

# **Models of problems management and solving in ethnically mixed environments**

**Osman Balic – Municipality of Nis Executive Board Vice President**

Having won the elections in Autumn 2000, the Democratic Opposition of Serbia (DOS), paralely with efforts made towards the democratization of the society in all spheres of life, has paid particular attention to improvement of the status of national minorities.

In that view, series of measures have been taken both in the country (establishing the Ministry for National and Ethnic Minorities, activities in preparation, and soon after that, passing of the Federal Law on Protection of National Minorities' Rights and Freedoms, establishing of National Councils, making of National Strategy for Roma etc.) and on the International Plan (joining the Framework Convention for Protection of National Minorities, European Charter on Regional and Minority Languages, starting the activities on preparation of bilateral contracts with neighbouring countries etc.). Having in mind the subject of the Conference and principle that the problems are being solved most effectively in the place of their occurrence, I must express my pleasure that we are opening this subject, outlining the significance it deserves. Local Government, may be considered a “cradle” of more recent Serbian democracy. The reason for that is the year 1996, when the opposition won the elections in the biggest Serbian towns and the regime of that time was trying to cancel the actual election results by making the courts manipulate in that sense. It was hardly expected that the local elections would be that important for the voters in Serbia and that the protests of such an extent would follow with only one request for the regime, namely, to acknowledge that first but very significant election victory of democratic parties. One of the institutions, founded then, which, unfortunately, did not keep a significant place in the political map of Serbia, was the Association of Free Towns, although it might have been considered the lever of European-oriented political life in Serbia. The Association of Free Towns and Municipalities of Serbia, e.g., in its Letter of Intent, made in Nis on 28<sup>th</sup> November 1996, stated that the victory of opposition in the biggest towns resumed the hope of citizens for radical changes and gave the chance to government authorities of that time to peacefully accept the election-resulted change of authority. “On 17<sup>th</sup> November 1996, Serbia passed the threshold of parliamentary life, showing its resoluteness not to be the only one-party state in Europe, but to become a civilized society and a democratic country. That is our basic intention that we shall realize by putting all efforts into it.” Since the opposition won the local elections in 1996, the Association of Free Towns, now the Standing Conference of Cities and Municipalities, has been active in trying to coordinate local governments in their struggle to enlarge their modest competences.

## **ANALYSIS OF THE EXISTING STATUS from the aspects of minorities and decentralization issues**

### **1. Demographic data**

The status of minorities issue in the State Community of Serbia and Montenegro is characterized by following elements:

- Great presence of various ethnic communities in relatively small area is the result of historical circumstances – movement of peoples and continuous wars were causing often changes within the state borders.
- The last census in Serbia was in spring 2002. The results of that census are known and it can be concluded that, on one hand, the total number of inhabitants has been reduced, while on the other, the change in national structure occurred. Anyway, for more serious analyses it will be necessary to indicate that the number of Roma national minority population does not correspond to the actual number and it should be increased 3.2 times on the average. The percentage of the mimicry share as well as the right of the citizens not to state their nationality may be our alibi for assimilation or a relative mistake in dimensioning of minority policy in Serbia. However, the number of nationally mixed municipalities in Serbia (10% of the total number of inhabitants in a municipality) is really higher than the one indicated in the census data. That fact, in advance, reduces the importance of Local Municipal Councils for Inter-Ethnic Relations, foreseen by the Law on Local Government.

In such circumstance, when the census data cannot be taken “as a fact”, the only, at least, reliable basis is the census of the year 1991, namely, immediately before the war spreading on the territory of ex-SFR Yugoslavia. That census indicated that about 30 ethnic communities lived in the territory of SFR Yugoslavia at that time, in that, 32.7% of the population was not declared as Serbs or Montenegrins.

### **2. Basic problems**

Although there is no doubt that actual authorities of the State Community of Serbia and Montenegro are ready to maximally improve the position of national minorities, in that sense going above, the so called, international standards, it has become, somehow, more difficult owing to certain objective facts. Namely, the reality of Serbia and Montenegro is burdened with some problems and controversies, of which the most important ones shall be mentioned:

- State Community of Serbia and Montenegro is in the process of many a political and any other kinds of transformations which, besides other things, include redefinition of mutual relations. For these reasons, currently, it is not possible to view the future relations between these two countries, that is, the competence of the State Community of Serbia and Montenegro.
- The similar thing can be noticed, regarding the legal status of the Republic of Serbia two autonomous regions. When it is to do with

Vojvodina, settled by various and numerous national, that is, ethnic minorities, it seems that there is a general agreement for its local competences to be enlarged, but that issue is still to be politically resolved and legally arranged. On the other hand, the degree of autonomy, i.e., its eventual further extension, will, almost certainly, mean the transfer of some new functions to the regional authorities, even those competencies and authorizations, which are of direct interest for the national minorities members. To a certain extent, it has already been done by a special Law on Establishing Corresponding Competences of the Autonomous Region (AR), passed by the Republic of Serbia National Assembly on 7<sup>th</sup> February 2002 (so called Omnibus Law).

