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# ADMINISTRATIVE AND TERRITORIAL ORGANIZATION OF THE STATE AS A TOOL OF ETHNIC POLITICS

## THE EXAMPLE OF THE REPUBLIC OF CROATIA

### ABSTRACT

The article focuses on the issue of Croatia's ethnic policy towards minorities at the level of administrative and territorial organization. It attempts to answer the question whether and to what extent the ethnic and territorial conflict in the 1990s influenced the processes of transformation of the administrative and territorial organization of the state. The Croatian state, given as an example, at the time of declaring its independence in 1991 had to face the threat of territorial disintegration from the Serb minority living in its territory. The Italian minority was also suspected of such tendencies, but it soon turned out that these suspicions were groundless. The Serbian community could, however, threaten the unification of the state, which initially happened as a result of an armed conflict. After its end, fears did not diminish, especially in the face of the changes in territorial borders that took place until the end of the first decade of the 21<sup>st</sup> century. The threat could be reduced using one of the tools, which was the local government administration and the shape of its territorial units. The Author analyses this issue basing on the projects of Croatian experts dealing with the issues of administrative and territorial organization of the last three decades and at various stages of Croatian statehood, data on demographic changes and laws regulating the functioning of local and regional local governments as well as regulations concerning the position of national minorities in the state.

**Keywords:** Croatian administration, županjas, kotars, Croatian municipalities, minorities in Croatia, Croatian local government

## INTRODUCTION

Administrative reform of the state, concerning its reorganization, both on the level of the territory itself and modification of the territorial system, is closely related to complete or partial changes in the state system (depending on the political situation in which the state was at the beginning of the reform). On the threshold of the 1990s, countries that freed themselves from socialist regimes and set themselves the goal of systemic democratization faced the need to introduce changes in their territorial organization, which was a challenge not only in terms of systemic reconstruction, but also as regards influencing the change of mentality of people working for the emerging structures, who also found themselves faced with the need to acquire new competences and do new tasks. The necessary changes included the creation of a new territorial organization of state and local administration authorities – the latter, conditioned by effective decentralization and taking over responsibility for the functioning of units by lower levels of administration, is essentially a condition for the democratization of the system and the establishing a different hierarchical structure at these new levels of power. The second aspect was the need to establish adequate new units of territorial division, which is often associated with correcting or changing the boundaries of the existing units, the nature of which was determined by the state system. Introducing systemic democratization was therefore associated with a departure from the centralist manner of governing, which was devoid of local governments, and their decision-making and scope of competences were subordinated to the central state apparatus, which was characteristic of totalitarian systems.<sup>1</sup>

For Central and South-Eastern Europe, the necessity of administrative and territorial changes aimed at systemic decentralization and the development of local governance was additionally associated with the issues of ethnic diversity, which additionally required legal regulations, especially with regard to minority rights evolving in the last decade of the 20<sup>th</sup> century. The desire to create nation states in the face of the disintegrating post-communist multinational states such as the USSR or the Socialist Federal Republic of Yugoslavia, with Western European support for the right of nations to self-determination, had to face the need to provide minorities with collective political and cultural rights. This often meant not only cultural but also territorial autonomy, which could mean the need to share power in the desired nation-state with another ethnic

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<sup>1</sup> A. Suliborski, "Metodyczne podstawy administracyjno-terytorialnej reorganizacji państwa w warunkach demokratycznych", *Acta Universitatis Lodzianis. Folia Geographica Socio-oeconomica*, vol. 1 (1999), pp. 31-32, at <<http://bazekon.icm.edu.pl/bazekon/element/bwmeta1.element.ekon-element-000171510239>>, 6 December 2020; R. Kamiński, "Organizacja terytorialna państwa a zdolność jednostek samorządowych do wykonywania zadań publicznych. Błędy, wnioski, niezbędne korekty, potrzebne zmiany", *Civitas Hominibus: rocznik filozoficzno-społeczny*, vol. 9 (2014), at <[http://bazhum.muzhp.pl/media/files/Civitas\\_Hominibus\\_rocznik\\_filozoficzno\\_spoeczny/Civitas\\_Hominibus\\_rocznik\\_filozoficzno\\_spoeczny-r2014-t9/Civitas\\_Hominibus\\_rocznik\\_filozoficzno\\_spoeczny-r2014-t9-s69-83/Civitas\\_Hominibus\\_rocznik\\_filozoficzno\\_spoeczny-r2014-t9-s69-83.pdf](http://bazhum.muzhp.pl/media/files/Civitas_Hominibus_rocznik_filozoficzno_spoeczny/Civitas_Hominibus_rocznik_filozoficzno_spoeczny-r2014-t9/Civitas_Hominibus_rocznik_filozoficzno_spoeczny-r2014-t9-s69-83/Civitas_Hominibus_rocznik_filozoficzno_spoeczny-r2014-t9-s69-83.pdf)>, 6 December 2020.

(national) group, which did not always have a conciliatory attitude, and sometimes did not share the concept of creating a new state, encompassing the territories it inhabited, which it led to political and even armed conflicts which broke out precisely on the national background. Such a situation took place in the territory of today's Republic of Croatia, and its consequences influenced both the demographic structure and, according to the author, at least partially, the processes of reorganization of the territorial administration of the state.

The purpose of the article is to show to what extent the territorial organization of the Croatian state and the changes made to it were impacted by the influence of minority communities on shaping these areas and regulations of local and central administration in Croatia. The article will attempt to answer the questions whether the designated shape of municipalities, counties (*županja*) and the concepts of their modification could have had an impact on the breakdown of minority communities, reducing their numbers and participation of minority representatives in local administration.

