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NON-TERRITORIAL AUTONOMY IN PRACTICE: THE HUNGARIAN NATIONAL COUNCIL IN SERBIA

Non-territorial autonomy

It is a widely accepted tenet in the academic community that the effective participation of national minorities in public decision-making is an inevitable democratic requirement in all multi-ethnic states, primarily in public decision-making related to the minority community and its specific identity.¹ The realization of this principle requires various legal and political arrangements although uniform solutions are neither available, nor desirable. Implementation of Article 15 (on effective participation of national minorities) of the CoE (Council of Europe) Framework Convention on the Protection of National Minorities by State-parties to this convention, reveal a wide variety of the best and less desirable state policies and practices. What seems obvious is that in the case of traditional and numerous national minorities self-governance, autonomy of national minorities is an inevitable part of any long standing sustainable solution. As the OSCE (Organization for Security and Cooperation in Europe) High Commissioner's Lund Recommendations on the Effective Participation of National Minorities in Public Life No. 14 states: "Effective participation of minorities in public life may call for non-territorial or territorial arrangements of self-governance or a combination thereof. States should devote adequate resources to such arrangements." According to this document, "Non-territorial forms of governance are useful for the maintenance and development of the identity and culture of national minorities (No. 17). The issues most susceptible to regulation by these arrangements include education, culture, use of minority language, religion and other matters crucial to the identity and way of life of national minorities (No. 18)."

While territorial autonomy is most developed in Western-European democracies, non-territorial autonomy arrangements were implemented in Eastern-Europe's new democracies beginning from the nineties of the 20-th Century.² For example Slovenia, Hungary, Croatia and Serbia invented various non-territorial self-governance arrangements in their public law. Three specific characteristics make the non-territorial autonomy arrangement in Serbia specific and different from the arrangements in Slovenia,

¹ Gál, Kinga (ed.): *Minority Governance in Europe*. LGI ECMI Series on Ethnopolitics and Minority Issues. Budapest: ECMI - OSI, 2003. 1-5.

² Myntti, Kristian: *A Commentary to the Lund Recommendations on the Effective Participation of National Minorities in Public Life*. Turku/Abo: Institute for Human Rights, Abo Akademi University, 2001. 52.

Hungary and Croatia. First, national councils in Serbia are directly elected national/state level assemblies, autonomous bodies and not local, second, they have both qualitatively and quantitatively more competencies and powers to participate in decision-making, and third, beneficiaries of the arrangement in Serbia include numerous politically organized and traditional ethnic communities as well.

This paper has the ambition to describe and analyze the Serbian model, with special emphasis on the Hungarian National Council that represents the most numerous traditional national minority in Serbia, the Hungarian. After the introduction, the relevant legal framework shall be presented, consequently the practical implementation of the relevant law shall be analyzed through the practice of the Hungarian National Council (hereinafter HNC), while at the end some conclusions will be formulated tackling the actual potentials and limits of non-territorial arrangement in Serbia, such as actual perils endangering this arrangement.

Legal framework of non-territorial autonomy in Serbia – Law on the National Councils of National Minorities – history and content

Serbian public law recognises at the constitutional level the collective rights of national minorities to self-governance (in the area of language use, education, culture and media). This right can be utilized through elected national councils.³ Therefore it could be stated that non-territorial autonomy in Serbia is deeply entrenched in Serbian public law. Although national councils were established first in year 2002 under Article 19 of the Yugoslav Law on the Protection of Rights and Freedoms of National Minorities⁴, till 2009 various Laws of Serbia virtually excluded autonomous decision making of the National Councils in these areas.⁵ The legal system also lacked those legal provisions that regulate the election and financing of national councils.⁶ For a long period there was no political will to regulate the issue of national councils in Serbia even after Serbia became an independent state in 2006.

Significant changes were brought by the elections in May 2008, when the “Hungarian Coalition” was established by uniting the leading Hungarian political party Alliance of Vojvodina Hungarians (hereinafter AVH), the Democratic Party of Vojvodina Hungarians and the Democratic Community of Vojvodina Hungarians. The common autonomy proposal had a significant place in the programme of the Hungarian Coalition. The cornerstone of this autonomy proposal is the personal, non-territorial – cultural autonomy that would be realized through the HNC. The parties agreed to establish the

³ Constitution of the Republic of Serbia, Official Gazette of RS No. 98/2006, Article 75, par. 3.

