



4. Models of good governance in multiethnic communities

The present chapter is an illustration of the concept of good governance and its characteristics. The case studies show how participation, rule of law, transparency, responsiveness, consensus-seeking, equity, inclusiveness, accountability, effectiveness and efficiency are relevant in managing and accommodating ethnocultural diversity at the local level.

4.1

Participation and representation of minorities

Participation of minorities in local governance occurs at the initiative of different actors, and can be facilitated by a variety of stakeholders. Representatives, organizations, and political parties of minorities can claim and gain access to decision-making forums in order to be involved in the elaboration of policies directly affecting minority groups. The flexibility of public authorities may allow the creation of a series of mechanisms for

consulting individuals and communities (via citizens' committees, consultative councils of minorities, public meetings and debates, public opinion polls, referenda, forums, etc.), the existence of which can facilitate a more equitable approach to specific issues. The first two subchapters aim to highlight ways in which such mechanisms are applied by minorities and encouraged by authorities in order to find solutions to specific problems.

*Local level institutions voicing interests, formulating standpoint:
The role of consultative bodies, councils and how they can promote the interests of local minorities*

4.1.1. Case study on the municipal programme for improving the condition of the Roma Community in Sofia, Bulgaria

This model brings forth the initiative of a local community to improve the condition of Roma in Sofia, in the context of lack of interest at the level of the national government to deal with the issue. The success of this model, although abridged by its shortcomings – the overestimation of graspable outcomes and dependency on the willingness of all involved actors to make a positive, community oriented contribution –, relies on three key factors. The involvement of the target group in all initiatives that aim to improve the lives of its members is key in defining priorities; the organisation of public debates serves a similar purpose, while in addition they mobilize other stakeholders in the community; the last element of this model is the involvement of a variety of actors, differing in approaches, sympathies and goals: civic organisations, local and central authorities, and informal leaders.

The situation of the Roma population is a common issue of the region. Poverty, discrimination in employment, in access to resources, housing, public services and education are shared problems which the Roma have to face all over Southeast Europe, although in varying degrees. In the following, we present a case of good governance, illustrated by a programme developed by the local authorities of Sofia in order to improve the situation of the local Roma population.

There are approximately 125,000 Roma residents in Sofia. They live mostly in the suburbs, facing problems that have been unsolved for decades: unemployment, bad infrastructure, low education, neglected health care, discrimination, exclusion from public life, lack of trust between the Roma and the majority population. In the education system, there is segregation between the Roma and the mainstream students. Roma families live in constantly deteriorating conditions, isolated from the majority, experiencing predominantly negative attitudes by most of the local institutions, such as the police, the social welfare services, labour bureau, municipal institutions, etc.

Another common experience shared to a high degree in the former communist countries is related to the low level of implementation of the legislation for the protection of minorities. Bulgaria is no exception in this respect.

In April 1999, the Bulgarian government signed the Framework Programme for Equal Integration of the Roma into Bulgarian Society. At the time, one hundred organizations supported the programme. However, little has been done to implement the programme into practice.

Experience indicates that top down initiatives have been ineffective. Local initiatives for development, emerging from the community, are more likely to yield effective sustainable results. One such bottom-up approach was initiated by the Roma Public Council (RPC) Koupate. In an effort to translate the Framework Programme into practice, Koupate has been implementing a Municipal Programme for helping Roma people in Sofia.

In order to have a functional national or local programme, there are two conditions to be met. First of all, involvement of the target group in all phases of the implementation of the programme is needed, which in this particular case means involvement of the Roma. The second condition is to organize public debates on the programme in order to gain wide acceptance, and thus prevent opposition to its implementation.

The integration and the direct participation of the Roma community in the processes of decision-making is a priority not only for Sofia, but at the national level as well, given Bulgaria's commitment and efforts to gain membership in the European Union.

Representatives of the Roma community itself presented the idea of the municipal programme as a means to apply the national Framework Programme at the local level. The strategy and concrete steps for its implementation were laid out for consultation, and were widely discussed with civic organizations, informal leaders, and representatives of the institutions at the local and national levels. As an outcome of the discussions and relying on all parties' practical experience, the Municipal Programme underwent a series of amendments; it is now flexible and adaptable to the concrete conditions of the municipalities, including Sofia.

RPC Koupate has gained solid practical experience in starting Municipal Programmes in Rousse, Plovdiv and Stara Zagora, which proved very useful for the development of the Programme in Sofia.