In the article, the author analyses two levels on which it is possible to apply the mechanisms of ethnic policy in this sphere. The first one is the evolution of regulations enabling minorities to be represented in local government administration bodies. The second is the analysis of changes in the number and size of municipalities, which may indicate the territorial scope of the influence of local authorities with the participation of minority representatives. The above issues are presented from the point of view of the situation of two national minorities: the Serbian and the Italian minority. The Serbian minority is the most numerous community in Croatia (4.36% according to the 2011 census). According to census, the Italian minority is the third largest. The second largest minority is the Bosnian one, who, according to the 2011 census, comprised 0.73% of the total population, but was never seen by Croats as a separatist threat that could affect the territorial integrity of the newly created Croatian state. As already mentioned, apart from the Croats who were in an open conflict with the Serbian community in the 1990s, fears of potential separatism focused on the Italian minority, which during the collapse of the SFRY and the armed conflict in Croatia comprised 0.44% of the population of the Croatian republic, and according to the 2011 census, this percentage decreased to 0.42%. It was not the only minority group counting over 0.4%; according to the 1991 census, they were also (apart from Serbs, Italians and Bosniaks) Slovenes and Hungarians, but their numbers decreased in the following years and according to the 2011 census, the number of 0.4% of the total population was exceeded only by Albanians and Roma. These were also disregarded for the above reasons.

In the text, the author uses the analyses and projects of Croatian experts dealing with the issues of administrative and territorial organization of the last three decades at various stages of Croatian statehood: Ivo Šimunović,<sup>2</sup> Stanko Žuljić,<sup>3</sup> Stjepan

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<sup>2</sup> Ivo Šimunović – professor at the Faculty of Economics of the University of Split.

<sup>3</sup> Stanko Žuljić (d. 2012) – Ph.D. in geography and urban planner, in 1953-1963 he worked at the Croatian Town Planning Institute in Zagreb, in 1963-1983 at the Economic Institute in Zagreb. In the years 1991-1992 he was an advisor in the Office of the President of the Republic of Croatia.

Ivanišević,<sup>4</sup> and Ivan Koprić.<sup>5</sup> None of the authors present these processes in the context of the minority policy of the central government in their works. The changes in the administrative and territorial sphere in the context of events relating to the war and changes in the territorial area of the state are mentioned only euphemistically and seen as not affecting the discussed changes. The exception is an extensive text by Stanko Žuljić, who, when making a thorough analysis of the changes in the territorial organization in Croatia in 1945-2000, directly raised the issue of the relationship between the situation in the state in 1991-1995 and reforms in this area. Therefore, in compiling these analyses, the author attempted to capture the influence of minority issues on the discussed changes, using mainly the statistical data of the censuses in Croatia from 1991, 2001 and 2011, as well as analysing the demographic and area changes in over a thousand localities in municipalities inhabited by minorities. An important source of information were also the acts regulating the functioning of local and regional local governments (in particular the provisions on the rights of minorities to be represented in its structures) and regulations concerning the position of national minorities in the state.

## EVOLUTION OF THE ADMINISTRATIVE AND TERRITORIAL ORGANIZATION OF THE STATE AND KEY ETHNIC ISSUES

The Republic of Croatia declared independence from the Socialist Federal Republic of Yugoslavia in 1991, quickly gaining international recognition, mainly from Western Europe. Previously, Croatia – as the Socialist Republic of Croatia – was part of the Socialist Federal Republic of Yugoslavia, being one of the six federal republics that constituted this state, created by the communists after the Second World War. The communist authorities also marked the boundaries of the union republics. Striving for independence, the Croats considered automatic transformation of the former union republic into a state within the borders, which, although they did not correspond to the territory in which they could unite all Balkan Croats under one state organism, but only created such an opportunity that proclaiming independence gave them.<sup>6</sup> On the path of their efforts to independence, however, they encountered the opposition of the Serbs who lived in a large part of the territory of this republic, who, being the most numerous nation in the SFRY, did not want to be reduced to the status of

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<sup>4</sup> Stjepan Ivanišević – professor at the Faculty of Law of the University of Zagreb, Minister of Justice in the government of Ivica Račan in 2000-2001.

<sup>5</sup> Ivan Koprić – full professor at the Faculty of Law at the University of Zagreb.

<sup>6</sup> The situation changed after the declaration of independence by Bosnia and Herzegovina and the outbreak of the war on its territory in the spring of 1992. Croats living in the territory of Herzegovina, who, according to the census, constituted 14% of the population of this former Yugoslav republic, first formed the Community of Croatian Municipalities, then transformed it into the Republic of Herzeg-Bosnia. These territories were directly adjacent to the territory of Croatia, which made it possible to create plans to join the Croatian state.

a national minority in an independent Croatian state, the more so because they lived in the above-mentioned territories from the 17th century and they did not consider themselves a national minority, but a nation as indigenous for these areas as Croats. Additionally, the hitherto equal status of the constitutional nation in the Yugoslav state has reinforced this point of view. The Serbian community, which in 1991 constituted 581 663 out of 4 784 265 inhabitants of Croatia was so numerous that their voice could not be completely ignored. There was only one nation-building nation in Zagreb's independence plans, so the first step to reduce Serbs' rights was taken after the first free and democratic elections in the SFRY in 1990,<sup>7</sup> when a new republican constitution was introduced, including this nation among minority communities. In response, the Serbs announced the establishment – in the territories they inhabited – of the Serbian Autonomous Region, which led to the escalation of the conflict and military activity in the area.

After Croatia proclaimed its independence in 1991, a regular war broke out between the Croatian forces and the Yugoslav National Army, which had already been under Serbian influence at that time.<sup>8</sup> The conflict was stopped by a peace agreement by the UN envoy Cyrus Vance, under which<sup>9</sup> a UN peacekeeping mission was introduced on the disputed territories inhabited by Serbs for the time needed to find a solution to the problematic issue. In order to strengthen their position, the Serbs announced at the same time the transformation of the Serb Autonomous Region into a state unrecognized by Zagreb and the international community, called Republic of Srpska Krajina (RSK). The Croats regarded this state as transitional and the territories of the RSK as an integral part of the state, then under occupation and thus excluded from the jurisdiction of their authorities. Regardless of the scope of rights that the Serbs were going to receive in the Croatian state after the end of the conflict, they constituted such a large community that the Croatian authorities would have to recognize it as an important voice in public life, wishing to meet the standards of minority rights evolving in Europe at that time. The most favourable situation would be the percentage of the Serb population falling below the level that would give them a real influence on Croatia's internal policy (President Franjo Tuđman spoke about 3-5%<sup>10</sup>). However, the nature of the conflict in Croatia in 1992-1995 did not allow for such moves, as in the neighboring Bosnia and Herzegovina, where ethnic cleansing was used to shape a new demographic landscape and the division of territories according to the ethnic principle, on which the international community involved in the conflict (UN, EU,

<sup>7</sup> In each of the republics, such plans were made in different months. In Croatia, they took place in April.

