

# THE POSITION OF THE SERBIAN MINORITY IN NEIGHBOURING COUNTRIES IN THE LIGHT OF EUROPEAN INTEGRATION AND GEOPOLITICAL PROCESSES

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Within modern geopolitical processes, the respect of the rights of national minorities is no longer a discretionary right of a state, but an indirect or direct international definition of the minority issue is increasingly present. The paper considers the position and rights of the Serbian minority in the post-Yugoslav states (Slovenia, Croatia, North Macedonia, Montenegro), as well as in the neighbouring EU member states that Serbia borders with (Hungary, Romania, Bulgaria), in the light of European integration processes, interstate relations and regional cooperation important for the security and overall stability of the regional countries. In addition to the analysis of main demographic indicators (number and spatial distribution), which determine the exercise of the rights and freedoms of each minority, the paper studies the protection of national, cultural and linguistic identity of Serbs, as well as ways to preserve and improve it. Although the social and legal status of the Serbian minority is defined by European standards, the analysis indicates their undefined position, since in some countries they still do not have a recognized national minority status, and face more or less assimilation and security problems. In order to more fully exercise minority rights and improve the position of the Serbian minority, ratified international documents, bilateral agreements, national laws, and also well-designed policy and assistance of Serbia as a mother country are of great importance.

*Key words: Serbs, national minority, position, rights, identity, legislation, security, former Yugoslav republics, European Union*

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## Introduction

The protection and rights of national minorities are of crucial importance for good interethnic and majority-minority relations, political stability, peace, security and economic prosperity of each state, especially in the Balkan, ethnically heterogeneous countries. Good regional cooperation and good neighbourliness are the priority of the foreign policy of these countries, where the minority issue occupies an important place because it greatly affects European integration processes, stability and success of every multicultural society, as well as the quality and improvement of interstate relations.

Although national minorities are present in all modern multinational states, regulating their position is still primarily a political issue because it depends on numerous complex and mutually conditioned factors, and above all the socio-historical situation and the state's place on the world economic and political scene. Today, states are differentiated precisely according to the way they regulate the position and exercise of minority rights, i.e. whether their goal is integrative minority policy while preserving the national, religious and cultural identity of members of national minorities, or assimilation policy (covert or open) that does not find the appropriate *modus vivendi* for the exercise of human and minority rights.

## Multiculturalism and national minorities

Multiculturalism, as one of the main discourses for understanding the modern world, can mean a demographic and descriptive fact in terms of ethnocultural heterogeneity in a society, and also the state policy aimed at creating harmonious relations between different ethnic communities, as well as defining relations between state and members of national minorities.<sup>1</sup> As an ideal of coexistence of several ethnolinguistic communities, multiculturalism implies their coexistence, mutual tolerance and equality, and represents a political framework in which different cultures can freely develop their identities, while participating in strengthening common social institutions. The policy of multiculturalism should promote diversity, and at the same time focus on strengthening social homogeneity, which would all lead to equality of all citizens, social justice and greater integration of minorities in the political and social life of a country. The status of minorities and their connection with the policy of

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<sup>1</sup> The concept of multiculturalism implies the existence of different ethnic communities in a society, and multiculturalism implies the political and institutional treatment of such cultural and ethnic plurality. Thus, multiculturalism is of a normative and descriptive character, and multiculturalism means the development, implementation and evaluation of multicultural policy. See: Zoran Lutovac, „Stanje i perspektive multikulturalizma u Crnoj Gori“, in: Vojislav Stanovčić, Goran Bašić (ed.), *Stanje i perspektive multikulturalizma u Srbiji i državama regiona*, SANU, Institut društvenih nauka, Beograd, 2016, p. 409.

multiculturalism implies the respect for minority and human rights, and the necessary precondition of such a society is the establishment of a civil state, based on recognition of institutions of economic and legal system, and also the right to cultural diversity.<sup>2</sup> However, the proclaimed values and goals of multiculturalism are often inconsistent with practice, so there is an increasing debate about a new model of cultural diversity management – interculturalism, which involves establishing a dialogue between members of different cultures, based on mutual cooperation, trust, tolerance and understanding as the most important principles that the coexistence of different national, religious, linguistic and political communities is based on.

The protection of the rights of minorities comes into the focus of interest, especially in the cases of disintegration of multiethnic states, because, in addition to respecting the rights of the already existing minorities, the issue of the position of the so-called new minorities, i.e. those members of ethnic communities, who after secession have remained separated from their native people and in the newly established states have become minority from the constituent people, has been opened up. In Europe, this happened in the past, during the dissolution of the Austro-Hungarian and Ottoman Empires and the establishment of new nation states in those territories, and in recent history in the cases of the disintegration of the SFRY, USSR and CSSR, in which certain parts of the constituent people became “a new minority”. The relationship between nationality and citizenship is particularly important in defining the concept of a new minority, as with every minority. Since the Treaty of Versailles (1919), the exercise of minority rights has been linked to citizenship, i.e. there are provisions that automatically define the citizenship of foreign citizens annexed to a new state. Therefore, citizenship is a condition for an ethnic community to acquire the right to be a national minority, which is still valid today, so it is very important for members of new minorities to be recognized the right to citizenship in the country in which they live. The division into old and new minorities implies that old minorities have a longer tradition in exercising minority rights, while new minorities have been exercising these rights only since the establishment of state independence. It is also believed that old minorities are exercising their rights better and more efficiently, while new minorities are still establishing their institutions. In reality, both types of national minorities are treated in the same way, so their distinction makes sense only when it comes to the political attitude towards them, because behind this division are primarily political reasons.<sup>3</sup>

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<sup>2</sup> For more on multiculturalism see: Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights*, Oxford University Press, Oxford, 1995; Andrea Semprini, *Multikulturalizam*, CLIO, Beograd, 1999; Bhikhu Parekh, *Rethinking Multiculturalism: Cultural Diversity and Political Theory*, Harvard UP, Harvard, 2002.