⁴ Law on the Protection of Rights and Freedoms of National Minorities, Official Gazette of FRY No. 11/2002

⁵ Bašić, Goran, & Crnjanski, Katarina: *Politička participacija i kulturna autonomija nacionalnih manjina u Srbiji*. Beograd: Friedrich Ebert Stiftung, 2006. 94.

⁶ Korhecz, Tamás: Saveti nacionalnih manjina kao instrumenti ostvarivanja kolektivnih prava manjina. In Jovanović Miodrag (ed.): *Kolektivna prava i pozitivna diskriminacija u ustavnopravnom sistemu Republike Srbije*. Beograd: Pravni fakultet Univerziteta u Beogradu – Službeni glasnik, 2009. 92-94.

HNC in a way that it should be elected by Hungarians on the basis of a separate voting register by direct, free, multi-party election.⁷ The National Council has to have public decision-making powers, founding rights towards institutions that serve the preservation of Hungarian culture and identity, and guaranteed budgetary financing. On the 2008 elections four representatives of the AVH acquired parliamentary seats from the electoral lists of the Hungarian Coalition.

After the new government was formed, they became part of the thin majority of the ruling coalition. The new Serbian government established the Ministry for Human and Minority Rights (hereinafter: Ministry), by which the conditions were given to legally arrange the status of the National Councils. In the autumn of 2008 the Ministry established a working group to prepare a draft of a comprehensive law on the National Councils. Some prominent members of the Hungarian academic community, close to the AVH, became members of the working group and actively participated in its work.⁸ When the first draft of the Law was prepared, the Ministry organised a wide public debate involving representatives and organizations of practically all minorities living in Serbia. As a result of the public debate some minor modifications were implemented which resulted in the unprecedentedly wide support from all the minorities within the county. In December 2008 the AVH and the HNC organised a wide public debate within the Hungarian community in Vojvodina about the draft law, where all the Hungarian political parties and NGO-s supported the content of the draft-law. In 2009 the law was passed to the Serbian government. During the procedure in the Serbian government practically all the concerned Ministries (for education, culture and information, finances) objected that the national councils would be given too wide powers by the Law and they gave various suggestions trying to reduce the powers and competencies of the national councils, in order to make them simple consultative bodies. Strong lobbying behind the scene finally resulted in a break-through and the law was first enacted as a proposal by the Serbian Government in July 2009 and then it was voted and enacted by the Serbian National Assembly on 31 August 2009 without any substantial amendment.⁹

The Law on National Councils of National Minorities¹⁰ (hereinafter “Law”) consists of 139 Articles divided into 10 chapters. The titles of the chapters are the following: I. Basic Provisions (Articles 1-6.); II. Issues related to the status of national councils (Articles 7-9.); III. The competencies of the national councils (Articles 10-24); IV. Relationship of the national councils with the authorities of the Republic, the autonomous province and local self-governments, (Article 25-26); V. International and Regional Cooperation (Articles 27-28); VI. Election of national councils (Articles 29-111); VII. Financing the national councils (Articles 112-119), VIII. Supervision (Articles 120-

⁷ Korhecz, Tamás: *Othonteremtőben a szülőföldön – Jogi és politikai esszék.* (Creating home at the homeland – Legal and Political Essays). 2nd edition. Újvidék/Novi Sad: Forum, 2010. 21.

⁸ Ibid.

⁹ Korhecz. 2010. 22. op. cit.

¹⁰ Law on National Councils of National Minorities, Official Gazette of RS No. 72/2009.

122), IX. Provisions on offences (Articles 123-128); X. Transitional and concluding provisions (Articles 129-139).

As the majority of the provisions are related to the election and organization, competencies, and financing of the national councils, therefore these provisions will be elaborated on further.

