An Egyptian origin of the Roma was accepted until the 18th century, when the new science of linguistics connected them with northern India. In 1990, an Egyptian association was formed in Ohrid, Macedonia; this was followed by a Kosovo association, and later, a Yugoslav-wide group. By 1995, 15,000 people registered themselves as Egyptians. Milošević supported Egyptian claims; in past censuses, Egyptians had registered as Albanians. In 1991, the new census allowed for Egyptian as an ethnicity.

After the 1999 war, many more Albanized Roma, and some who could not even speak Albanian, reclassified themselves as Egyptians, to distance themselves from the Roma.

Many Egyptians were forced to flee into Serbian/Roma areas after the conflict. Those that fled into the Serb northern municipalities have been assaulted and threatened due to their use of the Albanian language. Amnesty International puts the current Kosovar Egyptian population at 5,000²²¹.

²²⁰ Julie Chadbourn, *Second-class Minorities: The Continued Marginalization of RAE Communities in Kosovo*, 2007, p. 6.

²²¹ Castes and Clans, "Roma Classifications" Communication for Social Development, 2003. Availablet: http://www.balkanproject.org/roma/castes_clans.shtml.

During the 1990s, the RAE community in Kosovo did not have effective political representation. Identity politics and division among Roma, Ashkali and Egyptian communities affected negatively the social cohesion and advancement. Because of their economic status and low education level, RAE were subject of political manipulation, mostly by the Serbian regime, though also by Albanians. Lack of community activism and mobilization caused emergence of false political leaders. Roma in Kosovo today are stuck in poverty, lack of physical security and freedom of movement, and have limited possibility to return to their pre-war homes. In their temporary settlements, they lack access to education and public services, including health care, justice and employment.

c) RAE Political Parties

Ideology

After the Kosovo war, with the support of the International Community, new RAE political parties were established. For better or worse, parties were created along mono-ethnic lines. There are several political entities who attempt to speak on behalf of these respective communities. Among them are United Roma Party of Kosovo (PREBK) representing Roma community, Democratic Ashkali Party of Kosovo (PDAK) representing Ashkali community, and New Democratic Initiative of Kosovo (IRDK) representing Egyptian community.

These parties primarily aim to have a larger electorate, promising better social and economic wellbeing, promoting the issues of employment, education and health. The political programs that are adopted from other majority parties do not accord with the real interests and needs of RAE communities. Roma, Ashkalia and Egyptian politicians and community leaders claim to have the goal of achieving full rights as a recognized nationality, with guaranteed civil rights and schools with instruction in their mother tongue²²². They also

²²² Kosovo Roma and Ashkalia Forum, *Our position*, 2007, p. 6.

seek affirmative action policies and positive discrimination, as in employment and education. Nevertheless, Roma, Ashkalia and Egyptian political fragmentation makes these goals impossible to achieve.

Lack of stability and unity, fragmentation, and outside influences within these parties prevent these parties from increasing minority participation, integration and social-economic development. Hence, they do not use available resources – legal instruments, international partners to advocate for and advance their conditions. In most of the cases, RAE politicians emerge who represent only the interests of their closed community. Due to this, there is no real linkage with the wider electorate for representation of their specific interests. Therefore, these parties do not have the consistent and continuous support of the wider community.

Their community sympathy is continuously decreasing. In 2007 national and municipal elections, Zylfi Merxha, leader of the Roma party PREBK, lost half of the votes compared with the 2001 elections²²³. Thousands of members of the Roma community who were eligible to vote did not vote at all. Political cohesion is an unknown concept in the Kosovar Roma, Ashkali and Egyptian political situation, and a pretender's claim to lead Kosovo's RAE remains a simple title, because no local leader will acknowledge him and he will acknowledge noone. Such leaders have little power because they themselves are controlled by the majority politicians they align themselves with, for support and recognition of their claim²²⁴.

Leadership

Another concern is the individuals-based leadership that concentrates power to a few charismatic²²⁵ people. Some RAE community leaders care nothing for their community; they want to get

²²³ In the 2001 election Zylfi Merxha won 3,976 votes where in 2007 he won 2,121 votes only.

²²⁴ Roma History, op. cit.

²²⁵ Charismatic Leadership is defined by Max Weber as “resting on devotion to the exceptional sanctity, heroism or exemplary character of an individual person and of the normative patterns or order revealed or ordained by him”.

rich and distribute profits to their family and close relatives. Benefits to the community are talked about passionately, but do not materialize. Donations for winterization are solicited for the community, and then sold upon delivery. These RAE leaders are not respected, but nevertheless may be able to maintain their positions; they pick fights with other potential leaders, or the leaders of other communities; they eat away at the power bases of rivals while strengthening their own. Kosovo's RAE suffer from severe divisions. These divisions are seldom a matter of clan classification. They are family or personality clashes. Economic level plays a part in the greater divisions found across Kosovo, that have created the separate identities of Roma, Ashkalia and Egyptians.

Structure and Governance

RAE political subjects in their statutes identify their mission as civil parties dedicated to free citizens and open to all Kosovo citizens. In the Statute of PDAK one cannot find any element that identifies them as ethnic party. But, in reality none from the majority or other communities is a member to these parties. They are in fact mono-ethnic parties. RAE political parties are the parties of specific individuals and their supporters. Nevertheless, their political programs are very modern. The 2007 political program of IRDK seeks to lead Kosovo with the principle of citizens' equality, tolerance and solidarity. In addition, they are committed to protect human rights and freedoms, minority integration, and social, economical and political emancipation. Still, it happens that when new party leadership are elected, previous leaders do not accept them. The communities are divided into two blocks, some supporting new legitimized leaders and others who trust and recognize the old one. After PDAK leader Sabit Rrahmani was arrested for smuggling and economic crimes, for example, the assembly of the PDAK party elected Gezim Gashi as the new President of the party. However, complication came when Mr. Rrahmani was released as he reclaimed control. Opposing factions formed behind Gashi and Rrahmani.

Political Party	Acronym	Community	Leader	Parliament seats*	Municipal seats*
Democratic Ashkali Party of Kosovo	PDAK	Ashkali	Sabit Rrahmani	3	2
New Democratic Initiative of Kosovo	IRDK	Egyptian	Xhevdet Neziraj	1	1
United Roma Party of Kosovo	PREBK	Roma	Zylfi Merxha	1	/

Table 17: Political Parties of RAE²²⁶

d) The Political Participation of Roma, Ashkalia and Egyptians

It is a well-known fact that democracy and good governance has always been founded upon the principles of public participation. However, public participation should not be taken for granted. Whilst public participation empowers and forces Government's performance to be effective, transparent and non-corrupted mechanism, on the other side, implementing it in reality means that one needs to have some very elementary preconditions which enable respective citizens to take actively and freely part in the political system – safety and minimum education. The term “access” is a key word which needs to be taken into consideration to achieve that aim – access to decision-making, public information and justice²²⁷. But, the participatory process doesn't necessarily mean including also the process of being informed. Many times, the public participation process provides participants with the information they need to participate in a meaningful way²²⁸. This concept is very useful when we have to deal with the public

²²⁶ National and Municipal Election in Kosovo, 17 November 2007.

²²⁷ FARN, Public Participation and Sustainable Development, 2001, Available at: http://www.farn.org.ar/docs/pp/en_index.html

²²⁸ Ibid.

participation of the Roma, Ashkalia and Egyptian minority communities. For a countless time it has been argued that RAE public participation is impossible due to the traditional lack of a participatory democratic culture, education, survival issues, etc.

There are several key areas and factors that contribute to the lack of political participation of these communities including:

1) The lack of affirmative and representative RAE political entities;

2) The high level of unregistered individuals ;

3) The passive approach of governmental institutions;

4) The lack of access to social assistance;

5) The exclusion from all spectrums of civil life;

6) The physical separation of their neighborhoods from others;

7) The low level of education.

8) Discrimination;

9) Being between the Albanian and Serbian communities;

10) The lack of a kin state;

11) The untrained and self-appointed leadership;

12) A deep poverty with less then 1USD per/day.

So far, RAE communities live a life which can be considered between two “fires”. Speaking of RAE participation, one should remember that nowadays in Kosovo many of them (especially Roma) live in the Serbian enclaves located around Gracanica, Prishtina, Kamenica & Gnjilan, Lipjan, Sterpce, Mitrovica and Obilic. They can be seen as “enclaves within enclaves”- endlessly marginalized and discriminated against. They live quite excluded by others, living in “mahallas”, settlements often on the periphery of their host communities. Any kind of activism which may lead to daily improvements is difficult and unusual. Though many take social assistance from the Serbian Government, this is not a proof that they participate in enclave parallel local decision-making processes or public life. On the other side, whenever they live in the majority Albanian area, they (especially Ashkalia, Albanian speakers) are only

integrated most obviously in Municipal Community Offices, but in the last 9 years, since UN administration has been deployed in Kosovo, the level of their participation or inclusion elsewhere remains very low, especially when we have to deal with the public debates regarding the Kosovo Laws, regulations or Administrative acts in both local and national governmental level. Segregation is common; for example, the Ashkalia children in the Selman Riza Primary School in Fushe Kosove are segregated into an Ashkalia-only classroom. Nevertheless, for instance, in the latest Kosovo national and local election, the number of the Ashkalia voters was increased and this shows a positive trend compared with Roma regarding political participation.

Legal Framework

The Kosovo legal framework guarantees political and non-political participation of the Kosovo communities. The *Constitutional Framework for Provisional Self-Government in Kosovo*²²⁹, in the chapter for the *Rights of the Communities and Their Members*, ensures that all members of communities should enjoy access to information, receive education in their own language, have equal employment opportunities and enjoy unhindered contacts with local, regional and international non-governmental organizations in accordance with the procedures of such organizations²³⁰.

The Framework Convention for Protection of Minority Rights, in Article 15 obliges states to create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them. There are also many other international human rights and minority mechanisms that clearly emphasize participation rights.

Principal international instruments are integrated in the legal and political system of Kosovo, initially in UNSC/Res 1244, Framework Constitution for PISG and Ahtisaari Plan. In the recently

²²⁹ Constitutional Framework for Provisional Self-government in Kosovo, 2001

²³⁰ Constitutional Framework, Section 4: Rights of Communities and Their Members, 2001

drafted Constitution of Kosovo, Article 22, it is clearly mentioned that human rights granted by the following international agreements and instruments are guaranteed by this Constitution, are directly applicable in the territory of the Republic of Kosovo and, in the case of conflict, have priority over provisions of laws and other acts of public institutions:

- (1) Universal Declaration of Human Rights;
- (2) European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols;
- (3) International Covenant on Civil and Political Rights and its Protocols;
- (4) Council of Europe Framework Convention for the Protection of National Minorities;
- (5) Convention on the Elimination of All Forms of Racial Discrimination;
- (6) Convention on the Elimination of All Forms of Discrimination Against Women;
- (7) Convention on the Rights of the Child;
- (8) Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment;

A serious deviation from the progressive guarantees of the Constitutional Framework is the use of the “RAE” acronym denoting the Roma, Ashkali and Egyptian communities as a single political grouping. In spite of probable noble motives aiming to amplify their voice by the creation of a larger grouping, the perceived attempt for the creation of a new identity has created serious identity and political troubles for these communities. As such, it goes against the basic right of members of the Roma, Ashkali and Egyptian communities to preserve and promote their individual identity and to declare themselves as members of the same²³¹. Consequently, the use of

²³¹ KIPED, *Integration of Minority Communities in the Post Status Kosovo*, Prishtina, 2006, p. 6.

“RAE²³²” phrase can be seen in conflict with the constitutional right of every person to declare or not to declare to “which Community he/she belongs, or to declare himself/herself a member of any Community”²³³.

