

*Bosniak minority in Sandzak (Serbia) – from constitutive nation to minority*

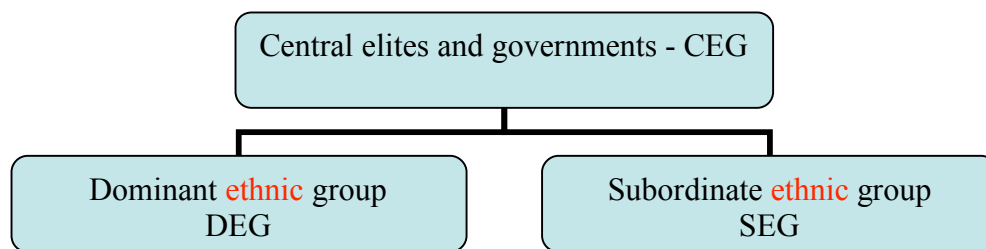
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**Abstract**

This article analyzes the process of politicization of the Bosniak minority in Serbia and its influence on the transformation of institutional rules, primarily constitutions, which deem to ensure an inclusive and stabilizing framework for the protection and development of the Bosniak minority in Serbia.

The Bosniak minority in Serbia inhabits the Sandzak, a region situated in the South-West of Serbia. The historic region of Sandzak is today divided between Serbia and Montenegro. Please note that this article concentrates only on the Serbian part. My analysis is based on Rothschild’s “Ethnopolitics” because it provides a flexible framework for research on the political dimension of ethnicity. In his view, ethnicity is used as an instrument to safeguard or advance its political and economic interests. As such, ethnicity might equally be used in a multi-ethnic society for political integration. Ethnic conflict in the multi-ethnic Serbia (while Kosovo was still part of Serbia, one third of Serbia’s population were ethnically non-Serbs) is primarily a political problem that requires a political solution. Besides Rothschild, I also referenced F. Friedman to support my argument that the organisation of Bosniaks organised as an ethnic group was relatively late and only partially carried out, due to the 1968 Socialist Federal Republic of Yugoslavia’s (SFRY) constitutional amendments.

Rothschild’s three categories which constantly interact:



*Sandzak was geographically on the periphery in Yugoslavia and even more so in Serbia. It is one of the least developed regions in Serbia. Ethnicity entered the picture when “certain cultural markers that may distinguish the peripheral and the core populations from each other [came] to be perceived as identifying and categorizing the respective economic roles and functions of these two populations.” (Rothschild (1981) p.53)) That is precisely what happened when the war in Bosnia started in 1992. Serbs perceived Sandzak Bosniaks as backwards and as “others” due to media campaigns fabricating news on “dangerous Islamic extremists” who wanted to create a “green corridor” from Sandzak, which is situated between BiH on northwest and Kosovo and Albania on south. Thus*

Serb nationalism and manufactured fear from “Muslim fundamentalists” created a mutual alienation between DEG and SEG.

### **Historical Background**

Unlike socialist “symbolic constitutions” (Jon Elster at all (1998) p.109) that existed in many East European countries between 1945-1989, the communist party in Yugoslavia attempted to adjust constitutions to accommodate ethnic tensions. According to Rothschild’s theory regarding multiethnic states’ options for conflict prevention, there are seven different regulating mechanisms and techniques. One of these mechanisms characterizes the method used in the socialist Yugoslavia, namely: “Constitutional or institutional arrangements designed to keep potentially disruptive or divisive ethnic issues off the central government’s political agenda and resolve them at other decision-making levels.” (Rothschild (1981) p.162)

After the 1968 constitutional amendments in SFRY, which recognized the category of "Muslim" (Muslim with a capital M meant a nationality while muslim with a small letter m indicated a religious affiliation) as a constituent people of Yugoslavia, Bosniaks in both Bosnia and Sandzak became exceptionally loyal to the Yugoslav communist system and held high positions in the state and party apparatus (Source: ICGR (2005)). For the first time, Muslims were equal with the other five constituent nations.

