

Minority Rights in Terms of the EU Conditionality- Focusing On Serbia

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Abstract: This article examines the minority rights as foreseen in the context of the European Union; presenting an overview of the major acts of the EU institutions towards the minority rights issue, as well as the steps undertaken for the incorporation of minority rights into the official documents of the Union. Further on, this work will provide some insights from the case of Serbia, talking more about how these rights are implemented, while taking into consideration the role of conditionality in joining the European Union. The impact that conditionality has in nowadays developments in Serbia deserves to be further discussed, since the evolution of the political spectrum of Serbia has changed a lot after the fall of Milosevic's regime in 2000, and the country has entered the democratization process. European Union conditionality plays a major role in the minority issue as well, as the minority rights are portrayed as one of the core values of EU. In this way, the progress achieved by Serbia until now in the implementation of minority protection criteria set by the European Commission will be discussed. Moreover, this topic will be narrowed down with the help of a specific case such as Preshevo Valley in the southern part of Serbia, and its Albanian minority living there and comprising the majority of the population according to the latest census. At the same time, this case is of a particular importance considering the complicated relations between the two nations.

Keywords: Minorities; European Union; Conditionality; Serbia; Preshevo Valley.

1. Introduction

The minority rights issue is one of the most critical points for having internal stability in a multi-national country. Despite the fact that the protection and support for minorities is at first an internal duty of states, the involvement of the international institutions throughout the years made it a more global matter. By the inclusion of the minorities issue into the international program, countries

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themselves were encouraged to follow the path of the international organizations. One of the examples of this kind is the European Union enlargement process. By setting standards and rules to be adopted and implemented by the candidate countries, the EU became one of the institutions further developing the minority issue. As many European countries were and are striving to become part of the EU, they are urged to comply with the standards and regulations of the EU, one of them being the minority rights.

The original European Communities treaty of 1956, in fact, did not pay too much attention to the issues of the European minorities. This treaty was directly addressing the member states of the EC, which were perceived as the “subject of the EC legal order” (Versteegh, 2015, p. 85). The aim of the unification of the predecessor of the European Union was the creation of an economic community. The push factor for the migration of the European labourers in the European Union was free movement as part of the labour market mobility in the European Union. Non-discrimination in the basis of nationality, which was provided by the original treaty, was intended for the labourers who were working in a foreign place, different from their home country. The idea of a European citizenship was introduced in 1992, which in turn made the nationals of the European Union member states European citizens. National minorities living in European Union member states were also guaranteed European citizenship rights. Equal rights and treatment of European Union citizens working in cross-border situations with the citizens of the host-country, were guaranteed by the Treaty of Amsterdam in 1997 (Versteegh, 2015, p. 85).

In 2009, the Lisbon Treaty has been implemented in the European Union. The Treaty contains two parts, the Treaty of the EU and the Treaty on the Functioning of the EU. Protection of and guarantee for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of national minorities, are claimed to be the core values of the Union according to the Lisbon Treaty. “It gives the 2000 EU Charter of Human Rights legal force as primary law” (Versteegh, 2015, p. 86). As a result, “equal treatment” is being promoted by the EU lawmakers for many years (Versteegh, 2015, p. 86).

Nowadays, the EU membership is a priority for many countries in the region, so the statements and recommendations of the European Commission have a big impact in the accession process. One of the main pillars of the enlargement policy is the protection of minorities. It is one of the membership criteria to join the EU

that was, together with other rules, laid down in Copenhagen, Denmark, and are together known as Copenhagen criteria.

In the following sections I will deal with the legal instruments for the protection of minorities in the European Union, that serve as a tool for the countries that want to join the Union to adopt and implement European standards. Moreover, I will be focused also in the EU reports for Serbia regarding the issue of minority protection until now.

1.1. Minority Rights According to EU Legal System

Minorities have been part of the EU since its creation, as they have existed even before the formation of the Union. However, they were not legally mentioned to be particularly protected by the law. National minorities, in this case, had to depend on the human rights in general. Maastricht Treaty of 1992 was the first treaty to establish specific requirements for respecting the human rights as fundamental freedom, which was articulated by the European Court of Justice (Defeis, 2017, p.1207). Maastricht Treaty was also called the Treaty on European Union, as it established the European Union from the European Communities.

Minority rights issue was an initiative wanted to be undertaken, which was discussed several times in the Parliament. The Charter of Minority Rights started to be drafted from the Committee of Legal Affairs since the first legislative period of the Parliament. Unfortunately, the draft was never voted. It was followed by the Charter of Group Rights which was proposed some years later and the end was the same, so minority rights disappeared from the agenda of EU (Barten, 2011, p. 2).

A major role in the developments made in the human rights field had the establishment of the Fundamental Rights Agency. In order of focusing on the issues such as discrimination, racism and xenophobia, the European Monitoring Centre on Racism and Xenophobia has been found, which provided the framework for the protection of minorities. However, the EUMC did not possess the right to take initiatives against these occurrences, which proved to be limited in its capacities. Due to this fact, the EUMC was converted into the Fundamental Rights Agency which was established by the European Commission, in order to be able to “treat discrimination in a wider context”- said Versteegh. This new institution was established in 2007, and its main task is “the collection of information and data, the provision of advice to the EU and its Member States and the promotion of dialogue with civil society” (Versteegh, 2015, p. 103).