In order to regulate and specify ‘Community’ constitutional provisions, UNMIK and Kosovo authorities have adopted a set of laws which regulate the access to official documents, use of languages, anti-discrimination law, etc. Even though these laws proclaim and acknowledge democratic values, the implementation of these laws remains quite low. The Humanitarian Law Centre in an exploratory report brings out that the rate of anti-discrimination law implementation, especially regarding employment of members of communities, is not satisfactory. This report notes that members of communities do not enjoy equal opportunity when it comes to employment in public enterprises, as proclaimed in several laws and government regulations. For example, from the overall number of employees in Kosovo Energy Corporate, only 0,04% are from RAE communities²³⁴. The same situation has been noticed in the case of language usage in public services. Despite the fact that the public announcements should be published in official languages, many cases were observed in which Albanian-led public institutions and businesses did not publish various announcements in the official languages. For example, some public services invoices have been printed in one language only. This has happened as well with employment contracts.

The Law on Access to Official Documents provides *that any habitual resident of Kosovo or any person who meets eligibility requirements for registration as a habitual resident of Kosovo, and any natural or legal person have the right of access to official documents*. But, can RAE communities enjoy this right? We know that around 40% of them are unregistered²³⁵. 8,000 – 16,000 cannot enjoy this right because of the lack of Civil Registration. As a precondition to have

²³² The author attempts to use the acronym always in reference to “communities” rather than “community”, without assuming that the communities are the same or necessarily have the same interests.

²³³ Constitutional Framework, Section 4.2, 2001.

²³⁴ Humanitarian Law Center, *Zbatimi i Ligjit kunder Diskriminimit dhe Ligjit mbi perdorimin e Gjuheve ne ndermarrjet publike*, 2007, p. 3.

²³⁵ UNMIK/OSCE, *Civil Registration of Persons belonging to the Roma, Ashkalia, and Egyptian Communities: Findings of a Monitoring Exercises*, 2006, p. 5.

access to the public sphere, a person should be registered as a habitual resident and also pay taxes and other obligations, which is often not the case with RAE communities' members in Kosovo. The lack of adequate knowledge of how to make a case and the low level of writing skills needed to raise an individual or community problem to a responsible institution, effects very much the practicing of their rights.

In order to facilitate the public participation of communities, neither UNMIK nor the PISG have enabled any RAE community-based NGO or initiative to deal with legal assistance. In this context, the RAE political parties have also failed to address everyday problems in regard to public-related issues. However, there is a promising initiative undertaken by UNHCR in collaboration with CRPK and RADC²³⁶ where they try to provide legal assistance to the RAE people in need.

Another obstacle that limits RAE public participation in many cases comes from fear to use their language publicly. Especially, this problem has been seen in the North Mitrovica camps – Cesmin Lug and Osterode – where a large number of Ashkali population live. They have continuously been threatened by the Serbian majority²³⁷. In many cases, Roma Serbian-speaking individuals face difficulties when it comes to using their language for buying bus tickets, paying goods, etc.

Roma belonging to the Muslim religion, which live in Serbian enclaves, face difficulties in practicing their religion. The Roma public participation should be considered always having in mind their living place. If one attends a Serbian parallel institution, ultimately he/she will be targeted by Albanians as a Serbian collaborator. On the other hand, if they participate to Albanian side, they will be considered similarly by Serbs as betrayers and consequently can face community isolation.

²³⁶ Roma and Ashkalia Documentation Center is the leading NGO, advocating for RAE civil rights and integration in Kosovo.

²³⁷ Roma and Ashkalia Documentation Center, *Security Review in North Mitrovica*, 2007, p. 13.

In 2007 elections, Roma in Kosovo who live in the Serbian-populated areas refused to participate and vote in these elections. This rejection came as a result of the open threats from Serbian nationalists. For instance, in Gracanica enclave, Serbs threaten Roma to boycott the elections.²³⁸

Civil Registration

As part of the international community pressure to foster and facilitate the minority inclusion, on May 2006, the Prime Minister Office of Kosovo instructed PISG and municipalities “to ensure that pending registration requests for Roma, Ashkalia, and Egyptian are completed in the next six month. No late fees for these administrative services shall apply to these groups”. Thereafter, UNHCR has undertaken a civil registration campaign for RAE communities.²³⁹ This program is implemented by CRP-K²⁴⁰ and its local RAE partner, community-based NGO RADC. This program has identified around 6,000 cases that are not registered. The UNMIK estimates that in Kosovo live around 39,000 RAE communities member and according to UNHCR, 20 – 40 %²⁴¹ of them are not registered. This situation has produced many obstacles, such as the risk of becoming stateless.

Due to the quite rigid administrative procedures, the process of Civil Registration gets more complicated. This situation discourages RAE communities from applying for civil documents. However, the program led by CRPK and RADC remains a solid hope in solving this problem. PISG should develop strategies addressing the issue of RAE civil registration. With a serious commitment of the local and national government and mobilization of the public administration, the issue would be solved.

²³⁸ “G.S.” Interview, 20.1.2008.

²³⁹ UNMIK, OSCE. 2006. *Civil Registration of Persons belonging to the Roma, Ashkalia, and Egyptian Communities: Findings of a Monitoring Exercises*. Page 1.

²⁴⁰ CRP/K stands for “Civil Registration Program in Kosovo”.

²⁴¹ 8,000 – 16,000 persons are not registered.

RAE Civil Society

Before taking into consideration the contribution of RAE civil society in public participation, under civil society here we denote that complex social space in-between the family and the state, which consists of non-governmental, networks and voluntary associations. In this article it is argued that RAE society, due to the lack of adequate and transparent political representations by partisan entities, attempts to fill-in this gap through RAE civil society. In this context, RAE NGOs have supported these communities by channeling and mobilizing funds, providing humanitarian assistance and proper sheltering, food, and other basic living needs. Several formal and non-formal education programs have been dedicated to children, youth and women.

The communities of civil society activists in some cases are a useful tool to help address various community problems and concerns at the relevant public institutions. It is important to note that the public participation was fostered by having more RAE (especially Roma) appearance in the media, radio, public TVs, newspapers, etc. In some cases they have established their local radio stations in their language, TV shows in national TV broadcaster and have also developed several publications, including awareness-raising campaigns. Continuously, they have advocated for the RAE right at national and international institutions. A RAE integration strategy was successfully integrated in government which aims at improving political, economic, social, education and cultural status of RAE communities in Kosovo. Furthermore, a strong contribution has been provided in advocating regarding IDP returns; moving from camps to the proper housing; reporting discrimination cases to several local and international authorities; influencing the communities to be more active and constructive citizens. Several other initiatives improved the economic conditions, facilitated income generation, including vocational trainings, and skills-building programs.

In the recent elections, the Kosovo Roma and Ashkalia Forum (KRAF) offered to political parties a civil platform for

elections. This document aimed at addressing to decision-makers, the concerns, needs and position of the RAE communities. The platforms aim as well to change the mono-ethnic composition of parties and to adopt multi-cultural approach within their political platforms, respectively to start considering minority recruitment within their own political constituency, as well as to consider entering into political coalition with minority political entities²⁴². Further, this forum of RAE expects that by 2011 in Kosovo will be established mechanisms for equal participation of RAE in political decision-taking bodies at local and central level; equal opportunities for access to institutions that provide public services; equal access on employment in public sector of RAE²⁴³. Bashkim Ibishi, one of the authors of this platform, declares that low level of education and, in main cases, discrimination against RAE contributes substantially to their concrete under-representation in public life, particularly in political and economical life. Further, he comments that the large number of IDPs and refugees significantly decreases the electorate in Kosovo, which negatively affects the equal political representation of RAE communities. On other hand, regarding the participation at local level, Mr. Ibishi considers it as a minimum level, therefore he expects a significant increase of the number of RAE involved in decision-making process by 2011.

Participation at national level

Immediately after the 1999 conflict in Kosovo, UNMIK and international community created legal and political mechanisms guaranteeing minorities' representation in national executive and legislative bodies. The Constitutional Framework on Interim Self-Government in Kosovo creates a comfortable environment for minority participation, guaranteeing reserved seats in the Parliament. Among other communities, four seats are allocated to the Roma, Ashkali and Egyptian Communities, three for the Bosniak Community, two for the Turkish Community and one for the Gorani Community. The seats for each of these minorities should be dedicated to parties, coalitions, citizens' initiatives and independent candidates having declared

²⁴² Ibid, p. 67.

²⁴³ Ibid.

themselves representing each of these minorities in proportion to the number of valid votes received by them in the election to the Assembly²⁴⁴.

National Elections in Kosovo	2001		2004		2007	
	<i>Seats</i>	<i>Votes</i>	<i>Seats</i>	<i>Votes</i>	<i>Seats</i>	<i>Votes</i>
PDAK	2	3411	1	2555	3	3443
IRDK	2	2717	2	2658	1	600
PREBK	1	3976	1	1049	1	2121

Table 18: Election Results for RAE Parties²⁴⁵

Further, within the Assembly of Kosovo there is a Committee on Rights and Interests of Communities, composed of two members from each of Kosovo’s Communities elected to the Assembly. Communities represented by only one member in the Assembly shall be represented by this member in the Committee. This committee possesses also the authority to review laws and make recommendations regarding a proposed law with a view to ensuring that Community rights and interests are adequately addressed and submit these recommendations to the relevant Functional Committee or to the Assembly as appropriate²⁴⁶. PREBK together with KDTP (Turkish party) and VAKAT (Bosniak coalition) compose the Parliamentary Group “7+”. IRDK is included with AKK Parliamentary Group (Albanian party) as this party has the majority in the Dukagjini region where most of Egyptians live. The three members of PDAK do not belong to any parliamentary group.

²⁴⁴ Constitutional Framework on Interim Self-Government in Kosovo, Section 9, 9.1.3: Election of the Assembly, 2001.

²⁴⁵ Source: Kosovo Central Election Commission

²⁴⁶ Ibid.

Member	Party	Parliamentary Committee	Parliamentary Group
Sabit Rrahmani	PDAK	N/A	No Group
Etem Arifi	PDAK	- Member of Committee for Community Rights and Interests and for Return	No Group
Hafize Hajdini	PDAK	- Member of Committee for Community Rights and Interests and for Return	No Group
Xhevdet Neziraj	IRDK	- Member of Committee for Budget and Finance - Member of Committee for Community Rights and Interests and for Return	AAK Group
Zylfi Merxha	PREBK	- Member of Committee for Agriculture, Forestry, Rural Development, Environment and Spatial Planning - 2nd Vice Chairperson Committee for Community Rights and Interests and for Return - Member of Committee on Internal Affairs and Security	7+ Group

*Table 16: Functions and Participation of RAE members in the Assembly of Kosovo*²⁴⁷

Regarding the representation in the government body, at least one of the Ministers shall be from the Kosovo Serb Community and one from another Community²⁴⁸. Even though, these positive discrimination instruments make possible the RAE political participation; however, their role and influence remains symbolic. No law was proposed by RAE parliamentarians, neither any policy related with their interest. While guaranteed (instead of reserved) seats at the Assembly are generally seen among politicians of the majority as an acceptable solution, the same raise concerns about negative effects of guaranteed ministerial seats in government. This is considered to go against the interests of minority communities since it militates against

²⁴⁷ Official Website of the Assembly of Kosovo, <http://www.assembly-kosova.org/?lang=en>

²⁴⁸ Constitutional Framework on Interim Self-Government in Kosovo, Section 9, 9.1.5: Election of the Assembly, 2001.

cross-ethnic coalitions and reduces participation of minority communities to a symbolic value.

Participation at municipal level

At municipal level, RAE communities also enjoy a number of mechanisms to protect their rights and interests. In the spirit of the Constitutional Framework, Regulation 2000/45 provides legal norms which ensure minority representation. In cases of sizable minority population, a Communities Committee, a Mediation Committee and a Communities Office are established. The purpose of these mechanisms is to represent minorities and to ensure that they enjoy, on an equal basis, civil, political, economic, social and cultural rights, and fair and equal employment opportunities in municipality service at all levels²⁴⁹. The Mediation Committee is made of equal numbers of members of the Municipal Assembly who are not members of the Communities Committee, and is supposed to serve as fair representation of other communities that do not belong to the community which is in the majority in the municipality.

Each municipality with significant minority population is obliged to elect a second Deputy President of the Municipal Assembly of an ethnic community. Other mechanisms include “fair-share financing”, according to which every municipality with minority communities is obliged to allocate to those communities a proportion of its budget, equal to their size of the community²⁵⁰.