<sup>8</sup> Croatia has not met all the constitutional conditions set out in Art. 5 of the Constitution of the SFRY of 1974 to recognize its separation as lawful.

<sup>9</sup> In December 1991 Serbs transformed the Serb Autonomous Region into a state called Republic of Srpska Krajina, not recognized internationally.

<sup>10</sup> C. Ingrao, T.A. Emmert (eds.), *Inicijativa Naučnika*, Sarajevo 2010, p. 257; Ž. Juzbašić, *Srpsko pitanje i hrvatska politika. Svjedočanstva i dokumenti 1990-2000*, Zagreb 2009, p. 40.

NATO and US) had essentially little influence.<sup>11</sup> An opportunity to carry out similar actions appeared in 1995, when as a result of two successful offensives, the Croatian armed forces took over the territory of Republic of Srpska Krajina, as a result of which it is estimated that approx. 250,000 thousand Serbs were forced to leave the territories they inhabited.<sup>12</sup> In addition, the area of Eastern Slavonia and Western Syrmia, which functioned as part of the RSK after 1991, was under the control of the United Nations until 1998 (under the Erdut Agreement of November 12, 1995). As a result, the Croatian state was able to extend its jurisdiction within the limits in which it originally declared independence only after eight years. The political and systemic changes carried out at that time, including those related to the administrative and territorial organization of the state related to the entire territory, although they could not be implemented in an area of 26.5% of the territory of today's Croatian state. The main cause of this conflict was a dispute with the minority, which led to a several-year long armed conflict, causing an escalation of inter-ethnic hatred and the collapse of social trust towards another national group. These events, as well as similar minority problems in the region, which occurred at the turn of the 20<sup>th</sup> and 21<sup>st</sup> centuries, e.g. in Kosovo or Macedonia, have shown that even if the integrity of the state is maintained, conflicts may arise, which might lead to minority separatism on the part of a large and strong minority group.

After the conflict, Croats achieved the desirable demographic status, where none of the minorities exceeded the 5% threshold, but in the case of the Serb community it was rather a precarious situation, due to the possibility of refugees returning and a further increase in the numbers of this community. Serbs were not the only community to be distrusted by the Zagreb authorities. The community that could generate potential separatist problems were Italians living on the Istrian peninsula, where they were striving to become bilingual at the turn of the 20<sup>th</sup> and 21<sup>st</sup> centuries, and could then take further steps to seek autonomy, which, in the case of Serbian aspirations, could lead to a significant breakdown of the state.<sup>13</sup> In spite of the small number of these communities, they were perceived as a real threat, despite the fact that after the war, Croatia became a practically homogeneous country from the ethnical point of view.

However, the authorities tried to use a number of legislative tools to limit minority rights. First of all, these were minority laws, according to which minority rights were

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<sup>11</sup> The final acceptance of the new division of territories according to the national key, contradicting the previous position, legitimized the effects of military actions. On the attitude of Croatians towards minorities, see: D. Mikucka-Wójtowicz, "Prawo do reprezentacji politycznej dla członków mniejszości narodowych w Republice Chorwackiej w latach 1990-2004", in D. Mikucka-Wójtowicz, R. Kopeć (eds.), *Kwestie narodowościowe w świetle procesów integracyjnych w Europie*, Kraków 2009, p. 46.

<sup>12</sup> M. Mesić, D. Bagić, *Minority Return to Croatia – Study of an Open Process*, UNHCR, Zagreb 2011, pp. 22-23, at <[https://www.academia.edu/4013702/Manjinski\\_povratak\\_u\\_Hrvatsku\\_Studija\\_otvorenog\\_procesa](https://www.academia.edu/4013702/Manjinski_povratak_u_Hrvatsku_Studija_otvorenog_procesa)>, 6 December 2020.

<sup>13</sup> See more on this topic: M. Mesić, D. Bagić, *Minority Return to Croatia...*, pp. 31-34; D. Mikucka-Wójtowicz, "Prawo do reprezentacji politycznej...", p. 65.



enjoyed by a community exceeding 8% of the total population of Croatia. After 1995, none of the 22 minority communities met this condition. Under pressure from the international community, this percentage was reduced, as will be discussed below. An extremely important issue was also the territorial organization of the Croatian state at all levels of administrative units (županja – municipality), which could enable controlling the influence of the minority community on the functioning of these units, mainly at the municipal level. Even during the war, the *Charter of the rights of Serbs and other nationalities in the Republic of Croatia*<sup>14</sup> was introduced, which included a provision guaranteeing Serbs and representatives of other minorities the right to participate in local and central government bodies. However, this provision was very general, referring to basic international documents related to the protection of human rights and the developing minority rights in Europe, regulating individual and collective rights that the document has authorized to protect. It was also short and imprecise and was not regulated by any executive acts, which was probably related to the uncertain political and territorial situation, as well as the armed conflict which was in progress.

The territorial organization of the Republic of Croatia was defined in the 1990 constitution and was based on a rather complicated division. Pursuant to Art. 129, local government units were: municipalities, kotars or cities, the organization and scope of which were defined by the statute in accordance with the Act. Article 131, in turn, described županjas – the state and local government units, which were to be administrative units, the activities of which were also determined by the relevant act, but their territorial organization met with criticism regarding an elementary issue related to, for example, their large area diversity. It is worth adding that their establishment was to be based on historical and economic factors, which was to justify the logic behind their creation, a balance of territorial organization adequate to the expectations.<sup>15</sup> The fact is that these transformations were faced with the challenge of the fact that more than a quarter of Croatian territory was hostile and excluded from Zagreb's jurisdiction, so these solutions could only be considered temporary. It is characteristic that the analysts of the evolution of the territorial organization of Croatia in the last 30 years do not generally mention this circumstance which, in the author's opinion, heavily burdened both organizational changes and caused difficulties related to regionalization and administrative decentralization of the state in subsequent years.