Even though the activities of FRA are closely related to the Charter of Fundamental Rights, it is not the Charter's monitoring body. The scope of law is one of the main points that makes the difference between the two. As Barten mentions, while "the Charter deals with cases where Union law is implemented, the FRA deals only with issues of Community law, which does not extend to the whole field of EU law". In order of avoiding the "duplication and further synergies", a coordination of the activities of FRA with the Council of Europe is needed (Barten 2011, p. 3-4).

After a period of time, a link between the Council of Europe and the European Union was set forth as they became active in the same fields. The field of human rights started becoming more and more important to the EU with the expansion of the European Community. The Copenhagen Criteria was one of the treaties that paved the way of EU towards the fields of human rights (Barten, 2011, p. 3).

1990s was the period of minority rights protection topic, but it was mostly for the countries aiming to become part of the EU. After the collapse of communism in the countries of Central and Eastern Europe, the goal was the European Union membership. The issue, among others, that possessed a paramount importance for the EU to consider these countries to become part of it, was also the minority rights question. In this case, the EU enlargement procedure was in need of special requirements in terms of minority rights, in order of developing the CEE countries in accordance with the EU criteria, so in turn, to be able to join the community. As a result, the Copenhagen Criteria were formulated in 1993, by the European Council, a treaty that set the criteria that these countries must fulfill before they could join the European Union (Ahmed, 2015, p. 178).

One of the so called Copenhagen criteria, as stated by Hillion, was the "stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities". All these conditions set by the European Council has been presented as "obligations of membership" (Hillion, 2014, p. 2). This criterion showed to the world that the protection of minorities is one of the key interests of the European Union.

"The EU's first Copenhagen criterion bears the imprint of the rather amorphous democratic conditionality of the Council of Europe" (Sasse, 2005, p. 2). After the formulation of the Copenhagen criteria, in 1995 the Council of Europe established the Framework Convention for the Protection of National Minorities, which, according to Sasse, was aimed to "put in place a complex and legally binding pan-

European instrument for the continuous assessment of minority issues". In this way, the European Council extended the criterion of democracy by including the minority rights. Despite the fact, it was upon the members of the European Council to decide if they want to ratify the Framework Condition for the Protection of National Minorities (Sasse, 2005, p. 2). This came from the fact that, as I mentioned above, it was established by the Council of Europe, which is an international organization, not to be confused with the bodies of the European Union.

Regardless of the fact that it is up to the EU institutions to monitor the protection of minorities during the accession process of candidate countries, there was a lack of EU instruments "to verify the candidates' progress in the field" (Hillion, 2008, p. 4). The EU *acquis* may be a good instrument in contributing to promote the minority rights protection, but in general, the competence to establish and develop a minority policy is absent within the EU. Because of the lack of this competence, EU was obliged to rely on external sources to evaluate the minority issue as a pre-accession condition, as well as to have a more effective monitoring system. "It is in this context that the FCNM has become a significant element of the normative basis of the EU minority policy" (Hillion, 2008, p. 4).

The Amsterdam Treaty, that entered into power in 1999, further elaborated the concept of human rights, in which the ethnic and national minority rights are also included. It made the affirmation once again, that the European Union is based in democracy and human rights. The Amsterdam Treaty also emphasized the principle of equality as one of the most important components of the EU law. "Further, it expanded the scope of equality principle and allowed the Council of the European Union to take action against discrimination based on sex, race or ethnic origin...within the limits of power" (Defeis, 2007, p. 1115).

The Treaty of Lisbon, also called as the Treaty on the Functioning of the European Union, came into effect on 2009. It was first known as the Reform Treaty as it amended the Treaty on the European Union and the Treaty establishing the European Community. The ratification of this Treaty made a historical step towards the protection of minorities in the constitutional law of the EU. Profound changes were made in general with respect to human rights field (Defeis, 2010, p. 413-414). "Respect for human rights, including the rights of persons belonging to minorities is one of the values of the EU" was the statement in Article 2 of the TEU (Versteegh, 2015, p. 95).

With the adoption of the Treaty of Lisbon, a further stage was reached by the EU in the sense of its evolution, as it led, according to Drzewicki (2008), to an “ever closer union”. The relevance and potential of this development has been demonstrated to another institution, which is in this case the Organization for Security and Co-operation in Europe or OSCE, as well as to its High Commissioner on National Minorities. According to their opinion “the Reform Treaty brought about an extremely significant improvement in that it introduced an explicit provision on minority rights into primary EU law” (Drzewicki, 2008, p. 137).