<sup>3</sup> Dušan Janjić, “Nove nacionalne manjine i demokratska manjinska politika”, in: Drago Babić and Drago Župarić-Ilić (eds.), *Nacionalne manjine kao faktor stabilnosti u međunarodnim odnosima Hrvatske i Srbije*, Institut za migracije i narodnosti, Zagreb, 2010, pp. 209-219.

The current globalization and integration processes represent a serious challenge for the survival and preservation of the national identity of members of minority communities, for the improvement of the position and exercise of minority rights, as well as against pronounced assimilation trends. The respect of human rights and fundamental freedoms, including minority rights, enables culturally heterogeneous societies to fully develop in conditions of security, peace and cooperation. International conventions, charters, as well as obligations according to relevant documents and agreements, are the minimal standards that states have to adhere to.<sup>4</sup>

## The position and rights of the Serbian minority in the post-Yugoslav states

The dissolution of the SFRY and the establishment of new states in the 1990s resulted in a political and economic crisis, increased ethnic intolerance and conflicts between the majority and minority population. The non-recognition of the national, religious, cultural and linguistic differences has led to the deterioration of interethnic relations, so the position, rights and future of national minorities in those territories have become uncertain. Due to the heterogeneous ethnic structure, the post-Yugoslav states had to find an appropriate way to regulate the rights of all ethnic communities, and it was necessary, in addition to individual rights, to respect certain collective rights related to national characteristics of minority communities.

With the dissolution of the SFRY, the issue of the position, rights and preservation of the national identity of Serbs as “a new minority” opened up, with demographic factors such as the number and ethnic compactness having a significant impact on the position and exercise of their constitutional rights and freedoms. Today, the greatest number and concentration of the Serbian population living outside Serbia is in the former Yugoslav republics, where there are over half a million (excluding Bosnia and Herzegovina), but their rights are not satisfactorily regulated, which affects their survival and preservation of ethnic identity.<sup>5</sup> Although the legal status of the Serbian minority members is defined by European standards, the analysis indicates that it is formally and legally much better than their actual position that can be evaluated as unsatisfactory, which is why, among other things, a well-developed home country policy is necessary.

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<sup>4</sup> “Ljubljanske smernice za integracijo raznolikih društv”, Visoki komesar za nacionalne manjine, OEBS, Hag, 2012, p.12.

<sup>5</sup> Serbs in Bosnia and Herzegovina do not have the status of a national minority, but the constituent people and the full equality with Bosniaks and Croats according to the Constitution of Bosnia and Herzegovina, based on the Dayton Accords (1995), which is why they are not considered in this analysis.

*Slovenia*

With the establishment of the new state, the position, rights and conditions for preserving the national identity of Serbs have changed radically. Although they are the greatest minority community in Slovenia, they neither have the official status of a national minority, nor according to the criterion of autochthony, and thus the possibility of exercising their minority rights. Over time, different ways and causes of the immigration of Serbs to Slovenia have determined their migrant characteristics, which is why they are not spatially homogenized in a territory, but dispersed, which largely explains why there has been no internal homogenization of the Serbian population, i.e. a wider manifestation of ethnic identity. The 2002 census registered 1.9 million inhabitants. 83.6% are the Slovenes as native people, while Serbs are the second largest ethnic group (40,000 or 2.0%).<sup>6</sup> Regardless of the number, as a relevant demographic factor, the Constitution explicitly states only the Italian, Hungarian and Roma minority, and that Slovenia is “a state of all its citizens based on the permanent and inalienable right of the Slovenian people to self-determination”. Although they have been present in today’s Slovenia since the middle of the 16th century, Serbs do not enjoy special minority rights, as is the case with the Italian and Hungarian minority, who are treated as autochthonous, and whose number of members is much smaller.<sup>7</sup> Therefore, Serbs do not have the status of autochthonous, but the status of allochthonous population. Having in mind historical facts, it was right to insist on respecting the relevant historical and demographic facts, i.e. on the recognition of the constitutional and legal status recognized to the Hungarian and Italian minority.<sup>8</sup>

With the establishment of the new state, the possibilities of preserving the Serbian national identity have changed significantly. Slovenian is the official language (Hungarian and Italian have the status of the official language in ethnically mixed environments), while Serbian loses its social value and is limited to communication

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<sup>6</sup> The last census in Slovenia (2011) was not classic, but the so-called register one, which means without interviewers and field visits, using the already existing official databases (central register of citizens and real estate register), and modelled on developed European countries (Netherlands, Finland, Denmark, etc.). The ethnicity data have not been collected, so the ethnic structure of the Slovenian population cannot be considered.

<sup>7</sup> According to historical sources, Serbs came to Bela Krajina in 1530 in the Great Migration of Serbs during the Turkish rule, inhabiting the border area established by Austria-Hungary as a defensive line against the Turks. In the ethnological literature, Bela Krajina is mentioned as an area where Serbs have lived for almost five centuries and where they have largely managed to preserve their national identity, language, religion and customs. See: Dragana Ognjanović, “Pogled kroz prošlost i viđenje budućnosti Srba u Beloj Krajini”, in: Vladimir Petrović (ed.) *Srbi u Sloveniji*, Svetska srpska zajednica, Beograd, 1997, p.103.

