



**Republic of Croatia
Ministry of Foreign Affairs
& European Integration**



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Constitutional Court of the Republic of Croatia



**UNIVERSITY
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Arts & Humanities
Research Council

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)**

Under the patronage of

THE PRESIDENT OF THE REPUBLIC OF CROATIA

in co-operation with

THE MINISTRY OF FOREIGN AFFAIRS AND EUROPEAN INTEGRATION

THE CONSTITUTIONAL COURT OF THE REPUBLIC OF CROATIA

**THE UNIVERSITY OF ZAGREB
THE FACULTY OF POLITICAL SCIENCES
THE FACULTY OF LAW**

**THE UNIVERSITY OF GLASGOW
DEPARTMENT OF CENTRAL AND EAST EUROPEAN STUDIES**

UniDem Seminar

“THE PARTICIPATION OF MINORITIES IN PUBLIC LIFE”

Zagreb, Croatia, 18 – 19 May 2007

SYNOPSIS

The Venice Commission held a seminar on “the participation of minorities in public life” in Zagreb on 18 and 19 May 2007, in co-operation with the Croatian Ministry of Foreign Affairs and European Integration, the Constitutional Court of Croatia, Zagreb University and Glasgow University.

The seminar, which was attended by academics, representatives of international organisations, the political world and civil society and public officials, was divided into three thematic sessions. The first session focused on the impact that different constitutional models, in particular unitary and federal or regionalist states, have with regard to the opportunities minorities have to make their voice heard in the domestic decision-making process. The aim of the second session was to take stock of the substantial development, in terms of both quantity and quality, of international standards which foster minority participation and to assess their impact on states’ national policies. Finally, the third session focused on the historical origins and current relevance of an old model of minority participation, i.e. non-territorial cultural autonomy. During each of the three sessions, participants frequently made comments on the prevailing situation in the Republic of Croatia.

The numerous reports presented during the seminar provided very useful input for the discussion on the three above-mentioned themes. The debates revealed that, even in the context of constitutional models which were the most impervious to the concept of national minorities and their constitutional recognition, positive developments could take place in both legislation and policy, taking account of the growing diversity of society and the ensuing need to ensure real and effective quality for the most vulnerable groups as well as efficient protection against discrimination. The discussions also highlighted the need for federal or regionalist states to respond in a dynamic and progressive fashion to the many aspirations of minority groups, of whom insufficient account was taken in existing territorial arrangements.

Developments in relevant international standards provide valuable guidelines for national policies despite the difficulty in identifying concrete obligations for states. This difficulty results, to a large extent, from the diversity of situations and the impossibility of imposing a single model.

Finally, it was obvious that cultural autonomy still offered a great deal of potential and that it could significantly improve minority participation. This, however, can only be achieved if the governments address the numerous challenges with regard to guaranteeing genuine representativity of the elected bodies of cultural autonomy and to ensuring that there is no overlapping of powers and responsibilities with the national authorities.

The reports presented during the seminar will be published in the Science and Technique of Democracy collection and will also shortly be available on-line on the Venice Commission website (www.venice.coe.int) under the heading “Documents/Seminars/UniDem”.

PROGRAMME

Friday 18 May 2007

- 09h00-09h30 Registration of participants
- 09h30-10h00 Welcome addresses:
- Mr **Vladimir LONCAREVIC**, Assistant to the Croatian President's Advisor on Political Affairs
 - Ms **Mirjana BOHANEK-VIDOVIĆ**, Deputy Minister for Croatian Minorities, Emigration and Immigration, Ministry of Foreign Affairs and European Integration of Croatia
 - Mr **Gianni BUQUICCHIO**, Secretary of the Venice Commission, Council of Europe
 - Mr **Josip KREGAR**, Dean of the Law Faculty, University of Zagreb
 - Mr **David J. SMITH**, Senior Lecturer, Department of Central and East European Studies, University of Glasgow

First session

9h30-13h00

Making minorities more influential in public life: opportunities and limits resulting from existing constitutional arrangements at domestic level