The Treaty of Lisbon has made three points to guarantee the engagement of EU in the minority context. First of all, it mentioned for the first time explicitly in the EU’s primary law the persons belonging to a national minority. Secondly, the Treaty made the Charter of Fundamental Rights, which was adopted in 2000 in Nice, binding throughout the European Union. Also, the Treaty made the EU adopts the European Convention on Human Rights and Fundamental Freedoms (ECHRFF) (Barten, 2011, p.2). The EU Charter is the provider of the minority rights approach. Respect for cultural, religious and linguistic diversity is provided in Article 22 of the Charter that is an obligation for the EU as well (Carrera et al., 2017, p. 56).

However, the key issue regarding this obligation of respect is the EU issue of competence. Member States are free to reject a minority rights approach, which Article 22 supports so long as the area under consideration is outside the scope of EU law. Respect for cultural, religious and linguistic diversity only arises where the EU has competence, such as on consumer protection or working conditions, and where an issue of respect for cultural, religious or linguistic rights arises (Carrera et al., 2017, p. 56).

The inclusion of national minority rights in the Treaty establishing a Constitution for Europe had faced many contradictions. All of those contradictory stages for the integration of national minorities revolved around the EU membership criteria, even though later on, it was “perceived in a wider context” (Drzewicki, 2008, p. 138). The issue was that the respect for and protection of minorities was a special requirement for the EU candidate countries as part of the accession process, but, on the other hand, it was not included in the primary European law, therefore it was not applicable for the existing member states of the European Union. Later on, the issue became wider as the draft of European Constitution, that was completed in 2003,

did not mention the minority rights protection, forgetting in this way the criterion of Copenhagen, which was a condition for the candidate countries to join the EU. In this case, the Article I-2 mentioned the human rights in general, but not the minority rights too, despite the fact that it can be argued that the minority rights are a part of the human rights. By excluding the minority issue as a specific provision, it could be concluded that the EU required from the candidate countries to achieve a level of minority rights under the Copenhagen criteria and after joining the EU such requirement would not be a binding obligation under the European Constitution (Drzewicki, 2008, p. 138-139).

Because of this fact, the OSCE High Commissioner on National Minorities officially addressed the matter, as stated by Drzewicki, by arguing that the EU should apply “the minority-related standards equally—extending them to both candidate countries as well as to member states”. The HCNM’s proposal for amending the draft of the European Constitution was finally accepted and performed in June 2004. Consequently, the draft of the Constitution for Europe was amended, adding to the Article I-2 “respect for human rights including the rights of persons belonging to minorities” (Drzewicki, 2008, p. 140). However, as it is known, the Treaty for establishing a Constitution for Europe was not ratified, but after a period, the Treaty of Lisbon came into power, which was some kind of replacement of the Treaty of the European Constitution. Consequently, as mentioned above, the Treaty of Lisbon embraced the previous formulation aimed for the Treaty of the Constitution, together with the minority clause.

“The rights and minority clauses can be placed against the background of the other values described in the Lisbon Treaty, such as human dignity, liberty, democracy, equality and the rule of law” (Versteegh, 2015, p. 97). The EU Charter on Fundamental Rights that became binding after the entry into power of the Treaty of Lisbon expressed the aforementioned values as being European values. Altogether, a legal framework of human and minority rights is created. According to Versteegh, “in that respect it is important that the Charter of Fundamental Rights has achieved the legal value of a treaty in Article 6 (1) TEU and the Article 6 (3) TEU refers to fundamental rights as they emanate from the ECHR” (2015, p. 97). Discrimination on the ground of membership of national minority is prohibited by the Charter in its Article 21, which reasserts the principle of equality and non-discrimination. The difference between the Treaty of Lisbon and the Article 21 of the Charter is that this article offers the basis of taking measures against the act of discrimination against members of national minorities (Versteegh, 2015, p. 97).

Despite the fact that the European Union had complications in its way through the minority rights inclusion, it is still understandable as all started as an economic community, maybe without intentions of extending this much. However, diversity is one of the European Union's priorities. This is also evident in its official motto, which is "United in diversity" (Toggenburg, 2004, p. 1) that says it all regarding the stands of the European Union. It makes clear the EU's perception that diversity is in favour of minorities, and it is not about erasing the national identities within the states.

The minority rights protection continues to be a provision of *acquis communautaire*. As part of membership criteria, the field of minority rights, in my opinion, is one of the most challenging issues in the so called "members to be" part of the European Union. My idea is based in the fact that the history of the Western Balkan countries is all about nations and their territories, or better said the voracity and eagerness of these countries in acquiring as much territory as they can. In this case, minorities are the most complex parts composing the societies of these countries, most of the time having problems with their belonging to a particular state. So, the issue of minorities in this case is more delicate and requires strong legislative procedure from the European Union in order of being able to tackle properly the problems they face.

2. Minority Treatment in Serbia in the Case of Eu Conditionality

The year 2000 marked the start of the democratic transition in Serbia, as the former president Slobodan Milosevic was defeated during the elections of that time, and extradited in the International Criminal Tribunal for the former Yugoslavia or ICTY in Hague in 2001. The European perspective of Serbia was promised by the EU if the country meets the enlargement criteria, including here the minority protection, first during the 2000 European Council Summit in Feira, and then in Thessaloniki 2003 (Heimbach, 2011, p. 183).