- Regarding Kosovo and Metohia the issues are far more complicated, having in mind the inherited problems and circumstances created after the KFOR arrival, based on the Security Council's Resolution 1244;

- Legislature and its application in the State Community of Serbia and Montenegro are much more complex than in the majority of other states. Namely, it is necessary to, at least, observe three levels of regulations, i.e., practice: (1) ex-Federal; (2) Republic (Regulations of the Republic of Serbia and the Republic of Montenegro) and (3) Regional (Regulations of Vojvodina, - the autonomous region, as an integral part of the Republic of Serbia).

- The sole existence of the three levels of legislature (ex-Federal, Republic and Regional) means more expressed possibility of laws incompliance.

- State Community of Serbia and Montenegro is not just one more region in the process of transition. Together with all those things it has in common with the states, having similar historical, economic and other heritage, it is characteristic that the relations within it have become additionally complicated by the sad events that occurred during the last ten years, like wars, long-year sanctions, internationally imposed isolation and great number of refugees;

- The fall of national economy caused by internationally imposed sanctions, hyperinflation, NATO bombardment and other factors, negatively influenced the possibility of the real fulfillment of minority rights (foundation of new schools, theatres, newspapers, etc. for minorities)

- The Constitution of Serbia, still waited to be passed;

- Political relations of Serbia and Montenegro and the referendum being announced;

- Established Ethnic Minorities Councils, having no conditions for work and the fact that within some ethnic minorities, there is no consensus about the minimum of common interests and the manner of their realization;

- Very few normative solutions originating from the Law on Minorities;

- Re-traditionalism and clerical attitudes in Serbia;

- There is no, so called, "Federal Council for National Minorities"

- There is no Antidiscrimination Law;

- There is no Ombudsman;

- There are no development plans for regions of Serbia, settled mainly by Bosnian Moslems and Albanians.

### **OBJECTIVES OF LOCAL POLICY IN NATIONALLY MIXED ENVIRONMENTS – MUNICIPALITIES**

1. Prevention of local inter-ethnic conflicts;
  2. Consensual democracy on the local level
- Bringing into accord social and cultural and political interests of majority and minority ethnic communities;
  - Cooperation and mutual control of political forces;
  - Enforcement of rights in the cultural autonomy domain (cultural institutions, informative journals and education in native language)
3. Gaining “loyalty” of ethnic communities by providing pragmatic and useful services of the ethnic community interests.
  4. Active participation of minority communities in the public life of local environments (local government bodies, local police, health and education systems, local media ambient, social welfare, urbanism)
  5. Balanced budget planning of the minority community needs (asphalt laid streets, sewerage, water facility, settlements infrastructure)
  6. Socio –economic dialog (entrepreneurship, employment, kindergartens, social benefits etc.)
  7. Security ( guaranteeing public order and piece).

### **LOCAL GOVERNMENT MANAGEMENT**

Local government management is regulated by the Law on Local Government. Articles No.10, 17 and 18 outline the manner of approach to the national minorities issues management in more detail.

Since it is the first time in modern Serbian legislation for such a possibility to be given, any experiences, except the foreign ones, have not been known to our professional public. Having in mind that the October changes in Serbia brought a new, young political elite of DOS and that except the good will and political readiness to open this issue according to European models, we had no adequate knowledge on how to successfully solve this kind of problem, it is particularly important to consider the issue of who, how and in what manner manages the issues of nationally mixed environments. The harms that might be caused by the wrong selection of people and ignorance, may have great effects to the entire society (principle “ not to do harm”)

It is very important not to forget the fact that this region has just got rid of wars caused by not defined inter ethnic relations and religious conflicts, which particularly increases responsibility of municipal officials and local political parties in dealing with such issues.

In the beginning of 2000 we could get such knowledge only from the Open Society Fund, LGI Program in specially structured trainings for the management of nationally mixed environments.