<sup>8</sup> Goran Bašić, “Položaj etničkih manjina u državama nastalim na prostoru prethodne Jugoslavije”, in: Vladimir Petrović (ed.), *Srbi u Sloveniji*, Svetska srpska zajednica, Beograd, 1997, pp. 1-27.

between members of the Serbian ethnic community.<sup>9</sup> Serbs have not been granted collective minority rights, which is indirectly confirmed by the census data (2002) according to which the number of persons (31.300) who stated Serbian as their mother tongue is less than the total number of Serbs, which indicates alterophony and the loss of linguistic identity.<sup>10</sup> Due to the fact that they are not guaranteed minority rights, especially having in mind depopulation and the problem of preserving and using their mother tongue as the most important component of national identity, members of the Serbian minority in Slovenia are objectively faced with assimilation.

## Croatia

The population movement of Serbs in Croatia is characterized by a drastic absolute and relative decrease. After the war of the 1990s and "ethnic cleansing", the number of Serbs decreased by almost two thirds, so, according to the last census from 2011, there are 187,000 of them or 4.4% of the total population of Croatia.<sup>11</sup> According to the Constitution, Croatia is "the national state of the Croatian people and the state of members of those people and minorities who are its citizens: Serbs, Muslims, Slovenes, Czechs, Italians, Hungarians, Jews and others, who are guaranteed equality with the citizens of the Croatian nationality". In an attempt to regulate the position of both old and new minorities, especially the Serbian minority, whose members had the status of the constituent people, the Law on Human Rights and Freedoms of Ethnic and National Minorities has been passed, but this Law was not an expression of real internal political will to solve the minority issue, but international pressures.<sup>12</sup> Accepting international obligations regarding national minorities, Croatia has achieved a significant level for better exercise and protection of minority rights, which was one of the conditions for

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<sup>9</sup> Miran Komac, "Srbi u Sloveniji" in: Vladimir Petrović (ed.), *Srbi u Sloveniji*, Svetska srpska zajednica, Beograd, 1997, p. 126.

<sup>10</sup> The occurrence of alterophony is conditioned by the small number and spatial dispersion of ethnic communities, as well as socio-political circumstances. Over time, a „foreign“ language becomes more and more a spoken language, while mother tongue is kept in communication with compatriots and within family. Although the knowledge of the official language of the state in which they live is undoubtedly in the interest of all minority communities, at the same time it is necessary to know and improve one's mother tongue in order to preserve one's own national identity. See: Nada Raduški "Language as the Most Important Determinant in Forming National Identity", in: Pero Petrović, Milovan Radaković (eds.), *National and European Identity in the Process of European Integration*, Institute of International Politics and Economics, Belgrade, 2013, pp. 327-337.

<sup>11</sup> On the population dynamics, spatial distribution, position and rights of Serbs in Croatia, see more in: Nada Raduški, "Srpska nacionalna zajednica na prostoru Hrvatske u drugoj polovini XX i početkom XXI veka", *Međunarodna politika*, br. 1151, 2013, pp. 23-36.

<sup>12</sup> Siniša Tatalović, "Utemeljenje Srba u Hrvatskoj", in: Vojislav Stanovčić (ed.), *Položaj i identitet srpske manjine u jugoistočnoj i centralnoj Evropi*, SANU, Beograd, 2005, p. 131-147.

joining the European Union. Basically, all international conventions related to respect of the minority rights have been ratified, but there have not been enough political preconditions for everything that is regulated by laws to be implemented in practice. Today, the Serbian minority in Croatia is objectively between integration and assimilation, since the process of the return of Serbs after two and a half decade of exile is not over and is difficult due to insecurity of return, impossibility of finding a job, unresolved tenancy rights, unpaid pensions, as well as very difficult integration into society due to conflicts and great interethnic distance. The current legislation does not formally deny Serbs in Croatia some collective rights, such as the right to their culture, religion and its practice, the right to education in their mother tongue and political representation at local, regional and state level. The framework for the exercise of these rights is set by the new Constitutional Law on the Rights of National Minorities in the Republic of Croatia (2002) and special laws that provide national minorities with all collective rights according to the highest international standards. Therefore, the problem is not in the field of the existing laws, but in their non-implementation. It is evident that after the Croatian accession to the European Union (2013), the state relations between Serbia and Croatia deteriorated, as well as the Croatian attitude towards the Serbian minority, which is reflected in an increased number of physical attacks on Serbs, destruction of their property, abolition of the right to use Cyrillic, etc.<sup>13</sup>

The first Agreement on the normalization of relations between the two countries, signed in 1996, loudly announced and covered by the media, remained "a dead letter" in practice. In order to implement the Agreement, the Intergovernmental Mixed Committee (which also includes representatives of minorities) was established, whose main tasks are to analyze the implementation of the Agreement and submit recommendations to governments regarding its implementation. The last two sessions, held in 2011 (Belgrade) and 2014 (Zagreb), are also available to the public, and the agenda included topics related to the position and financing of minority institutions and associations, as well as the return of their and church property. It has been assessed that there is no clear political will to implement the Committee's recommendations, as well as that data on minorities are often incomparable and that both sides present data on all minorities, and not specifically for the Serbian or Croatian one. The political document, entitled the Declaration on Improving Relations and Resolving Open Issues between the Republic of Serbia and the Republic of Croatia from 2016, identified all current problems in six points (the first is explicitly related to the issue of national minorities) in order to address them for better cooperation, stability, peace and further development of bilateral relations.<sup>14</sup> Bearing in mind that this is the political document, and not an international agreement, it is not binding, and depends on the political will of the actors.

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<sup>13</sup> Tatjana Opačić, *Govor mržnje i nasilje nad Srbima u 2015*, Srpsko narodno vijeće i Vijeće srpske nacionalne manjine Grada Zagreba, Zagreb, 2016.

<sup>14</sup> <http://www.dijaspora.gov.rs/lat/deklaracija-o-unapredenju-odnosa-srbije-i-hrvatske>, 27.12.2019.