Serbia gained the candidate status in its process of joining the European Union, in 2012. Subsequently, in 2013, the so called Stabilisation and Association Agreement entered into force between the European Union and Serbia. This special process was created for the so-called Western Balkan countries, aiming at easily adopting and implementing the European standards. The states aspiring to become

EU members then have to harmonize their laws to the *acquis*. Many times, this process is called as Europeanization.

According to Radaelli (2003, p. 30) Europeanization refers to:

Process of (a) construction, (b) diffusion, and (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, ways of doing things, and shared beliefs and norms which are first defined and consolidated in the making of EU public policy and politics and then incorporated in the logic of domestic discourse, identities, political structures, and public policies.

So, regarding this definition, Europeanization is the attempt of adjusting the political behaviour of a particular country with that of the European Union. As I mentioned before, one of the conditions of adopting the EU standards and therefore being able to enter into the EU is also the minority criterion. In 2013 the European Council opened accession negotiations with Serbia and adopted a negotiating framework. From then on, an annual progress report is prepared for Serbia. In each of the Progress Reports minority rights protection was treated as a special case of review. In the following section I will address the question if the EU conditionality has affected the rights of minorities in the Republic of Serbia, in its path towards the EU integration, by referring also to the annual EU reports on Serbia.

The desire of post-communist states, such was the case of Central Eastern European countries, to join the EU was accepted with a strong political will from the EU side, in order of democratizing these countries as well as having a solution or agreement for the potential “intra- and interstate conflicts” (Heimbach, 2011, p.183). External democratization has been a research object to be dealt of by the international relations. It has been related to “an external democratic actor that engages in the implementation of democracy in another environment than its own” (Heimbach, 2011, p.183-184). Often, in the case of post-communist countries, including here the Western Balkans, the most successful instrument for the protection of human and minority rights is considered the accession to the European Union. The promotion of human rights is one of the most important elements of the EU, and this is evident in its enlargement policy. In this case, conditionality serves as a tool for the EU to promote democracy and human rights in the countries aspiring to be part of it (Cierco, 2011, p. 142).

Being one of the main tasks for the Serbian country, as well as for the others aiming to be part of EU, the respect of human rights and protection of minorities

has been a successful tool towards a more stable politics and society. Even though this strategy contributed in setting a more minority friendly environment and promoting the rights of national minorities within the Serbian society, the public perception towards minorities in the country continues to be negative in general even today. Minorities are still considered as a threat of the stability of the state. It derives from the national pride of the majority being still a prevalent issue in Serbia, as well as in the rest of the Balkan countries.

I believe that the nationhood and the nationalistic feeling is still strong in these countries, and the idea of a national homogeneity is still deeply rooted in the heads of the ordinary people, which is in contravention with the base principles of the European Union. This fact leads to a more difficult implementation of the minority protection framework.

An external actor like the European Union through the enlargement conditionality requires the application of certain standards or norms, but conditionality cannot change the culture of respect for human and minority rights. “A change of mentality and culture cannot be reached by a state-centered top-down approach as conditionality” (Cierco, 2011, p. 145). So, that is the issue with Serbia. Therefore, according to these cases, as Cierco argues, “not all elements relevant for democratic development can be aimed at through a state-centered action mode as conditionality”. It works in the field of institutional building, but not always for instilling the culture and behaviour of democracy, including here the culture of human and minority rights. This means that conditionality may be suitable for promoting the “formal institutionalization of democracy”, but it is limited with regard to human rights and it is not always promising in the field of democracy (Cierco, 2011, p. 145-146).

After the breakup with Montenegro in 2006, Serbian Constitution was reformulated. As noted in the European Commission Progress Report on Serbia in 2007, several provisions for the minority rights were added in the new form of the Constitution, including here the ban of discrimination against minorities and guarantee “for affirmative action” against discrimination. Also, “it gives a constitutional basis to national councils, which are the bodies responsible for the cultural autonomy of ethnic minorities” (EC Progress Report, 2007, p.14). However, despite the fact that the situation in the Southern part of Serbia was stable, some occasional incidents were ongoing. Coordinating body for Southern Serbia was affected as a result of delayed formation of the Serbian government.

After the restructure of the coordinating body and the appointment of a new director for the institution in August 2007, there were complaints from the Albanian representatives due to the lack of consultation taking these decisions. Tensions were still ongoing between the Albanian community and the Serbs, since the 2006 municipal elections, regarding the appointments in the public services (EC Progress Report, 2007, p. 14-15).

In the first part of 2008, relations between Brussels and Belgrade were in crisis and the European perspective of Serbia was at risk as a result of the independence of Kosovo and its recognition by the majority of the European Union countries. Furthermore, the decision of the European Union to replace the United Nations Interim Administration Mission in Kosovo with the European Union Rule of Law Mission in Kosovo faced many critics from the Serbian government, which protested against it (Dragisic, 2008, p. 150).