The following section will describe the RAE representation in some municipalities in which they live. In Fushe Kosovo approximately 3,800 Ashkali, 600 Roma, and 200 Egyptians live. According to UNHCR, since 2000, 888 Ashkali and Egyptian, 382 Kosovo Serb and 182 Roma IDPs returned to the municipality. The Municipal Assembly comprises 21 members elected in the October

²⁴⁹ Regulation No. 2000/45 on Self-Government of Municipalities in Kosovo, Article. 23.4b, 2000.

²⁵⁰ KIPED, *Integration of Minority Communities in the Post Status Kosovo*, 2006, p. 9.

2002 Municipal Elections, where there is one Ashkali member who is Additional Deputy President²⁵¹.

In Lipjan there are 1,500 Ashkali, and 330 Roma. No member of these communities works in public administration, nor in municipal structures. There are only two Ashkali employed as Police²⁵². The pre-conflict Roma population (some 6,000) of south Mitrovica has been displaced to the northern municipalities and Serbia. Approximately 275 people live in a collective centre in the north of the town and a small number of families live in private accommodation in the south. More than 40 Ashkali families still remain in the south of Mitrovica, mostly concentrated in one community²⁵³. Some participate in Serbian parallel institutions in north Kosovo and some others, mostly Ashkali, participate in Albanian structures in the south side of the city.

In the municipality of Podujevo live around 722²⁵⁴ Roma and Ashkali community members who are well integrated in the society. They have full access to public services, including expression of their identity by organizing cultural events, radio shows and other events exposing their ethnic symbols. A Municipal Committee on communities includes an Ashkali leader who represents his community in the local authority.

Approximately 240,000 people live in the Prizren municipality. In addition to the majority Kosovo Albanian population, Prizren is a home to large communities of Kosovo Bosniaks (22,015), Kosovo Turks (14,067), Roma, Ashkali and Egyptian communities (5,332). Prizren is known for its ethnic diversity and enjoys a long tradition of tolerance and inter-ethnic cooperation²⁵⁵. Especially the Roma community in Prizren is more educated; they have a radio

²⁵¹ OSCE, *Municipal Profile: Fushe Kosovo/Polje*, 2007. Available at http://www.osce.org/documents/html/pdf/html/1189_en.pdf.html

²⁵² OSCE, *Municipal Profile: Lipjan*, 2007. Available at http://www.osce.org/documents/html/pdf/html/1193_en.pdf.html

²⁵³ OSCE, *Municipal Profile: Mitrovica*, 2007. Available at: http://www.osce.org/documents/mik/2005/12/1191_en.pdf

²⁵⁴ OSCE, *Municipal Profile: Podujevo*, 2007. Available at: http://www.osce.org/documents/mik/2007/10/1198_en.pdf

²⁵⁵ OSCE, *Municipal Profile: Prizren*, 2007. Available at: http://www.osce.org/documents/mik/2006/06/1200_en.pdf

station in their language and have well developed civil society organizations.

Municipal Elections in Kosovo	2000		2002		2007	
	<i>Seats</i>	<i>Votes</i>	<i>Seats</i>	<i>Votes</i>	<i>Seats</i>	<i>Votes</i>
PDOK	-	-	3	2759	2	2718
IRDK	-	-	2	3134	1	2185
PREBK	-	-	-	924	-	114

Table 20: Local Election Results for RAE Parties²⁵⁶

The municipality of Ferizaj includes an estimated 3,758 Ashkali, and 260 Roma²⁵⁷. The Municipal Assembly comprises 41 members elected after the October 2002 Municipal Elections. The Deputy President is a representative of the Ashkali community. Municipal Community Office functions as a municipal Department in Ferizaj/Uroševac and employs a staff of 12 people, all from different minority communities residing in the municipality²⁵⁸. In addition, eight Ashkali serve as Kosovo Police.

In other municipalities, such as Gjakova and Klina, live around 9,000 RAE community members, but they do not have any representation in the municipal assemblies.

e) Conclusions

Inclusion of minorities and their political parties in public life and decision-making processes is an important form for ensuring democratic governance and an open and pluralist society. The main purpose of this article was to explore political parties and their role in facilitating the participation Roma, Ashkalia and Egyptian communities in Kosovo life.

²⁵⁶ Source: Kosovo Central Election Commission.

²⁵⁷ OSCE, *Municipal Profile: Ferizaj*, 2007. Available at: http://www.osce.org/documents/mik/2006/05/1205_en.pdf

²⁵⁸ *Municipal Profile: Ferizaj, op. cit.*

RAE communities are represented by three main parties. These parties have been weak in representing the interests of these communities. In this case, the lack of stability and unity, autocratic governance of the party and political fragmentation, ultimately affects negatively the minority participation, integration and social-economic development.

Further, throughout the entire research, we have attempted to analyze crucial issues affecting minority participation. In the case of RAE communities in Kosovo, we have identified several key areas and factors that contribute to the lack of political participation, including: 1) lack of affirmative and representative RAE political entities; 2) high level of unregistered individuals; 3) passive approach of governmental institutions; 4) lack of access to social assistance; 5) exclusion from all spectrums of civil life; 6) physical separation of their neighborhoods from others; 7) low level of education. 8) discrimination; 9) situation of being between Albanian and Serbian communities; 10) lack of a kin state; 11) untrained and often unrepresentative leadership; 12) deep poverty with incomes often less than 1USD per day.

The legal framework applicable in Kosovo ensures adequate minority participation, including several mechanisms, such as reserved seats, special municipal bodies, etc. The RAE civil society played a positive role in promoting participation, normalization and integration of RAE communities into the mainstream life in Kosovo. In addition, they have been proven to be more community-oriented and more effective mechanisms in supporting their co-members in raising their voices, advocacy for their rights, bridging humanitarian assistance, drawing attention to international stakeholders, facilitating education programs, including youth and women, and social inclusion and advancement. Nevertheless, despite the legal framework and the efforts of civil society, the gap between the Roma, Ashkalia and Egyptian communities, and the rest of Kosovo society remains large and difficult to bridge.

After the independence of Kosovo, the perspective of RAE communities is turmoil. Another important issue is whether the future constitution of Kosovo will promote civic versus ethnic identity.

In conclusion, the best hope for RAE communities in the future would be to increase the level of education, choose carefully their politicians and leaders, use their rights and fulfill the obligations, and integrate into Kosovo society, while maintaining their cultural independence. On the other side, Kosovo institutions should show more commitment, and invest more in RAE education, integration and development.

7. THE ROLE OF POLITICAL PARTIES IN MINORITY PARTICIPATION IN MONTENEGRO

By NEDJELJKA SINDIK

a) Introduction

When considering the issues of political participation of minorities in Montenegro, we have to take into account political and social trends and correlations that all went through several stages and several state statuses throughout the Montenegrin history.

Upon dissolution of former Yugoslavia, Montenegro joined Serbia in the Federal Republic of Yugoslavia (FRY) and subsequently in the State Union of Serbia and Montenegro. During this period (1992 – 2007), Montenegro has faced numerous political, economic and other difficulties. Wars in the neighboring countries, sanctions imposed by the international community, NATO bombing in 1999, internal political turbulences, pressures exerted by Belgrade and similar occurrences were indeed influential elements that have reflected in the status of Montenegro and, particularly, in the status of minority communities. The period between 1992 and 1997 was characterized by violations of fundamental human rights and particularly of the minority rights. By the radical departing from nationalistic policy that was led by the then state, general preconditions for an overall democratization were created, as well as those for solving the issues of minority communities' status.

On May 21, 2006, Montenegro held a Referendum on independence, when 55.5% of more than 86% of eligible voters voted in favor. Soon thereafter, Montenegro became a member of the United Nations, OSCE and of other international associations.²⁵⁹

²⁵⁹ “The State report on the Application of the Framework Convention for the Protection of National Minorities,” 2007.

According to the latest census that was conducted between November 01, 2003 and November 15, 2003, Montenegro has a population of 620,145 citizens. The largest minority in Montenegro are Bosniaks with share of 7.77%, mainly living in central and northern part of Montenegro. Albanians' share in population is 5.03% and most of them live in the area from the coast to the north, near the border with Albania. Muslim population has 3.97% share, Croatian 1.1% and Roma 0.42%.

	National affiliation	Number of members	Percentage share
1.	Montenegrins	267,669	43.16%
2.	Serbs	198,414	31.99%
3.	Yugoslavs	1,860	0.30%
4.	Albanians	31,163	5.03%
5.	Bosniaks	48,184	7.77%
6.	Egyptians	225	0.04%
7.	Italians	127	0.02%
8.	Macedonians	819	0.13%
9.	Hungarians	362	0.06%
10.	Muslims	24,625	3.97%
11.	Germans	118	0.02%
12.	Roma	2,601	0.42%
13.	Russians	240	0.04%
14.	Slovenians	415	0.07%
15.	Croats	6,811	1.10%
16.	Other	2,180	0.35%
17.	Not on record/uncommitted	26,906	4.34%
18.	Regional affiliation	1,258	0.20%
19.	Unknown	6,168	0.99%
TOTAL		620,145	100%

Table 21: Population as per their national affiliation.²⁶⁰

²⁶⁰ 2003 Census and Household and Apartment Census. Source: MONSTAT

Since the introduction of multi-party system in 1990, Montenegro has changed its Electoral Law three times (in 1990, 1992 and in 1998). The Law from 1992 was radically changed in 1996 with respect to the electoral effects, through a new system of electorates.

From the time of first multiparty parliamentary elections in Montenegro 1990 until now, it has been held seven elections for the Parliament (four of these were regular and three extraordinary elections). During this period, 4 electoral laws were adopted which were in the meantime changed and amended.

1. The first of these laws, adopted in 1990, promotes a principle by which every municipality was an electoral unit. The numbers of representatives in electoral units were defined by numbers of voters in that municipality.

2. The second law, adopted in 1992 before the extraordinary elections for the Parliament, presume the entire Republic as one electoral unit (at large system) while the municipality was electoral unit at local elections. This electoral system provides the most realistic picture of political will of citizens.

3. The third law, adopted 5 months before elections in 1996 in form of amending of law from 1992, changed the system of electoral units by establishing 14 electoral units. The logic of establishing electoral units on this way could be understood only by the need of ruling party (DPS) which at that moment by all opinion polls were close to lose the elections.

4. The fourth law, adopted in 1998 after dissolution of the ruling party and biggest political crisis, was a result of consensus of all political protagonists. With this law the system from 1992 came back into force (the whole Republic as one electoral unit) and Albanian parties got a chance to enter the Parliament easily by getting the possibility to have 5 MPs out of 78 from an electoral unit in an area where Albanians are majority. However, only the Albanian minority benefited from this law. Other Bosniaks who were politically organized at that time, did not benefit from affirmative action.

The current Law was amended eight times; all amendments were approved prior to each election. During the said period, strong

political parties have provided for the exclusive right to define a final framework of individual rights and obligations of all participants in the elections – particularly of the political parties representing minorities. Simultaneously, frequent amendments in electoral legislation have not resulted in any improvement or standardization of the minority representation. Having in mind that Montenegro did not manage to build a stabile electoral system up to now, it is certain that requirements exist to amend the electoral legislation – while particularly in the part dealing with the position and the role of representatives from ethnic minorities that, during the whole previous period, were marginalized as compared to the candidates from leading political parties.

Between 1990 and 1997, political parties representing minorities were marginalized with regard to the political affairs, and they were excluded from any decision-making. In addition to the ethnic minority parties, anti-war oriented political parties such as SDP and LSCG²⁶¹ represented a considerable number of minority members. That was also the time when political processes were conducted against the leaders of the Party of Democratic Action, who were condemned. In 1994, the leaders of SDA were abolished.

In 1997, when the Government abandoned the previously pursued nationalist policy, the prerequisite for democratization of society and, accordingly, for regulating the representation of minorities in elections was created. The agreement reached by political parties in 1997 launched the process that would lead to the democratization of the Montenegrin society. The process resulted in further amendments of electoral legislation and, consequently, the territory inhabited by Albanians became one electorate, from which 5 MPs were elected for the Parliament of Montenegro. Over the period between 1997 and 2006, the number of political parties representing ethnic minorities increased, including the establishment of a political party representing the Croat minority that had no political representation until 2002. All the previously said, resulted in a decrease of minorities that participate in civil-oriented political parties.