## North Macedonia

After the dissolution of the SFRY and the independence of Macedonia, the problem of the position of Serbs and the exercise of their human and minority rights opened up. According to the last census from 2002, out of a total population of 2.2 million, Macedonians, as native people, make up 1.3 million (64.2%), and Serbs 35,900 (1.8%). In terms of territorial distribution, the highest concentration of members of the Serbian community is in the Skopje and Kumanovo region (79.9%). The 2011 census, which was initially postponed due to snap parliamentary elections, began on October 1, but was soon suspended by the State Census Commission because all necessary conditions were not met.<sup>15</sup>

With the country's dissolution, Macedonian Serbs found themselves in an unfavourable economic and social position, and gained the national minority status only through constitutional changes based on the Ohrid Agreement. The new Constitution of 2001, adopted after the signing of the Agreement, regulates the constitutional and legal status of Serbs who are now listed (unlike the previous Constitution) as "a part of the Serbian people living in the Republic of Macedonia", which allows them to be represented in the Council for Interethnic Relations of the Assembly of Macedonia, which is a good basis for faster resolution of the Serbian national question. Having in mind demographic indicators, it remains unclear why the presence of Serbs in the territory of the Macedonian state is marginalized, who are thus objectively at a disadvantage compared to other minorities, which is manifested in all areas of social life (education, culture, media, etc.). Namely, several thousand Serbs do not have the Macedonian citizenship, only about a hundred students attend classes in the Serbian language (there were over six thousand of them until the mid-1980s), and the high school in Skopje was abolished in 1986. Several primary schools are located in greater cities (Kumanovo, Skopje), while in the field of culture there is no Serbian institution, which all points to the issue of sustainability of national identity and the process of ethno-assimilation of Serbs.<sup>16</sup> Although the Serbian language is in the official use in three municipalities in the northwest of the country (Kumanovo, Čučer-Sendevo and Staro Nagoričane), there is no informing in the Serbian language (no daily newspaper or magazine is published), which is why greater involvement of Serbia as a mother country is necessary. States. The Serbian minority members do not enjoy the freedom of religion guaranteed by the Constitution because the Serbian Orthodox Church is not allowed to function freely in the territory of North Macedonia. The further fate of the Serbian minority in North Macedonia is quite uncertain, and "it is a particularly aggravating circumstance for the Serbian population

<sup>15</sup> During the 2011 census, there were disagreements about the census methodology in the part related to the original documents for the identification of citizens. Ethnic Albanians, among other things, demanded that photocopies of ID cards are recognized, not just originals.

<sup>16</sup> Dušan Veljković, "Položaj srpske manjine u Makedoniji", in: Vojislav Stanovčić (ed.), *Položaj i identitet srpske manjine u jugoistočnoj i centralnoj Evropi*, SANU, Beograd, 2005, pp. 153-161.

concentrated in the north of the country, due to the aspirations of the Albanian separatists to occupy strategically important areas by persecuting Serbs.”<sup>17</sup>

The position and rights of national minorities are an important field in bilateral cooperation between Serbia and North Macedonia, and European integration is assessed as a foreign policy priority of both countries. The institutional framework for respecting minority rights is the Agreement on the Protection of Minorities (ratified in 2005), but so far no session of the Intergovernmental Mixed Commission has been held.<sup>18</sup>

## Montenegro

On the basis of the referendum held in 2006, Montenegro is an independent and sovereign state, and according to the 2007 Constitution, „a civil, democratic, environmental and social justice state based on the rule of law.“ The preamble to the Constitution states that „free and equal citizens are members of people and national minorities living in Montenegro: Montenegrins, Serbs, Bosniaks, Albanians, Muslims, Croats and others, committed to democratic and civil Montenegro.“ Officially, the official language is Montenegrin, while the Cyrillic and Latin alphabets are equal, and Serbian, Bosnian, Albanian and Croatian are also in the official use. After independence, the question of adequate regulation of the rights of the Serbian ethnic community members was raised. Although it is a civil state, Montenegro *de facto* functions as a national state, and through the provisions on the Montenegrin language and the status of the canonically unrecognized Montenegrin Orthodox Church, a kind of assimilation of the Serbian population is taking place. The discrimination against Serbs culminated in the adoption of the Law on Freedom of Religion (late 2019), without prior dialogue and agreement with the Metropolitanate of the Serbian Orthodox Church, which provoked mass non-violent protests by the Serbian citizens and the organization of procession under the slogan „We will not give shrines“, and also the crisis of diplomatic relations between Serbia and Montenegro (the ambassadors of both countries refused to receive protest notes). The specific reason is the provisions of the Law on Freedom of Religion, which provide for the nationalization of church property that there is no proof of ownership before 1918.<sup>19</sup> In essence, “the aspiration of the

<sup>17</sup> Prvoslav Radić, “Pogled na srpsku manjinu u Makedoniji”, in: Vojislav Stanovčić (ed.), *Položaj i identitet srpske manjine u jugoistočnoj i centralnoj Evropi*, SANU, Beograd, 2005, p. 150.

<sup>18</sup> Aleksandra Popov, “Analiza sprovođenja bilateralnog sporazuma o zaštiti nacionalnih manjina Srbija-Makedonija”, in: Jelena Perković (ed.), *Analiza sprovođenja bilateralnih sporazuma o zaštiti prava nacionalnih manjina Srbije sa Hrvatskom, Mađarskom, Rumunijom i Makedonijom*, Centar za regionalizam, Novi Sad, 2016. pp. 29-36.

