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(Transversal theme ; 1)



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The Effects of the Dissolution of Yugoslavia on Minority Rights: the Italian Minority in Post-Yugoslav Slovenia and Croatia

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Prispevek obravnava posledice razpada Jugoslavije za položaj italijanske manjšine na območju današnjih držav Slovenije in Hrvaške. V obdobju med obema svetovnimaj vojnama je na območjih, ki so med obema vojnama pripadala Italiji, po letu 1947 oziroma 1954 pa pripadla Jugoslaviji, živelo okrog 230.000 Italijanov. Ob spreminjanju meja in deloma nasilnem deloma pa prostovoljnem preseljevanju prebivalstva se je njihovo število do leta 1961 zmanjšalo na okrog 25.000.

V obdobju socialistične Jugoslavije so Italijani od srede šestdesetih let. 20. stoletja uživali kot narodnost uživali vse manjšinske pravice in so dejansko služili kot "most" za sodelovanje med Jugoslavijo in Italijo. Tudi po letu 1991 se njihov položaj avtohtone manjšine ni spremenil, saj še naprej – in to tako na Hrvaškem kakor tudi v Sloveniji – uživajo manjšinsko zaščito, ki je "nadstandardna" v primerjavi z zahtevami Sveta Evrope. Zaščito manjšinskih pravic uživajo le pripadniki italijanske manjšine v Koprskem Primorju v Sloveniji ter v Istri na Hrvaškem, medtem ko Italijani v kontinentalnem delu Hrvaške (v občinah Pakrac in Lipik) manjšinske zaščite niso deležni. Omeniti je potrebno še, da so hrvaške oblasti v devetdesetih letih 20. stoletja na območju Istre naselile večje število hrvaških beguncev (v glavnem iz Bosne in Hercegovine, Vojvodine in Kosova), z namenom okrepitev hrvaškega elementa v Istri.

INTRODUCTION

Thousands of books have been written on the dissolution of former Yugoslavia and the wars that followed in the 1990s. Most of them, however, deal with relations among the main ethno-nations of former Yugoslavia, i.e. Serbs, Croats, Slovenes, Bosniaks (Muslims) and Albanians and the effects of the dissolution and wars on them. Italians of former Yugoslavia also suffered, and the wars affected their destiny; but they have rarely been mentioned in the context of this history. It is the aim of this chapter to fill the gap.

The international boundaries of former Yugoslavia as they were formed after World Wars I and II were not identical with ethnic borders. This was also true of the international boundaries created in the region in the 1990s. Therefore, parts of numerous ethnic groups lived as 'national minorities' outside the boundaries of their homelands. These groups were defined as 'nationalities' in the 1974 Constitution of former Yugoslavia, because the term 'minority' meant something less; and the politicians and ideologists who wrote the Constitution wanted to prove that nationalities constituted equally important parts of the society.

Among minorities in the region, Italians deserve special attention because after World War II – after almost all of the Germans left – they remained the only Western European ethnic minority in the country. Soon after World War II, the Italian minority became the subject of attention and partnership in political and economic cooperation, within Yugoslavia itself as well as in cooperation with their motherland (this distinguishes it from the Albanian minority of former Yugoslavia, which was the object of inter-ethnic conflict during the entire post-World War II period).

AREAS OF SETTLEMENTS OF ITALIANS IN FORMER YUGOSLAVIA

Italy after World War I gained extensive territories in what today is western Slovenia (*Primorska*), Istria and part of Dalmatia/Dalmazia in what is today Croatia in accordance with the secret Treaty of London of 1915. After World War II, Italy lost these territories. For different reasons, most of the Italians of Istria and Dalmatia/Dalmazia emigrated to Italy after the boundaries were drawn in 1947 and later in 1954. Today most of the Italians of Slovenia live in three cities on Slovene coast.

Italians settled on the coast of Istria (and in the hinterland), in the Kvarner Islands/Isole d'Carnero (Cres/Cherso and Lošinj/Lussino) and on the Dalmatian coast between Zadar/Zara and Split/Spalato. Within Istria, people changed their ethnic identity; and today people talk about an Istrian regional identity. Italians settled the cities and were historically, from the Middle Ages on, employed in the non-agrarian sector. Due to the economic power of the bourgeoisie, even Slavic immigrants to the cities from the hinterland already began to 'romanize' in the first generation. Most of the Italians of former Yugoslavia today live in Croatia, with approximately 90% of them located on the coast and the remainder in the continental area. While the Italians in the coastal belt of Croatia are part of an old historical (autochthonous) group, the Italians in the continental part of Croatia are exclusively immigrants.

THE DEMOGRAPHIC DEVELOPMENT OF THE ITALIAN POPULATION IN SLOVENIA AND CROATIA ACCORDING TO THE CENSUSES OF 1991 AND 2001/02

The demographic development of the Italian minority in the regions of their settlements in Slovenia and Croatia is very complex and it can be explained – in spite of the trend towards a slow decrease in numbers in all states that developed after the dissolution of former Yugoslavia – as a result of outside factors (geographic features of their settlement areas, e.g. natural change, migration) and internal factors (statistical methods of registration, national policy of the state, mixed marriages, changes in the identity of the population, and natural assimilation).

The majority of the Italians in Slovenia and Croatia are partially an autochthonous and partially a subsequently resettled population that arrived between 1918-1943, when *Primorska* and Istria, Rijeka/Fiume, part of Dalmatia/Dalmazia, and the islands of Cres/Cherso, Krk/Veglia, Lastovo/Lagosta, and Palagruža/Pelagosa became part of Italy. Italian Fascists forceably assimilated Slovenes and Croats or forced them to leave. The Italian 1936 census¹ indicated approximately 230,000 persons who listed as Italian as their lan-

guage of communication in the territory of Slovenia and Croatia, which was then part of the Italian state (ca. 194,000 in today's Croatia and ca. 36,000 in today's Slovenia). Most of them left after the above-mentioned territory became part of Yugoslavia in accordance with decisions of the Paris Peace Conference in 1947.