So, Euroscepticism had been rising among Serb population following the Kosovo independence in 2008, which affected the coalition government stability. As a result, it led to preliminary parliamentary elections, which were held in May 2008. According to Dragisic, the Stabilisation and Association Agreement with Serbia was signed on April, as the EU decided to support the pro-European leaders during the elections campaign, despite the fact that the EU was not satisfied with "Serbia's cooperation with the International Criminal Tribunal for former Yugoslavia". As a result, after signing the Stabilisation and Association Agreement, the pro-European coalition managed to succeed in winning the parliamentary elections. The formation of the pro-European government in July 2008 prioritized the European Union integration case (Dragisic, 2008, p. 150).

Regarding the 2008 Progress Report by the European Commission on Serbia it was pointed out that:

Following the formation of the new government in July 2008, the former governmental human rights agency was replaced by a Ministry for Human and Minority Rights. Overall, the legal and institutional framework for the observance of human rights is in place. However there has been insufficient progress on implementing international human rights law. Institutional structures for the implementation of human and minority rights have to be further reinforced (EC Progress Report, 2008, p. 14).

Regarding the situation in Vojvodina, the northern part of Serbia, the Progress Report showed that it was improved as well as there was a decrease in the number of ethnical incidents. On the other hand, it was not the same case in Sandzak region, which is mostly populated by Bosniaks and Serbs. According to the Report the situation in this part of the country was still “tense”, as serious incidents were still evident. Moreover, the policy towards the Roma population in the country was also criticized by the European Commission, especially regarding their access to education (Dragisic, 2008).

Following the 2009 Progress Report, one of the main points was that the condition for the use of the mother tongues of minority representatives set by the National Parliament and the Provincial Assembly of Vojvodina. Until this time, “a total of 16 minority councils have been established”. In this year also, the recommendation for applying the European Charter for Regional and Minority Languages in Serbia was issued by the Council of Europe. The purpose was the promotion of an environment with more tolerance and better regulations for using the minority languages in the education sphere (EC Progress Report, 2009, p. 17-18).

Until 2012, the European Commission through its Progress Reports on Serbia showed almost the same evolution on the situation of minorities. All of these reports continued to show good progress in the field of respect for and protection of minorities. A particular development has been made in regard of National Minority Councils, as their first direct elections took place in 2010. The number of formed National Minority Councils was increasing during these years, and also including new laws and regulations. Most difficulties were present in forming the Bosniak National Minority Council, as a consequence of disputes between the ethnic groups there, as well as within the Muslim community (Based on the EC Progress Reports on Serbia 2010-2012).

In the Autonomous Province of Vojvodina the situation of minorities was improving year after year, and the number of ethnic incidents had decreased. Vojvodina continued to have a better situation of minorities compared to other regions populated by different nationalities. The Southern part of the country had the same problems during these years, as no solution has been achieved regarding the case of diplomas issued by the University of Pristina, the lack of higher education institutions and the integration of Albanians in general. Sandzak has also been described as a problematic region, where the clashes between the ethnic groups continued, as well as there were persistent tensions among the Islamic

organizations. The position of Roma people was said that has been improved somewhat, as some measures have been taken in the sector of education. Also, there was evidence of different occasions organized with the aim of raising the awareness of the other citizens for including the Roma population, one of them being the International Roma Day (Based on the EC Progress Reports on Serbia 2010-2012).

The 2013 and 2014 Progress Reports on Serbia showed almost the same results without any particular development in the case of minorities. It was cited that “the legal framework providing for respect for and the protection of minorities and cultural rights is in place and generally upheld, in line with the Framework Convention on National Minorities to which Serbia is party” (EC Progress Report, 2013, p.46). Vojvodina continued to be the minority region with the highest degree on the protection of minorities, and with the most stable inter-ethnic situation in the country. The situation in the Southern part of the Serbia, particularly in the municipalities of Presevo, Bujanovac and Medvedja, which is another minority populated region, remained the same through these years, with a low representation of Albanian community in the public administration as well as in local companies. A particular event that drew attention was the problem over the monument commemorating the Albanian soldiers killed in the 2000 conflict (Based on EC Progress Report, 2013-2014).

In the Sandzak region populated by Bosniak minority, the situation has been stable during 2013-2014. Despite this fact, “the Bosniak community continued to be underrepresented in the local administration, judiciary and police” (EC Progress Report, 2014, p. 50). This area was described by the European Commission as “one of the most underdeveloped and requires additional commitment from the central authorities to boost economic development” (EC Progress Report, 2014, p. 50). The European Union was continuously supporting the inclusion of Roma people, by organizing seminars, which in turn contributed in positive results. Also, there was an evidence of some progress of local authorities in their attempt to provide housing. “However, the Roma continued to face difficult living conditions” (EC Progress Report, 2014, p. 50).