<sup>19</sup> The law is not harmonized with European standards on freedom of religion, with the European Convention on Human Rights, with the opinion of the Venice Commission, or with the views and interests of the SOC Metropolitanate. At the same time, the Catholic Church and its property are protected by the interstate agreement between Vatican and Montenegro (concordat), which is above the Law on Freedom of Religion, and the Muslim community does not have great property from before 1918, so only the SOC property is practically endangered.

ruling political elites is related to the assimilation of some part of the Serbian corps, with the aim of ensuring more than half the participation of Montenegrins in the total population of this country.<sup>20</sup> According to the last official census from 2011, in the ethnic structure of Montenegro, out of a total of 620,000 citizens, Montenegrins make up 44.9%, Serbs 28.7%, Bosniaks 8.6%, Albanians 4.9%, Muslims 3.3% and Roma 1%, while other nationalities participate individually with less than 1%.<sup>21</sup> In the same census year, the language structure of the population did not coincide with the ethnic one because 42.9% of the population stated that their mother tongue was Serbian, 36.9% Montenegrin, 5.3% Bosnian, 5.2% Albanian, etc.

The Constitution and the Law on National Minorities do not define who national minorities are, and the election law stipulates that minorities are members of nations who make up less than 15% of the total population. Since Serbs participate with 28.7% (2011), they cannot be reduced to a national minority, which is why a bilateral agreement on the protection of the rights of national minorities has not been concluded between Serbia and Montenegro, and they are not officially recognized as the constituent people. The activities of Serbs in Montenegro, in addition to acting through political parties, take place through the Serbian National Council, the Matica Srpska in Montenegro, the Serbian Cultural Centre in Podgorica and the Serbian Orthodox Church. The position and preservation of the national identity of Serbs in Montenegro will undoubtedly be even more difficult in the following period, having in mind the political circumstances in which their main collective rights have not yet been recognized and when their status is legally undefined. At the same time, the current authorities are trying to challenge the acquisition of dual citizenship for fear that many of them will raise the issue of obtaining the Serbian citizenship.

## The Serbian minority in Hungary, Romania and Bulgaria

As a mother country, Serbia has interest that the Serbian minority, regardless of its number, enjoys human and minority rights in all countries where it is located, which are defined by international documents, national laws and bilateral agreements. Serbs in the diaspora face an unfavourable demographic situation, but they also face the problem of more or less present assimilation due to socio-economic and political changes, especially with the issue of preserving and improving their ethnic identity. Good relations with the neighbouring member states of the European Union, especially those whose members live in Serbia as national minorities, are a condition for every progress and a positive outcome of the overall European integration

<sup>20</sup> Dragan Đukanović, "Položaj Srba u postjugoslovenskim državama", *Nova srpska politička misao*, 15/3-4, Beograd, 2007, pp. 367-377.

<sup>21</sup> The population dynamics of Serbs is characterized, in terms of time, by significant fluctuations in numbers (for example, according to the 1991 census there were 57.500 Serbs or 9.8%, and according to the 2003 census 198.400 or 32.0%), which are not based on demographic trends, but almost exclusively on changes in national census declaration due to political circumstances.

process. In that sense, the position and rights of national minorities are viewed as the issues of national legislation and policy, and also as the issues of bilateral political cooperation of states, i.e. the conclusion and implementation of provisions from bilateral agreements on the protection of minorities.<sup>22</sup>

## Hungary

The existence of the Serbian minority in Hungary is the result of complex historical circumstances, i.e. constant and long-lasting migrations of the population, especially during the Great Migration of Serbs (1690) led by Patriarch Arsenije Čarojević, which is why Serbs consider themselves an autochthonous minority community. Serbs in Hungary have the officially recognized status of a national minority, and the rights, like other minorities, are guaranteed by the Law on the Rights of National and Ethnic Minorities (1993).<sup>23</sup> In addition to national regulation, Hungary has ratified the most important international documents of the Council of Europe in the field of the minority issue, such as the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages, and has also been the initiator of the idea to include the protection of national minorities in the EU Constitution.

According to the last official census from 2011, out of a total population of 9.9 million citizens, 83.7% are Hungarians, while there are 10,100 (0.1%) Serbs and they are the sixth national minority in the ethnic structure of Hungary. In comparison to the previous census (2001), the number of Serbs has increased by over one third, and the key reason lies in migration, i.e. the arrival from Serbia (but also from Bosnia and Herzegovina and Croatia) during the 1990s due to the dissolution of the SFRY, as well as the political circumstances and the bombing of Serbia (1999), when many of them took refuge in Hungary. In support of this fact, the procedure for obtaining the Hungarian citizenship (based on the law from 2011), which can be obtained by all persons (regardless of where they live), whose ancestors were the citizens of Hungary (i.e. the Kingdom of Hungary) has been facilitated, which has been used by a great number of Serbs, not hiding their intention to seek citizenship for easier employment and going to one of the EU countries.

Serbs in Hungary are spatially dispersed in more than 20 settlements – local communities, and the only majority Serbian settlement is the village of Lovra, about 60 kilometers from Budapest. In terms of socio-demographic structures, the Serbian minority is characterized by a pronounced process of demographic ageing of the population and the old age structure, as a consequence of constantly declining fertility. Out of all ethnic communities in Hungary (including the majority), Serbs have the best educational structure, the highest percentage of highly educated, and the lowest number of people without

<sup>22</sup> Forum za etničke odnose, *Nacionalne manjine u odnosima Srbije sa susedima*, FEO, Beograd, 2017, pp. 35-41.