And so, at the next Census that was held in 1971, people could also choose the option - “Muslim”. As Friedman wrote “When the Muslims became a recognized nation in Bosnia, it meant that they would now be considered a legitimate player in the battle for control over social, economic, and political resources within Yugoslavia and within Bosnia. This change in status was tied to the recognition of Bosnian Muslim nationalism, which was underdeveloped at the time it was first recognized but which grew throughout the 1970s and 1980s.” (Friedman (2000) p.173)

Bosnian Muslims/Bosniak elite throughout their history opted to support the Slavic CEG, and not to express strong nationalistic sentiments. Therefore they were also prone to accept the Yugoslav experiment with building a common identity. However, a Yugoslav self-identification failed.

After death of President J.B.Tito (1980), ethnic politicization of Bosnian Muslims rose (along with other national “awakenings”) and that process spread to Sandzak at the end of 1980s, when Serbian President Milosevic alienated Sandzak Bosniak SEG from CEG.

### **Constitutional influences**

Socialist Yugoslavia attempted to solve the ethnic question by a federal state structure, decentralization (e.g. Serbia was divided into Serbia proper and its two autonomous provinces – Vojvodina and Kosovo) and institutional acceptance of territorial and cultural autonomy, whereby a central party structure closely monitored the situation. Milosevic recentralized (by taking away Vojvodina and Kosovo’s autonomy) Serbia with the 1990 Constitution and, as a result, the new constitution institutionally imposed a domination of the majority (or DEG) over one third of its minority population. It is important to note that at the time Kosovo was still part of Serbia, thus, including the Albanian minority, one third of Serb population was non Serb.

The war which started in 1992 forced many Muslims in both Bosnia and Sandzak to question what it was about them to cause such hatred. The psychological need for meaning and belonging in a literally threatening world of Bosnia and Sandzak at the beginning of 1990's offered opportunity for ethnic groups' politicization. From the psychological point of view, as Rothschild put it "the politicization of ethnicity translates the personal quest for meaning and belonging into a group demand for respect and power." (Rothschild (1981) p.62). At the beginning of the 90's when the SFRY started collapsing, nationalist parties emerged everywhere; Sandzak was no exception to it. After Bosnia and Herzegovina proclaimed its independence (1992), Muslims in Serbia were reduced from a constitutive nation to being a minority.

Sandzak's Party of Democratic Action (SDA) organized a referendum on autonomy with the possibility of joining some of the republics (without specifically stating which of the republics) clearly mirrors Rothschild's four point definition of politicizing ethnicity:

- (1) to render people cognitively aware of the relevance of politics to the health of their ethnic cultural values and vice versa;
- (2) to stimulate their concern about this nexus;
- (3) to mobilise them into self-conscious ethnic groups and;
- (4) to direct their behaviour toward activity in the political arena on the basis of this awareness, concern, and group consciousness." (Rothschild (1981) p.6)

Needless to say, Milosevic's response to the referendum was to accuse the Sandzak Democratic Action (SDA) political party members of secessionism and endangerment of the sovereignty of Serbia and Montenegro, which resulted in a political process in which the leaders of SDA Party in Serbia and Montenegro were accused and arrested. However, those processes were never judicially brought to an end. Sulejman Ugljanin (SDA president) fled to Turkey where he stayed for three years and avoided his arrest. In 1996, Milosevic allowed his return. Ugljanin re-entered politics and after winning elections with his "satellite" (ICGR (1998) parties easily took control of three Bosniak majority municipalities and "implemented policies that alienated local Serbs" (ICGR (2005) p. 13). In 1997, Ugljanin announced the possibility of proclaiming Sandzak's autonomy in accordance with the 1991 referendum. Police subsequently dissolved the assembly in Novi Pazar and installed SPS and JUL members, which included some Bosniaks. Such assembly composition stayed in power until Milosevic was overthrown in 2000.