Electoral rules – organization of national councils

The Law regulates in detail, in 80 Articles the electoral procedure of national councils. According to the Law, members of the national councils are elected on the basis of a separate voting register managed by the Ministry containing data on the citizens of the given national minority. The election shall be direct, democratic, with free and secret ballot. For those national minorities that have established their national councils before 2009 a separate voting register will be created by the Ministry on the basis of voluntary registration of citizens belonging to the given national minority. The democratic election is arranged on the basis of the separate voting registers with the condition that the majority of the voters belonging to a national minority assign to the separate register of voters within 120 days from the ministerial appeal. In the case of Hungarians it meant at least 117 thousand persons in 2010. On the one hand, it is not easy to meet this condition, although the 50% plus one citizen is really the democratic minimum guaranteeing representativeness and democratic legitimacy. On the other hand, the provisions of the Law are not requiring the authentication of each signature or the payment of any taxes; that is the citizens can enter their names without difficulties on the voting register. The elections are organized for all the national minorities at the same time, on the entire territory of Serbia. The main authority organizing the elections is the Central Electoral Committee, helped by local electoral bodies, all nominated by the Ministry. According to the Law, the members of the national councils are elected upon the rules of the proportional electoral system, with nominated lists of candidates. Lists can be proposed by the organizations of national minorities (political parties and NGOs), and groups of citizens (belonging to the respective national minority), with the condition that their nomination is supported by 1% of the voters being registered on the separate voting register.

In case no sufficient number of citizens (50% plus 1) are registered in the 120 days term, the members of the national council will be elected indirectly by electors. The first way to acquire the right to become an elector is by the support of 100 citizens belonging to the respective national minority, while the second way is that the elector is nominated by an organisation of the respective national minority.

To sum up: the Law basically prefers direct elections on the basis of separate voting register of a national minority, as it was required by the Hungarian parties. If the elections cannot be executed this way due to the lack of the community's will (interest), the system of election by electors can be used as an alternative. On 6 June 2010, the general elections for national councils were organized in Serbia. 16 national minorities elected their national councils directly, while three smaller communities elected their national

council through electors. Although several organizational problems occurred, the elections were considered democratic and fair by the majority of observers.

Competencies of the national councils

Probably the most significant elements of autonomy are the competencies, i.e. delegated public powers that provide the national minority the power to influence public decisions affecting the community and its identity. The Law precisely regulates various competencies of the national councils in 15 Articles. National councils have three types of competencies: decision-making powers, consent and proposing powers, and powers to express opinions regarding all issues in conjunction with the culture, education, information and language use of national minorities.¹¹ The majority of the provisions of the Law were formulated in a way that they are not in collision with the relevant provisions of the laws regulating education, culture, media and official language use. The competencies of the national councils do not disrupt the existing legal decision-making and regulating mechanisms, but rather complement them. The Law assures that no decision can be made without the participation of national councils (by proposing decisions, providing consent or opinion) in issues related to the identity of the national minority.

However, the most important competencies of national councils are perhaps in the case of educational and cultural public institutions and they concern the participation in the management of these institutions. In the case of public educational (kindergartens, elementary and secondary schools, grammar and vocational-training schools) and cultural institutions (theatres, libraries, museums etc.) which are dominantly linked to a national minority (for example the language of instruction is exclusively or dominantly a minority language), the national council which is entitled to propose one third of the managing (school) board members and to give consent for the nomination of the director of the public institution. The competencies of the national councils are legally insured by Article 23 of the Law, which regards all the administrative decisions null and void which were made without the proposal, consent or opinion of the relevant national council. This Article effectively imposes sanctions on all the potential activities of state bodies and other authorities not respecting the rights and powers of national councils and opens the way toward law-suits if competencies are violated. When speaking about the competencies of national councils, Article 24 deserves special attention. This provision stipulates that the founding rights of the most important state, provincial and local self-governmental public institutions serving the preservation of the specific identity of the respective national minority have to be (partly or completely) transferred to the national council in case if the national council requests so. The Law also guarantees in the case of such transfer of the founding rights, that budgetary subsidies of these institutions transferred to the national councils cannot diminished.¹²

¹¹ Korhecz, 2010. 23. op. cit.

¹² Law on National Councils of National Minorities, Official Gazette of the RS, No.72 /2009, Article 116.

These provisions establish a system of public institutions under the umbrella and management of a national council.