<sup>23</sup> By the concept of national minority, the legislator means ethnic groups that have lived in the territory of Hungary today for at least 100 years, constitute a recognizable minority in relation to the majority population and whose members, the Hungarian citizens, have preserved the awareness of common origin and desire to preserve their ethnic and cultural characteristics.

completed primary school, as a result of their great share in urban areas. Over time, they have managed to create a specific culture that is still the foundation of their national identity and they show a strong collective will to maintain their ethnocultural characteristics, language, religion, customs and tradition. The establishment, continuity and work of special minority institutions can be considered one of the most important factors in the survival of the Serbian ethnic community.<sup>24</sup> Some research shows that “the survival capacity of minorities depends on their ability to self-organize themselves in the form of a parallel society”.<sup>25</sup> However, economic and socio-political changes, on the one hand, and also changes within the Serbian community, on the other hand (an increasing number of mixed marriages, floating ethnic identity of children from mixed marriages, assimilation, alterophony) require defining a strategy to preserve the national and cultural identity of the Serbian minority in Hungary.<sup>26</sup> For the following period, the most important issue is the knowledge and preservation of the mother tongue as the most important component of national identity, because despite the provisions of minority law, in practice the official use of the Serbian language does not often function due to their small number and dispersion, the present alterophony, i.e. language assimilation or due to the fact that the state does not finance the official use of the Serbian language and alphabet with special affirmative measures.<sup>27</sup>

The bilateral agreement between Serbia and Hungary on the protection of the rights of the Hungarian minority living in Serbia and the Serbian minority in Hungary (signed in 2003) forms the basis of bilateral relations between the two countries in the field of the protection of national minorities. The Intergovernmental Mixed Commission, which has held five sessions so far (2004, 2005, 2007, 2011 and 2016), is responsible for the implementation of this agreement. At the session of the Serbian-Hungarian Commission (2011), the adoption of the Law on National Councils of National Minorities in Serbia and the National Council of the Hungarian National Minority was particularly welcomed, and there was also a discussion of greater involvement of the Hungarian minority in the state bodies. At the last session (2016), two important events in the bilateral relations between Serbia and Hungary were emphasized, as well as the most important open issues.<sup>28</sup> These are the

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<sup>24</sup> The self-government of Serbs in Hungary, the Serbian Democratic Union, high school and four primary schools, clubs, libraries, information (“Srpske narodne novine”), TV shows, CAS, theatre “Joakim Vujić”, etc.

<sup>25</sup> Rado Peter, “The Public Use of Minority Languages in Hungary,” *Regio, A Review of Minority and Ethnic Studies*, Budapest, 1994, pp. 130-140.

<sup>26</sup> Mladena Prelić, “Srbi u Mađarskoj: jedan pogled na savremenu situaciju”, in: Nikola Pantelić (ed.), *Etnički odnosi Srba sa drugim narodima i etničkim zajednicama*, Etnografski institut, SANU, knjiga 44, Beograd, 1998, pp. 219-229.

<sup>27</sup> Pera Lastić, “O položaju Srba u Mađarskoj”, in: Vojislav Stanovčić (ed.), *Položaj i identitet srpske manjine u jugoistočnoj i centralnoj Evropi*, SANU, Beograd, 2005, pp. 187-235.

<sup>28</sup> The first is the initiation of the procedure of historical reconciliation, which was manifested at the highest level (2013, Čarug), and the adoption of the Declaration condemning the acts against the Hungarian civilian population (1944–1945), which should speed up the rehabilitation process. The second is the Serbian determination on the way to the European integration and the positive assessment of the adoption of the Action Plan for the exercise of the rights of national minorities as the key document

requirements related to the greater representation of minorities and the use of the minority language in public administration, the harmonization of the ethnic structure with the number of employees in state bodies, etc. One of the main problems in the work of the Commission is that it does not meet regularly (it should be once a year), that there are no mechanisms for the implementation of adopted decisions, and there are no adequate administrative capacities to monitor its work. Therefore, it is necessary to enable regular sessions and all the necessary conditions for more active and efficient work of the bilateral commission.

## Romania

Serbs have lived in the territory of Romania today for centuries, and the first written sources, dating back to the 13th and 14th centuries, refer to Serbs from Arad and the vicinity of Timisoara and can be found in many historical documents and books.<sup>29</sup> Chronologically, the position of Serbs in Romania has been constantly changing. During the rule of Ceausescu, the Serbian schools were closed, cultural and artistic associations were abolished, the Serbian endowments disappeared, and more favourable conditions were created after the revolutionary events in Romania (1989), so Serbs organized themselves to improve their material position and preserve the cultural heritage.

Serbs in Romania have the officially recognized status of a national minority and all rights and obligations that belong to them on such a basis. According to the latest census from 2011, 18,500 members of the Serbian minority were registered or 0.1% of the total population of Romania. The demographic development is characterized by depopulation (the census in 2002 records 22,600), primarily due to the low and declining fertility rate and the old age structure of the population. In terms of spatial distribution, members of the Serbian minority live mainly in the western part of Romania, along the border with Serbia, in four districts (Timiș, Karaš-Severin, Arad and Mehedinți). They have an absolute majority in two municipalities, and a relative majority in one (Sokolovac). The greatest number of Serbs, almost one third, lives in Timisoara, and a very small number outside Banat. In absolute terms, most of them are in the capital Bucharest. The Serbian language is used in local public administration and public life where Serb participation exceeds 20% (Timisoara, Karaš-Severin district), as well as in three local districts (Timisoara, Karaš-Severin and Mehedinți), and in some other the Serbian and Romanian languages are in use.

The political relations between Serbia and Romania are good and stable, so it can be said that they represent an example of good neighbourly cooperation. The issues of the rights and position of minorities are an important aspect of bilateral relations, and

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for the pre-accession negotiations on Serbia's membership in the EU. See: Tatjana Tucić, "Analiza sprovođenja bilateralnog sporazuma o zaštiti nacionalnih manjina Srbije sa Mađarskom", in: Jelena Perković (ed.) *Analiza sprovođenja bilateralnih sporazuma o zaštiti prava nacionalnih manjina Srbije sa Hrvatskom, Mađarskom, Rumunijom i Makedonijom*, Centar za regionalizam, Novi Sad, 2016, pp. 17-29.