<sup>14</sup> "Povelja o pravima Srba i drugih nacionalnosti u Republici Hrvatskoj", *Narodne Novine*, no. 31 (1991), at <[https://narodne-novine.nn.hr/clanci/sluzbeni/1991\\_06\\_31\\_876.html](https://narodne-novine.nn.hr/clanci/sluzbeni/1991_06_31_876.html)>, 24 November 2020.

<sup>15</sup> "Ustav Republike Hrvatske", *Narodne Novine*, no. 56 (1990), at <[https://narodne-novine.nn.hr/clanci/sluzbeni/1990\\_12\\_56\\_1092.html](https://narodne-novine.nn.hr/clanci/sluzbeni/1990_12_56_1092.html)>; S. Ivanišević, "Teritorijalna osnova lokalne i regionalne samouprave uz posebni osvrt na položaj Grada Zagreb i njegovu samoupravu", *Hrvatska i komparativna javna uprava: časopis na teoriju i prahu javne uprave*, vol. 2, no. 4 (2000), pp. 587-588, at <[https://hr-cak.srce.hr/index.php?show=clanak&id\\_clanak\\_jezik=291387](https://hr-cak.srce.hr/index.php?show=clanak&id_clanak_jezik=291387)>, 4 December 2020.

Table 1. The ethnic composition of the Republic of Croatia on the basis of the 1991, 2001, 2011 censuses.

No.	National / ethnic affiliation	1991 in thousand	1991 in %	2001 in thousand	2001 in %	2011 in thousand	2011 in %
1	Total number of residents	4 784 265	100%	4 437 460	100%	4 284 889	100%
2	Croatians	3 736 356	78,10%	3 977 171	89,63%	3 874 321	90,42%
3	Serbs	581 663	12,2%	201 631	4,54%	186 633	4,36%
4	Muslims (Bosniaks)	43 469	0,9%	20 755	0,47%	31 479	0,73%
5	Slovenes	22 376	0,5%	13 173	0,3%	10 517	0,25%
6	Hungarians	22 355	0,47%	16 595	0,37%	14 048	0,33%
7	Italians	21 303	0,44%	19 636	0,44 %	17 807	0,42%
8	Czechs	13 086	0,27%	10 510	0,24%	9 641	0,22%
9	Albanians	12 032	0,25%	15 082	0,34%	17 513	0,41%
10	Montenegriens	9 724	0,2%	4 926	0,11%	4 517	0,11%
11	Roma	6 695	0,14%	9 463	0,21%	16 975	0,40%
12	Macedonians	6 280	0,12%	4 270	0,1%	4 138	0,1%



No.	National / ethnic affiliation	1991 in thousand	1991 in %	2001 in thousand	2001 in %	2011 in thousand	2011 in %
13	Slovaks	5 606	0,1%	4 712	0,11%	4 753	0,11%
14	Ruthenians	3 253	0,07%	2 337	0,05%	1 936	0,05%
15	Germans	2 635	0,05%	2 902	0,07%	2 965	0,07%
16	Ukrainians	2 494	0,05%	1 977	0,04%	1 878	0,04%
17	Romanians	810	0,02%	475	0,01%	435	0,01%
18	Jews	600	0,013%	576	0,01%	509	0,01%
19	Russians	706	0,01%	906	0,02%	1 279	0,03%
20	Poles	679	0,01%	567	0,01%	672	0,02%
21	Bulgarians	458	0,01%	331	0,01%	350	0,01%
22	Turks	320	0,01%	300	0,01%	367	0,01%
23	Austrians	214	0,004%	247	0,01%	297	0,01%
24	Wallachians	22	0,00%	12	0,00%	29	0,00%

Source: own study based on data from: *Statistički Ljetopis Republike Hrvatske 2010*, Državni zavod za statistiku Republike Hrvatske, Zagreb 2010, p. 107, at <[https://www.dzs.hr/Hrv\\_Eng/ljetopis/2010/SLJH2010.pdf](https://www.dzs.hr/Hrv_Eng/ljetopis/2010/SLJH2010.pdf)>, 4 December 2020; *Statistički Ljetopis Republike Hrvatske 2018*, Državni zavod za statistiku Republike Hrvatske, Zagreb 2018, p. 110, at <[https://www.dzs.hr/Hrv\\_Eng/ljetopis/2018/sljh2018.pdf](https://www.dzs.hr/Hrv_Eng/ljetopis/2018/sljh2018.pdf)>, 3 December 2020.

In the years 1992/1993 there was a local government reform which introduced *political organization of local government*, which distinguished much smaller rural units, municipalities, from much larger, urbanized units – cities. 486 cities and municipalities were created, and as a result of further transformations, the final number of 576 territorial units of the first and second degree was reached.<sup>16</sup> In the second half of the 1990s, the territorial division was further fragmented. The number of municipalities and cities increased to 542, while the number of cities increased more than the municipalities themselves, as some municipalities were turned into cities, some were liquidated, some incorporated into others, and in some cases their name was changed. In early 1997, a new *Law on County, Towns and Municipalities of the Republic of Croatia* was introduced. Subsequent changes relating to fragmentation or creating of new municipalities, or changing their existing borders took place in the following years (2001 and 2011). Additionally, the names of locations were changed – either completely new names were given or the existing ones transformed. It probably had to do with *croatization* of the language in Croatia in the second half of the 1990s which was written about by Žarko Puhovski. It aimed at *purifying* the language from expressions associated with the wording of the former Serbo-Croatian or Serbian language.<sup>17</sup>