The Progress Reports from 2015 until the last one which was published on 2018 continue with the same rhythm as before. The situation throughout the minority inhabited regions has been stable these years. An exception has been an event that took place in the end of 2014 in the Autonomous Province of Vojvodina and was

included in the Report of 2015, which was caused after an incident that happened in a football game in Belgrade between the Serbian and Albanian national teams, as a result several Albanian community properties were attacked by the Serbs (EC Progress Report, 2015, p. 58).

In general, through these last years the Progress Reports has shown that the legal framework for the minorities' protection is being applied, however there is still place for improvement. The Framework Convention for Human Rights and its legal basis have to be further applied, especially in the areas such as "education, the use of languages, access to media and religious services in minority languages" (EC Progress Report, 2016, p. 64). It was also pointed out that "the legislation is being implemented most effectively in the Autonomous Province of Vojvodina" (EC Progress Report, 2016, p. 64). Moreover, these regions populated by minorities continue to be the most underdeveloped parts of the country, underrepresented in the public administration, and there is still a lot to do for the integration of the minorities.

Serbia is still in the process of developing itself towards the European Union. Until now 16 Chapters of negotiations out of 35 have been opened and two of them are already closed provisionally. The minority issue is still a topic of discussion in the Progress Reports from the European Commission, and further enhancement has to be done before entering the European Union, a step which is expected to be achieved by 2025.

3. An Overview of Preshevo Valley-a "Minority Hotspot" in Serbia

Preshevo Valley is located in the Southern part of Serbia, more precisely, in the Central part of the Balkan Peninsula, which passes through Morava Valley and Vardar Valley (Ejupi, 2013, p. 9). It borders Kosovo in the West and Macedonia in the South. The so called Preshevo Valley is composed of three municipalities, Preshevo, Bujanovac and Medvedja. The situation crated in Kosovo as well as the outbreak of the armed conflict in the region in 2001 which intended to "raise greater political, diplomatic, and media awareness about the position of Albanians in these areas", were followed up with the need of a unique name for this region. The aim of the name was to primarily show the similarity and unity of the political, historic, social and demographic region, "and then to enable the identification of the people and territory" (Sejdiu-Rugova & Ejupi, 2015, p.4). As it is known,

‘Preshevo Valley’ is the new name used by the Albanians of these zones. This notion was first used by the United States diplomacy in 2001, after the armed conflict that took place at that time between Albanian community and Serbian forces, and later on, it was embraced by the Albanians living here and the international arena as well.

This 1250 square kilometers area populated mostly by ethnic Albanians, poses a strategic significance. This significance comes from the fact that “the main north-south railway line and the highway from Belgrade via Skopje to Thessaloniki, Greece run through it, along the river valleys of the Juzhna Morava and its tributary, Moravica” (Hinrich-Ahrens, 2007, p. 273). In the last census, during the time of the Socialist Federal Republic of Yugoslavia in 1981, which was not boycotted by the Albanians, Preshevo numbered in total 40,000 inhabitants, 35,000 of whom were Albanians (Hinrich-Ahrens, 2007, p.273). Bujanovac had 39,000 inhabitants, of whom 30,000 were Albanians, whereas in Medvedja, Albanian people numbered only 4000 of the 13,000 inhabitants in total. So, according to this census, approximately 70,000 Albanians made up the population of SFRY in 1981 (Hinrich-Ahrens, 2007, p. 273).

According to Huszka (2007, p. 1), the conflict of 2000 between the Albanians and Serbians in this region, grabbed the international attention mostly. The situation nowadays is peaceful, but still the relationship between the two ethnic groups living here does not have significant improvements. As the NGO Minority Rights Group International (2008) mentioned, despite the fact that the situation, since the time of the conflict, has improved, “Albanians are victims of hidden discrimination and face high levels of intolerance from the majority”.

Municipalities of Preshevo and Bujanovac belong to the Pcinje District, while municipality of Medvedja belongs to Jablanica District. The municipality of Preshevo is situated close to the border with Macedonia, as well as near the E-10 corridor, which have a special importance as it connects Belgrade, Skopje, Thessaloniki and Athens (Government of Serbia Coordination Body for the Municipalities of Presevo, Bujanovac and Medvedja, 2019).

As for the population of the Preshevo Valley it should first be examined the way of the demographic registration, as it is with outmost importance for this region. There are two concepts applicable in the methodology of demographic registration, the one of the population who is present at the moment of the registration, and the registration of the permanent population. The registration of the present population

includes the inhabitants who are present in the moment of the realization of the process of registration. This means that every person is declared as inhabitant of the place where he/she is present for the moment even though he/she may be there only temporarily. The second concept means the declaration and the registration of every person as permanent inhabitant of one place, even though during the registration time the person is not there for several reasons. Because of the heterogeneous states and the consequences of the civil wars, like displacement or migrations of masses of people, it looks like the concept of the present population registration does not fit for the Balkan countries (Ejupi, 2013, p. 89).