<sup>29</sup> Milenko Lukin, "Srbi u Rumuniji", in: Vladimir Petrović (ed.), *Srpska nacionalna manjina u Rumuniji*, Institut srpskog naroda-Sremski Karlovci, Beograd, 1996, pp. 16-22.

the institutional framework is the Agreement on Cooperation in the Field of the Protection of National Minorities (signed in 2002). On its basis, the Intergovernmental Mixed Commission for minorities has been established, which has held several sessions so far (2009, 2011 and 2018), highlighting the most important issues in the field of the protection of minority rights: the representation of minorities in the Parliament, the right to expression and development of ethnic, cultural, linguistic and religious identity, the right to education and information in the mother tongue, the use of minority languages in public administration and the restitution of property.<sup>30</sup>

Although Romania is generally satisfied with the position of its compatriots in Serbia, the issue of the Vlach national minority in the region of eastern Serbia is opened up and problematized in bilateral relations, which is why the Romanian President conditioned his support to Serbia's accession to the European Union in 2012.<sup>31</sup> The Romanian delegation within the Intergovernmental Mixed Commission stated that "the attempts to standardize the so-called Vlach language, especially in relation to the Romanian language, and in terms of its use in education and administration, are unacceptable".<sup>32</sup> Resolving the open issue of the Vlach minority, the Protocol on Cooperation between the National Council of the Vlach National Minority and the National Council of the Romanian National Minority (2015) has been signed, which envisages meetings, dialogue, cooperation and activities on joint projects.

The Serbian minority has been financed from the state budget since 1994, and has had its member in the Romanian Parliament since 1990. Serbs have also been members of the Council of the Government of the Republic of Romania for national minorities (since 1993), which shows that members of the Serbian minority are not discriminated against on political, religious, national or any other grounds.

## Bulgaria

Although Serbia and Bulgaria have stable political relations and good regional cooperation, the status of the Serbian minority (as well as other minorities) in Bulgaria is not institutionally recognized, which is a key problem for reasoned monitoring of the

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<sup>30</sup> Nada Raduški, "Nacionalne manjine u bilateralnim sporazumima Srbije sa zemljama u regionu", *Međunarodna politika*, 1174, p.11, 2019.

<sup>31</sup> According to the Romanian Constitution and the Law concerning the support for Romanians living abroad (2007), the Romanian national minority consists of the persons of the common ethnic origin, regardless of the ethnonym they use where they are (for example, Vlachs, Rusyns, Armani, Daco-Romanians, Kuto-Vlachs, etc.). On the other hand, the Constitution of Serbia guarantees all citizens the right to freely declare their nationality, which relates to both the Romanian and Vlach minorities. Thus, in Serbia, according to the 2011 census, 35.300 people declared themselves as members of the Vlach national minority who consider Serbia, not Romania, as their mother country and who self-define themselves as the autochthonous Vlach population, while 29.300 people declared themselves as members of the Romanian national minority.

<sup>32</sup> Jelena Perković, "Analiza sprovođenja bilateralnog sporazuma o zaštiti nacionalnih manjina Srbija-Rumunija", in: Jelena Perković (ed.) *Analiza sprovođenja bilateralnih sporazuma o zaštiti prava nacionalnih manjina Srbije sa Hrvatskom, Mađarskom, Rumunijom i Makedonijom*, Centar za regionalizam, Novi Sad, 2016, pp. 38-49.

number, spatial distribution, rights and position of its members. There is a few official data on the Serbian community, primarily because Bulgaria does not recognize the existence of minorities in its territory, but advocates the thesis of a single Bulgarian nation with a population of different ethnic origin. Therefore, it is difficult to determine not only the number, but also the main demographic and socio-cultural characteristics of the Serbian ethnic community. Although historical data show that there is the autochthonous Serbian population in the western part of the country (Trn, Breznik), today in Bulgaria there is more talk about the Serbian diaspora who has immigrated in recent times. According to the 2011 census, Serbs were not registered as a separate ethnic group but, according to the census methodology, were classified as "others". There are various sources on the number of the Serbian community. According to the Bulgarian unofficial sources, only 569 members of the Serbian nationality are registered, according to the data available to the state institutions, there are about 1,500 permanently settled Serbs in Bulgaria, and according to the former Ministry of Diaspora of the Republic of Serbia, that number is much higher (about 20,000). In compliance with the initiative of the Ministry of Diaspora, the founding assembly of the first Association of Serbs in Bulgaria was held in 2010, which will work on preserving, strengthening and developing the national, linguistic, religious, cultural and spiritual identity of Serbs in Bulgaria.

Serbia has not concluded a bilateral agreement with Bulgaria, nor any political document on cooperation in the field of the protection of national minorities because the current legal solutions in Bulgaria do not provide for their registration. Therefore, the Intergovernmental Mixed Commission for minorities has not been established within the framework of regional cooperation. Moreover, Bulgaria is trying to introduce unilateral benefits for members of the Bulgarian minority in Serbia through other types of agreements (for example, the study of mother tongue and alphabet, history, culture and independence of the Bulgarian national minority), which, however, would not be guaranteed to Serbs in Bulgaria.

Bulgaria does not officially recognize the existence of the Serbian or any other minority. As a member of the European Union, for the opening of Chapter 26 in Serbia's accession negotiations with the EU, Bulgaria has raised a controversial issue in the field of education, which was overcome by printing textbooks in the Bulgarian language for the Bulgarian national minority (for the school year 2016/2017), which was satisfactory for it, and Chapter 26 has been unblocked.<sup>33</sup>

## Concluding remarks

The minority issue within regional cooperation and European integration processes has to be a priority and obligation of every state, in order to achieve political stability, economic development, peace, regional security, prosperity and full integration of all minorities into society, as well as improving relations between states. National minorities

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<sup>33</sup> Forum za etničke odnose, *Izazovi manjinske politike u bilateralnoj i regionalnoj saradnji*, FEO, Beograd, 2018, p. 42,53.

are “a bridge of cooperation” or “a stumbling block” between countries in the region, thus regulating their position and respecting minority rights contributes to better interstate relations, security and stability of the entire region.