Financing

The provisions on finances constitute the third cornerstone of the Law. The Law precisely stipulates that activities of the national councils are financed from the budget of the Republic, the budget of the autonomous province, the budget of local self-governments and donations. The budget of the Autonomous Province of Vojvodina (hereinafter APV) finances those national councils whose seats are on the territory of the APV. Local governments finance those national councils that represent minorities whose members are living in large numbers (and proportions) on the territory of the respective local self-government units. The annual sum assigned to the national councils has to be specified in the budget of the Republic. This sum has to be divided among the national councils in the following way: 30% of the sum has to be divided proportionally between the national councils while the remaining 70% per cent has to be divided in proportion to the size of the given community, the development and number of the institutions, and the frequency of cultural and other activities. Councils should enact yearly detailed financial plans and final accounts, and spend their incomes in accordance with the law. Yearly amounts and criteria for budgetary subsidies from the provincial and local budgets are determined by legal acts of these governments.

Implementation of the law – practice

The 2009 Law became fully operational after the election of national councils in June 2010. The implementation of the legal regulations is as important as the content of the legal regulation itself. This is even more so in the case of parliamentary acts regulating human and minority rights. The right is not what is written in the official gazette, but what is respected in everyday life, what is enforced by the authorities, and protected by courts of law. Here we will consider the implementation of the Law through the practice of the HNC (Hungarian National Council).

Organization of the HNC - Planning and organizing the cultural life, education and information of the Hungarians in Serbia

The directly elected HNC was established on June 30 2010, and began its four-year mandate after that date.

The internal organization of the HNC is regulated with its own Statute in accordance with the law. Besides the Council (Assembly) which consists of 35 directly elected

members, the National Council has an Administrative Office, six standing Committees and one Permanent Consultative body.

Until April 2013, the Council had 31 regular working sessions (convened practically every month) and discussed more than 300 points of agenda. All working sessions of the Council were broadcast live by the regional TV in Hungarian language (Pannon RTV). The president of the Council is elected from among the members of the Council chairing the working sessions and represents the Council.

The HNC has six standing committees: for public education, for university education and science, for culture, for media, for language usage, for youth, and one permanent consultative body for civil society. These permanent working bodies have 16-18 members, including non-council members, and have had around 300 working sessions altogether.

The Administrative Office of the HNC is responsible for the preparation of the acts of the Council and for the implementation of their enacted decisions and other acts. The Administrative Office has a president, councillors and officials, altogether seventeen professional employees, who are responsible to the President of the HNC and to the Council itself.

In the case of the HNC, the period between 2010-2013 was characterised by the drafting and the adoption of mid-term development strategies, and their implementation. The professional strategic planning is one of the fundamentals of effective and successful policy making and good governance generally. It is a tool, by and upon which problems might be systematically resolved, and public interest protected. Beyond strategic planning, successful governing indispensably requires appropriate managing capacities, i.e. well-qualified, organised and equipped, paid and potent civil servant staff, who can provide the implementation of strategies. This also refers to all levels of public authorities from the central administration running the country through the local self-governments and also for the HNC.

Most development strategies generally are composed of four parts or chapters:

- the objective, professional, fact-based analysis and mapping of the situation in the selected area – the diagnosis,
- the vision, i.e. defining the strategic goals ambitioned by the strategy, more precisely: the description and definition of the desired change and of the future status to be achieved by the strategy,
- defining specific programmes and interventions which will result in the implementation of the strategic goals,
- Implementation mechanisms: specifying deadlines, indicating the responsible persons and the controlling bodies and defining the mechanisms.

Soon after the Council's constitution in 2010, the HNC announced that strategic planning and the implementation of the development strategies would enjoy priority in its work.

So far, the HNC has set out and adopted six mid-term development strategic plans, which are the following:

- Education Development Strategy 2010 – 2016 (this Strategy was adopted unanimously at the HNC's 4th regular session on 18 October 2010),
- The Cultural Strategy of Hungarians in Vojvodina 2012 -2018 (this Strategy was adopted unanimously at the HNC's 16th regular session on 22 November 2011)
- The Media Strategy of Hungarians in Vojvodina 2011 -2016 (this Strategy was adopted unanimously at the HNMC's 16th regular session on 22 November 2011)
- HNC Strategy on the Official Use of Language 2012-2017 (this Strategy was adopted unanimously at the HNC's 17th regular session on 29 December, 2011)
- The Civic Strategy of Hungarians in Vojvodina 2012 -2018 (this Strategy was adopted unanimously at the HNC's 21st regular session on 14 May 2012).
- The Adults Training Partial Strategy 2012-2017 (this Strategy was adopted at the HNC's 28st regular session on December 27-th 2012).