Until the end of the 1990s, Croatia had an unclear structure of territorial organization, in which the following territorial units: municipality, kotar, and županja could indicate a three-tier organization of local administration, but following the later interpretation of the constitution, according to Stanko Žuljić, this was a wrong perception of these concepts. This term was used to define only two areas, which included the territories of municipalities within the borders set in 1991, where Serbs constituted more than 50% of the total population (in order to obtain such a special area status, the number of national minorities had to exceed 50% of the total number of inhabitants). These were the following kotars: Glina (as part of the Sisak-Moslavačka županja) and Knin (as part of the Zadar-Knin županja), which enjoyed a special autonomous status.<sup>18</sup> The territorial separation of the kotars was to be a proposal for the shape of the autonomous areas of the Serb population, which solutions were expected by the international community involved in conflicts in the area of the former SFRY in the 1990s. In accordance with its status, such an area had a district assembly, which included representatives in proportion to the ethnic composition of the inhabitants. At the request of the prime minister, the president could, under certain circumstances, dissolve

<sup>16</sup> I. Koprić, *Teritorijalna organizacija Hrvatske: prema novom uređenju*, p. 127, at <[https://www.academia.edu/14979833/Teritorijalna\\_organizacija\\_Hrvatske\\_prema\\_novom\\_ure%C4%91enju\\_2015\\_HAZU\\_](https://www.academia.edu/14979833/Teritorijalna_organizacija_Hrvatske_prema_novom_ure%C4%91enju_2015_HAZU_)>, 30 November 2020.

<sup>17</sup> See more on this topic: “Zakon o izmjenama i dopunama Zakona o područjima županja, gradova i općina u Republici Hrvatskoj”, *Narodne Novine*, no. 68 (1998), at <[https://narodne-novine.nn.hr/clanci/sluzbeni/1998\\_05\\_68\\_815.html](https://narodne-novine.nn.hr/clanci/sluzbeni/1998_05_68_815.html)>; S. Ivanišević, “Teritorijalna osnova...”, p. 588; S. Livada, *Etničko čišćenje. Ozakonjenji zločin stoljeća*, Zagreb 2006, pp. 47, 91-92.

<sup>18</sup> S. Žuljić, “Regionalno i teritorijalno ustrojstvo Hrvatske u razdoblju između godina 1945-2000”, in *Economical pregled*, vol. 52, no. 1-2 (2001), pp. 13, 21, at <<https://hrcak.srce.hr/28700>>, 6 December 2020.

a such a district assembly. In the event of a conflict between the central authorities and those from a special status autonomy, the dispute was resolved by the constitutional court.<sup>19</sup> After 1995, the organization of Serbian kotars was suspended as a redundant and unnecessary solution for ethnically separate municipalities. Despite the fact that Serbs were still the largest national minority in the country, only 4.54% of them remained there, according to the 2001 census. This number decreased to 4.36% over the next decade, despite Croatia's commitments to implementation of policies and programs favouring returns of Serbian refugees. However, they did not bring any effect, as evidenced by the statistical data. Translating the above into numbers, it can be stated that out of 581,663 Serbs, only 186,633 lived in Croatia at the beginning of the second decade of the 21<sup>st</sup> century. In 1991, there were 12 municipalities in the territory of Croatia where the majority of inhabitants were Serbs. These were very large municipalities, compared to the present ones, with area ranging from 237 (Vojnić municipality) to even 1096 km<sup>2</sup> (municipality of Gračac), in the area of which there were almost 400 localities in which Serbs constituted the absolute majority. Across the entire territory of Croatia, there were over 1,000 towns where Serbs constituted an absolute majority, and 32 places where the majority was relative. After the reforms, the areas of municipalities were several times smaller, but their area differences were even more disproportionate, e.g. among municipalities with a Serbian majority, the smallest one is only 21.22 km<sup>2</sup> (Negoslavci), and the largest – 683.4 (Udbina). There are currently only 13 Serb-majority municipalities, including 105 localities, with a total area of 2,164.05 km<sup>2</sup> which is only 3.82% of the total area of the Croatian state.<sup>20</sup> In view of such a reduction in both the population and the area with the predominance of a national minority, it became irrelevant to consider the necessity to create any territorial autonomy. Ivan Koprić, writing about the transformations at the level of territorial units at that time, is not direct about the autonomous kotars inhabited by the Serb population, or about the takeover of jurisdiction from the United Nations by the Croatian central administration in Eastern Slavonia and Western Srijem after 1998. He just makes general statements about *the following waves of territorial changes that led to the stabilization of the territorial structure only at the end of the 1990s*, as well as about later changes.<sup>21</sup> He is not the only author who ignores the subject of ethnic conflict in the process of transforming the territorial organization of the state. When it comes to Italians, unlike Serbs, they do not constitute a majority in any of municipalities.

<sup>19</sup> *Zakon o područjima posebne državne skrbi*, no. 86/08, 57/11, at <<http://www.zakon.hr/z/471/Zakon-o-podru%C4%8Djima-posebne-dr%C5%BEavne-skrbi>>, 10 November 2020.

<sup>20</sup> See *Statistički Ljetopis Republike Hrvatske 2018*, Državni zavod za statistiku Republike Hrvatske, Zagreb 2018, p. 110, at <[https://www.dzs.hr/Hrv\\_Eng/ljetopis/2018/sljh2018.pdf](https://www.dzs.hr/Hrv_Eng/ljetopis/2018/sljh2018.pdf)>, 3 December 2020; S. Žuljić, "Regionalno i teritorijalno ustrojstvo...", s. 21; *Popis stanovništva, domaćinstava, stanova i poljoprivrednih farmstava 31 ožujak 1991. Stanovništvo prema Narodnosti po naseljima*, Documentacija 881, 1992; *Republika Hrvatska. Republički zavod za statistiku*, Zagreb 1992; M. Berber, B. Grbić, S. Pavkov, "Promene udela stanovništva hrvatske i srpske nacionalne propadnosti u Republici Hrvatskoj po gradovima i opštinama na osnovu rezultata popisa iz 1991 i 2001 godine", in *Stanovništvo*, vol. 46, no. 2 (2008), pp. 29-35.

<sup>21</sup> I. Koprić, *Teritorijalna organizacija Hrvatske...*, p. 179.