²⁶¹ Social Democratic Party (it was the Coalition of Reform Forces then) and Liberal Alliance of Montenegro

Affirmative Action/Special Electoral Unit for Albanians

A provision of the Electoral Law provides the possibility to elect 5 from totally 81 MPs at polling station defined by a special Resolution of the Parliament of Montenegro (Article 12 of Electoral Law). From the passing of this resolution this affirmative action for the Albanian minority was subject of many disputes. This Resolution should not be disputed as being an affirmative action, because the intention to ensure participation of Albanians in the Parliament is undoubtable. However, results of the application of this legislation is that Albanians had 2-3 MPs from minority parties and the rest of seats went to the leading coalition DPS/SDP.

b) The political mobilization of national minorities

Late in the eighties and early in the nineties of the preceding century, over the years of creating the multi-party political system, minority members in Montenegro had various political affiliations. A number of them that had been politically engaged in the previous system stayed in the group of the “Alliance for reform” (led by the former prime Minister of SFRY Ante Markovic) and they had social and social-democratic orientation, having their origins in the youth organizations of Communist Party of the former state. The second group joined the newly formed parties of ethnic orientations, believing that it was the way to exercise their rights in the best possible manner. During the time when the ethnicity was reduced to the strength of character and when the whole ethnic groups were again accused of crimes committed during the World War II, it was the challenge to be a representative of any national minority.

During the time of dissolving the state of SFRY, formerly constitutive ethnic Croats and Muslims/Bosniaks and the ethnic minorities of Albanians and Roma inhabited the territory of Montenegro. Muslims/Bosniaks formed the Party of Democratic Action already during the time of forming political parties in Montenegro, to deal with the status of that newly formed minority in

Montenegro and they represented a parliamentary party. However, the occurrences in the neighboring Republics and the newly established government that was under the influence of Milosevic's regime did not play straight into the hands of that party. Early in the nineties, the highest position members of the party were accused of trafficking in arms and anti-state activities. Consequently, they were prosecuted and sentenced to imprisonment. In 1994, all of them were pardoned and released. During the second half of the nineties, namely after 1997, some of them were actively involved with the highest state positions, which confirmed that the process had been politically motivated. After what had happened to the leading members of that party, its membership was reduced to a lower number and divided, and that formerly parliamentary party appeared after all as a weakened and divided one, generating several more parties that had no significant political impact.

Besides the Bosniaks, Albanians also formed a political party called Democratic Alliance of Montenegro in the early nineties. From the very beginning of its existence, the party experienced its internal turbulences and, very soon, Democratic Union of Albanians appeared from it. Later on, due to the dissolution of those parties, numerous smaller parties appeared and they completely divided the voters, i.e., the members of that national minority. The members of that national minority had their representatives on certain significant posts in the Liberal Alliance of Montenegro and also participated in other civil-oriented parties.

Croatian national minority had been trapped by the increasing tensions, as well as by its unexpected and undesired minority status in the late eighties and the early nineties, so it started to support both the project of a common state and Ante Markovic's reform forces, whereas a number of its members favored the Liberal Alliance of Montenegro. The reform forces were profiled into two parties – the Socialist Party and the Socialist and Democratic Party. By the end of 2002 and the establishment of the Croatian Civil Initiative, a huge number of Croats became members of SDP. Only a smaller number of them are still its members. An insignificant number of the minority members belonged

to the DPS membership. No minority member was on any significant position in the Party in the early nineties.

c) Participation of minorities in the decision-making processes

In the early nineties, the members of ethnic minorities were on the margins of social activities and mainly far away from the centers of power and from decision-making processes. Minority members of the then DPS that spoke with one voice, generally negated their origins and supported displacement of their compatriots from their positions on ethnic basis. There was no room in the Party for minority participation in decision-making.

Minority members occupied almost all significant positions in the Social and Democratic Party from the very beginning of its existence and actively participated in decision-making of importance for the activities of the Party.

Liberal Alliance also had minority members on key positions in the Party, whereas the minority parties, due to their fragmentations, got closer to the model of leading party.

During the early nineties, there was no minority member on any key position in the Republic. Even at local level, minority members were displaced from the managing positions to the lower-ranked ones or were dismissed from their duties devoid of any reasonable ground. Such situation existed until 1997.

The interest and political split of DPS in 1997 entailed the change in attitudes towards minorities - from the status of “undesired”, they reached the status of “a necessary evil”. In order to make the democratic shift more obvious, the Ministry without Portfolio started its work during the said period. The Ministry was led by the representative from the Democratic Union of Albanians and, later on, it turned into a Ministry for National Minorities and Ethnic Groups – nowadays it is the Ministry for Human and Minority Rights’ Protection. Its Minister has been the representative from the

Democratic Union of Albanians for nine years so far, and its Deputy Ministers have been members of the Bosniaks, i.e. members of the SDA and the SDP. The first year of its functioning was marked by the identification and the recognition of minority rights as a part of human rights. Nevertheless, other Government representatives did not accept the said Ministry in an adequate manner in its early life and it was impossible for any proposal tabled by the Ministry to move further from the considerations by the relevant Government Commissions. Even the Center for Conservation of Minority Cultures, which was approved by the Government as the Ministry's project and which was established as a public institution, has never come into life due to the lack of interests on the part of the representatives of the majority in power. Nowadays, there are minority members assigned for duties in the public administration authorities and courts, as well as those assigned to other important functions. However, it seems that the quantitative participation in decision-making process in Montenegro is obvious, but the qualitative participation is disputable.

d) Involvement of National Minorities in the Transition Process and in the Legislature

Until 1997 and until the beginning of the participation of minorities in the government, minority members in the Parliament were in position to exert influence on the texts of laws and on the enforcement of laws through amendments, but they were mainly the opposition members, so their opinions were not approved. At that time, as well as nowadays, the simple majority approved laws, so each ethnic and political minority was equally marginalized. Since 1997, minority representatives (members of minority parties and civic parties) had no significant participation in passing laws, but they have influenced law text wordings and adjustment of legal terms to the concrete ones and, as the time passed by, they fostered the responsiveness of other participants in the government to the minority issues. However, all those years of making efforts have brought no significant change. The Law on Minorities, which appeared as a text of weak quality, was adopted by the pre-referendum related outvoting and not by consensus. It was as if the Working Group, composed of

representatives from political parties and ethnic minorities of civil orientations, made all efforts to deprive the essence of minority rights implementation of sense and to demonstrate, at the same time, the power of political parties. Thus, the Law that should have been the basis for the protection of minority rights, met all preconditions to be a stumbling block for their exercise. This showed that all entities – minority political parties, parties with civil orientations and the Parliament of RM - failed the exam. The Constitution, which was drafted more than one year so far, still has no form that would solve the issues concerning minority and marginalized groups. It even goes below the level of the acquired rights. Minority members are not in a position to secure even the minimum rights guaranteed by the Constitution of 1992, either as representatives from the civil parties or as representatives from the minority ones.

It is important to note that minorities have never succeeded to reach their right to have proportional representation guaranteed under the Constitution of 1992. The Ministry for National and Ethnic Groups' Rights' Protection tried several times to survey the ethnic structure of civil servants and state employees, but that has appeared as impossible. A huge number of the public institutions did not present information at all, whereas a significant number of them presented information formulated in such manner that it was obvious from the answers that those answering the questions knew neither what those questions referred to, nor – to use the simple vocabulary - they understood the questions.

Transition processes brought both huge sales and investments and huge damages to Montenegrin society. The sales were usually at low prices and referred to narrow circles of purchasers and, from time to time, to a serious purchaser. Minority members participated in such processes to the extent they were participants in the government and if they were close to the centers of power - to the disadvantages of those they represented of course.²⁶²

²⁶² A big controversy surrounded the sale of the biggest ship docks on the Adriatic coast in Municipality of Tivat, which was apparently sold at below-value. The Croatian political party could have blocked the sale to secure a greater benefit for the municipality and therefore for the benefit of 19.5% Croats. As allies with DPS which led the sale, they did not react.

Unfortunately, the years since the beginning of pluralism in Montenegro have brought a few essential changes. Fortunately, transition processes are still underway.

e) Participation of Minorities in the Opposition Movements and Coalitions

Minority members have had a few options since the start of their activities, due to the character of the situation and the circumstances they faced. Taking into consideration such situation and circumstances, they had no choice except to become the opposition. In the beginning, they were a productive opposition trying to negotiate at equal grounds. Later on, they were helpless and bitter due to their being unable to change anything. Indeed, the overall atmosphere in the country, where the same government - with a few changes only - has been in power for more than 18 years and where the economic power has been accumulated by it, does not offer many opportunities. On the other hand, opportunities that have appeared were gathered on the basis not so close to minorities. People's Unison (*Narodna Sloga*), the movement launched by the People's Party and the Liberal Alliance of Montenegro that was the closest to win the power, was founded based on the conciliation on the sides of two most numerous people – Serbs and Montenegrins - and not on the inclusion of other peoples. All other opposition coalitions with the fundamental aim – to overthrow the powers that be - were established on the same basis. Nevertheless, such coalition did not offer minorities anything else except the existing status. So, the minority members were far away from the coalitions in the sense of interests – they even compared them with the powers that be. The results of those coalitions are reflected in the increase of the number of minority parties and in the further ethnic homogenization.

f) Representation at the State level

The current Parliament²⁶³ consists of 81 MPs, of which 5 are members of the Albanian community (6.17%), 8 are Bosniaks (9.88%), 2 Croats (2.47%) and one Moslem (1.23%). Out of 5 Albanian MPs, 3 are the representatives of national parties and 2 have been assigned to a term of office as candidates from the DPS-SDP election list. Out of 8 MPs representing Bosniaks, 2 MPs are from the list of a minority party and 6 are from the election list of DPS-SDP,²⁶⁴ whereas, pursuant to the pre-election agreement DPS/SDP, 1 MP is a representative of Croatian Civil Initiative – National Party of Croats. The MP who declares himself/herself to be a Muslim is a member of a civil party and, as a candidate on the election list of DPS-SDP, such MP has been assigned to the term of office. It should be noted that the Deputy Speaker of the Parliament comes from the rank of Bosniaks. Out of 17 members of the Government of the Republic of Montenegro, two ministers are members of the minorities, and 1 is declared as a Montenegrin of Islamic denomination.²⁶⁵

When we talk about the participation of minorities in the political life, one side of the coin reflects numerical minority presence, and the other side reflects the actual participation of minorities in decision-making. Minority members in political parties with civil orientations stick their opinions to the one of the majority, whereas minority political parties either make agreements with the majority coalition or remain as minority. Minority representatives in political parties with civil orientations most frequently face problems to find their place in such parties and be supported by them when they launch initiatives concerning minorities. In such cases, they most frequently compromise with their parties and/or with the majority in such parties, to disadvantages of minority rights exercise. On the other hand, members of minority political parties do not have enough strength to start changes and they are involved in forming coalitions with other

²⁶³ Formed after the latest elections 2006

²⁶⁴ These figures are optional - most of members of DPS/SDP members claimed they are minority members (recently in the Parliament) but it is possible that they express themselves differently at the census