From the end of World War II until 1953, according to different data, between 250,000 and 350,000 persons emigrated from the above-described regions. Two-thirds of them were ethnic Italians, one-third of them were Slovenes and Croats who opposed the Communist regime in Yugoslavia. Approximately 15% of all emigrants left without migration permits, while the majority left with the approval of the authorities. These are the so-called *optanti* emigrants, i.e. those who were living permanently in this region on 10 June 1940 and who expressed their wish to obtain Italian citizenship and emigrate to Italy. The emigration of Italians reduced the total population of the region and altered its ethnic structure.

So in 1953 only 36,000 Italians lived in the region of former Yugoslavia, i.e. 16% of the Italian population before World War II. Italians also emigrated in later decades (most of them to the Australia, Canada, South America or the USA). Therefore their population declined in each subsequent census until 1981.

Table I. Italian Population in Former Yugoslavia, 1953-2001/02².

| | | 1948 ^a | 1953 ^b | 1961 | 1971 | 1981 | 1991 | 2001/02 |
|-------------------|-----|-------------------|-------------------|-------------|-------------|-------------|-------------|-------------|
| Slovenia | No. | 25,451 | n.a | 3,072 | 3,001 | 2,187 | 3,063 | 2,258 |
| | % | 1.77 | | 0.19 | 0.17 | 0.12 | 0.17 | 0.11 |
| Croatia | No. | 85,803 | n.a. | 21,103 | 17,433 | 11,661 | 21,303 | 19,636 |
| | % | 2.27 | | 0.51 | 0.39 | 0.25 | 0.45 | 0.44 |
| Former Yugoslavia | No. | 113,278 | n.a. | 25,615 | 21,791 | 15,132 | 26,108 | No data |
| | % | 0.72 | | 0.14 | 0.11 | 0.07 | 0.11 | |

Comments:

^a Data for Slovenia and Croatia, i.e. for the region of former Yugoslavia, are recounted for regions after final boundaries were drawn in 1954; the data are counts of the results of the 1953 Census of Population and data of the Statistical Office of the Istrian Regional People's Committee for Koper and Buje Counties/*Comitato popolare circondariale dell'Istria per i distretti di Capodistria e di Buie*, which were then part of the Free Territory of Trieste/*Territorio libero di Trieste*;

^b There are no data for the regions that were part of the Free Territory of Trieste/*Territorio libero di Trieste* for 1953 and therefore there are no data for ethnic affiliation of the population for Slovenia and Croatia nor for the region of Former Yugoslavia.

We have to emphasize that the data of the Yugoslav censuses are unreliable in relation to the real number of Italians, since many members of the Italian minority, for various reasons, chose 'Nationally Undeclared' or their regional identity (mostly as 'Istrians').

The number of Italians also changed in the last two decades of the 20th century. In the 1991 census there was a relatively large increase of Italians, compared to the 1981 census. Many Italians who in previous censuses did not declare as such, declared themselves 'Italians' in 1991 because they counted on the help of Italy in forthcoming crises in the region. Once the situation in Slovenia and Croatia was pacified after independence (and

especially after the end of the war in Croatia), there followed a decrease in their numbers in both countries.

According to the Croatian Census of 2001, most of the Italians lived in communes of the Istrian county/*Distretto di Istria (Istarska županija)*, their number being ca. 14,300, or 6.92% of the whole population. In the communes that belonged to the Free Territory of Trieste/*Territorio libero di Trieste* until 1954, they still today are a significant percentage of the population: Grožnjan/Grisignana (51.21%), Brtonigla/Verteneglio (37.37%), Buje/Buie (29.72%), etc. More than 3,000 Italians live in Rijeka/Fiume and surroundings.

Italians also live in continental Croatia, in several settlements in the Pakrac (559 persons or 6.31%) and Lipik (208 persons or 3.12%) municipalities in Western Slavonia. They came from the Upper Tagliamento during the period from 1880 to 1909 and were stock farmers. In the new homeland each family received eight acres of land from the count

Table II. Changes in the Number and Percentage of Croatian and Italian Population According to Regions of Settlement in the Republic of Croatia, 1991-2001³.

| Regions | C r o a t s | | | | I t a l i a n s | | | |
|--|----------------|----------------|-------------------|-----------------|-----------------|---------------|-------------------|-----------------|
| | 1991 | 2001 | Changes in number | Index 2002/1991 | 1991 | 2001 | Changes in number | Index 2001/1991 |
| Istria | 111,596 | 148,328 | + 36,732 | 132.92 | 15,306 | 14,284 | - 1,022 | 100.98 |
| Rijeka/Fiume and surroundings | 180,537 | 192,678 | + 12,141 | 106.72 | 3,907 | 3,478 | - 429 | 93.57 |
| Regions of autochthonous settlements of Italians – Total | 292,133 | 341,006 | + 48,873 | 116.72 | 19,213 | 17,762 | - 1,451 | 96.92 |
| Continental Croatia | 9,896 | 10,954 | + 1,058 | 110.69 | 869 | 767 | - 102 | 88.26 |
| Regions of settlements of Italians – Total | 302,029 | 351,960 | + 49,931 | 116.53 | 20,082 | 18,529 | - 1,553 | 94.58 |

(generally forests), which they had to clear within thirty years. They proved quite industrious and paid off their debts in a shorter period. Like the members of other nationalities of this region, the Italians were subject to the process of urbanization, but even today most of them are still involved in agriculture. They blended into the life of the area and did not, like the Italians of coastal Croatia, emigrate after the Second World War.

