

To the Editor:

My attention was recently drawn to an article that you published in the Winter 1992 issue, "Constitutional Nationalism in the Formerly Yugoslav Republics," by Robert M. Hayden. While finding the article interesting in general, I was shocked at the gross misrepresentation of the situation in Slovenia. Let me give the most striking examples:

When discussing the new Slovenian immigration laws, the author "forgets" to mention the part of the legislation that allowed any person, regardless of ethnic origin, with permanent residence in Slovenia on the date of the independence referendum to bypass the standard procedure when applying for citizenship—ultimately more than 160,000 people obtained citizenship in this way, and almost all the applications were approved. The only exceptions were the applicants who had actively fought against Slovenian independence (i.e., not merely found themselves in enemy uniforms).

The author writes about Mile Šetinc as "a dissident Slovenian writer," with a broader implication that certain people are barred from publishing in Slovenia and hence have to publish in Serbia. I am aware of no such cases, and using Mr. Šetinc as an example is absurd. He is a prominent member of the ruling Liberal Democratic Party and currently a spokesperson for the government. At the time when the cited article was published Mr. Šetinc was even a Member of Parliament. While some of his views may be unpopular in certain circles in Slovenia, he definitely has no problem with making them public.

Mr. Hayden laments the treatment of the "largest minority in Slovenia," the people from other former Yugoslav republics. Even forgetting, for argument's sake, that these people are far from a homogeneous ethnic group, but should properly be separated into Albanians, Croats, Muslims, and Serbs—to list just the largest groups—it is important to realize that nearly all of them are recent economic immigrants. I am not aware of any country in the world that would grant this category of its citizens a special minority status. Blaming Slovenia for not doing it is therefore blatantly hypocritical.

Not everything is right in Slovenia, but the situation is much better than Mr. Hayden would lead his readers to believe. I am therefore asking you to publish this letter and set matters straight.

EMIL ZAVADLAV
Ljubljana, Slovenia

Professor Hayden replies:

Dr. Zavadlav's letter raises one point of some validity. After my article was published (January 1993), I received the report of the Special Rapporteur of the UN Commission on Human Rights of 10 February 1993 (E/CN.4/1993/50, 44), which states that a low proportion of applications for Slovenian citizenship were rejected: 2000 out of more than 150,000. However, other sources have taken a slightly broader view, noting that more than 40,000 citizens of other Yugoslav republics who were resident in Slovenia at the time of Slovenian secession have become newly minted foreigners (*Borba*, [22 October 1993]: 18; *Vreme* [8 March 1993]: 33). At the same time, the earlier, more liberal law has lapsed and *Borba* has reported a change in the Slovenian citizenship law in October 1993 that gives the state absolute discretion to reject any citizenship application "if not in the national interest," a power so broad that most lawyers would find it ominous.

Dr. Zavadlav's final paragraph rejects the idea that people from the other formerly Yugoslav republics should have a special status, saying that no country in the world would grant this. Yet a committee of legal experts commissioned by the Council of Europe to render an opinion on the Estonian Law on Aliens of 28 June 1993 was explicit in saying that "the status of persons already resident on the territory of Estonia cannot be compared to that of non-citizens not presently residing in Estonia." It also criticizes overly broad grants of discretion in determining citizenship. Both criticisms seem as applicable to Slovenia as they are to Estonia.

In regard to Mile Šetinc, my reference was clearly to the time that his article appeared in *Demokratija* (Beograd, 1990), not the time when my article was published (1993).

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