The largest percentage of Italians lives in the village of Grožnjan / Grisignana (on the Istrian Peninsula – 39.40% of the total population (according to the 2011 census; in 2001, Italians constituted the majority of inhabitants there 51.2% – it was the only municipality with an Italian majority)).<sup>22</sup>

Since the end of the 1990s, Croatia witnessed a discussion about the need for decentralization and shifting public affairs powers to lower administrative levels. Various options and projects were considered with the aim of ensuring the sustainability of the new territorial division, even in the event of an *unfavorable territorial organization*. However, none of political groups wanted to take responsibility for these changes, as this issue was not a popular one and there was a recommendation to prevent creating new territorial units. Žuljić directly states that in the face of the political situation in Croatia at that time, the issue of reforming the territorial division of the country in terms of organization and efficient functioning of županjas was in the background. However, in the newly created state local political interests were more important, which also influenced the nature of changes in the area of local reform. And so, in place of the initially planned 3-4 županjas, in 1992, 20 were established as a result of both *numerous political compromises as well as political opportunism*. As Žuljić points out, they were based on unrealistic border divisions which had no support in regional structures. This organization also took into account the territories of Republic of Srpska Krajina, which influenced the shape of the borders due to the reluctance of local politicians to join areas inhabited by Croats to those inhabited by Serbs.<sup>23</sup>

The institutional shape of županjas in Croatia in the second half of the 1990s met with criticism of the Council of Europe and influenced the introduction of new regulations that both introduced amendments to the constitution as well as a new *Act on local government* in 2001, with a slightly new institutional structure of the local government system, especially within županjas. However, as Ivan Koprić points out in his analysis, no actual changes in the territorial organization took place, apart from the further creation of new municipalities or reorganization within municipalities and their transformation into cities. The problem was the *weakness* of basic local government units that were not able to take over new functions assigned to them by decentralizing competence mechanisms and taking responsibility for social areas such as education, health care or social welfare. As a result, only 6% of local government units did the above, while the functions of other ones were taken over by the authorities of županjas (although it was against legal regulations). Koprić points out the following as the main obstacles: *institutional inertia, clientelism, a large number of interests related to new entities and the lack of popularity of territorial reform*.<sup>24</sup> The territorial changes that were

<sup>22</sup> Stanovništvo prema Narodnosti po gradovima / općinama. Popis 2011, at <[https://www.dzs.hr/hrv/censuses/census2011/results/htm/H01\\_01\\_04/H01\\_01\\_04\\_zup18.html](https://www.dzs.hr/hrv/censuses/census2011/results/htm/H01_01_04/H01_01_04_zup18.html)>, 5 December 2020.

<sup>23</sup> I. Koprić, *Teritorijalna organizacija Hrvatske...*; S. Žuljić, "Regionalno i teritorijalno ustrojstvo...", p. 615.

<sup>24</sup> I. Koprić, *Teritorijalna organizacija Hrvatske...*, p. 1-2; E. Bujwid-Kurek, *Samorząd lokalny w decentralizującym się systemie politycznym Republiki Chorwacji. Zarys refleksji politologicznej*, in J. Majchrowski, B. Stoczeńska (eds.), *Wartości polityczne*, Kraków 2010, p. 113, 115.

made in connection with this reform covered the largest number of territorial units inhabited by the Serb minority. Many of these were liquidated due to insufficient number of inhabitants, or remained completely uninhabited, and their areas were incorporated into other territories.<sup>25</sup>

It cannot be ruled out that the nature of the functioning of županjas was related to the fact that they were not in fact established as separate administrative units, but as a supplement to small and medium-sized administrative units at the lowest level of local government. They were treated as additional second-degree units, and their staff, unprepared to take over the responsibility for the functioning of a separate territorial unit, were hastily recruited, which additionally confirmed the obstructionism of the authorities to the actual reform of the territorial organization in the country. Thus, županjas did not function as real local government units at the regional level, which could additionally have been hampered by both their diversified number and significant differences in the degree of their development and potential.<sup>26</sup>

Stanko Žuljić also writes about the organization of administration, which was inadequate to the needs meeting the criteria of good organization specified by analysts. Žuljić calls the political and territorial structure *an improvised state* which, under the influence *exceptional political decisions* it did not correspond to the real needs and regional conditions, and the administrative solutions applied were thus *unstable*.<sup>27</sup>

In 2005, another amendment to the regulations related to the administrative and territorial organization of Croatia was passed. From the point of view of national minorities, it was important as much as it also regulated the implementation of the rights of persons belonging to national minorities, *through their representation in executive and administrative bodies* of local government units, which has not been specified by law so far. The right to such representation was already guaranteed by the document *Resolutions on the rights of national minorities* from 2002,<sup>28</sup> according to which representatives of minorities consisting 15% of the inhabitants of a given municipality or town, or 5% of the inhabitants of a županja had a *guaranteed* right to *representation in the representative bodies* of the lowest territorial level units (municipalities and cities) and medium-level ones (županjas) *proportional to their share in the population of the*

<sup>25</sup> For example, in the former municipality of Virovitica, which in 1991 had a population of 46 661, of which 35 850 Croats and 7 271 Serbs, there were 20 localities where Serbs constituted an absolute majority and one with a relative majority. Of these, 6 (with the absolute majority) were liquidated and incorporated into other units, including two with a Serbian majority and four with a Croatian majority. For example, Ovčara Suhopoljska with a relative Serbian majority was also liquidated and incorporated into Suhopolje with a Croatian majority. On the other hand, the town of Novi Čeminac, in which the Croatian community was the majority, was separated from the municipality of Jagodnjak (with a Serb majority) and attached to Čeminac, where Croats constituted almost 90% of the population. This example shows an area where the most significant changes of this type have occurred.

<sup>26</sup> I. Koprić, *Teritorijalna organizacija Hrvatske...*, p. 127.

<sup>27</sup> S. Žuljić, "Regionalno i teritorijalno ustrojstvo...", pp. 12-13.