During the period of war in Croatia (1991-1995) their number decreased by only 10%, in spite of the fact that their settlement areas were war zones. As a comparison, the number of Hungarians who lived in approximately the same region of western Slavonia decreased by almost 42%.

During the war for Croatia there were no military battles in Istria. Therefore the Croat Government settled in Istria ethnic Croatian refugees from the regions that were under control of the Republic of Srpska Krajina, Herzegovina and central Bosnia. Many of those refugees settled permanently in Istria. These settlements were politically motivated, to “strengthen the Croatian stock” in Istria, because during the decade 1981-1991 the number of Italians in Istria statistically increased more than 80% as a result of new political conditions in Croatia. The Croatian political leadership was then worried because of political pressures from Italy, where demands for revisions of the Treaties of Osimo surfaced in extreme nationalist circles. On the other hand, the Croatian leadership was also worried because Istrians – both Croat and Italian – demanded autonomy within Croatia. That politics was involved with the settlement of ethnic Croatian refugees in Istria can be ascertained as well from the fact that the number of Croats increased the most in the region where the percentage of Italians was the highest, i.e. in the region of the former Buje/Buie commune (from 9,422 to 14,411). In all of Istria the number of Croats increased from 111,516 to 148,328 (i.e. by 32.9%).

Only scattered individuals of Italian nationality lived in northern Bosnia. Noteworthy is the change in population of Italians in Bosnia and Herzegovina. More than two-thirds lived in the commune of Prnjavor (ca. 18 miles northeast of Banja Luka). According to general statistical data, we can assume that their number decreased because it followed the patterns in Slovenia and Croatia from 1961 to 1991, when their number decreased first from 717 in 1961 to 616 in 1981, and then increased to 732 in 1991. Before the wars in Yugoslavia in the 1990s, in the village of Šibovska, Italians had their own school, with Italian as the language of instruction. In mid-1980s the school had 91 pupils and employed eight teachers⁴.

While in other parts of former Yugoslavia conditions of war prevailed throughout the 1990s, Slovenia maintained ‘normal’ conditions and, we should emphasize, also the standard census techniques and methodology. Thus, the decreases found in the number of minorities in the war areas resulted not only because of forced assimilation and war conditions, but also because of the techniques and methodology used for the counts.

The most recent population census in Slovenia (2002), which shows a significant decrease in numbers of members of the Italian minority, caused unrest among Italians as well as in the general populace of the country. According to that census, however, even the number of Slovenes had significantly decreased. We must look for the reasons for the decrease in numbers of italians mostly in changes in methodology of the census.

For example, in 1991 and previous censuses, one member of the family identified nationality for the whole family; while in 2002 every person who was more than fifteen years old had to tell the enumerators his or her nationality. At the time of the census many people were not available to tell their nationality to the enumerators. It was possible to send a statement on their nationality, but many did not send it to the census commission. Therefore, more than 126,000 persons (6.42% of the population of the Republic of Slovenia) are included in the rubric ‘nationality unknown.’ Also emigrants who were temporary workers abroad were not taken into account in the 2002 census. In previous censuses, someone who had his residency formally in Koper/Capodistria or Lendava was

counted even though he/she had lived for a decade in Trieste or Hungary or any place else in the world. The census of 2002 counted only those who really lived in the place of their permanent settlement.

There is a problem also with having to choose one nationality at the census, because many people in ethnically mixed territories are from ethnically mixed families. It is possible, therefore, that some minority members did not want to (or could not) answer the question on their nationality. In the Slovenian census of 2002, more than 60,000 did not answer this question. The census of 2002 asked also for the mother tongue, and the number of persons whose mother tongue was Italian (3,762 persons) was significantly higher than those who identified themselves as Italians (2,256 persons) by nationality. The decrease in ethnic identity was significantly lower if mother tongue is taken into account.

This example shows that we have to be careful when talking about and explaining the results of the population censuses according to nationality, so that we do not try to explain reduction of an ethnic group only by assimilation or emigration but look at all factors.

MINORITY RIGHTS IN THE FORMER YUGOSLAVIA AND IN THE POST-YUGOSLAV STATES OF SLOVENIA AND CROATIA

During the period of Communist Yugoslavia (1945-1991), the equality of ethno-nations and national minorities and how to handle inter-ethnic relations was one of the key questions of Yugoslav internal politics. With the creation of the multi-ethnic autonomous regions (Kosovo and Vojvodina) in Serbia, the federation of Yugoslavia was proclaimed by the second Anti-Fascist Council of National Liberation of Yugoslavia (AVNOJ) Assembly in November 1943. The fourth paragraph of the proclamation stated, "National minorities in Yugoslavia shall be granted all national rights..." These principles were codified in the 1946 and 1963 constitutions and reaffirmed again, in great detail, by the last federal constitution of 1974.⁵ It declared that the nations and nationalities should have equal rights (Article 245). It further stated that "... each nationality has the sovereign right freely to use its own language and script, to foster its own culture, to set up organizations for this purpose, and to enjoy other constitutionally guaranteed rights..." (Article 274)⁶.

In spite of the fact that the federal constitutions (1946, 1953, 1974) and the constitutions of the republics and autonomous provinces, as well as different laws, emphasized protection of national minorities, there was – as in other East Central European 'Socialist' states – an ever-widening gap between theory and practice. In theory, Yugoslav standards were even higher than the standards in other European states.