The concrete means of achieving such a programme in Sofia were provided by local Roma and Bulgarian civic organizations, and public institutions, which delegated representatives into the working groups, which also included informal local leaders and active citizens. All parties took an active part in the development of the proposed strategy and in planning the project activities.

After securing the partnership between the Roma Public Council Koupate and Sofia Municipality, the municipal programme was developed and the implementation phase of the project started.

The programme was adopted in Sofia Municipal Council's decision no. 8/20.04.2001. By the end of September 2002, the following results were achieved:

- *The Public Council was established with joint chairmanship consisting of Roma NGO leaders and decision-makers of the municipality administration;*
- *An agreement was signed between Sofia Municipality and the Coalition of Roma NGOs;*
- *A number of integrated projects (IP) were accepted;*
- *The NGOs, partners and consultants were identified and accepted to lead the various IPs;*
- *The IPs were submitted to the Public Council for feedback and improvement;*
- *Stipends were secured and paid to the people involved in the elaboration of IPs;*
- *The concept paper of the accepted IPs were translated and presented in a donors' conference;*
- *The IPs were submitted to various donors to secure funding;*
- *IPs that obtained funding were implemented.*

In addition to the concrete results listed above, the initiative also led to the following:

- Development of cooperative relations among Roma NGOs;
- Dialogue between Roma NGOs and local authorities: officers of Sofia Municipality, together with Roma NGOs, planned concrete steps to implement the programme;
- Emergence of a local programme meeting the real needs and targeting the development of the Roma community in Sofia, which is unique in Bulgaria;
- Participation of the Roma NGOs in decision making;
- Significant accumulation of partnership experience between Roma and non-Roma agencies;

Although the initiative led to the creation of a mechanism for cooperation between the Roma community and the local authorities, the joint effort did not bear fruit as one would have expected. Develop-

ment of effective partnerships among different segments and stakeholders is a means for ensuring good local governance. Good governance is not the exclusive responsibility of the government, but of civil society organizations, of the business sector, media, etc. Each of these segments addresses societal problems and should also have the responsibility for solving community problems.

Participation of the target group in all stages of a project development creates a sense of ownership over the identified problems, and responsibility for the results.

There are also shortcomings to the model presented. Firstly, the partnership did not produce as many or as concrete outcomes, as expected. The discussions and project ideas of the local authorities and the Roma community represent important steps in building trust partnership, and in creating the basis for a good governance model, but the projects have yet to be translated into practice. Otherwise, it is only a reiteration of similar initiatives that remain on paper.

The example presented is symptomatic of a region in which good models of local governance is to a high degree the result of the influence of people, and less due to institutionalised mechanisms. The major test of all best practices is their survival and development even after the initiators of the model are no longer in a position to influence its progress.

4.1.2. Case study on Roma representation in decision-making processes in Romania

This case study brings forth positive implications of minority representation at the different levels of governance. Not only does Romanian legislation stipulate representation at national, county and local levels, but it requires several institutions to comply. Roma experts are to be found in prefectures and municipalities, as well as in school inspectorates and police departments. Outcomes so far highlight the emergence of mixed

working groups in all of these institutions targeting issues of the Roma. It is believed that this example could be enhanced, provided that communities are given increased autonomy in decision-making regarding their own affairs, enhanced internal democracy and improved, better-paid Roma experts.

The Romanian legislation has both general provisions for the representation of all national minorities in decision-making bodies, and specific participation measures for the Roma community.

Article 62 of the Romanian Constitution grants one seat for each officially recognized national minority in the House of Deputies.

Law No. 67/2004 regarding the election of the local public administration in 2004 restricted the participation of several representative organizations of the same minority group; consequently only one Roma organization could participate in the local elections in 2004.

The Strategy of the Romanian Government for the Improvement of the Roma Condition (Strategy) provides for organization at the local and county levels of mixed working groups, including elected representatives of the Roma community, of the decentralized structures of the central administration, of Roma NGOs, and members of the Roma minority, in order to evaluate the main needs of the Roma community and to implement programmes for their support. The Strategy ensures the legal framework by which the ministries and central/local agencies, as well as their decentralized structures are able to finance projects and sectorial programmes to improve the situation of the Roma. It also sets up structures for the implementation of the strategy at the level of ministries, prefectures and town halls.

Although the Romanian legislation covers all the relevant aspects of minority life, there is one important missing piece: a law that defines the status of the national minorities in Romania. Drafting such a law has been on the legislative agenda for the past two years, but strong opposition to certain parts of the law - referring to cultural autonomy - keeps it on hold. Such a law will be relevant in terms of self-governance of the communities' cultural life, and in defining the procedure by which to recognize national minorities.