<sup>28</sup> See art. 20 in "Odluku o proglašenju zakona o izmjenama i dopunama zakona o lokalnoj i područnoj (regionalnoj) samoupravi", *Narodne Novine*, no. 129 (2005), at <[https://narodne-novine.nn.hr/clanci/sluzbeni/2005\\_10\\_129\\_2385.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2005_10_129_2385.html)>, 29 November 2020.

*local government unit*.<sup>29</sup> However, they did not specify which representative bodies the legislators had in mind. The 2005 amendment filled this gap, clarifying this issue in Art. 56a. With a decentralization policy towards which Croatia seemed to be heading, these guarantees gave minorities the opportunity to participate both in the process of making administrative decisions in key areas and their implementation. According to the interpretation of lawyers working with the government of the Republic of Croatia, local administration units in which minorities were guaranteed representation were required to regulate the number of minority representatives in administrative and executive bodies in the relevant statute. The commentary also contained information about the need to meet objective and equal employment conditions by announcing competitions. The 2005 amendment also introduced the category of *big cities*, that is, those with more than 35,000 inhabitants, of which there were 16 on the territory of Croatia. In none of them, however, minorities constituted the majority of the population, just as in much less numerous cities.<sup>30</sup>

These changes were in line with the attempts at reforms related to the need to decentralise state administration structures, in which the vertical flow of integrated services for citizens and entrepreneurs was a major weakness, which de-coordinated its efficient functioning, generating additional costs. Moreover, after 2010, the public expressed support for the need for changes to the basic territorial units, especially the reduction in their number in view of their huge fragmentation.<sup>31</sup>

As far as the position of minorities was concerned, these regulations met the highest European standards and in the Balkan region was a model for the legal framework regarding minorities. This was also expected in the EU accession process, although, according to the author, minority issues were still not given sufficient attention. The accession process was finalized on December 9, 2011 with the signing of the accession treaty in Brussels. The date of Croatia's accession to the EU was set as 1 July 2013. A year after the accession treaty was signed, in December 2012, the *Act on local government and regional* was amended again where in Art. 23 the wording of Art 56a of the 2005 amendment, changing the wording concerning *the right to be represented in executive and administrative (legislative) bodies* to *the right to representation in administrative (legislative) bodies*.<sup>32</sup> This provision, limiting the participation of minorities to being represented only in legislative bodies, without any real impact on the implementation of regulations, was confirmed in the publication of the consolidated text in February 2013.

<sup>29</sup> "Ustavni zakon o pravima nacionalnih manjina", *Narodne Novine*, no. 155 (2002), at <[https://narodne-novine.nn.hr/clanci/sluzbeni/2002\\_12\\_155\\_2532.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2002_12_155_2532.html)>, 29 November 2020.

<sup>30</sup> S. Duspára, "Novela Zakona o lokalnoj i područnoj (regionalnoj) samoupravi iz 2005", *Hrvatska i komparativna javna uprava: časopis za teoriju i praksu javne uprave*, vol. 6, no. 3 (2006), p. 148, at <[https://hrcak.srce.hr/index.php?show=clanak&cid\\_clanak\\_jezik=200448](https://hrcak.srce.hr/index.php?show=clanak&cid_clanak_jezik=200448)>, 30 November 2020.

<sup>31</sup> I. Koprić, *Teritorijalna organizacija Hrvatske...*, p. 2.

<sup>32</sup> "Odluku o proglašenju zakona o izmjenama i dopunama zakona o lokalnoj i područnoj (regionalnoj) samoupravi", *Narodne Novine*, no. 144 (2012), at <[https://narodne-novine.nn.hr/clanci/sluzbeni/2012\\_12\\_144\\_3075.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2012_12_144_3075.html)>, 29 November 2020.



In addition to the territorial division of the state into županjas and municipalities which has been implemented since 1990s, the issue of state regionalization and division into larger units, consistent with *natural* distinctiveness of individual parts of the state in terms of both of their economic nature and a different identity related to the history and culture kept reappearing among the analysts of the administrative and territorial organization of the state. It should be noted that the division of Croatia into regions was not a new concept. Its first version appeared in the early 1990s. In 1992, the idea was presented by Ivo Šimunović, who critically referred to the notion of developing regionalism as something that never was a coherent concept in which regions would constitute a complementary whole, and thus integrate all parts of the state. Much of this was a legacy of politics from the socialist era of forced industrialization and de-agrarisation that left some areas undeveloped. The change in politics in the post-socialist reality required finding balance and coherent economic development with rationally developed assumptions in the new systemic realities, as indicated by Šimunović.<sup>33</sup>

Then the idea returned in 2000, when the reform of the territorial organization of the state turned out to be necessary. Its author at that time was Stjepan Ivanišević, who proposed the introduction of 5 regions to replace županjas: Primorje, Dalmatia, Mountain Croatia (Gorska Hrvatska), northern Croatia and Slavonia, including additional sub-regions with a clear, separate identity: Istria, Dubrovnik country, Međimurje, Baranja, Eastern Slavonia, Western Srijem.<sup>34</sup>

The topic resurfaced a decade later. In 2011, another territorial reform took place, which introduced territorial changes to municipalities, leading to their further fragmentation, but also to increasing the disproportion of the areas between particular municipalities (it also concerns cities with the status of a municipality). Such huge territorial differences are related to the fact that some municipalities included many localities, and in some only one small town.

At the turn of the first and second decades of the 21<sup>st</sup> century, the concept of 5 self-governing regions also appeared, and which, according to Ivan Koprić, would include:

- Zagreb – approx. 1,040,000 inhabitants (the city of Zagreb and the southern and western part of the Zagreb županja);
- Primorsko-Istrian-Gorski – approx. 700,000 inhabitants (the županjas of Istria, Primorsko-Gora, Ličko-senjska, Karlovačka, part of the Sisačko-moslavačka (the town of Glina and the municipalities of Gvozd, Topusko and Dvor);
- Dalmatia – approx. 860,000 inhabitants (županjas: Zadar, Šibenik-Knin, Split-Dalmatia, Dubrovnik-Neretva and three municipalities from Ličko-Senja županja around Zadar (Lovinac, Udbina, Donji Lapac);
- Slavonija – approx. 860,000 inhabitants; (the following županjas: Osječko-baranjska, Vukovarsko-srijemska, Virovitičko-podravska, Požeško-slavonska,

<sup>33</sup> I. Šimunović, "Regionalni koncept razvitka Hrvatske. Kritički osvrt i mišljenja", *Društvena istraživanja*: časopis za opća društvena pitanja, vol. 1, no. 1 (1992), pp. 38-39, at <<https://hrcak.srce.hr/32578>>, 5 December 2020.