Slovenia has been an example of how to protect autochthonous national minorities. Already the Constitution of the SR of Slovenia of 1963 guaranteed the Italian and Hungarian minorities equality and the possibility of development and progress in all fields; equality of their languages in ethnically mixed territories; and care for the development of education, printing presses, radio and cultural education (Article 77)⁷. The importance of both minorities was emphasized also in a chapter on the special rights of Italians and Hungarians in the last Slovenian Constitution in Former Yugoslavia (1974, Articles 250 and 251). Both articles guaranteed to both minorities free usage of their languages, ex-

pression of their national culture, usage of symbols and establishment of special organizations. In ethnically mixed territories, the languages of minorities were proclaimed equal with the Slovene language, and members of minorities were guaranteed the right to bring up and educate their children in their own language⁸.

Slovenia put special emphasis on protection of its autochthonous minorities, in part because of its international obligations after World War II, but also because that was in keeping with the process of decentralization and democratisation of the then Yugoslav federation and the “opening of frontiers” (i.e., Yugoslav citizens were given the right to travel abroad and tourism became one of the most important Yugoslav ‘industries’) at the end of the 1950s and beginning of the 1960s. Slovenians started to see “ethnic minorities on both sides of the frontier as a connecting factor”. An especially important factor in determining the levels of protection of autochthonous minorities was also the care for the well-being of Slovene minorities in neighbouring countries, in spite of the fact that the level of minority protection was then and is still today significantly lower in those countries than in Slovenia⁹.

The Constitution of independent Slovenia (1991) kept and upgraded the level of protection of the Italian and Hungarian minorities. Two rules were new: (a) the level of protection and rights is not dependent on the number of members of minority groups in proportion to other groups, and (b) laws and other ordinances that deal with granting constitutional rights and the situation of national minorities can not be accepted without the consent of representatives of the national minorities. It is a type of ‘absolute’ veto in the hands of representatives of the national minorities (both deputies in the Slovene parliament and municipal council members)¹⁰. Compared to the other Council of Europe and EU member states, Slovenia enacted very broad minority protection.

Minority protection in Slovenia is based on two principles: the principle of territoriality and the principle of collectivity. The first means determining the territory of autochthonous settlement, which includes all the settlements where Italians and Hungarians have been settled for centuries. The second emphasizes the collective nature of minorities and their needs in addition to general and special individual rights. In those territories, the official language in addition to Slovene is Italian or Hungarian. These ethnically mixed territories are recognizable at first sight because of bilingual signs and inscriptions for names of settlements, towns and cities. Visible bilingualism is not restricted to signs on the streets and official buildings like courts, county and municipal buildings, etc.; this right is ensured also for signs on the streets and buildings of private and state-owned enterprises¹¹.

Bilingual documents are compulsory for all inhabitants of ethnically mixed areas, irrespective of their ethnic affiliation. In addition to personal identity cards and passports (which are trilingual in Slovene, English, and Italian or Hungarian), the following documents are bilingual: drivers’ licenses, vehicle registration documents, medical insurance booklets and army service booklets.

Bilingual procedures are also prescribed for judiciary institutions; courts are obliged to guarantee the equality of the minority language. The court proceedings may be conduct-

ed monolingually if only one party appears or if both parties in the proceedings use the same language. Once the judicial process has been started on a bilingual basis, it will be conducted bilingually in higher courts also, even when the seat of the higher court lies outside an ethnically mixed area. Of course, members of the minorities must demand the right to have the court proceedings, as well as other administrative procedures and correspondence in their languages or bilingually. Employees are entitled to higher pay for their knowledge of the Italian or Hungarian language¹².

Members of the Hungarian or Italian minority in the ethnically mixed territories also have the right to use their languages in municipal administration. It is important to stress again that the above-mentioned rights are on paper; the actual use of them depends on everyday practice by the members of elected bodies and the other citizens. Similarly, the right to use Italian and Hungarian mother tongues is ensured by the Catholic or the Evangelical churches. In the bilingual territories, religious services in Hungarian or Italian are held weekly in both Evangelical and Catholic churches. Masses are said by Slovene priests, for the simple reason that at this moment there are no Hungarian or Italian minority priests in Slovenia.

Slovenia is implementing the rights to education in a minority mother tongue in two different ways. The compulsory bilingual education system in the ethnically mixed area of Prekmurje and the monolingual schools for members of the Italian ethnic minority area have developed as a result of two totally different historical situations¹³. In the ethnically mixed area of the Slovene Coastland (so-called *Koprsko Primorje*), in the 2000/01 school year, 264 children were enrolled in Italian-language kindergartens, 435 students were in nine central and affiliated primary schools, and 278 students were in three secondary schools¹⁴. In schools where Italian is used for instruction, it is also the language of communication with parents and the language of administration. In these schools, learning Slovenian is compulsory; Italian is compulsory in the ethnically mixed territory on the Slovene coastland for students who are attending schools where Slovenian is the language of instruction. Schools with Italian as the language of instruction are not limited to members of the Italian minority. The parents decide which school their children will attend; there are already quite a few children whose mother tongue is not Italian who are attending the 'Italian' schools.

Due to the small number of members of the Italian minority, it is not possible to organize university education in their mother tongue in Slovenia. Study of Italian language and culture is possible at the University of Ljubljana and at the University of Primorska (in Koper/Capodistria). At the University of Primorska education of kindergarten governesses and primary schools teachers in the Italian language is taking place. Because of the limited opportunity to study in the languages of autochthonous minorities in Slovenia, Slovenia already in 1960s signed agreements with Italy that enable members of minorities on both sides of the border – Slovenes from Italy; as well as Italians from Slovenia – to study at universities in Italy and Slovenia.