### **Sandzak under Milosevic**

In order to explain Milosevic's policy towards Sandzak I must initially introduce Janes Ron's concept of the "Sandzak paradox" (Janes Ron, (2000)). His concept involves the differentiating method of internal and external violence. It clarifies the difference in Milosevic's strategy in BiH as a separate state, and in Sandzak, which is within Serbian borders. In his article Ron describes borders "as tools of statecraft, helping elites implant notions of state legitimacy in the minds of relevant audiences, including officials of other states, international organizations, and important domestic audiences." (Janes Ron (2000) p.610). In other words, Milosevic did aid and abet in ethnic cleansing, killing and wounding of tens of thousands of Muslims in Bosnia, as well as full-scale violence and activity of paramilitaries in the Eastern Bosnia that bordered Sandzak; but in Sandzak, he

opted for targeted harassment, discrimination, and humiliation. He did so in order to present Serbia as a law abiding country which respects minority rights. As a proof of the “Sandzak paradox” Ron stated that unlike BiH where number of killed is measured in thousands, “[i]nside the Sandzak, however, a total of 50 Muslims were killed from a potential list of 200,000 victims”.

The scenario went like this: the paratroopers set up shops in Sandzak, near the border with Bosnia and regularly attacked Bosnian Muslims on the territory of Bosnia. That was done with consent of Yugoslav/Serb officials. However, those same paramilitaries were forbidden to commit the same atrocities on the territory of Serbia, i.e. Sandzak.

Nevertheless it did happen on several occasions, for example in villages Sjeverin, Bukovica and Kukurovici, that people were kidnapped (e.g. from a bus), transported to Bosnia and subsequently killed.

### **State terror**

The introduction above does not imply that Bosniaks in Sandzak did not suffer a higher form of repression. On the contrary, the statistics of the Helsinki Committee for Human Rights in Sandzak show that as many as 2,246 crimes were committed in Sandzak. Those crimes include murders, kidnapping, serious body injuries and brutal abuse of citizens (source Helsinki Committee for Human Rights in Sandzak). From the total number, 1,770 were performed by police and army, 114 by paramilitaries, and 90 by members of Bosnian Serb army. Statistics on the numbers of people who were forced to leave Sandzak due to the Serbian state terror vary significantly, between 40,000

(representatives of the former authorities) and 90,000 (SDA claim). UN Special Commissioner for HMR stated that “as a result of violence 60-80,000 Muslims left the Sandzak region since 1992 and found shelter in various Western European countries.” This information is important in two ways: First, considering the total Bosniak population in Sandzak, according to the 1991 census, was 224,446, the above given numbers of Bosniaks who left show the scale of the state terror. Second, in light of the latest agreement on re-admission, which Serbia signed with the EU, and which came into force on 1 January 2008, many people from Sandzak who did not obtain a staying permit in the EU member states, either already returned (around 30,000 according to the magazine Vreme no 865; 2 August 2007) or will be forcefully returned in the near future; and that will have enormous consequences for the already economically impoverished Sandzak region.

### **Sandzak after 2000**

The new Serbian government (after 2000) was well aware of Milosevic’s legacy since it overturned the latter with help of the Sandzak Democratic Party. In addition, the post Milosevic era, the democratic oriented government wanted to comply with the European Human and Minority Rights (HMR) standards and Copenhagen criteria for Serbia’s possible EU membership. Therefore, Serbia devoted 70 articles in its new constitution (2006) to the protection of HMR. And yet, those numerous provisions cannot, by themselves guarantee HMR. In Serbia, despite abundant constitutional provisions on protection of HMR and the existence of 43 (out of 192) municipal and one APV ombudsman offices, the fact remains that it took Serb CEG five years to lawfully establish the institution of an ombudsman at the Republic level and another two to

appoint an Ombudsperson (Source: Transparency International Serbia). Thus the implementation of the existing constitutional provisions is substantially dependent on the politicians' readiness to make them enforceable.