In the meantime, administrative capacities, financial resources of the HNC, its Administrative Office and standing committees, the public institutions under the HNC were mobilized for the proper implementation of the strategic development programmes. Even after a relatively short period these programmes have had positive effects on the situation on the ground.

Participation in decision-making and in the management of public institutions

All public authorities are obliged to ask the opinion of the HNC before they enact decisions concerning the education and dissemination of public information in the Hungarian language, but also in the process of changing street names in municipalities with substantial Hungarian populations. The practice in these issues varies, but gradually, more and more authorities respect these competencies of the HNC. Usually the opinion of the HNC is acquired by the authority but often ignored without discussion. However, most troubles emerged in the case of managing rights – competencies towards public institutions. In the case of the Hungarian national minority there are a large number of existing public institutions: schools, cultural institutions, broadcasting companies whose activities serve the preservation of the Hungarian language and cultural identity in the APV. For example, in the area of public education there are 138 kindergartens and schools with classes in which the language of instruction is Hungarian. As was mentioned earlier, the Law stipulates that the HNC is participating in the management of all these public institutions, either by proposing some members of the managing board or by giving opinion or consent on the proposed members of the board. Concerning these participation-related competencies of the HNC the practice reveals strong opposition of some authorities and political parties against the implementation of these provisions of the Law.

Some mayors and municipal councils in Vojvodina denied the competencies of the HNC, they were not ready to share their powers over public institutions with the HNC. The most visible violation of the rights and competencies of the HNC occurred

in Subotica (Szabadka) and Senta (Zenta), two towns with very numerous Hungarian populations and a large number of Hungarian public institutions. This led to a series of lawsuits launched by the HNC against the municipality of Senta in 2011. The HNC definitely won all these cases (17) at the Administrative Court of Serbia. Consequently, local municipalities and other authorities begin to respect these competences of the HNC. In late 2012, the new right-wing leadership of Novi Sad was forced to retreat and changed its decisions enacted without the participation of the HNC even without a lawsuit.

Maintaining public educational, media and cultural institutions – transfer of founding rights – Network of Hungarian institutions under the HNC

One of the pivotal provisions of the 2009 Law is the one which enables the HNC to become the founder and the co-founder respectively of the public institutions which are the most important ones for the community (schools with instruction in Hungarian, theatres performing in Hungarian, public libraries having a collection of Hungarian books, public broadcasting companies broadcasting primarily in Hungarian language), and in the meantime the safe budgetary financing of such public institutions cannot be jeopardized. „Taking over institutions” is a vital tool for developing Hungarian cultural autonomy. This process is in progress; hence the transfer of founding rights is included among HNC’s strategically defined goals in the case of all those public institutions which dominantly serve education, culture and public information in the Hungarian language. The HNC started this process systematically and in an organised manner and defined the educational, cultural and public information (media) institutions that are the most vital ones for our community and determined those for which the HNC should become the founder or co-founder. The selection was made upon the following criteria: on the one hand, the HNC set out that it wants to be co-founder and not the sole exclusive founder of these institutions. The reason for that was the wish to avoid that the original founders (local governments, the State, the Autonomous Province) get the impression that the HNC wants to monopolize these institutions (which are, in some cases, not exclusively “Hungarian” institutions), while on the other hand, this solution might guarantee safer and continuous budgetary financing.

In the field of education, the HNC initiated with the provincial authorities and with the state government the taking over of co-founding rights in the case of eight grammar and secondary schools and 20 primary schools during 2010 and 2011. In the case of province-founded grammar schools and secondary schools, the transfer of co-founding rights was finished in 2012, while in the case of primary schools this process has been halted. Actually, the Ministry of Education officially informed the HNC about its approval in 2011, but the implementation of the decision has been practically blocked by the Ministry ever since.