A radio station in the Italian language was established in 1949. It transmits fourteen hours of broadcasts in Italian per day. In 1971 a TV station was added. It broadcasts eleven hours a day in Italian and one hour a day in Slovenian. Both provide information for the Italian population in Slovenia and Croatia. The Italian-language radio and TV stations

function as part of the organizational framework of the National Radio and TV but have broad autonomy in programmatic as well as organizational matters¹⁵.

The Italians in Slovenia and Croatia publish their own newspapers together. The publisher is "Edit", located in Rijeka/Fiume (Croatia) and a special correspondence office in Koper/Capodistria. Its chief publication is the daily "La Voce del Popolo", printed in 3,750 copies; the weekly "Panorama" in 2,200 copies; the tri-monthly literary magazine "La Battana" in 1000 copies and a children's newsletter, "Arcobaleno" (2,500 copies). Since 1992 the newspaper "La Voce del Popolo" has been sold together with the Triestine daily paper "Il Piccolo" in a sandwich arrangement: two papers for the price of one. The Republic of Slovenia supports the publishing of printed media with suitable financial grants. The amount represents 20% of the sum allocated for these activities in the Republic of Croatia.

With the help of different grants-in-aid on the initiative of the members of the Italian (and Hungarian) minority, the minorities are making use of their right to their own cultural development¹⁶ in six Italian and twenty-two Hungarian cultural societies. The Republic of Slovenia financially supports cultural exchange of minority organizations and institutions. The Italian and Hungarian minorities also have the constitutional right to fly their flags on the territories of their autochthonous settlements¹⁷.

According to the Constitution of Slovenia, minority members have the right to two votes in the elections of members of the State Assembly as well as in elections of the organs of local self-government (city councillors)¹⁸. They may use the first vote in accordance with their political affiliation and the second vote to elect special minority representatives. In the State Assembly, a body with ninety seats, two seats are reserved for the representatives of the Hungarian and Italian national minorities. The Republic of Slovenia has authorized the self-governing ethnic communities to compile electoral registers of citizens who are their members. The deputies of the Italian and Hungarian minorities are elected by all members of the ethnic minorities who have voting rights, irrespective of whether they live in the ethnically mixed areas or elsewhere in Slovenia. In the National State Assembly a Permanent Commission for Minorities has been established as one of its four permanent commissions¹⁹. A similar situation exists on the local level²⁰.

Self-governing ethnic communities were established in every municipality inhabited by members of the autochthonous ethnic minorities²¹. The municipal ethnic communities then join together to form the Italian or Hungarian ethnic community. The two communities are the key partners in relations with the Republic of Slovenia. When they decide on matters affecting the status of ethnic minorities, state bodies must acquire the prior opinion of the self-managing ethnic communities. A similar provision also applies on the local level. The members of self-governing ethnic communities also cooperate with international organizations and participate in the preparation of international agreements relating to their status at the local, state and even international level²².

As a member of the Council of Europe and member of the European Union, Slovenia also has to obey all of the rules and different regulations that are part of European laws²³.

In spite of the fact that Slovenia is legally giving its autochthonous minorities more rights than prescribed by European standards, in enforcing those laws of minority protections,

problems are surfacing that are primarily explainable by lack of a culture of law enforcement. Measures to cut state spending at all levels also extend to minority protection. The high level of minority protection created numerous minority institutions that are financially more or less dependent on state support. In this sense, the minorities also became part of the market economy, and this represented a shock for them. Both minorities are quite small in numbers and do not have the economic base to self-finance their institutions and activities.

Representatives of both minorities in the State Assembly (Slovene Parliament) have therefore many times called attention to their troubles and urged recognition that the situation of the Italian and Hungarian minorities is extremely critical²⁴. In early January 2004, when the state and its special organs did not react properly, the deputy of the Italian minority in the Slovene Parliament, Roberto Battelli, decided to resign as president of the special Commission of the State Assembly for Nationalities²⁵. The resignation of Battelli also echoed in neighbouring Italy. The former Italian Foreign Minister, Gianni De Michelis – who, at the end of 1980s, was already against Slovene independence – issued a statement:

In Slovenia I recognize very negative things... The protest of the deputy of the Italian minority, Roberto Battelli, represents a very bad sign. I knew Slovenian circumstances very well, I criticized them and I did not change my opinion and what is happening is a continuation of the short-sighted vision of the Slovene political class, which does not realize the new reality it is entering...²⁶

Other representatives of the Italian minority in Slovenia also emphasized the problems of non-implementation of minority protection laws²⁷. The debate in the Slovene parliament showed that the Hungarian deputy thinks the same with regard to the situation of Hungarians in Slovenia.

Members of the Slovene minority in Italy showed solidarity with the Italian minority in Slovenia, although their legal situation as well as the actual enforcement of the law are much worse compared to that of the Italian minority in Slovenia²⁸.

Even before it became independent, Croatia had relatively good laws in place to protect its national minorities. In addition to Hungarians and Italians, also Czechs, Slovaks, Ruthenians, and Ukrainians enjoyed protection of their minority rights (Serbs enjoyed the status of a constitutive nation of Croatia). All the above-mentioned national minorities had their special institutions in the fields of education and culture, which helped them to retain their identities.