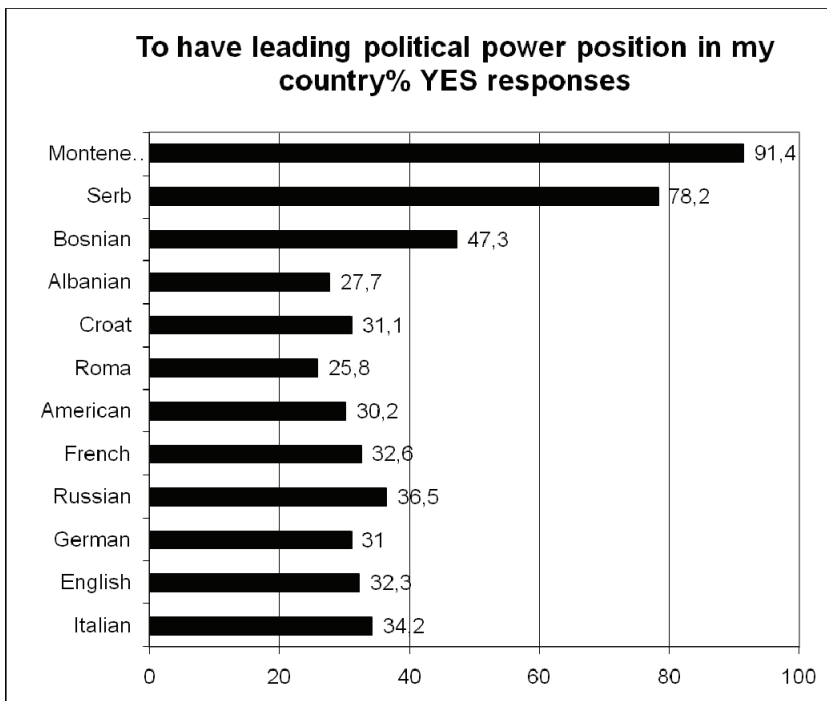
²⁶⁵ "The State Report on the Application of the Framework Convention for the Protection of National Minorities," 2007

parties of civil and other orientations. In principle, compromises, coalitions, and negotiations would be the signs of positive trends in Montenegro hadn't there be another kind of artificial political division. Such political division of the majority people, which is imposed on citizens as the model of relations and which is a source of permanent tensions, exists as the major obstacle to reach the full participation not only of minorities, but also of other marginalized groups in the political life. It is a perfect tool for: founding coalitions without fundamental goals; every kind of political trade; postponing adoption of necessary documents, laws on human rights and civil freedoms and on fighting corruption; as well as for maintaining the successful framework for the continuous government of those who would like to keep the existing political and economic power²⁶⁶.

The Survey of ethnic distance done by the CEDEM clearly points to the fact that the distance between Serbs and Montenegrins in Montenegro, which is demonstrated by the politicians in the Parliament, does not actually exist. The survey indeed evidences the said distance is of minor and harmless character when speaking about the society as a whole and as compared to the increased ethnic distance towards minorities. The portion of the said survey, dealing with the political participation of minorities, clearly shows that more than 50% of citizens do not want Bosniaks to occupy the high official positions; 68.9% do not want Croats to be officials; more than 72% do not want Albanians and Roma to occupy leading political positions in the state. Only 21.80% do not want Serbs, and 8.6% do not want Montenegrins to be high officials.

Ethnic distance was measured several times in Montenegro. The results we present are those from the latest research aimed to measure ethnical distance. It was realized during the period April – May 2007. For this purpose, we used modified Bogardus scale which consists of nine items: This work presents the answers to the item no.7 (concerning political representing) only.

²⁶⁶ See footnote 223 for the case of coalition of the Croat party with DPS/SDP in Tivat.



Unfortunately, that is not all. During all those years when Montenegro was longing for its sovereignty status pathway and during the time of turbulences, minorities suffered from all forms of discrimination, exodus, threats and violence. However, they remained as citizens loyal to their state. Now, when processes most difficult for the state of Montenegro have been finished and when the situation should be different, ethnic distance of the minorities towards the majority people is increasing. The causes of this situation lies in: the cheated confidence of minorities by the leading coalition; the adoption of the Law on the Protection of Minorities two weeks on the eve of the Referendum on independence; the adoption of the said law by a simple majority, instead of by consensus; political rhetoric of the right-wing parties in Montenegro saying Montenegro is the state of minorities; subsequent annulment of two Articles of the Law on Minorities by the Constitutional Court and alike.

This further shows that the problem of minority participation in Montenegro has not been caused only by the lack of mechanisms for the enforcement of the qualitative participation, but also that there is lack of political and social awareness in Montenegro of the importance to implement such participation. Montenegro is not aware of the fact that the value of one vote (i.e. the voting right) of a minority citizen is equal to the one of a majority citizen; or that the commitment of a person to advocate for the rights of his/her people does not necessarily mean that such person is a chauvinist; or that a person being a civil-oriented party's member does not necessarily mean that such person is of real civil commitment. Unfortunately, that is the Montenegrin political reality. The political success has its own measuring method for any election process. Besides, political success in Montenegro is measured by the number of real properties acquired; friends and relatives employed; businesses set up; expensive watches and vehicles; expensive sales to members of other political options. The number of high-quality law proposals, good political ideas, and dialogue and negotiation skills does not measure it. In the atmosphere of such values, it is hard to upgrade the culture of respect for differences. Sooner or later, the minority representatives also start to be a part of such trend and they forget the major reasons for founding their parties and the importance of representing them. After a short time, leaders of parties can hardly resist to the challenges imposed by nepotism or providing housing or satisfying other needs and, consequently, such situations lead to the dissolution of parties and to their division into two or more distinct parts, as well as to the increase in the number of such parties, whereas the minority problems are not diminished.

g) Discrimination

Article 15 under the Constitution of the Republic of Montenegro reads "...the citizens shall be free and equal, regardless of any of their characteristics or personal features. Everybody shall be equal before the law." Article 43 prescribes that it shall be "contrary to and punished by the law to promote any ethnic, race or any other kind of inequality."

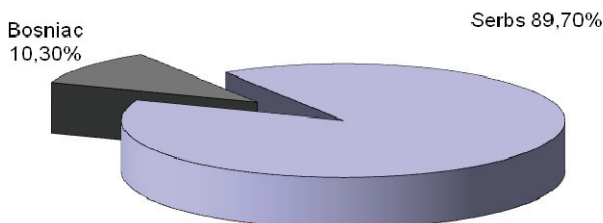
The relationships between political parties in power at local and Republican level, and the issue of employment in the institutions of the state, are clearly reflected in the data. In Pljevlja, where municipal authorities are represented by pro-Serb parties and Republic authorities are represented by pro-independence parties, the facts speak for themselves – the institutions employ members of their respective communities or their political supporters.

According to the 2003 Census, in Pljevlja there were 60.1% Serbs, 21.5% Montenegrins, 5,21% Bosniaks, 8,14 % Muslims, 4,01 % undeclared and more than 1.0 % persons belonging to the undeclared group.

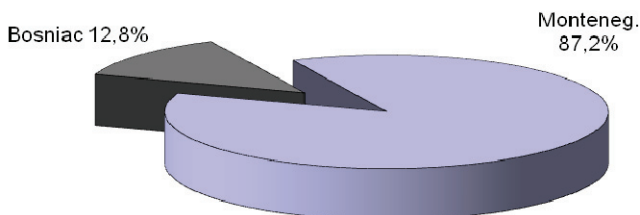
Among the employees at the Pljevlja Town Hall there were 89.7% Serbs and 10.3% Muslims/Bosniaks; in the law court, 87.2% Montenegrins and 12.8% Muslims/ Bosniaks, while among public institutions there were 74.1% Serbs, 20.4% Montenegrins and 5.6% Muslims/Bosniaks.²⁶⁷

²⁶⁷ Concerning fact that at last elections the leading DPS-SDP coalition won elections in Pljevlja situation is changed

Employees in Municipality of Pljevlja



Employed in Court of Pljevlja

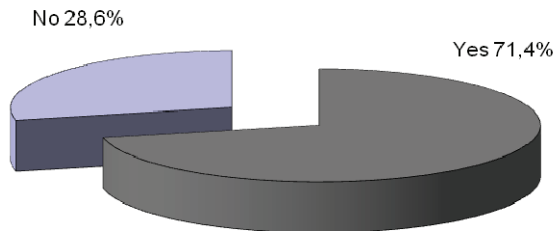


A similar situation happened in other municipalities. In Tivat, due to the political pressure, Croats as a minority community were proportionately over-represented in the municipality, whereas they were represented less in public institutions. In Podgorica and Bijelo Polje, Serbs were underrepresented because they are not in power at local level, while Serbs in Cetinje and Muslims and Bosniaks in Podgorica were over-represented more than 100 per cent.

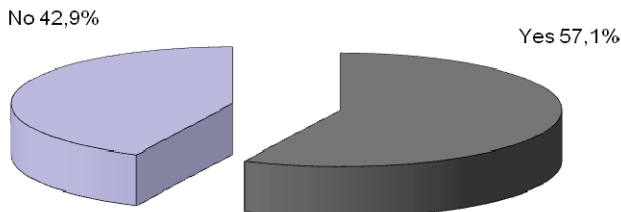
In 2005, ASK NGO conducted a survey in 8 municipalities where minority members live. The survey was titled “Minority Access to Employment”. The survey showed that 22.86% of the interviewed persons considered that discrimination suited the majority people;

17.14% believed it suited politicians; 15.71% considered it suited those in power. However, the structure of responses at local level reflected that $\frac{3}{4}$ of the interviewed persons in Tivat considered that the discrimination suited those in power. 11.43% of the interviewed persons considered that such situation suited also to the holders of private entrepreneurship activities in Montenegro.²⁶⁸

Is there discrimination in access to employment in Montenegro



Is there discrimination in access to employment on the basis of ethnic origin ?



²⁶⁸ Nedjeljka Sindik, "Minority access to employment," 2005.

What can be seen from the abovementioned is that practically each political option, regardless of whether it is of civil or of ethnic orientation, endeavors to employ its members in the public administration services. In such manner, all persons that would carry out their duties on professional and responsible basis are discriminated, regardless of whether they are minority members or not. In fact, directly through such mechanisms – through political party memberships, coalition negotiations and agreements at local level that make the active participation of minorities in decision-making senseless and create quantitative image of minority representation and minority interests advocating, whereas they actually mean configuring obedient party servants in public administration and in local self-government authorities - the access to employment has been opened for minority members in the public administration services. In the end, all the above said leads to the counter-effect and creates even bigger dissatisfaction among minority members. If there are no close relations between them and those in power, they can hardly obtain documents from local government authorities, streets where they live are not asphalted; they live in a sort of a total isolation because they want to be independent in their decision-making.

Naturally, after all that has been said, one can easily see minority members using shortcuts and adjusting their political tactics to the actual political trends in Montenegro.

h) Representation at Local Level

As for local level - in municipalities where parties representing ethnic minorities participate in the government, the population structure is as follows²⁶⁹:

²⁶⁹ 2003 Census and Household and Apartment Census. Source: MONSTAT

7. The Role of Political Parties in Minority Participation in Montenegro

Municipality	Bosniaks		Albanians		Muslims		Croats		Roma	
	No.	%	No.	%	No.	%	No.	%	No.	%
Plav	6,809	49,32	2,719	19,7	788	5,71	4	0,03	0	0
Podgorica	2,307	1,36	9,296	5,5	4,399	2,6	709	0,42	1,389	0,82
Rožaje	18,628	82,09	1,008	4,44	1,51	6,65	4	0,02	15	0,07
Tivat	37	0,27	144	1,06	156	1,14	2,663	19,54	20	0,15
Ulcinj	297	1,46	14,638	72,14	681	3,36	77	0,38	115	0,57

At local level, political parties representing minorities are mainly in coalition with the coalition in power. The coalition of Democratic Party of Socialists, Social and Democratic Party and Democratic Union of Albanians in Ulcinj; Democratic Party of Socialist, Bosniaks Party and Democratic Union of Albanians make the coalition in Plav; Democratic Party of Socialists, Social and Democratic Party and Croatian Civil Initiative make the coalition in Tivat, while the opposition coalition of Democratic Alternative and Socialist People's Party governs the District of Tuzi (which is a component part of the administrative structure of the Municipality of Podgorica).

If we pay attention to the structure of population at local level, we can notice that the representation of minorities is not satisfactory from a formal point of view and that, from that point of view, the system does not have specific objections. However, it is exactly where both the existing problems of the representation of minorities and of reaching their interests within Montenegro hide.

The power is reached through coalitions having opposite interests, in which the minority representatives usually represent at the same time ethnic and political minority in a decision-making process through accepting abatement of differences that are frequently of no welfare of minorities that are represented. At the same time, distinguished individuals and individual political parties representing minorities have given and give huge contribution to thawing and fostering neighborly relations between Montenegro and its neighboring

countries, but that has had no formal reflexive response to the minority status.