Today, after almost four years of work as the Municipality of Nis Executive Board Vice President and after certain period of cooperation with the Ministry for National and Ethnic Communities and after the cooperation with about 30 municipalities of Serbia, I may express my opinion about this problem.

General knowledge of management and so the management of the nationally mixed environments may be treated by the cybernetics methodological principles.

Cybernetics is the science dealing with systems management. Local government, particularly nationally “mixed” local environment represents one organizational system regulated by procedures and deregulated by the possible national and political conflicts.

In short, cybernetics is management.

### **Management is communication, control and correction.**

When in the sphere of social and government jobs, the term cybernetics, in the sense of the government jobs management has been used for the first time by the middle of XX century in the full strike of industrial revolution.

The essence of implementation of cybernetic – management approach to the problem of management of nationally mixed environments is in the intention to develop a unique notions resource and corresponding technique, so that the management problem and communication may be encompassed by one single approach, as well as to find corresponding concepts and methods so that particular characteristics might be assigned to certain common notions.

**Management of public jobs, has been traditionally regarded as a skill, that is, experience, intuition, and even the shrewdness. Opposite to that, cybernetics’ approach to management is from the aspect of the information role in the process, setting in that way “the management function” within the context of system regulation.**

In the sense of public systems management, the most significant matter is preparation, passing and execution of decisions. The system management is possible only if based on quality decision made at right time. Decision making requires fulfillment of a series of presumptions and before all, obtaining of timely, relevant and quality information, that is, data.

### **Preparation of decisions (administrative, political) implies:**

- a) setting the objective
- b) working-out of the best strategy
- c) defining minimum, maximum and optimal decisions realization
- d) **personnel selection for each process phase**
- e) providing material and other funds
- f) establishing of corresponding system of relations and communications among people and funds in order to reach the goal (instruments, tools, methods)

## **Knowledge gained and activities contents of local officials, dealing with improvement of inter-ethnic relations**

Jobs of such type within the local government jobs range, may be classified as hardest and most sensitive ones. Unfortunately, some foreign NGOs have been offering some “projects” lately, by which they like to help municipalities and Roma in an inadequate way. The main thing to be said is that these jobs must not be handled by people not prepared and trained. The principle “Don’t do any harm” should be kept in mind when allocating this particular task. One not carefully thought and wrong sentence may do a great harm, and as a rule, such mistake is remembered. Of course, the whole issue does not depend on one person only, but it is to do with political will and readiness of local government authorities as a team. However, the preferred professions of personnel dealing with ethnic relations issues are in the domain of humanities. Sociologists, psychologists, solicitors, are most suitable for such jobs. Historians and engineers are not recommendable. The former, for the reason of their knowledge of one history only and the later, for they are technocrats and extremely rational.

What is needed is the person, persistent by nature, having principles and consistent.

It would be good for such a person to be born or live in the mixed marriage. Godfather relations have always been a good reference for everything, and they are preferred in this job, as well. The same applies to an individual of the minority community, who has a strong political support of majority.

The degree of success greatly depends on the correct estimate of the stadium of democratization of the environment, the one acts within.

### **The following should be known:**

- what does connect, what are the »similarities« among the ethnic communities in the local environment;
- what are differences;
- who are informal leaders within the community;
- who are the people and where are they politically active;
- the reasons of conflicts within the community;
- the priority needs of a community;
- NGOs of minority communities;
- local and historical past of the community;
- holidays of certain minority communities and their meaning;
- nationally mixed sport associations, recognized by all citizens;
- the collective and individual rights;
- how to balance collective and individual rights and public interests of the environment;
- genesis of earlier ethnic lack of understanding and conflicts, manners and results of such occurrences;
- culture of groups and their system of values/ cultural conflict / solving the cultural conflicts
- how to influence the public opinion;
- how to appear in public with a minority topic (pay attention to the principle “don’t do any harm”, particularly in the course of the conflict).

**The contents of work (activities) should be based on the following:**

- advocating the attitudes of communities;
- dealing with individual cases;
- taking care of common wellbeing of the community – defending the public interest
- regular reception of citizen ( eg..once a week);
- Municipal Assembly Executive Board meetings attendance and considering of each decision in light of ethnic community interests and estimating its effect;
- explaining the municipality policy to people;
- asking for the key and significant information needed for decision making;
- consulting the public;
- knowing the people's character and having the capacity to recognize lies. It happens that citizens, wishing to reach the goal, as soon as possible, present their personal problems as ethnic related or discrimination related.