Croatian politicians tried to regulate inter-ethnic relations on their territory. In 1990, when it was still a part of SFRY, they declared in a special resolution that Croatia would protect its national minorities²⁹. The 1990 Constitution of the Republic of Croatia (amended in 1997) declared that Croatia "... is the national state of the Croatian nation and members of the other nations and minorities who are its citizens: Serbs, Muslims, Slovenes, Czechs, Slovaks, Italians, Hungarians, Jews, and others to whom equality with citizens of Croatian nationality is guaranteed ..."³⁰ The Constitution also declared Croatian as the official language and the Latin alphabet as the official alphabet, except in the regions of settlement of minorities, where their languages and alphabets are official in

addition to Croatian. This statement was repeated in the “Declaration on Independence and Sovereignty of the Republic of Croatia”³¹ and in the special “Decree on the Rights of Serbs and Other Minorities in Croatia”³².

Protection of minorities is also treated in the Constitutional Law of December 1991 (amended in 2000). Regulations in it are general and deal with all the minorities in Croatia. The law cites the international obligations of Croatia and generally valid international norms, and specifically regulates the protection of minorities, including their right to development and cultural autonomy; prohibits discrimination; regulates the rights of members of minorities to be adequately represented in representative and other bodies of the Republic of Croatia; defines regions with special status; allows for international surveillance on implementation of regulations of this law with the aim to ensure that human rights will be respected; and prohibits all activities that would threaten general human rights and the rights of minorities³³. A special law defines official usage of languages and alphabets in the Republic of Croatia³⁴. Croatia also signed and ratified some bilateral and multilateral agreements aimed at protection of minorities. Already in 1992 it concluded a *Memorandum on Understanding* with Italy. It signed similar agreements with Hungary and Ukraine, and it took until 1997 to accept and ratify the European Charter on Regional and Minority Languages and other international documents as part of its accession to the Council of Europe.

It was much easier to give minority rights to the Italian minority in the region of Istria and Rijeka, where that minority was well organized. Partially financed by the Italian state, it developed very effective programs in the fields of culture, education and media. There were quite a few problems between the Croatian state and local authorities in Istria. The Croatian Constitutional Court in February 1995 declared null and void eighteen of thirty-six articles of the Statutes of Istria County (*Statut Istarske županije*); most of them dealt with the question of Italian language usage. In its explanation, the Constitutional Court wrote that those articles were not under the jurisdiction of local authorities.

On the other hand, Italians in the Lipik and Pakrac communes do not enjoy any protection from the Croatian state.

The Italian minority also felt neglected; and the fact that, after Yugoslavia’s dissolution in 1991, its unified territory of autochthonous settlement was divided between the Republic of Slovenia and the Republic of Croatia created more problems. Once the new Slovene-Croatian border was established, the seats of most of the organizations of Italian minority remained in Croatia (the publishing house “Edit”, editorials of the daily “La Voce del popolo”, and the weekly “Panorama”, the tri-monthly literary publication “La Battana”, the special publication for children “Arcobaleno”, and the seat of the most important political organization of the Italian minority, the Italian Federation (*Unione Italiana*)). Members of Italian minority in Slovenia remained without a substantial number of their organizations which they could not – because of their small number – replace with a new one. Therefore they tried to continue to act as one entity. This would be the only way to establish a “critical mass” necessary to be able to operate within their organizations, to maintain their cultural and economic projects and to sustain Italian culture and language in both Countries.

The coordination of members of Italian minority in Slovenia and Croatia was taken over by the Italian Federation (*Unione Italiana*). Its registration in Slovenia – due to the fact that it had its seat in Rijeka/Fiume, in Croatia – encountered quite a few difficulties. The authorities claimed that the *Unione Italiana* wanted to become the ‘exclusive’ representative of the Italian minority in Slovenia and Croatia, at the same time forgetting that Slovenia and Croatia are two sovereign states. The authorities however could not prove that. Some also claimed that the *Unione Italiana* had a privileged status in connection with financial support from Italy. We have to emphasize, however, that the *Unione Italiana* is not final recipient of the money. It serves only as a middleman. Final recipients were minority schools, minority media, other minority organizations and those members of Italian minority who received stipends. Due to the above mentioned problems, it took many years for the *Unione Italiana* to register in Slovenia. Representatives of the *Unione Italiana* first reached an agreement on the division of responsibilities with the representatives of the Coastal Self-Managing Community of the Italian Nationality (*Comunità autogestita costiera della nazionalità Italiana*) so that the latter should take care of political and basic questions of fulfilment of the rights of Italian minority while the *Unione Italiana* ought to take care of unification on the basis of interests. Later the *Unione Italiana* wrote several amendments to its constitution in order to make it compatible with Slovene law and thus it was finally registered in August 1998 as a federation of associations³⁵. This however did not better the situation of Italian minority in Slovenia.

CONCLUSIONS: MINORITY FUNCTIONS ALONG THE BORDERS

Minorities settle for the most part in frontier regions, which are mostly on the periphery. The structural disadvantages of frontier regions are damaging for the minorities: those regions are demographically disadvantaged and also economically worse off than the central areas of the states. Minorities were and are potential objects of conflict. In more developed regions, especially in the most recent decades, members of minorities are accepted as an advantage because of their bilingualism, biculturalism, and knowledge of people and situations in frontier regions. Members of minorities are often involved in transborder activities and connections, from different trade and cultural activities to economic cooperation in the fields of business, management, banking etc. For those activities, highly qualified and motivated people who are integrated in the majority environment and who also have connections in the mother-state are needed.

Minority protection can show positive economic results here also. This was evident in the case of Slovenes in Italy and Austria. Italians and Hungarians in Slovenia did not show such good results in promotion of economic cooperation between Slovenia and their mother states. A high level of minority protection may be counterproductive, if the network of educational, cultural and political minority organizations that are state funded give jobs to a majority of the qualified members of the minorities and, therefore, no people from minorities are available to work in the economy.