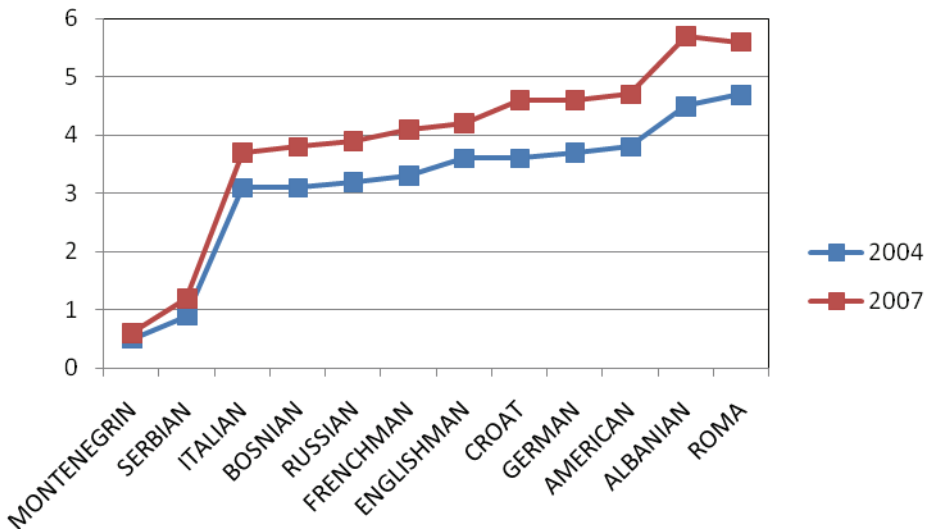
The links with the countries of origin and their relationship to the minorities in Montenegro have been reflected in the support for minority education in the countries they belong to. However, when it comes to political scene and achieving the rights by such minorities within Montenegro, no significant improvement has been reached.

In view of that, an example can be the mother tongue learning in the Municipality of Tivat, where the coalition of Democratic Party of Socialists, Social and Democratic Party and Croatian Civil Initiative is in power and where the formal education process shows 20% of room to make curricula changes at local level. The Croatian minority in Montenegro, which is mainly settled in the communities of Boka Kotorska, has been issued an approval by the Ministry of Education and Science to organize extra classes in Croatian mother tongue, which is in practice - but not as a part of formal education. The financial support by the Matica Hrvatska (Croatian Centre for Croats out of Croatia) (and by Croatian state) enabled the engagement of a professor of Croatian Language who lectures the students from Tivat and Kotor through courses. The elementary school in Tivat offered its space for the purpose. This course is not a part of formal education. Thus, the course is funded by another state instead of being a component part of the formal education that should be verified by the relevant Ministry and funded by the Budget of the Republic of Montenegro and not by the budget of the other state. Similar problem is the one related to education in Albanian Language, which is accompanied by textbooks that are controversial since they have been translated in a low-quality Albanian language.

It is also a dilemma when it comes to the quality of participation of the said minority representatives in governance, given that the representatives are incapable to represent the interests of their minorities in the field of crucially important education. The issue of education is not the only disputable issue. Minorities in Montenegro require recognizing and participating in all areas of life and work,

which are not available to them both under electoral or education system and even under other forms of exercising their rights.

Nevertheless, programs of the parties with civil orientations lack components concerning the rights of minorities; the party in power is not in a hurry to approve the Strategy for Minorities, regardless of the fact that the Law was enforced more than a year ago; it avoids defining the framework of minority rights in the New Constitution versions, whereby they do not leave many options for minorities. On the other hand, ethnic distance in Montenegro has been increasing²⁷⁰ and the general atmosphere of the society does not open too much space for an intensive work in the field.



In that sense, Montenegro will face the incorporation of preconditions of desirable routes to represent minorities in the electoral system into the framework of legislation, and starting the reform of this segment of electoral legislation, under unfavorable circumstances.

²⁷⁰ CEDEM, "Ethnic Distance Research," 2004 and 2007.

8. MINORITIES IN ALBANIA AND THEIR PARTICIPATION IN PUBLIC LIFE

By GJERGJ SINANI

a) Introduction

Full and effective participation in political, cultural, social and economic life is to be considered a “third generation” minority right. Effective participation has only recently become the focus of debate on minority rights. Article 15 of the Framework Convention remains the principal “hard” legal standard in this respect, expended upon in the “soft” Lund Recommendation on the Effective participation of national Minorities in Public Life and the Flensburg Recommendation Towards Effective Participation of Minorities. Effective participation of minorities is a fundamental right, closely linked to other types of minority provisions. In the Council of Europe area, it is not possible to conceive of fully democratic governance in the absence of full and effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs. Thus, the uncontested understanding of the State as an instrument of democratic governance implies the need to mediate the interests of diverse ethnic, linguistic or religious constituencies, and to facilitate representation all of these interests in public decisions and actions. A failure to achieve this aim undermines the legitimacy of entire political structure of the State concerned.

The link between effective participation and other types of minority rights is obvious. If minorities are effectively represented in public life and cultural, social and economic affairs, discriminatory standards and practices may be more readily excluded. If, on the other hand, persons belonging to national minorities are systematically discriminated against, they manifestly cannot participate fully in a given society.

b) Minorities in Albania

Traditionally, Albania has recognized those national minorities which have a motherland and characteristics like national identity, language, customs and tradition, religion etc. Thus, Albania has recognized Greek, Macedonian and Montenegrin minority. Roma and Aromenian on the other hand are recognized as ethnic-linguistic minorities.

After the introduction of multi-party system, the Communist era Constitution of 1976 was repealed in April 1991 and was replaced with a set of transitional constitutional laws, known as “Major Constitutional Provisions”.

In the first half of 1991, minorities in Albania began to form organizations and associations: the Organization of Macedonians “Prespa”, the Association of Montenegrins “Common Life and Harmony”, the Association of Greeks “Omonia”.

The Constitution of Republic of Albania (1998) considers national minorities an integral part of the Albanian society. The Constitution sanctions the universally known principles of human rights and it considers “pluralism, national identity and inheritance, religious coexistence and the coexistence with, and understanding of the Albanians for minorities” (Article 3), as the basis of the Albanian State. It guarantees them full equality before the law and in the exercise of their freedoms and rights, and acknowledges them the right “freely to express without prohibition or compulsion, their ethnic, cultural, religious and linguistic belonging” and the right “to preserve and develop them, to study and be taught in their mother tongue, and to unite in organizations and associations for the protection of their interests and identity”.

It also predicts a particular status for international instruments, which Albania has signed. Articles 121 and 122 foresee that each international agreement ratified by the Parliament is part of the domestic legislation. They are directly implemented, unless in cases when it is required to do so through ratification. International

agreements are superior to domestic legislation which, therefore, domestic law should be in compliance with international law and with universal standards approved by an international organization. If an agreement requests direct implementation, in case of a conflict they are superior to domestic legislation.

Albania signed the Framework Convention of the Protection of National Minorities in 29 June 1995. It was ratified by the Assembly of the Republic of Albania by the Law 8496, dated 3.06.1999 and it entered into force on 1 January 2000. After the ratification, the FCNM became part of the domestic legislation and constitutes a guarantee for the protection of minority rights in Albania. Based on article 25 paragraph 1 of the FCNM, the Albanian Government submitted its first state report on July 2001.

The Advisory Committee of the FCNM adopted its Opinion on Albania at its 25th meeting on 12 September 2002, which was made public by Albanian authorities. After examining the Advisory Committee's Opinion and the written comments of the Government of Albania, the Committee of Ministers of the Council of Europe adopted the Resolution ResCMN (2005) 2 on the implementation of the Framework Convention by Albania. In order to have an overview on the minority in Albania it is worth to present the following data²⁷¹:

²⁷¹ INSTAT, "Quarterly Statistical Bulletin," 2003.

Census Years	Population	Population of other than Albanian nationality	% of minorities
1950	1,218,945	35,201	2,9%
1955	1,391,499	47,227	3,4%
1960	1,626,315	44,570	2,7%
1969	2,068,155	Not gathered	
1979	2,590,600	54,687	2,1%
1989	3,182,417	64,816	2,01%
2001	3,069,275	Not gathered	

Table 22: Statistics on national minorities

Non Albanian nationality According to censuses years					
	1950	1955	1960*	1979**	1989
Total	35,201	47,227	44,570	54,687	64,816
Greek	28,996	35,345	37,282	49,307	58,758
Macedonian	2,273	3,431	4,235		4,697
Serbian				66	
Montenegrin	893	1,613			100
Aromanian	1,876	4,249	3,053	1,217	782
Others	1,163	2,589			479

Table 23: Distribution of ethnic and linguistic national minorities

As it may be observed by information gathered by the censuses, the percentage of non-Albanian population is low and it fluctuates between 3.5 to 2%. Among the non-Albanian population, the prevailing national minority is the Greek minority constituting almost 85% of the total figure occupied by national minorities. Considering the data (Table 20), the greatest part of the population belonging to national minority in Albania is the Greek minority, which amounted to 1.85 % of the population in 1989 with 58,758 persons, or 90.6% of national minorities. Population of Greek minority is established in southern bordering district (96.1%; especially in Gjirokatër, Delvinë dhe Sarandë It is worth mentioning the problem noted by the reports of FCNM for the importance of new data

regarding the number of persons belonging to national minorities. This is important not only for political reasons, but even for the elaborations of social and education programs.

Districts	Total	Albanian	Greek	Macedonian	Monte-negrin/Serb	Others
Total	31,824,117	3,117,601	58,758	4,697	100	1,261
1 Berat	176,398	176,324	49	12	2	11
2 Dibër	149,650	149,605	17	20	5	3
3 Durrës	245,499	245,249	192	12	8	38
4 Elbasan	241,950	241,789	131	8	5	17
5 Fier	245,062	244,881	123	9	7	42
6 Gramsh	43,565	43,545	13	3	0	4
7 Gjirokastrë	66,373	45,978	19,921	9	4	441
8 Kolonjë	24,781	24,752	20	7	0	2
9 Korçë	215,221	210,515	158	4,361	6	181
10 Krujë	106,852	106,626	17	5	2	2
11 Kukës	101,302	101,267	17	14	2	2
12 Lezhë	62,001	61,978	15	4	0	4
13 Librazhd	71,982	71,927	33	15	2	5
14 Lushnjë	134,280	134,209	51	9	3	8
15 Mat	76,674	76,638	22	7	2	5
16 Mirditë	50,447	50,421	16	7	0	3
17 Përmet	39,775	39,330	442	2	0	1
18 Pogradec	71,446	71,386	19	37	2	2
19 Pukë	48,969	48,938	17	5	2	7
20 Sarandë	87,763	50,995	36,531	22	17	203
21 Skrapar	46,503	46,482	16	5	0	0
22 Shkodër	236,289	236,158	53	30	15	33
23 Tepelenë	49,850	49,789	57	3	0	1
24 Tiranë	368,213	367,361	610	79	11	152
25 Tropojë	44,779	44,757	16	4	2	0
26 Vlorë	176,788	176,501	202	8	3	14

Table 24: Distribution of national minorities during the census of 1989

Majority-minority relations in Albania have for a long time been identified with the Greek minority. Shortly after the establishment of the Albanian state, the country obliged itself to protect minority rights as part of the minority protection regime of the League of Nations. As part of this commitment, the Greek minority in southern Albania was recognized and had the right to open schools in Greek language, which functioned as “private schools” financed by the Greek Government. In general, the Albanian Kingdom respected the clauses of League of Nations regarding the rights of Greek minorities. The situation changed during the Second World War and during the communist period; this needs a detailed description that goes beyond the limits of this paper. The democratic changes in Albania over the last decade have brought about essential changes also to the position of the Greek minority. It has improved and this minority enjoys today all the key human and minority rights in compliance with the most liberal European standards and the values. It is obvious that there are still problems due to the short experience of democratic culture. The democracy is not a question of method, but a question of culture.