- Chair: Mr **Sergio BARTOLE**, substitute member of the Venice Commission, Italy
- 10h00 - 10h20 *The absence of a constitutional recognition of minorities in the context of unitary states: an insurmountable obstacle?*
Report by Mr **Stéphane PIERRÉ-CAPS**, Professor of Public Law, Director of the Institute for Research on Nation and State developments, University of Nancy II
- 10h20 – 10h40 *Territorial solutions for managing diversity and their changing role: comparison of constitutional models and their impact on minority participation*
Report by Mr **Francesco PALERMO**, Associate Professor, Comparative Public Law, University of Verona / Director of the Institute for Federalism, European Academy of Bolzano / Member of the Advisory Committee on the FCNM
- 10h40 – 11h00 *The case of Croatia: progress made in improving the participation of national minorities in decision-making processes and future challenges in the light of the 2002 Constitutional Law on the Rights of National Minorities*
Report by Mr **Milorad PUPOVAC**, Representative of the Serbian minority in Parliament of Croatia, President of the Interparliamentary Co-operation Committee
- 11h00-11h15 Coffee break
- 11h15-11h30 Comments on the reports by Ms **Constance GREWE**, co-discussant, Professor of Public Law, Robert Schuman University, Strasbourg / Judge at the Constitutional Court of Bosnia and Herzegovina

- 11h30-12h30 General discussion
Can every constitutional model be accommodated so as to promote minority participation in public life?
- 12h30 -13h15 Visit to the Constitutional Court of the Republic of Croatia
- 13h15 Lunch



Second Session

15h00-18h00

The development of a corpus of international standards and its impact at domestic level on minority participation

- Chair: Mr **Bogdan AURESCU**, substitute member of the Venice Commission, Romania
- 15h00-15h20 *Which state obligations can be inferred from existing international and European standards in terms of minority self-governance? - special focus on effective participation under Article 15 FCNM*
Report by Mr **Joseph MARKO**, Professor, Law Faculty, University of Graz, member of the Advisory Committee on the FCNM
- 15h20-15h40 *Special measures to promote minority representation in elected bodies: the experience of the OSCE High Commissioner on National Minorities*
Report by Ms **Annelies VERSTICHEL**, Representative of the OSCE High Commissioner on National Minorities, The Hague
- 15h40-16h00 *Can international monitoring mechanisms and EU integration prospects help improve the participation of national minorities at domestic level?*
Report by Mr **Tin GAZIVODA**, Director, Centre for Human Rights, Zagreb
- 16h00-16h15 Coffee Break
- 16h15-16h30 Comments on the reports by Ms **Judit SOLYMOSI**, co-discussant, Expert, Media Correspondent on Minority Issues, Budapest
- 16h30-18h00 General discussion
Do the relevant international standards and their interpretation constitute a serious incentive for States to amend their institutional arrangements to improve minority participation in public life?
- 18h15 Reception at the invitation of the Ministry of Foreign Affairs and European Integration of the Republic of Croatia



Saturday 19 May 2007

Third session

9h30-12h45

The re-emergence of an old model: cultural autonomy

- Chair: Ms **Jasna OMEJEC**, Vice-president of the Constitutional Court of Croatia
- 09h30-09h50 *The revival of cultural autonomy in certain countries of Eastern Europe: were lessons drawn from the inter-war period?*
Report by Mr **David J. SMITH**, Senior Lecturer, Department of Central and East European Studies, University of Glasgow
- 09h50-10h10 *Contemporary forms of cultural autonomy in Eastern Europe: recurrent problems and prospects for improving the functioning of elected bodies of cultural autonomy*
Report by Mr **Christopher DECKER**, former Senior Research Associate at the European Centre for Minority Issues (ECMI) Flensburg, presented and discussed by Mr **Eamonn BUTLER**, Lecturer at the Department of Central and East European Studies, University of Glasgow, and Ms **Laura CASHMAN**, PhD Researcher at the Department of Central and East European Studies and Fellow of the Centre for Russian, Central and East European Studies, University of Glasgow
- 10h10-10h25 *Coffee Break*
- 10h25-10h45 *Personal autonomy through the “Communities” system: does the example of Belgium suggest that forms of non-territorial autonomy can make a difference in terms of minority participation?*
Report by Mr **Jean-Claude SCHOLSEM**, Professor at the University of Liège, substitute member of the Venice Commission, Belgium
- 10h45-11h00 Comments on the reports by co-discussant Mr **John HIDEN**, Professor, Department of Central and East European Studies, University of Glasgow
- 11h00-12h30 General Discussion
Is there a future for cultural autonomy in promoting minority participation in the decision-making process?