The HNC initiated the partial transfer of the founding rights in the case of ten cultural institutions (theatres, libraries, museums etc.). The procedure was accomplished in the case of five public institutions in Kanjiža (Magyarakanizsa), Bačka Topola (Topol-ya) and Senta (Zenta), while this process has been halted yet in Subotica (Szabadka), Bečej (Óbecse), Ada and Novi Sad (Újvidek).

In the area of Media, the HNC initiated the partial transfer of founding rights in the case of four broadcasting companies which exclusively or dominantly broadcast in the Hungarian language; the procedure was finished in the case of two media centers.

Although the relevant provisions are neglected and violated by many authorities, and the process is obstructed by many, the number of institutions under the HNC is growing. At the beginning of 2013 the HNC is the founder or co-founder of eight schools, seven public cultural institutions and four publishing and broadcasting companies or institutions.

Financing

In the period between July 2010 and April 2013, the incomes (sources) and expenses of the HNC were regulated by the Decisions on Annual Financial Plans for the years 2010, 2011, 2012 and 2013. The annual financial plans and the final accounts were made in line with the account numbers and positions defined in the Law on the Budgetary System. The income of the HNC is derived from four areas: income from the Budget of Serbia, income from the Budget of APV, income from the budgets of local self-government units and donations from Hungary.

Income from the Budget of Serbia

Subsidies for the HNC from the Budget of Serbia are transferred in monthly appropriations by the Serbian Government Office for Human and Minority Rights (hereinafter The Office) - till June 2012 by the Ministry - in accordance with the Law and the relevant Government Decree.¹³ The sum was 29.274.009,00 RSD¹⁴ in 2010, 58.600.940,00 RSD in 2011 and 57.908.690,00 RSD in 2012. The HNC develops quarterly plan on the spending of these subsidies and submits regular reports to the Office (Ministry) about the actual spending of these funds. Primarily, these funds were spent to cover the operation costs of HNC (phone and electricity, accounting, insurance, maintenance costs, employment salaries, travel expenses, honoraria for HNC members and committee members, representation and printing costs, office material), tender and application-based support

¹³ Government Decree on the procedure of distributing financial means from the Budget of the Republic of Serbia for financing the operation of national councils of national minorities, Official Gazette of RS, No. 95/2010 and No. 33/2013

¹⁴ In the period between January 2010 and April 2013 the exchange rate of the Euro and the Serbian Dinar – RSD was floating between 1EURO= 96 RSD and 1 EURO=119 RSD.

to Hungarian NGO-s and public educational and cultural institutions, investment in information systems and other technical equipment.

Income from the Budget of APV

The subsidies from the Budget of the APV are transferred quarterly by the Provincial Secretariat for Education, Public Administration and National Communities (earlier: the Province Secretariat for Regulations, Public Administration and National Minorities and the Province Secretariat for Education) in accordance with the relevant provincial government decree¹⁵. Besides subsidies for operational costs, the APV transfers smaller amounts of money for some special purposes and services. In year 2010: 6.148.192,00 RSD, in 2011: 17.025.188,00 RSD, in 2012: 17.144.280,00 RSD subsidies arrived from the APV to the bank account of the HNC. . The HNC prepares annual reports on spending these appropriations. These budget subsidies were spent to cover the same type of costs like those in the case of subsidies from the Budget of Serbia, but also for special services like the translation of primary and secondary school tests.

Income from the budgets of local self-government units

The Law obliges local self-governments where Hungarian is an official language to participate in the funding of the HNC. The number of such local municipalities in Serbia is 28. From 2010, a majority of local self-government units failed to fulfil their legal obligation concerning the financing of the HNC. In 2010, the HNC received no support from any of the local self-governments. In 2011, HNC received altogether 741.049,00 RSD from three local governments. In 2012, HNC received altogether 5.336.303,00 RSD from seven local self-governments. These funds were spent to cover operational costs, for various Hungarian organizations in these municipalities.