After 1990s, the general number of the Greek minority in Albania has considerably declined. Due to the opening of borders, the backwardness and numerous economic difficulties of the transition period in Albania, a large part of the population in South have had the chance to seek employment and live in Greece.

In particular, members of the Greek minorities have received favored treatment by the Greek government in granting visas (of up to 5 years' terms), residence permits, finding jobs, education for their children and medical treatment. In many villages mostly populated by the Greek minority, the number of emigrants to Greece ranges between 40 – 70% of the total number of the village inhabitants. However, they keep without hindrance regular contacts with their relatives in Albania and regularly return home. Taking into account the political implication of this phenomenon, Vladimir Ortakovski rightly notes that by opening the borders between two countries, not only Albanians, but also the members of Greek minority, are leaving Albania in large numbers, regardless of appeals of Greek leaders for them to stay. Living in poverty and struggling for minority rights in Albania, people

find the possibility to earn money and to live in conditions of a significantly higher standard in Greece more attractive. Greek nostalgia for the south of Albania (Northern Epirus, in Greek version) has continued to decrease as the emigration of the members of the Greek minority in Albania to Greece continues²⁷². At the same conclusion is another author, Hugh Poulton, who states: “The sudden change in the internal situation in 1990 resulted in thousands of Albanian citizens leaving the country. A proportion of those who fled the mountains to Greece would undoubtedly have been ethnic Greeks, although there are no figures available. In January 1991, the Greek authorities returned over 5,000 Albanian citizens to Albania, leaving about 10,000 behind in Greece. During the visit to Albania in January, the Greek Premier urged ethnic Greeks not to leave Albania²⁷³”.

The *Macedonian* minority is concentrated in the areas of Prespa. This area extends to the southeastern corner of Albania, bordering Macedonia and Greece. The Albanian border of the Prespa Lake is 35 km. Along this line, there are nine villages of the area of Prespa, namely: Lajthiza, Pusteci, Zaroshko, Cerja, Shulini, Gollomboqi, Gorica e Vogël, Bezmishti and Gorica e Madhe and a village in Devoll. From the administrative viewpoint, the nine villages in which Macedonian minority people are living, make up a commune called the Commune of Prespa.

After the 1990s, no great movements of population have occurred in the area of Prespa, unlike other regions in Albania inhabited by national minorities. Given the close distance with Macedonian dwelling centers, many members of this minority work there during the day and return to their villages in the evening.

Albania has pursued an open, correct and friendly policy towards Macedonia, being the first country to recognize it after the disintegration of Yugoslavia. There are schools in the areas mentioned above where the teaching is in Macedonian language.

²⁷² Vladimir Ortakovski, *Minorities in the Balkans* (Ardsley, New York: Transnational Publisher, Inc, 2000), p. 199.

²⁷³ Hugh Poulton, *The Balkans Minorities and States in Conflict* (London: Minority Rights Group, 1991), p. 201.

The *Montenegrin* minority lives mostly in some small villages in the area of Vraca (villages Gril, Omaraj, Boriçi i Vogël) north of the city of Shkodra (in northwestern part of Albania) near the lake with the same name and the border with Montenegro. With the beginning of the democratic process in Albania, in 1990, almost all members of the Montenegrin minority left for Montenegro. The economic difficulties and the tensions in the former Yugoslavia resulted in part of those who had left to return to their homes in Albania. According to the First State Report²⁷⁴, about 600 from 2,000 people who moved to Montenegro have returned to their homes. The rest either continue to live in Montenegro or have moved to Western Europe, US or Canada. Nevertheless, in most of the cases they keep regular contacts with their family members and kin and continue to possess and maintain houses and properties in Albania. According to the “Moraça Rozafa” association, they face many problems regarding education and registration.

The statistical data to the number of *Roma* living in Albania do not exist because the census did give them the option to identify as Roma. The Roma people have settled mostly in Central and Southern Albania, because of the mild climate of these regions. They consist of four main tribes; Kallbuxhinj (Tirana, Elbasan, Pogradec, Korçë, Bilisht, Gjirokastrë, Sarandë), Meçkarë (Lushnjë, Fier, Vlorë), Kurtofet scattered, Cergaret as nomads. With the democratic changes, many Roma families have moved from other cities and district and settled basically in the suburbs of Tirana. As the capital, Tirana offers more opportunities, especially for trading, which remains the main occupation for most Roma. A part of the Roma community began leading a nomadic lifestyle. Whole families emigrate to Greece or Macedonia for six to seven months a year.

The Roma in Albania have succeeded to preserve their traditional language, which remains mostly spoken, as Albania had no schools teaching in Romanes.

²⁷⁴ QSHDNJ, “Pakicat dhe mbrojtja e të drejtave të tyre në Shqipëri,” Tirana, 2003, p. 155.

The recognition of Roma as a minority was a precondition for the national strategy “For the improvement of the Living Condition of the Roma Minority”, passed by the Council of Ministers in 2003. This long-term strategy has an implementation period of 15 years. This strategy is evaluated as a positive step from all international and national actors as for the objectives and measures foreseen and for the involvement of the Roma minority itself in its drafting process. Beside the existence of an almost adequate legal framework in the area of minorities’ rights protection in Albania, the implementation in practice of the National Strategy for Roma has encountered difficulties and moved forward slowly. The reasons are numerous and of different nature.

It worth mentioning that in the implementation of the strategy, the lack of effectiveness of the responsible government institution to ensure appropriate measures had an important impact. The lack of effective involvement in the implementation of the strategy is most obvious in the local government structure, as well as the lack of cooperation between local and central governmental institutions on the exchange of information related to completed measures.

In addition to the above mentioned minorities, there is also the *Egyptian* community. This community makes continuing efforts to be recognized as a minority, but is not recognized yet as such by the Albanian Government due to the lack of linguistic element. This community experiences much the same social and economic conditions as Roma. So far, no plan or strategy to improve conditions of this community is approved.

Finally, the *Aromanians/Vlachs* constitute a particular community. Aromanian population settled in the rural areas of Myzeqe of Fier and Vlora, in Frashëwr of Përmet, in Mokër of Pogradec, in Kolonja etc., as well as in some cities as in Korça, Berat, Tirana, Elbasan and Durrës. The Aromanian population settled in the city of Voskopoja, in village Shipke, which lies in the Mountainous zone of Voskopoja. With the ruin of city of Voskopoja, the Aromanian people left and settled in Manastir, and partly in other cities of Albania.

Later, Aromanians migrated to Albania from the high plateaus of Pindus in Greece. This group of people is known in Albania as “kucovlachs” or “sarakaçane”. The data for the number of the Aromanians minority in Albania appeared for the first time in 1950 census. In this census, the Aromanian population counts for 2381 inhabitants. In the 1955 census no data were produced regarding the number of Aromanians in Albania.

After 1990s, the Aromanians united in their associations “Armeni – Alban”, “The Aromanians’ Associations Voskopoja”, and “Aefallofisi”. These associations play an important role in preserving their language, culture and traditions. They also have their monthly newspaper “Fratia – Vëllazëria” (Fraternity) which appears in Albanian and Aromanian. The Aromanians are very well integrated into Albanian society.

c) The Evolution of Political Participation

It started in 1990 or 1991 with the first election. In 1997, the Greek dominated Human Rights Union Party gained 4 seats in the Parliament. At the same time minorities gained 3 places by the members of national minorities that militate in other political parties. The total number of deputies in the Albanian Parliament is 140. The participation of the national minorities, especially the Greek minority, in the local power, according to the local election on 1 October 2000, brought about the following results:

In Saranda district:		3 communal chairmen
	Commune of Dhriver	
	Commune of Livadhja	
	Commune of Aliko	
In Delvina District:		1 communal chairman
	Commune of Mesopotam	

Table 25: Communal Chairmen of the Greek National Minority

In Saranda District		32 councilors
	Municipality of Saranda	3 councilors
	Commune of Xarre	4 councilors
	Commune of Dhriver	7 councilors
	Commune of Ksamil	12 councilors
	Commune of Aliko	7 councilors
	Commune of Livadhja	9 councilors
In Delvina District		16 councilors
	Municipality of Delvina	2 councilors
	Commune of Finiq	6 councilors
	Commune of Mesopotam	8 councilors

Table 26: Councilors of Greek National Minority

From Saranda District		7 councilors
	From Municipality of Saranda	1 councilor
*	From Commune of Driver	2 councilors
	From Commune of Livadhja	2 councilors
	From Commune of Aliko	2 councilors
From Delvina District		3 councilors
	* From Municipality of Delvina	1 councilor
	* From Commune of Mesopotam	2 councilors

Table 27: Greek minority Regional Councilors

Members of the Greek minority employed in State organs of the Region compared to the total number of administration staff consist:

- In Saranda district 32% of the total number
- In Delvina district 20% of the total number

The elected representative in the local government in Gjirokastra are as follows:

In the Gjirokastra District	4 communal chairmen
• Commune of Dropulli i sipërm	1 communal chairman
• Commune of Dropulli i poshtëm	1 communal chairman
• Commune Pogon	1 communal chairman
• Commune Çarshove	1 communal chairman

Table 28: Communal Chairmen of Greek national Minority

In the Gjirokastra District	5 communal council chairmen
• Commune of Dropulli i sipërm	1 communal council chairman
• Commune of Dropulli i poshtëm	1 communal council chairman
• Commune Pogon	1 communal council chairman
• Commune Çarshove	1 communal council chairman
• Commune of Odrie	1 communal council chairman

Table 29: Communal Council Chairmen of Greek National Minority

In district of Gjirokastra	45 Municipal/ Communal councilors
• Municipality of Gjirokastra	3 councilors
• Commune of Dropulli i sipërm	15 councilors
• Commune of Dropulli i poshtëm	15 councilors
• Commune Pogon	8 councilors
• Commune Çarshove	4 councilors

Table 30: Municipal/ Communal Councilors of the Greek National Minority

In region of Gjirokastra	6 councilors
• From the Commune of Dropulli i Siperem	2 councilors
• From the Commune Dropulli i Poshtem	2 councilors
• From the Commune of Pogon	1 councilor
• From the Commune of Çarshove	1 councilor

*Table 31: Greek National Minority Councilors of Gjirokastra*²⁷⁵

²⁷⁵ Data from the first FCNM report submitted by Albanian Government.

It is worth mentioning that seven members of the Greek national minority hold leading posts in the State administration in the region of Gjirokastra. For a better communication between State and national minority the Minority State Committee was constituted in March 2004.

In the 2001 elections, Human Rights Union Party, again won four seats in the Parliament and two other members of Parliament of Greek ethnic origin who were elected on the list of the Socialist Party.

The Human Rights Union Party was represented in the executive power, in the period after the parliamentary elections of 2001 by the Minister of Health, the Deputy Minister of Labor and Social Affairs and the Deputy Minister of Justice. So they were in coalition with the socialists. After the parliamentary elections of 3 July, 2005, the Greek minority is represented in the legislative by the Human Rights Union Party with two seats in the Parliament, one independent member of Parliament and by one member of Parliament of Greek ethnic origin who is part of Socialist Party.

Currently, the Greek minority is represented in the executive power by the Minister of Labor, Social Affairs and Equal opportunities, the Head of the Minorities State Committee, three general directors, some directors of Directorates in ministries, one prefect, regional directors, directors of institutions, members and experts of Minorities State Committee, employees of the State administration etc. They represent the Greek minorities in these institutions.

It is worth mentioning that 6 persons belonging to the Greek minority are employed in the administration of the Ministry of Labor, Social Affairs and Equal Opportunities²⁷⁶. Almost the same situation is even in the Ministry of Interior.

Members of the national minorities have freely chosen their representatives on the local elections held in October 2003.

²⁷⁶ According to official data available at the Minorities State Committee.