When language and culture became part of the market economy, the Italian and Hungarian minorities had a shock which they were not ready for. Cutbacks in state funds are a trend occurring throughout Europe. If minorities want to survive, they will have to de-

velop more civil service institutions and will have to develop their initiative at home and become better partners there. The state has to give them institutionalised support as well. In the context of today's information society, the human factor is more important than ever in history.

NOTES

- ¹ VIII. Censimento della popolazione 21. aprile 1936. Vol II, Fasc. 24: Provincia del Friuli; Fasc. 31: Provincia del Carnerio; Fasc. 32: Provincia di Gorizia, Fasc. 22: Provincia dell'Istria, Fasc. 34: Provincia di Trieste; Fasc. 35: Provincia di Zara, Rome 1936.
- ² Statistika prebivalstva Istarskega okrožja po stanju z dne 15. decembra 1947 (Koper: Statistični urad Istarskega okrožnega ljudskega odbora, 1948) – Archive of Institute for Ethnic Studies in Ljubljana; Statistički ljetopis Istre, Primorja i Gorskog Kotara 1992 (Data only for former Buje Commune); Konačni rezultati popisa stanovništva od 15. marta 1948. godine, Knjiga IX: Stanovništvo po narodnosti. (Beograd: Savezni zavod za statistiku, 1954); Popis stanovništva 1953. Knjiga XIII: Stanovništvo i domaćinstva. (Beograd: Savezni zavod za statistiku, 1959); Popis stanovništva 1961. Knjiga VI: Vitalna, etnička i migraciona obeležja – rezultati za opštine (Beograd: Savezni zavod za statistiku, 1967); Popis stanovništva i stanova 1971. Statistički bilten 727: Nacionalni sastav stanovništva po opštinama (Beograd: Savezni zavod za statistiku, 1972); Popis stanovništva, domaćinstava i stanova u 1981. godini. Statistički bilten 1295: Nacionalni sastav stanovništva po opštinama – konačni rezultati (Beograd: Savezni zavod za statistiku, 1982); Prvi rezultati popisa stanovništva, domaćinstava i poljoprivrednih gazdinstava 1991. godine. Statistički bilten broj 1934: Nacionalni sastav stanovništva po opštinama (Beograd: Savezni zavod za statistiku, 1995); Popis stanovništva 2001. Stanovništvo prema narodnosti, po gradovima/opštinama (Zagreb: Državni zavod za statistiku, 2002), at: http://www.dzs.hr/Popis%202001/Popis/H01_02_02/H01_02_02.html (16 November 2003); Popis prebivalstva, gospodinjstev in stanovanovanj, Slovenija, 31. marca 2002. Statistične informacije no. 93: Prebivalstvo (Ljubljana: Statistični urad Republike Slovenije, 2003), p. 23; Popis stanovništva 2002 (Beograd: Savezni zavod za statistiku, 2004), at: <http://www.kanjiza.co.yu/nepszamlalas2002/popist2002.htm>, (20 January 2004).
- ³ Prvi rezultati popisa stanovništva, domaćinstava i poljoprivrednih gazdinstava 1991. godine. Statistički bilten broj 1934: Nacionalni sastav stanovništva po opštinama (Beograd: Savezni zavod za statistiku, 1995); Popis stanovništva 2001. Stanovništvo prema narodnosti, po gradovima/opštinama (Zagreb: Državni zavod za statistiku, 2002), at: http://www.dzs.hr/Popis%202001/Popis/H01_02_02/H01_02_02.html (16 November 2003).
- ⁴ S. Novak-Lukanović, *Some Yugoslav Experiences in Asserting Equality of the Nations and Nationalities in the Field of Education*, "Razprave in gradivo" 18, 1986, p. 75.
- ⁵ *The Constitution of the Federal People's Republic of Yugoslavia*, Belgrade 1946; *The Constitution of the Socialist Federal Republic of Yugoslavia*, Belgrade 1963.
- ⁶ *The Constitution of the Socialist Federal Republic of Yugoslavia*, Belgrade 1989.
- ⁷ *Ustava Socialistične republike Slovenije* [The Constitution of the Socialist Republic of Slovenia], Ljubljana 1963.
- ⁸ *Ustava Socialistične republike Slovenije* [The Constitution of the Socialist Republic of Slovenia], Ljubljana 1974.
- ⁹ C. Ribičič, *Italijanska in madžarska narodna skupnost v Republiki Sloveniji: Ustavnopravni položaj. Posebna skrb Slovenije za obe manjšini že pred osamosvojitvijo*, "Republika" 6, 4, 1997, p. 4.
- ¹⁰ L. Ude - F. Grad - M. Cerar Jr., *Ustava Republike Slovenije: z uvodnim komentarjem dr. Lojzeta Udeta, dr. Franca Grada in Mira Cerarja ml. in stvarnim kazalom*, Ljubljana 1992.
- ¹¹ *Pravilnik o določanju imen naselij in ulic ter o označevanju naselij, ulic in stavb* [Regulations on Determining the Names of Settlements and Streets and the Marking of Settlements, Streets and Buildings], "Official Gazette of the Republic of Slovenia" (further: "Official Gazette") 11, 1980; *Zakon o imenovanju in evidentiranju naselij, ulic in stavb* [Law on the Naming and Registering of Settlements, Streets and Buildings], "Official Gazette" 8, 1980.
- ¹² *Zakon o sodiščih* [Law on Courts], "Official Gazette" 19, 1994; *Zakon o notariatu* [Law on Notaryship], "Official Gazette" 13/94, 48/94, Ljubljana 1994; *Zakon o državnem tožilstvu* [Law on the Office of Public Prosecutor], "Official Gazette" 63/94, 1994.
- ¹³ The international legal obligations of Slovenia towards the education of members of ethnic communities in their own language may be found in the following: (1) *Special statute of the Memorandum of Understanding* from 1954, points b and c of Article 4; (2) *Sporazum o zagotavljanju posebnih pravic slovenske manjšine v Republiki Madžarski in madžarske narodne skupnosti v Republiki Sloveniji* [Convention on the Providing of Special Rights of the Slovenian