Donations from Hungary

Various Hungarian government funds and agencies responsible for supporting ethnic Hungarian communities abroad financed activities of the HNC in this period. These subsidies were spent almost entirely on strategic development programmes of the HNC framed upon the above mentioned development strategies. Among the strategic programmes, the most important and expensive were (are): the Complex stipend programme for Hungarian students, Student Dormitory 'Europa' in Novi Sad, pupils' dormitory in

¹⁵ Decree on the modus and criteria of the distribution of budgetary funds of the Provincial secretariat for education, administration and national minorities for the national councils of national minorities, Official Gazette of APV No. 40/2012.

Subotica, the school bus transport programme for pupils, development programmes for Hungarian media in Serbia, and the Digitalization programme of the Hungarian Cultural heritage in Serbia. In 2010 the HNC received 6.440.948,00 RSD from various Hungarian resources, in 2011: 191.010.990,00 RSD, in 2012: 168.491.513,00 RSD. Subsidies from Hungary were made by bank transfer, upon contracts; they were included in the financial plans of the HNC. In accordance with the contracts the HNC prepared complete reports on a timely basis regarding the regular and lawful usage of these subsidies.

Conclusions – evaluation and perils

Just months before the upcoming third anniversary of the directly elected HNC it is hard to deny that it brought a new quality to the life of the Hungarian national minority in Serbia. The enactment and effective implementation of strategic development plans in various areas, including the public institution system under the umbrella of the HNC, the existence of a professional and highly motivated staff in the Administrative Office of the HNC, the relatively wide competencies and stable financing, resulted in various positive tendencies for the Hungarians in Serbia in the last two years, mainly in the area of education. However, positive processes are also present in the area of culture, language use and public information as well.¹⁶ The educational, cultural, and media life and activities of the Hungarians in Serbia has become more organized. Various development activities in these areas are now much more coordinated, and the capacities of the Hungarian community to protect its rights and interests have been boosted substantially within the framework of the non-territorial autonomy arrangement.¹⁷ Notwithstanding these obvious facts one should not overestimate the current autonomy arrangement for several reasons. First, successes and results of the HNC were achieved with the substantial support of, and in coordination with the only Hungarian parliamentary political party in Serbia, the AVH (Alliance of Vojvodina Hungarians). The AVH has parliamentary seats in the Serbian National Assembly but also in the Assembly of the APV, and a majority of seats in the HNC and many local self-government units. It means that the success of the whole arrangement is widely dependent on the political influence of the AVH, hence overwhelming support of Hungarian voters for AVH in the national council elections as well as other elections. Any other development might block the successful activities of the HNC and create even more delays in various areas. Second, the “complementary competencies – power sharing” system created by the Law requires constant cooperation and “good will” between the HNC and various public authorities (Ministries, provincial authorities, municipal authorities). The lack of cooperation creates deadlocks and drawn-out court litigations. The past period proves that various authorities often violated the

¹⁶ For example due to the activities of the HNC in the last two years the number and proportion of pupils receiving mother tongue instruction increased, such as the number of Hungarian pupils and students at grammar schools and in higher education.

¹⁷ Križanić, Tatijana, & Lončar, Jelena: *Evaulacija rada pet nacionalnih saveta u Srbiji*. Novi Sad: Centar za regionalizam, 2012. 54.

competences of the HNC despite the clear legal provisions. Third, the present system of financing assures Serbian resources only for the operation of the HNC. It is important to note however, that development programs of the HNC were almost exclusively financed from Hungary. All the above demonstrates that the Serbian non-territorial arrangement, such as non-territorial arrangements in general, have their substantial limitations. Certain issues important for the national minorities are simply out of reach in a non-territorial autonomy arrangement.

Even in its present form, within the present legal framework, the HNC and national councils in general are considered a “threat” by various actors on the Serbian political scene. These critics usually criticize the Law because it guarantees too much influence to national councils towards public institutions and they particularly oppose the national councils role to become the founders of these public institutions. They would like to see national councils not as self-governments but as consultative bodies without money and competencies. There is a pending procedure before the Constitutional Court of Serbia questioning nothing but the constitutionality of these competencies. There is also a draft-law on the public media to exclude the national councils from controlling the minority media. There are also various initiatives for amending the Law on national councils. The open question remains, “*Quo Vadis*” Serbia, a further step forward or a big step back in the area of minority protection?