Prefecture of Gjirokastra	
	The prefect of Gjirokastra District
	Three advisors
<i>District of Gjirokastra</i>	
• Municipality of Gjirokastra	2 advisors
• Commune of Dropull i postem	Head of commune and 15 advisors
• Commune of Pogon	Head of commune and 13 advisors
• Commune of Odrie	Head of commune
Prefecture of Vlora	
Municipality of Saranda	5 advisors
<i>District of Saranda</i>	
• Commune of Livadhja	Head of commune and 13 advisors
• Commune of Dhivri	Head of commune and 14 advisors
• Commune of Aliko	Head of commune and 11 advisors
• Commune of Xara	12 advisors
<i>District of Delvina</i>	
• Commune of Mesopotam	Head of commune and 10 advisors
• Commune of Finiq	Head of commune and 13 advisors

Table 32: Minority Representative in Local Institutions

Regarding the representation of the Macedonian minority in the local government bodies, the commune of Liqenas (in the prefecture of Korça), inhabited by members of this minority, all the representatives of the local government belong to the Macedonian minority.

1. Administration of Liqenas commune	11
2. Regional Employment Office in Korça	1 (director)
3. The Food and Agriculture Directorate	2
4. The Tax and Tariffs Directorate	1
5. The State Police	27
6. The Army	3
7. The Forest Police	7
8. Education	46
9. Health structure	20

Table 33: Macedonian Minority Members employed in State and Regional Institutions

The Macedonian minority is also represented by one member in the Minorities State Committee. Regarding the participation of persons belonging to the Serb-Montenegrin minority in public life, members of this minority are employed in the local State administration; one deputy director of the Rail Station in Bajza, Accountant at Electric Corporation in Shkodra, Social insurance institution in Malësi e Madhe, the director of 9 years school in Vrakë and the director of taxes and tariffs in Malësi e Madhe.

Taking into account the property problems of persons belonging to the Serb-Montenegrin minority, an office for Minorities was opened in commune of Gruemirë, hiring a person belonging to this minority. There is one advisor in the Municipal Council of Shkodra and one in Gruemirë.

The Serb-Montenegrin minority is also represented in the central administration with one director in the Ministry of Culture and one member in the Minorities State Committee.

The participation of the Roma minority in public life is inconsiderable. Roma minority is represented with one member in the Minorities State Committee; one member in the Municipal Council No. 4 in Tirana and one member in the communal council in the village of Ndërnënas in Fier. Considering the participation of Roma, in first opinion "The Advisory Committee is however particularly concerned about the low level of participation of Roma in economic life, as well as their very low level of participation in the public service"²⁷⁷.

There is no complete information on the participation of Aromanian minority.

It is worth mentioning some measures taken to encourage the participation of minorities in the election process. Considering the minorities as an integral part of the Albanian society, increasing

²⁷⁷ Compilation of opinions of the Advisory Committee on the FCNM, First cycle, Council of Europe, 2006, p. 16.

attention has been paid to the implementation of the Electoral Code²⁷⁸ without any kind of discrimination for the persons belonging to minorities who have the right to vote. Positive development to increase active participation in the electoral process marked even the foundation of two new parties that represent and protect minorities in Albania. The Movement for Freedom and Human Rights (MFHR), founded after the division from the Union for Human Rights party and the Macedonian minority political party, “The Macedonian Alliance for the European Integration”.

The Union for Human Rights dates at the beginning of the democracy in Albania. In fact, in public perception, this party is not a multi-ethnic party, but mostly Greek, while the party of Macedonian Minority was created by the “Union of Macedonian” which includes the associations “Mir”, “Med”, “Gora”, and the social and political organization for the protection of Macedonians in Albania “Druzhuvo Prespa”.

Actually, referring to the general parliamentary electoral campaign of 2005, the platform of these parties and other parties as well, include invocation to enforce minority rights in Albania. During the election campaigns of the major political parties, social problems that the minorities in Albania face have been shown, especially those of the Roma and Egyptian community.

It is worth mentioning the fact that the law No. 8580, dated 17.02.2000, for political parties gives a large space for the establishment of political parties on even ethnic base with the condition that the parties do not embrace into racial, religious and ethnic hatred.

Considering the low level of democratic culture, it will be better that the structure of the political parties is integrative, or inclusive, of representatives of minorities. So the civic model of the

²⁷⁸ In 2004, OSCE/ODHIR and Venice Commission issued the “Joint Recommendation” for the improvement of the legal framework on election in Albania, in order to fulfill the OSCE requirements and other international standards. As a consequence, the Election Code of June 2003 has been amended in October 2004, January 2005 and April 2005.

parties is a way to judge the level of democracy into the Albanian political parties. It is a fact that all the political parties use the same languages of the international documents in their programs regarding the minorities, but they have to think about their implementations.

Considering as an important priority the participation of all Albanian citizens in the political process that occurs in Albania, the Central Elections Commission (CEC), in its capacity of independent constitutional institutions was engaged to motivate and encourage persons belonging to minority groups to actively participate in this process. In this context, for the first time in the elections of Albanian Parliament of 2005, CEC organized an intensive education and information campaign for electors who belong to national minority groups.

In order to guarantee the free practice of the right to participate in an active or passive way in the political process, on the side of minorities, to fulfill the legal obligations and international standards, these institutions gave a particular place in this strategy to the electoral education of national minorities. To realize this objective, CEC cooperated with the Ministry of Foreign Affairs and INSTAT to collect the necessary information about minorities in Albania, as their location, statistical data about their numbers and the language they speak. It also cooperated closely with the National Council of Radio and Television for the identification of the location of the broadcasting operators transmitting in the areas where minorities live. To ensure a maximum efficiency of this campaign, CEC also kept continuous contact with different organizations working with minority issues.

Based on the information given by the above mentioned institutions, such a campaign has been defined as follows:

1. Radio information spot in the Greek, Macedonian and Serbian – Montenegrin languages
2. Leaflets explaining how to vote
3. Posters for the print media

CEC with decision No. 39 dated 07.04.2005 “For the agreement of the project ‘My vote 2005 – electorates educational campaign for the Parliamentary Election 2005’”, decided that election education for national minorities through newspaper announcement

and radio spots would be covered in the state budget in the areas inhabited by national Greek, Macedonian and Serbian – Montenegrin minorities.

With the important contribution of IFES (International Foundation for Election Systems), Albania and USAID it was possible to prepare newspaper announcement and radio spots in minority language. These versions were prepared in cooperation with the representatives of the respective minorities. More specifically the notification of the Greek minority in printed and electronic media appeared; in *Laiko Vima* newspaper, based on the contract with CEC, an information poster was published eight times in Greek language for a total of 100,000 lekë covered by the election budget, and on the radio *Argjiropolis*, based on the contract with CEC, a spot was transmitted 420 times in Greek language for a total 100,000 lekë covered by the election budget.

Although progress was achieved with respect to the participation of people belonging to minority groups in the electoral process, there is still much to do in this direction, especially about the participation of the Roma minority in this process. The low level of education, poverty and many other factors have affected the attention of this community making it indifferent and participating in most cases of the electoral process. On the other hand, because many persons belonging to this community do not have proper identification documents and, as a consequence, do not appear in the election list, they encounter considerable obstacles to participate in elections, excluding them automatically from the decision-making process.

It must be stressed that because of available tools, such as newspaper and radio television operators, this campaign was effective in those areas where the Greek minority is located, partly in *Liqenas* (Korçë commune) inhabited by the Macedonian minority, where posters and leaflets in the Macedonian language were published. This campaign was not implemented in the areas inhabited by the Serbian – Montenegrin minority, because of the lack of massive communication tools for this minority. Anyhow, this first experience is a good basis for future improvements, identifying the concrete conditions needed to

realize a successful platform for the election education of minorities and in accordance with the respective conclusions will work to draft strategies for future elections.

It is important to stress that the framework of reviewing the Election Code, of the next local election in Albania, work is being done to stimulate the Appointed Parliamentary Commission for the Election reform. We are opting to amend the Election Code so that we use the minority language and distribution of information booklets and leaflets in multiple languages in the areas where minority voters live.

In order to improve the participation, it is worth mentioning “The Memorandum for Cooperation and Understanding between Central Government Authorities and the Local Government, for the Cooperation in the Field of Protection and respect of Minorities Rights in Albania”.

The Memorandum envisages that the local government units shall engage in creating favorable conditions and take measures for the preservation and development of national, cultural and religious identity of minorities in Albania, especially in the areas where the presence of these minorities is considerable.

In the areas where the presence of minorities is considerable, the authorities of the local government shall engage in strengthening the collaboration through fostering a proper way of communication towards minorities, with a tendency for creating necessary spaces for evidencing and solving minorities’ problems. In this framework, the local government is engaged in drafting rules to increase information towards minorities’ members regarding the rights recognized to them.

The Memorandum also includes provisions on education, use of language, traditional names, topographical signs etc. The Memorandum was signed by representative of central government and the representative of the district in the areas that are actually inhabited by minorities groups.

d) Concluding remarks

International minority law and monitoring is intended to provide strengthened protection for vulnerable minorities, taking into account the particular type of vulnerability experienced by different minorities and to meet their particular needs. Participation in public life is essential in order to ensure that their particular concerns are taken into account, as well as to make it possible for them to influence the general direction of development in society, while participation in social and economic life is possible for them to take care of their needs through their own active contribution.

There should be effective participation both in opportunities and in benefits of social and economic life. It includes a right both to participate in economic activities, to have access to all kinds of services and goods open to the public and to benefit from outcomes in economic and social life. It includes equal education opportunities, equal employment opportunities and equal market opportunities. It also includes equal access to all kinds of services open to the public. Furthermore, it includes the right to benefit in the outcomes and the right to benefit from health services, social security etc. In all of these respects, the special situation of the particular minority should be taken into account.

The above principles have to take into account the situation of minorities in Albania. Albania has ratified the FCNM, but the implementation of the provisions of this convention needs further steps.

From legal aspect, the Albanian legislation does not provide a specific law as a whole. The minorities' protection is part of the penal, penal procedural, administrative, labor, election legislation etc. From the general assessment of the legislation in this field, it is necessary that the law is defined on the negative legal sense to prevent the discrimination. In the limelight of the development in this field, it is required to have a legislation with an affirmative view that fights discrimination and provides recognition to persons belonging to minorities and their rights. The Albanian Government is aware of the

review of legislation on minorities, that notwithstanding the adoption of important legal guarantees, further efforts were necessary to complete the legal administrative framework, in order to ensure its full implementation in practice, especially, as far as definition of the criteria is concerned, regarding minorities' rights for using their mother tongue in traditional local names and other topographic indicators in areas where they live.

In the framework of institutional reforms, a Permanent parliamentary Commission for Legal Issues, Public Administration and Human Rights dealing also with minorities' issues is set up and functioning inside the Albanian Parliament. Since 2000, Office for minorities was established at the Ministry of Foreign Affairs. The Office was merged with the reorganization of the Ministry of Foreign Affairs and in 2006 a Department of OSCE and EC which covers also minorities' issues in Albania, was set up.

In the Ministry of Education and Science there are inspectors who take care of education of minorities in Albania. Moreover, in the Education Directorates of different districts there are special inspectors who deal with minorities' education.

Also, under the Ministry of Local Government and Decentralization, in the Prefectures' Directorate, there is a specialist who deals with the participation of minorities in the decision-making process, in the local governance and in the public administration.

The legal and institutional reforms have to focus on the following concerns:

- a. Equal treatment of everyone as individuals in experiencing the human rights, which is a common concern to all of them;
- b. Preservation and development of identity in otherwise integrated societies, which is a matter of high priority for some of them, but of lower importance for others until after they have received proper equal protection of their ordinary human rights
- c. Effective participation while maintaining their own identity. General effective participation in the affairs of the country as a whole, as well as in matters affecting the group is of high

importance for large and closely knit minorities, while smaller or more dispersed groups are concerned mainly with effective participation in decisions on matters concerning them.

- d. The right to develop their culture and to found their own institutions to organize, maintain and develop minorities.
- e. The right of members of minorities to establish and maintain links with their native nation, with their free and peaceful movement across borders.
- f. The right of the members of minorities to live in a society where the propagation of racial, religious or ethnic intolerance, and hatred is prevented; and
- g. The obligation of members of minorities to be loyal citizens towards the state they inhabit and to refrain from threatening its national sovereignty, socio political order, territorial integrity, political independence, and international reputation.