In terms of institutional framework, the Council of National Minorities is a consultative national body made up of representatives of each recognized minority and with the main responsibility of managing public funding for the national minorities' cultural lives.

There are two levels at which the case study analyzes the effects of the above-mentioned legislation: at the national level, and at the local level, in Mures County.

At the national level, the outcome of the legislation on Roma representation in the decision-making process can be summed up as follows:

- One Roma deputy (Roma Party)
- 189 local councillors representing Roma parties (before legislative amendment: 160 Roma Party, 33 Roma Christian Centre, 22 Alliance for Roma Unity, 1 Roma Ethnic Community)
- National Agency for Roma
- County Offices for the Roma
- Roma experts in town halls

The National Agency for Roma, the County Offices for the Roma and the Roma experts hired by the town halls are all mechanisms provided for in the Strategy for the Improvement of the Roma Condition.

At the local level, the positive effects of the Strategy include:

- *Roma representation at the level of local and county institutions: in the County Office for the Roma, in the County School Inspectorate, in the town halls in Tirgu-Mures and Sighisoara, and in the County Police;*
- *Emergence of the mixed working group;*
- *Development of partnerships between different organizations;*
- *Development of projects elaborated by the mixed working group.*

There are several limitations in the implementation of the legislation, which hinder improvements in the condition of Roma. These problems include:

- without the **Law on the Status of National Minorities**, the decisions affecting the community are not made directly by the community representatives;
- lack of internal democracy - legislative provisions support one single representative organization;
- in several cases the 'Roma expert' is not Roma, and is not an expert;
- lack of funding for projects developed by mixed working groups.

Overcoming of these weaknesses depends on several measures.

First of all, cultural autonomy is an important step to self-organization and in the decision-making process for the community, but this has to be accompanied by the establishment of and support for internal democracy of minority groups.

It is imperative that the Strategy for the Improvement of the Roma Condition be imple-

mented, and in this regard financial resources must be allocated in order to support projects developed by mixed working groups. Capacities have to be built at the local and county levels in order to sustain the implementation of the Strategy.

The case of Romania highlights several actions that have to accompany a legislative initiative in order to become a real case of good governance. Any programme or policy, in order to be effective, must provide for the allocation of human and financial resources. In addition, participation of a minority group in the decision-making process has to be done by ensuring the presence of members of that minority group in positions where they can influence the result. Participation of the minority group sends the message of trust to the members influence and control over the objectives, identified problems, activities and results of the public policy.

The issue of internal democracy is relevant not only from the perspective of the already existing legislation, but also from the perspective of the draft law of minorities. This subject reflects a debate in the field of representation of minorities and the tendency to have only one organization representing the interests of a group in order to better promote the interests of that group, but at the expense of diversity and competition inside the group. Internal democracy and transparency are characteristics that should define all political parties, associations and civic organizations. On one hand, they are means for increasing the legitimacy of these organizations and the issues they address, while on the other hand, they are mechanisms for extending the level of representation of societal segments and issues.

4.1.3. Case study on the Municipality of Gostivar, Macedonia

Acknowledgement and visibility, guaranteed by proportional representation in local decision-making and order-maintenance bodies, is a model in the context of a community in which the national majority is a local minority, as portrayed by the case of Gostivar. Proportionality in allocating posts in the city council and the police forces, and recognising a third official language of the municipality must not be seen as fulfilling requirements, but rather as harmoniously managing the community. The issue that this model raises is the fate of the majority in a minority situation, especially when its status is ensured by the goodwill of the municipality.

Until the 2001 events in Macedonia, the country was regarded as a case of good governance as a consequence of its peaceful separation from the former Yugoslavia, and peaceful management of diversity issues inside the country. This non-violent evolution was brutally stopped in 2001 through armed conflict between the Macedonians and the Albanians. Thanks to the intervention of the international community, the violence ended and a Peace Agreement was signed in the same year. The Agreement addresses relevant issues for local good governance.

One of the basic principles underlined in the Ohrid Framework Agreement stated in the first part of the document is that “the multiethnic character of Macedonia’s society must be preserved and reflected in public life”. Furthermore, equitable representation is regulated in the documents as follows: “Laws regulating employment in public administration will include measures to assure equitable representation of communities in all central and local public bodies and at all levels of employment within such bodies, while respecting the rules concerning competence and integrity that govern public administration. The authorities will take action to correctly present

imbalances in the composition of the public administration, in particular through the recruitment of members of under-represented communities. Particular attention will be paid to ensuring as rapidly as possible that the police services will generally reflect the composition and distribution of the population of Macedonia”.