- Ethnic Minority in the Republic of Hungary and the Hungarian Ethnic Community in the Republic of Slovenia], "Official Gazette", 6/93, 1993; (3) *Framework Convention for the Protection of National Minorities*, Article 12-14; *European Charter for Regional or Minority Language*, Article 8.
- ¹⁴ M. Komac, *Varstvo narodnih skupnosti v Sloveniji* [Protection of ethnic communities in the Republic of Slovenia], in M. Polzer - L. Kalcina - M. Žagar (eds.), *Slovenija in evropski standardi varstva narodnih manjšin/Slovenija and European Standard for the Protection of National Minorities*, Ljubljana 2002, pp. 38-39.
- ¹⁵ *Statut Javnega zavoda Radiotelevizije Slovenija* [Statute of the Public Institution RTV Slovenia], "Official Gazette", 66/95, 1995.
- ¹⁶ *Zakon o uresničevanju javnega interesa na področju kulture* [Law on the Realization of Public Interest in the Area of Culture], "Official Gazette", 75/94, 1994.
- ¹⁷ *Zakon o grbu, zastavi in himni Republike Slovenije ter o slovenski narodni zastavi* [Law on the Coat of Arms, Flag and Anthem of the Republic of Slovenia, and on the Slovenian National Flag], "Official Gazette", 67/94, 1994.
- ¹⁸ See Article 64 of the *Constitution of the Republic of Slovenia*.
- ¹⁹ *Zakon o evidenci volilne pravice* [Law on the Records of Voting Rights], "Official Gazette", 46/92, 1992; *Zakon o volitvah v državni zbor* [Law on Elections to the National Assembly], "Official Gazette", 44/92, 1992.
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- ²¹ *Zakon o samoupravih narodnih skupnostih* [Law on Self-governing ethnic communities], "Official Gazette", 65/93, 1993.
- ²² *Ibid.*
- ²³ *Zakon o ratifikaciji Evropske listine o regionalnih in manjšinskih jezikih* [The Law on Ratification of the European Charter on Regional and Minority Languages], "Official Gazette of the Republic of Slovenia–International Treaties" 17, 2000); *Zakon o ratifikaciji Okvirne konvencije za varstvo narodnih manjšin* [The Law on Ratification of General Convention on protection of National Minorities], "Official Gazette of the Republic of Slovenia–International Treaties" 4/98, Ljubljana 1998.
- ²⁴ B. Šuligoj, *Bolje Slovenec v Italiji kot Italijan v Sloveniji* [Better to be Slovene in Italy than Italian in Slovenia], "Delo", 46/3, 2004, p. 2.
- ²⁵ Id., *Ne vprašaj, kaj lahko država stori zate* [Do not ask what the State can do for you], "Delo", 46/6, 2004, p. 5.
- ²⁶ L. Kante, *Solidarni z manjšino* [Solidarity with Minority], "Delo", 46/8, 2004, p. 2.
- ²⁷ *Interview with representatives of Obalna samoupravna skupnost italijanske narodnosti* [Comunità autogestita costiera della nazionalità italiana], 30 January 2004.
- ²⁸ L. Kante, *Solidarni z manjšino* [Solidarity with Minority], "Delo", 46/8, 2004, p. 2.
- ²⁹ *Rezolucija o zaščiti ustavnog demokratskog poretka i nacionalnim pravima u Hrvatskoj* [Resolution on Protection of Constitutional Democratic Development and National Minorities in Croatia], "Narodne novine" 34/90, 1990.
- ³⁰ *Ustav Republike Hrvatske* [The Constitution of the Republic of Croatia], "Narodne novine" 56/90 and 135/97, 1990-1997.
- ³¹ *Deklaracija o uspostavi suverene i samostalne Republike Hrvatske* [Declaration on Establishment of the Sovereign and Independent Republic of Croatia], "Narodne novine" 31/91, 1991.
- ³² *Povelja o pravima Srba i drugih nacionalnosti u Republici Hrvatskoj* [Declaration on the Rights of Serbs and Other Nationalities in the Republic of Croatia], "Narodne novine" 31/91, 1991.
- ³³ *Zakon o ljudskim pravima i slobodama i o pravima etničkih i nacionalnih zajednica ili manjina u Republici Hrvatskoj* [The Law on Human Rights and Freedoms and Rights of Ethnic and National Communities or Minorities in the Republic of Croatia], "Narodne novine" 65/91, 1991; and "Narodne novine" 105, 2000.
- ³⁴ *Zakon o upotrebi jezika in pisma etničkih i nacionalnih zajednica ili manjina u Republici Hrvatskoj* [The Law on Usage of Language and Alphabet of Ethnic and National Communities or Minorities in the Republic of Croatia], "Narodne novine", 51, 1991; and "Narodne Novine", 56, 2000.
- ³⁵ B. Šuligoj, *Unija tudi v Sloveniji, a le kot zveza društev* [Union also in Slovenia, but only as the Union of Societies], "Delo", 40, 75, 1998, p. 2; B. Šuligoj, *Le še eno društvo manjšine ali kaj več? Italijanska unija registrirana tudi v Sloveniji* [Only one Society of a Minority or something more? Italian Union registered also in Slovenia], "Delo", 40, 196, 1998, p. 2.

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