After democratic changes in 2000, Serbia as part of the Federal Republic of Yugoslavia (FRY) started changing its discriminatory practices; and FRY passed appropriate laws for protection of its minorities – Law on Protection of National Minorities Rights and Liberties. Framework Convention for the Protection of National Minorities was signed in 2001 and subsequently also the Instrument on the Protection of National Minorities. In 2002, FRY started negotiating bilateral agreements with the neighboring countries. Round tables were organized as well as various programs promoting inter-ethnic tolerance (incl. Sandzak). Finally CEG also promoted changes in the field of education as an important integrative factor.

The European Union plays an essential role in Serbian adjustments to its minority policies. The potential for EU membership, which worked as a powerful magnet and conflict prevention tool for other potential EEC trouble spots (e.g. Slovakia and Czech Republics, or Bulgaria), is now being implemented in Serbia and Montenegro. The European Union “recipe” – participation of minority parties in the domestic political scene by encouraging power-sharing through formal and informal domestic coalitions – is slowly bearing fruit and along with COE's reports and Venice Commission's opinion report, presents a monitoring tool for conflict prevention in those countries. Time will show if the Bosniak SEG's political representatives - both SDA and SDP - will be more interested in their own political careers or in facing and solving very serious economic and social problems in Sandzak.

### **Serbian minority policy after 2000**

Serbia had a burden of ten years of minorities' oppression and therefore opted for the combination of those integrative methods with an emphasis on inclusion of SEGs political representatives and the establishment of the institutional bodies of National Councils as CEG's legitimate partners. Bosnian National Council was officially founded in September 2003, and their primary areas of concern were questions of language, education, the media and culture. State union of Serbia and Montenegro (2003-2006) even founded a new Ministry for Protection of Minority Rights HMR), which was in 2006 (after Montenegro proclaimed its independence) replaced by a Department for HMR.

From the political point of view the new Serbian government applied a combination of following conflict regulating mechanisms:

- (1) deliberate depoliticization of issues that could take on an ethnically divisive cutting edge;
- (2) constitutional or institutional arrangements to keep potentially disruptive or divisive ethnic issues off the central government's political agenda and resolve them at other decision-making levels and;
- (3) reciprocal trade offs that includes formula “everybody gets something, nobody gets everything, nobody gets nothing” (Rothschild (1981) p.162-163)

At the same time the central elites and government (CEG) did not sincerely try to revoke Milosevic's inheritance of recentralization. Therefore the process of decentralization of

Serbia and the policy of local self-government is only declarative and in practice the process is still in its initial phase.

From the interviews I conducted in 2007, the infrastructural problems were identified as the most essential by all interviewees. Improvement of road and rail network would offer more mobility for the jobless population. Secondly, even more importantly, it would tremendously increase trade in this region whose former capital city's name– Novi Pazar meaning New Market - implies. In the last decade both political parties from Sandzak slowly responded to their voters. However, that might be changing. In 2007 the CEG started a new strategy and in July same year it adopted the Law on balanced regional development. From summer 2008, one of the Sandzak leading political parties – the Party of Democratic Action (SDA) - is holding a ministry for Sustainable Development of Rural Areas in the new Serbian government and its first announcement was that one of the main motor-ways will be built through Sandzak. Another leading Bosniak Party – Bosniak Democratic Party (SDP) continued being in charge of the Ministry for Labour and Social Welfare.

### **Conclusion**

The process of Bosniak ethnic politicization in Sandzak in Serbia took place primarily in response to Milosevic's nationalistic policies. After 2000 it ensured, along with the EU directives, (re)building of solid institutional mechanisms for protection of minority rights. Today, constitutional mechanisms for protection of minority rights are in place but the judicial implementation is questionable due to the political influence on the appointment of constitutional court judges.

From the real-life perspective, in the last few years, process of ethnic politicization is facing a new challenge: adjustment to people's vital problems, i.e. unemployment and lack of perspective.

The newest developments taking place in Serbia in 2008 give hope to optimism. Still, only time will tell if political division of power without existence of the local self-government can fundamentally improve the real life position of Bosniak minority in Sandzak.

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## Appendix

- a) Map of Serbia and Montenegro  
Sandzak is situated between these two states