Serbia is one of the Balkan countries where the concept of the registration of the present population does not fit because of many ethnicities living there, like Bosniaks, Albanians, and so on. "The geo-ethnic continuation of the territories where these ethnicities live and their kin-states (like Kosovo, Bosnia and Herzegovina, and so on), has been one of the reasons that pushed Serbs to take actions in order of changing their ethno-demographic structure" (Ejupi, 2013, p. 89).

During the 2002 demographic census, Serbia used the concept of the present population registration. In this way they raised the number of Serb population by registering a few thousand Serb refugees from Croatia, Bosnia and Kosovo, whereas they decreased the number of the Albanian population in the Preshevo Valley by excluding from the registration process the people who were temporarily outside the country, for several reasons like working, studying, and so on. According to some data, it is concluded that during the demographic registration in 2002, 21% of the population in the Preshevo Valley were abroad, mainly for temporary work, and they were excluded from this process. From this fact, it is visible that around 24,000 Albanians missed the registration, creating in this way an unreal demographic composition of this area. The most concerning situation is in the municipality of Preshevo, from where, almost 27% of the population is abroad, mainly in the western European countries. All this had a negative impact in the political, economic, and social spheres, as the transformation of the ethnic structure in the Preshevo Valley, by decreasing the number of the Albanians and raising the number of Serbs, they attempted to fade away the Albanians' demands to fulfill their civic and national rights (Ejupi, 2013, p. 89).

This occurrence led the Albanian population of Preshevo Valley to boycott the 2011 census. So, according to the 2002 census, the population in the municipality

of Preshevo in total was 34,904 inhabitants, from whom 31,098 were Albanians and 2984 Serbs. In the municipality of Bujanovac the total population counts 43,302 inhabitants, from them 23,681 were Albanians and 14,782 Serbs. While in Medvedja the total population was 8459, of whom 1816 were Albanians, while 6535 Serbs (Maksimovic, 2013, p. 3).

The number of the Albanian population in the Valley is being dramatically reduced recently, especially in the municipality of Medvedja. Before, the Albanian population made up one third of the total population of Medvedja, while nowadays no more than a few hundred Albanians inhabit this municipality. Since the extensive emigration of the population and the demographic regression in the Valley that is taking place in the recent years as a consequence of the economic underdevelopment, the number of the pupils in the primary schools is marked by a drastic decrease as well (Sejdiu-Rugova & Ejupi, 2015, p. 3).

During the armed conflict in 2001, many families migrated to other countries, mostly in the western European countries and in Kosovo. Due to the economic underdevelopment of the area, this movement of the population is still ongoing, and this is mostly evident among the young generation who leave their places in search of better life conditions and job opportunities. Especially during these last years, since the visa liberalization with the European Union, a silent ethnic cleansing, as it has been called, is happening in the Preshevo Valley, as many young families as well as individuals are moving towards European Union countries because the Serbian country does not offer anything for them.

As it is known, Preshevo Valley remains one of the most underdeveloped regions in Serbia, as there is no investment or contribution from the state in any sector. There are no job opportunities for the young people, who graduate from different faculties, and as a consequence, these people are obliged to go abroad and search for jobs in order of having a career. According to Zylfiu, Lekaj & Ahmedi-Zylfiu (2017, p. 70), the unemployment rate in the three municipalities is more than 70%. The extensive and natural agriculture, mainly tobacco cultivation, was the income source of the Albanians of this region. Nowadays, "the income derives from remittances sent by migrants who live and work in Western European countries and overseas" (Sejdiu-Rugova & Ejupi, 2015, p. 3).

There are many critics from the Albanian citizens as well as from the political representatives, that the 2001 plan that ended the conflict, is not being implemented even now after all these years, and the Albanians continue to be discriminated in

many ways. The commitment made in the plan included economic investment and employment opportunities, education, social, safety, health and other sectors. But unfortunately none of them is being implemented even nowadays.

One of the so called Covic Plan's main points was the integration of the ethnic Albanians of the Valley in the political and social life. Despite this fact, the Albanians constantly complain that they are underrepresented in both social and political spheres. As Zylfiu, Lekaj & Ahmedi-Zylfiu claim, a very low number of Albanian nationals are employed in the judicial system in the Preshevo Valley (2017, p. 72). The basic municipal court in the municipality of Preshevo has functioned from 1972, but after the judicial system reforms in Serbia, in 2014, the basic court was removed from this municipality, and it became a sector of the basic court of Bujanovac (Zylfiu, Lekaj & Ahmedi-Zylfiu, 2017, p. 71). Because of that, the citizens of the Preshevo municipality are obliged to go to the basic court in Bujanovac for anything they need.

The right of official use of languages and scripts of national minorities is guaranteed in the constitution of the Republic of Serbia. One of the specific points where the official use of languages of minorities is guaranteed is in the official documents. Despite this fact, the National Council of Albanian National Minority concludes that this law is not implemented in the Preshevo Valley, as the official written communication, particularly the administrative acts, directed to the Albanians of this region is not performed in the Albanian language, except in Serbian language. Such a problem is also evident in the registration of the names of the new born babies. Because of the lack of the hospitals, the citizens of Preshevo Valley have to go to other cities of Serbia, like Vranje or Leskovac, to give birth to the babies. In the registry services the parents encounter many problems and difficulties while writing the names of the babies, mainly the Albanian names, as they are sometimes changed from their original form (National Council of Albanian National Minority, 2013, p. 10). Even the birth certificates, as any other document, are issued only in the Serbian language.

