

Siniša Tatalović

**THE POLICIES OF PROTECTION OF
NATIONAL MINORITIES IN THE
REPUBLIC OF CROATIA**

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PUBLISHER'S NOTE

In 2005 news agency STINA printed the book written by prof. Siniša Tatalović NATIONAL MINORITIES IN CROATIA. The book was published as part of the project “Educational-information support to protection and improvement of the rights of national minorities and strengthening inter-ethnic tolerance”, implemented by STINA news agency with the support of the European Union, within the programme “Promotion of Democracy and Human Rights” (CARDS 2002).

The goal of this project was to contribute to the implementation of the Constitutional Law on the Rights of National Minorities, educate and inform the public about the importance of minority rights and inter-ethnic tolerance for strengthening stability and democratisation of Croatian society on its way to the European Union and, in general, encourage minorities and their organisations to be more active participants in the public life.

The project, and especially the book of prof. Siniša Tatalović, full professor at the Faculty of Political Sciences of the Zagreb University, counsellor of the Croatian president and one of our foremost experts for minority issues, met with great interest of the minority organisations and institutions, as well as with the interest of general public and international institutions.

STINA news agency continued systematic work on sensitizing and educating Croatian public about the importance of minority policy. However, there has been a strong need to present situation in Croatia and its improvement to the international public.

Despite the fact that a lot of work still remains to fully implement Constitutional Law on the Rights on National Minorities, there is an evident progress, especially during the past few years.

Croatia has been transformed from a country burdened with traumatic war, evident transgressions of minority rights, even threat to some national minorities, with the low level of ethnic tolerance and general lack of understanding of the role of minority policy in the stabilisation and democratisation of the society into an example to be followed. Some other countries with similar issues and heritage, as well as international institutions dealing with minority rights and improvement of minority policy have expressed interest in Croatian experience and achievements.

Therefore, STINA news agency feels that English edition of prof. Tatalović's book would be extremely useful at this moment because it would allow for the presentation of the whole political and historical process which

influenced position of national minorities in Croatian society as well as positive Croatian experience and achievements.

Professor Tatalović prepared an expanded edition of his book covering all most important issues of minority policy in Croatia. We present it to Croatian and international public under the title THE POLICIES OF PROTECTION OF NATIONAL MINORITIES IN THE REPUBLIC OF CROATIA.

Presentation of Croatian achievements to the wide international public is especially important in the moment when Croatia is entering extremely important, final stage of the process of negotiations with the European Union, because minority rights remain one of the most important criteria for Croatian accession to the EU.

FOREWORD

The Republic of Croatia is ethnically heterogeneous country, whose 7.47% or 331.383 citizens (out of almost 4.5 million) are members of twenty two different national minorities. Members of national minorities in the Republic of Croatia enjoy the rights which are prescribed in international conventions and documents which were signed by the Republic of Croatia, in Croatian Constitution and laws, particularly those established for the purpose of protection of national minorities.

More precisely, it is the framework which consists of: Framework Convention on the Protection of National Minorities, European Charter for Regional or Minority Languages, European Charter of Local Self-Government, The Constitution of the Republic of Croatia, Constitutional Law on the Protection of National Minorities, which was adopted in 2002, The Law on Use of Language and Script of National Minorities, The Law on Education in Languages and Scripts of National Minorities, The Act on Election of Representatives to the Croatian Parliament, The Law on the Election of Members of Representative Bodies of Local and Regional Self-Government. Additional mechanism for the protection of national minorities are bilateral agreements signed between the Croatia and Italy, Hungary, Montenegro, Serbia and Macedonia.

In the field of the legal regulation of the position of national minorities, Croatia has reached a high level of normative preconditions for the protection of their rights, and therefore is very frequently used as the example of the well established framework for the protection of national minorities. The basic provisions of the Constitution of the Republic of Croatia declare human rights as the "highest value". Today, more than a decade and a half of its independence, the Republic of Croatia has clearly defined policy of the protection of national minorities, which was conciliated and defined within the broader process of the democratization of the whole society. In fact, normative regulation and the implementation of the rights of members of national minorities has become one of the most important criteria of the democratization of the society in general, as well as one of the conditions for economic and political integration into Europe.

Besides that, satisfying position of the members of national minorities and the adoption of laws which would ensure sufficient and absolute protection of their identity, were among the obligations which Croatia had to fulfil on its way towards Euro-Atlantic integrations. The prevailing notion was that the status of members of national minorities will improve along with the

process of Croatia's further development of the relations with the European Union and NATO. This notion proved to be true. Hence, for example, in the Stabilisation and Association Agreement with EU, the Republic of Croatia accepted the obligation to adopt the Constitutional Law on the Rights of National Minorities, which was done in 2002. Constitutional Law on the Rights of National Minorities 'plays' the central role in the exercise of specific minority rights, such as the right of participation in decision-making processes on local, regional and state levels. The rights of the members of national minorities on official and public use of their minority languages as well as the education in minority languages are elaborated in two particular laws.

In spite of post-war and transition difficulties, the Republic of Croatia managed to create a comprehensive model for the protection of national minorities on state, regional and local levels and to harmonise it with the international experiences and standards. It is important to point out that the model of cultural autonomy enables the integration of national minorities into Croatian society, and not assimilation. It enables the individual or collective preservation and development of the minority identity (ethnic, cultural, language, religious).

One of the most important rights which are guaranteed to the national minorities in the Republic of Croatia is the right to political representation at all levels - from state to regional and local government units. There are two important institutions on local and regional levels, introduced by the Constitutional Law in 2002 - councils and representatives of national minorities.

Another important institution, according to the Constitutional Law on the Rights of National Minorities, is the Council for National Minorities of the Republic of Croatia, which has the right to suggest discussions on issues related to national minorities to the Croatian Parliament and the Government, especially issues concerning the exercise of the Constitutional Law and another special law, both regulating rights of national minorities. The establishment of the Council for National Minorities of the Republic of Croatia, as the central institution for the protection of national minorities with significant power, in a way gave national minorities the chance to manage their own destiny. The fact that the Council's members can be only members of national minorities which are nominated and appointed by minority institutions, confirms that the Council is not tentative government body intended for the control of national minorities, but a real institutional basis for the management of minority issues. Besides that, the Council decides on the distribution of all funds earmarked for national minorities allocated from the Croatian state budget.

Although we can be proud of the significant improvement of the protection of national minorities in the Republic of Croatia in the past ten years, this process cannot be considered complete. The established system must be continuously monitored in order to eliminate its imperfections.

Aleksandar Tolnauer

*President of the Council for National Minorities
of the Republic of Croatia*