On the basis of the study of population movement, position and rights of members of the Serbian minority in neighbouring countries, the question of their perspective, survival and preservation of national and cultural identity is justifiably raised. Depopulation is the main feature of the Serbian ethnic community in all post-Yugoslav countries, as well as the EU member states which Serbia borders with, and the key cause is a low and declining birth rate, high mortality due to old age structure and, consequently, negative population growth. The process of demographic ageing of the population is very intensive and will continue in the future, with numerous negative consequences for the reproductive, economic and political potential. The other important factor is the negative migration balance, i.e. emigration due to the economic, security, political, psychological and other reasons. Unfortunately, demographic projections are pessimistic and show that the depopulation trends will continue (demographic inertia), even with the assumption of the efficient implementation of the state pro-natalist policy, while the intensity and direction of migration movement are difficult and ungrateful to predict. At the same time, Serbs in these countries share the demographic destiny of the majority population, especially when it comes to migration to more developed countries within the European Union. Having in mind the continuous decline in the number of members of the Serbian minority, another relevant factor should be mentioned, and that is the change of nationality during the census declaration (transition to other ethnic group), which can be temporary (due to political, socio-psychological and other reasons) and permanent (due to assimilation processes).

In addition to the gloomy demographic picture, the political and security factors in most of the analyzed countries additionally contribute to the uncertainty and not at all “pink” future of Serbs. In some post-Yugoslav and neighbouring countries, Serbs face non-recognition of the status of national minority (Slovenia, Montenegro, Bulgaria), thus being denied collective rights (the representation in the Parliament, the establishment of cultural and educational organizations, the use of mother tongue, national symbols, etc.), which is why the preservation of the ethnic, linguistic and religious identity is greatly hampered. However, in some countries, although they have the recognized status of the national minority and the protection of rights according to national laws and ratified international documents, in practice it is completely different; they often face existential problems, impossibility of finding a job (especially in state bodies), ethnic distance and discrimination (Croatia). In contrast to the situation in the former Yugoslav republics, the position of Serbs in Romania and Hungary is socially, economically and politically more stable. Serbs are generally not discriminated against, and majority-minority relations are based on ethnic tolerance.

The gradual assimilation and loss of the religious and linguistic identity (Macedonia, Montenegro, Croatia) is a constant problem, as well as the process of emigration, especially when it comes to the possibility of emigration (from Romania, Hungary, Bulgaria) to more developed countries in Western Europe. Finally, it should be said that in considering the position of Serbs, the overall modern European integration,

globalization and geopolitical processes and their impact on the status and preservation of the national identity of all minorities, including Serbs, have to be taken into account.

In the protection of national characteristics, minority rights and security of members of the Serbian community in the diaspora, the main strategic goals of Serbia are, above all, the regulation of the position and protection of the rights of Serbs, who are often endangered or marginalized. This includes adequate diplomatic, economic, educational and other measures to achieve full affirmation of the cultural and linguistic autonomy, the right to practice one's religion, education and information in one's mother tongue, as well as activities to protect the Serbian minority in compliance with international and national law and bilateral agreements provisions. The care for and assistance to its people remains the right and obligation of the mother country, for its survival, improvement of position and preservation of the national, religious and cultural identity, which is a serious task and challenge for Serbia, primarily by adopting and implementing measures of a clearly defined long-term strategy in this field.

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## Положај српске мањине у суседним државама у светлу евроинтеграцијских и геополитичких процеса

У оквиру савремених геополитичких процеса, поштовање права националних мањина није више дискреционо право неке државе, већ је све присутније посредно или непосредно међународно регулисање мањинског питања. Почетком 1990-их, политичко-економска криза и распад бивше СФРЈ отворили су национално питање, за које се сматрало да је трајно и успешно решено, на најдраматичнији начин, а етнички конфликти и сукоби пратили су дезинтеграцију земље. Формирањем нових држава на простору бивше Југославије, постојање бројних и различитих националних мањина („стarih“ и „нових“) захтевало је другачији приступ њиховој заштити и интеграцији у сложеним политичким околностима. Тако се положај такозваних нових мањина драстично променио од када су формирале конститутивне народе у бившој СФРЈ, док су након отцепљења остале одвојене од матичних народа и готово преко ноћи постале националне мањине. Ван Србије, у бившим југословенским републикама, живи близу пола милиона припадника српске националности као нове националне мањине.

У раду се разматрају положај и права српске мањине у пост-југословенским државама (Словенија, Хрватска, Северна Македонија, Црна Гора), као и у суседним државама чланицама Европске уније (Мађарска, Румунија, Бугарска). Поред анализе основних демографских показатеља (бројност и просторни размештај), који детерминишу реализацију права и слобода сваке мањине, у раду се истражује питање заштите националног, културног и језичког идентитета Срба, као и начини његовог очувања и унапређења. Иако је друштвени и правни статус српске мањине одређен европским стандардима, анализа указује на њихов недефинисан положај, будући да у неким државама још увек немају признат статус националне мањине, а суочени су и са већом или мањом асимилацијом у пракси. Ради потпунијег остварења мањинских права и побољшања положаја српске мањине, велики значај имају ратификована међународна докумената, билатерални споразуми, национални закони, као и добро осмишљена политика и помоћ Србије као матичне државе. Поштовање основних људских права и слобода, као и заштита националних мањина, представљају основне факторе стабилности, безбедности и демократског и друштвено-економског развоја сваке земље.

Кључне речи: *Срби, национална мањина, положај, права, идентитет, законска регулатива, безбедност, бивше југословенске републике, Европска унија*