In the three municipalities, the law on the official use of language and script is also not applicable in any public enterprise, as well as in any medical centre, in this case even the medical reports are not issued in two languages, except in the Serbian language and Cyrillic script (National Council of Albanian National Minority, 2013, p. 12). So, from these facts, it is evident that the law of using the official language of the state together with the language of the national minority, if that

particular minority comprises more than 15% of the population of the particular territory, is not applicable as it is regulated by the law. National symbols as well, even though guaranteed by law, are forbidden to be used by the Albanian community. In many cases, people are fined by the authorities for using the national Albanian flag. While, at the same time, Serbian minorities in the republic of Kosovo, have their flag and other national symbols in every municipality that they reside.

The issue of education is another factor in the three municipalities populated by Albanians. The major problem of the education in this region is the provision of textbooks in the Albanian language, for the students of primary and secondary schools. The textbooks used by the students of Albanian ethnic minority are old Serbian books translated into Albanian. Thus, the main problems come from the books of history, geography, as well as language books. In the history books, translated from Serbian to Albanian, the way of narrating the history is in opposition to the Albanians' side of history. Also, many times one can encounter hate speech towards the Albanian nation in the aforementioned courses books. The problem is that the textbooks from the Republic of Kosovo are banned from the Serbian authorities, as they do not recognize Kosovo as a sovereign independent country.

Since 2007, the textbooks from Kosovo are not allowed to enter and to be used in Serbia (Zylfiu, Lekaj & Ahmedi-Zylfiu, 2017, p. 7). In 2015, in order of solving the problem of textbooks in Albanian language, the National Council of Albanian National Minority required help from the education ministry of Kosovo for donating textbooks for the Albanian students in the southern Serbia. After the call for help, a truck containing 103,222 textbooks was sent from the ministry of education of the Republic of Kosovo. After arriving in the Serbian customs office in Preshevo, the truck was held there for six months. In March 2016, this truck with the textbooks in Albanian language was sent back to Kosovo. As a result, the then chairman of the National Council of Albanian National Minority, Jonuz Musliu, organized protests in the municipalities of Preshevo and Bujanovac, claiming that the Serbian authorities are violating the rights of the Albanian minority (Zaba, 2016). The main problem is the content of the books, because of the fact that it differs from the content of the Serbian textbooks, as well as the fact that they contain the name Republic of Kosovo.

Another concern in the education field, as I have already mentioned, is the higher education of the Albanian students from Preshevo Valley. Due to the lack of universities in their mother tongue in Serbia, the Albanian students from this region are obliged to continue their higher education in the universities of Kosovo and Albania. Among others, one of the reached agreements in Brussels, between Kosovo and Serbia, during the dialogue for the normalization of the situation between these two countries, was also the mutual recognition of diplomas from the universities of Serbia and Kosovo. This agreement was reached in November 2011. Despite this fact, the agreement is not implemented in Serbia, causing in this way, problems to the Albanian minority in the Valley, who choose to study in Kosovo. Even these days, the diplomas issued from the universities of Kosovo, are not recognized by Serbia, and the young graduates are obliged to seek for job opportunities elsewhere, like in Kosovo, European countries, or overseas.

4. Conclusion

To conclude the forgoing debatable issue of ethnic and national minorities in Serbia, it can be stressed that the essence of minority rights protection is in favour of the stability, peace and democracy of the country and the region in general. As it was presented in the article, it is of paramount importance to be able to maintain good relations with the minority groups within a country, such as Serbia, to foster in turn the desired accomplishments of the state, as it is in this case entering the European Union.

As Serbia is a multiethnic country, the goal of improving the minority conditions is one step forward the realization of aspirations as well as conflict prevention, which is a common occasion in the region. According to the research conducted during the process of article writing, it can be seen that regardless of the scale of implementation of the minority rights laws and achievements reached so far, the need to further promote international standards of minority treatment is still evident.

Despite of being an internal duty of the states, the issue of the protection of minorities has become internationalized in scope, involving in this way supranational institutions in fostering countries to adopt and modify the minority protection legislations. Such is the case with Serbia, whose primary aim currently is entering the European Union.

As the protection of minorities is one of the core values of the European Union, through its enlargement process it has the ability to spread the goal and make it a target point to be fulfilled by the countries which aspire to be part of it.

A country can be part of the EU if it meets the enlargement criteria, including the protection of minorities. The Europeanization of Serbia, as discussed, is going on, and the progress reports are being released by the European Commission annually. In all of them, the issue of minorities is treated as a special case and further recommendations are given to fully comply with the EU requirements. As the process of Europeanization is going on, so is the implementation of the minority rights.

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