<sup>34</sup> S. Ivanišević, "Teritorijalna osnova...", p. 590.



Brodsko-posavska, part of Sisačko-moslavačka (the city of Novska and municipalities of Jasenovac, Lipovljani i Hrvatska Dubica), part of županja Bjelovarsko-bilogorska (cities: Daruvar, Grubišno Polje, municipalities: Dežanovac, Končanica, Sirač and Dulovac);

- Central Croatia (Središnja Hrvatska) – approx. 835,000 inhabitants; the area of the present županjas: Međimurska, Varaždinska, Krapinsko-zagorska, Koprivničko-križevačka and that part of the Bjelovarsko-Bilogorska that did not become part of the Slavonija region; as well as the eastern part of Zagreb County (the towns of Sveti Ivan Zelina, Vrbovec and Ivanić Grad, municipalities: Bedenica, Dubrava, Farkaševac, Gradec, Kloštar Ivanić, Križ, Preseka and Rakovec).<sup>35</sup>

In his concept of the need to introduce a regional division, Koprić also points to the possibility of introducing additional intra-regional autonomies regarding some areas for the same reasons as indicated by his predecessors, i.e. the distinctiveness of identity of particular parts of Croatia which should be confirmed by a referendum. He also emphasized, using the Western European experience as a model for the popularity of regionalization, that their distinctiveness should not be treated as something socially incompatible, but as an additional potential of a given region. He mentions Istria, Dubrovnik area, Međimurje, Baranja, Zadar and Western Slavonija as regional units that could have such autonomies in their territory. It is interesting that Koprić emphasizes that the phenomenon of autonomous microregions is a phenomenon quite common in Europe, *even where there are no significant national, religious or linguistic differences*. However, referring to the Croatian state, he points to the specificity of large urban units and the differences between them, and above all to historical past and animosities rather than to national, religious or linguistic differences. He also states that this issue is either ignored or only hinted at in the context of the presented changes and change projects. The very concept of regionalization is also still at the stage of proposal or an idea. In 2012, the State Commission for the Implementation of Decentralization and Reform of Local and Regional Local Governments, and at the end of 2013, the parliament announced a project of constitutional changes going in this direction. The highest state authorities supported the concept of regionalization, but after two meetings of the Commission, the interest in the issue of reforms of the territorial organization of the state seems to have faded in the main political actors and parties who, according to Ivan Koprić, show no serious interest in the decentralization of state administration.<sup>36</sup> This state of affairs continues to this day.

Ivo Šimunović already in the early 1990s tried to answer the question why there is fear of and resistance to regionalization in Croatia. He then pointed to reasons rooted in the past, where various parts of the present Croatian state were under the control of various state entities, which made the fear of divisions real among Croats. Moreover, the events that took place at the time of the publication of his analysis (1992) meant

<sup>35</sup> I. Koprić, *Teritorijalna organizacija Hrvatske...*, p. 15.

<sup>36</sup> Idem, p. 18.

that *fear of regionalism was particularly strong as foreign administrations developed ideas of autonomy as extending roots of a foreign national being*. It caused *all divisions from the past to remain relevant* as a threat to Croatian territorial integrity. In addition, the decentralization of power in the newly created and still unsolidified state could mean weakening of the central power, which was a justified concern in the conditions of the armed conflict which raged in Croatia at that time. Finally, just as there were fears of regionalism and decentralization, there were also fears of long-term centralization of power, which evoked associations with the past – these quite recent, socialist years in which the Serbs were the main opponents of decentralization in SFRY and maintaining centralized power.<sup>37</sup>

## CONCLUSION

The author's aim in this text was an attempt to answer the question whether and to what extent the ethnic and territorial conflict in the 1990s influenced the processes of transformation of the administrative and territorial organization of the state. Based on the analysis of the problem, the author managed to conclude that in the early 1990s the Serbian and Italian community were the minorities whose activity could have raised concerns of the Croatian authorities. The first of them inhabited over a quarter of the country's territory and showed clear resistance to respecting state independence and land integrity, trying to make the territories it inhabited independent of the Zagreb authorities. The latter, much less numerous, did not show any separatist tendencies, but in the face of widespread political changes, including those related to state borders, in Central, Eastern and South-Eastern Europe it could put forward demands for unification with Italy. In the absence of such tendencies, interest in the potential threat posed by this minority diminished and the focus shifted entirely to the Serb community. Looking at the proposed shapes of the borders of županjas from 1992, in which Serbs constituted a significant percentage, and those from 1997, when their percentage was much smaller, it should be noted that there was such a relationship (the focus were two autonomous kotars, first suspended and later completely abolished under the 2001). At that time, the character of županjas in the western part of Croatia was more balanced in terms of area. It should also be noted that such changes were not present in the eastern part of Slavonia and Western Srijem. These areas were under the control of the United Nations after the end of the conflict. Their task was, inter alia, the so-called *peaceful reintegration*, under the Erdut Agreement. There, the shape of županjas remained the same, except that in the area that was no longer covered by the above agreement (Virovitica). The greatest changes occurred in the territorial area regarding towns in terms of abolishing certain localities and merging them with others, as discussed above, and above all reduction of the area, which was related to the territorial fragmentation that has been progressing in Croatia since the 1990s.

<sup>37</sup> I. Šimunović, "Regionalni koncept razvitka Hrvatske...", p. 47.

The analysis of the provisions guaranteeing the participation of minority representatives in local government authorities was also limited in the second decade of the 21<sup>st</sup> century in the area of executive power, which in the light of the previously introduced act constituted a regression in the field of minority rights developed in the first decade of the 21<sup>st</sup> century.

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