**PREFERRED TRAININGS FOR OFFICIALS**

1. Culture and customs of ethnic communities
2. Conflicts solving
3. Negotiation skill
4. Appearing in public and oratory
5. Human rights
6. Nationally mixed environments management
7. Local democracy

**PROBLEMS IN NATIONALLY MIXED ENVIRONMENT**

**GROUPED ACCORDING TO INTENSITY - Proposal**

|   |    |  |
|---|----|--|
| — | 1  | Fighting of two citizens – neighbors, the members of different nationalities           |
|   | 2  | Nationally based insults (cursing) in the public place                                 |
|   | 3  | Conflicts in schools of different nationality children                                 |
|   | 4  | Fans conflicts during sports manifestations  |
|   | 5  | Graphites in busy places   |
|   | 6  | Spreading of misinformation about a national conflict                                  |
|   | 7  | Religious exclusiveness - intolerance  |
|   | 8  | Profanation of religious buildings and graveyards                                      |
|   | 9  | Insulting jokes  |
|   | 10 | Access restriction to public buildings   |
|   | 11 | Demolishing of unlawfully built building structures                                    |
|   | 12 | Private property entrance prevention   |
| = | 1  | Media – tendentious reports with messages (Roma women who has given birth to a child ) |
|   | 2  | Employment (membership preferred)  |
|   | 3  | Obraz, Miletic, Dveri, Skinheads (not parties)   |
|   | 4  | Development of city quarters, settled by minorities (urban discrimination)             |
|   | 5  | Fear spreading among the majority since 1960 (endangering of the state, nation)        |
|   | 6  | Spreading of negative prejudices   |
|   | 7  | Pre-election nationalist provocation of opposition parties                             |
| ≡ | 1  | Majority decision making (always incapable minority)                                   |
|   | 2  | Inscriptions of place, streets designations  |
|   | 3  | Budget of the municipality – evident ignoring of the minority needs                    |
|   | 4  | Cultural autonomy (manifestations, institutions)                                       |
|   | 5  | Attitude of the police   |
|   | 6  | Attitude of courts (more serious punishments for the same deeds)                       |
|   | 7  | "Atomization" of collectivity (Askali, dialects)                                       |
|   | 8  | Roma-minority with intensive development (emancipation, birthrate)                     |
| ≥ | 1  | Low interest of minority members for participation in public life                      |
|   | 2  | Minorities political parties and their wish to be parties in negotiations              |
|   | 3  | Inability to form a Council for inter-ethnic relations on the municipal level          |
|   | 4  | Incorrect census data  |
| > | 1  | Development policy based on the territory national structure                           |
|   | 2  | Constitution (whose is the country of Serbia – of the citizens or of the nation)       |
|   | 3  | Ministries policy (of culture, education, capital investments)                         |
|   | 4  | Penal Law – no sanctions for racism  |
|   | 5  | Antidiscrimination law   |
|   | 6  | Army – national composition, clergy, recruitment                                       |
|   | 7  | Lack of the rule of law  |
|   | 8  | Majority system of election without chances for minorities – outvoting                 |
|   | 9  | Ethnical diversification ( opinion that it represents danger by itself )               |
|   | 10 | Centralization and strengthening of centralist state as the way to national state      |
|   | 11 | Institutions to serve the purpose of reduction of national heterogeneous environments  |

## TOOLS– INSTRUMENTS

|    |   |
|----|---|
| 1  | Readiness of national elites for cooperation  |
| 2  | Solidarity of minority communities  |
| 3  | Preventing ethnic homogenization and promotion of “leaders”   |
| 4  | Preventing presentation of a personal problem as a collective problem   |
| 5  | Making or not making compromises in view of material interests and compromises regarding national identity and religion               |
| 6  | Deciding by consensus of political parties about the most significant problems  |
| 7  | The right of veto by the minority   |
| 8  | Building "the institution of adjustment" to current occurrences in the society  |
| 9  | High commissioner for national minorities (recommendations, helping in establishing the dialog between the government and minorities) |
| 10 | Creating public opinion – generating the public image - attitudes preferred   |
| 11 | Organizational behavior and leadership  |
| 12 | Majority NGOs   |
| 13 | Ombudsman   |
| 14 | Local police in the capacity of protecting the establishment, public order and peace  |
| 15 | Dialog (make a mechanism for standing dialog )  |
| 16 | Formulation of strategy for local policy towards minority   |
| 17 | Civic education   |
| 18 | Data base   |
| 19 | Ad hoc organizing of citizens   |
| 20 | Local media (non-sensationalism)  |
| 21 | Tribunes and round tables   |
| 22 | Training of state officials for work in nationally mixed environments   |
| 23 | Financial assistance to minority NGOs   |
| 24 | Pressure of international organizations   |
| 25 | Assembly of voters, referenda   |
| 26 | Meetings  |
| 27 | Door to door campaign   |
| 28 | Civic or national forum   |

MODELS ( set of tools which are related in some flexible system of relations makes a model)

|    |   |
|----|---|
| 1  | Importance of Local Office –the most suitable model for this issue improvement  |
| 2  | Importance of municipality-local strategy working-out by the Executive Board  |
| 3  | Management decentralization – by giving greater authorizations  |
| 4  | Territorial and institutional dispersion of power   |
| 5  | Cultural autonomy   |
| 6  | Autonomy for certain territories and giving more significant rights that do not endanger territorial integrity of the country |
| 7  | Capacity to act and independence of municipality  |
| 8  | Municipal Assembly structure adjustment, multiethnic composition of the society (bicameral systems, citizens and regions)     |
| 9  | Regionalization as a civil concept  |
| 10 | Representational democracy  |
| 11 | Flexibility of organizational "AD-HOC" system   |
| 12 | Ministry for human and minorities rights  |
| 13 | Ministry of religions   |
| 14 | Ministry of local governments   |
| 15 | Inter-ethnic relations council on the municipal (city) level  |
| 16 | Standing conference of cities and municipalities  |
| 17 | New role of District in municipalities and executive boards cooperation   |
| 18 | Regional associations abroad  |

## **The manner of solving the ethnic issues in Hungary on the local government level**

Attached to this paper, there is presented one of the models particularly suitable for the process of Roma inclusion in the public life of cities or municipalities.

The Constitution of the Republic of Hungary protects the interests of national and ethnic minorities in the way that it provides the right to collective participation in the public life, including establishment of their own autonomous management on the **local and national levels**.

These rights are supported by a few parliamentary acts that regulate the rights of national and ethnic minorities. The Act on Local Government contains entries relating to this subject in the Section X/A about the minorities autonomous management body.

Each national and ethnic minority group is entitled to establish autonomous management body in the settlement it lives in. The election procedures for the representatives of national and ethnic minorities to autonomous management body have been regulated by the Law No. LXIV of 1990 on Local Elections.

Autonomous management bodies of national and ethnic minorities may be organized in three different ways on the local level and in one way on the national level. Each minority group may establish a settlement administration in villages, towns and districts of Budapest, either 1) directly or 2) indirectly. In the capital, the minority administration may be established directly. Municipal government may declare itself as minority government if more than a half of its elected representatives are the members of certain national or ethnic minority. If more than 30% of local representatives belong to the same minority, they may indirectly form the local minority government, comprising at least three members. The local minority government may also be directly elected by the citizens; the rules of such elections are defined by the Law No. LXIV of 1990. This form of minority autonomous management implies independent election of its officials.

A minority group may establish only one minority autonomous management body, directly or indirectly. Regardless of the manner of establishing, functions and authorities of minority autonomous management bodies are the same as functions and authorities of the local government, together with those regulated by Law No. LXXVII of 1993 on National and Ethnic Minorities Rights. The office of the local government body of representatives is obliged to support the activities of local minority government under conditions regulated by their statuses. When deciding about issues related to education, media, local traditions and culture, use of language, the local government must obtain the agreement of the minorities or relevant ethnic group local government.

Except the right to elect national and ethnic government bodies, each ethnic group may select its public speaker. The public speaker is the candidate of a national minority or an ethnic group who earned the majority of votes in general local elections. In case he or she were not elected in the body of representatives, they would be entitled to attend its sessions. The other rights of public speakers are regulated by the Law on National and Ethnic Minorities. If a representative of an ethnic group to the body of representatives initiates forming of a committee to deal with minorities issues, the body of representatives is obliged to form such a committee.

## **Conclusion**

The promotion of efficient local government and decentralization, as well as participation of minority communities citizens in the public life of Serbia is one of the priority tasks in the future period.

The key steps to be taken in that view are as follows:

- adoption of the Constitution of Serbia;
- establishing of hierarchy relations up to an optimum measure between the central and local administrations, having in mind market and economic development orientation;
- independent budget improvement;
- putting more efforts and action of local officials and NGOs.

Osman Balic  
in Nis, 25.5.04.