The Framework Agreement is highly relevant for the Municipality of Gostivar, where Albanians make up the local majority.

The composition of the population in the municipality of Gostivar is as follows: 66.6% Albanians, 19.5% Macedonians, 9.8% Turks, 3.8% Roma and 0.3% others. As reflected by the above percentages, the Albanian community is three times as numerous as the Macedonian’s, who make up the second largest ethnic group in the municipality, though they are the majority population at the country level.

Participation of minorities in the local level governance in Gostivar differs in the municipal administration and the public enterprises founded by the municipality as a consequence of the fact that previous policies did not pay attention to equitable representation. However, actions to balance these disproportional numbers and this discrepancy are taken rapidly.

For instance, the number of Albanians working in the municipal administration is 31 or 70.45%; there are 12 Macedonians (making up 27.27%) and 1 Turk (2.27%). These numbers more or less reflect the ethnic composition of the population in Gostivar. In addition to this, the Municipal Council, as a decision making body at the local level, also reflects the ethnic composition of the municipality: there are 22 Albanian (70.96%), 5 Macedonian (16.1%), and 4 Turkish (12.9%) councillors (out of a total of 31). It is worth mentioning here that the councillors and the Mayor are elected in direct elections by secret voting.

The concern for a broad inclusion of all ethnic groups is one important step in the promotion of the principles of good governance. One learning point for other local public administrations concerns the minimum standard imposed by the national legislation. The initiatives of the local administration should not be reduced to just implementing the legislation where the percentage requires it, but it should be to respond to the needs of the citizens even if the measures are not legally required.

The new Mayor, Nevzat Bejta, gained votes from citizens regardless of their ethnic or religious background. Upon the recommendation of the Mayor, the Municipal Council unanimously adopted the decision to use the Turkish language (in addition to Macedonian and Albanian) in the Municipal Council Sessions, which was regarded as a very promising and encouraging step that would further advance interethnic relations in Gostivar as the key factor for the successful future of the Gostivar citizens. This proved to be a wise decision. As laid down by the Constitution, with amendments introduced by the Framework Agreement: “Any person living in a unit of local self-government in which at least 20 percent of the population speaks a language other than Macedonian may use that language to communicate with the regional office of the central government with responsibility for that municipality; such an office will reply in that language in addition to Macedonian”. As it can be seen in this provision, it was not an obligation for the municipality to adopt such a decision, since the Turks make up less than 10% of the population in the municipality; but it was rather the goodwill of both the Mayor and the Councillors to vote in favour of also using Turkish language in the Municipal Council sessions.

The power sharing mechanisms have gained ground in the past years as possibly the only mechanisms that ensure effective participation of minorities in the decision-making process. These mechanisms include

recognition of diversity, proportionality, inclusion of all the groups in the executive, and the veto right.

The Municipality of Gostivar founded the Commission on Inter-ethnic Relations upon the second session of the Municipal Council. It is made up of 5 members, whose responsibility is to tackle ethnically based issues. Also, the Council consistently applies the so-called Badinter Right, which is an effective mechanism (minority veto) to ensure that the rights of the non-majority communities are not breached by the majority community in issues that directly involve political, economic and social rights affecting the identity of these communities. This principle also derives from the Framework Agreement and is used at both the central and the local levels. In this case, it is used to protect the Macedonians, the Turks, the Roma and others from being outvoted by the Albanians. If, for some reason, the Council fails to respect this provision, the Commission on Inter-ethnic Relations will be responsible to initiate a meeting and solve the issue. However, such situations have not occurred since all Municipal Council Sessions are carried out in accordance with the law. This is not only the opinion of the local government, but has also been confirmed by national and international monitors.

The case of Gostivar shows how the management of a multiethnic community can become a case of good governance. Inclusion of minorities can be achieved through their increased participation in the public affairs and through proportional representation. But it also raises several questions.

As shown by other cases of good local governance in this publication, the local dynamics in these cases are to a high degree decisive. In Gostivar, the decision of the new mayor to overcome ethnic barriers

by attracting voters from all ethnic groups was the starting point. Furthermore, he is a relevant actor in all the initiatives. In addition, it was the determination of the local authorities to proceed as described above, not the pressure of citizens, other mechanisms, or institutionalised rules or traditions.

Another aspect brought up by the Gostivar case refers to the small minorities and the possibility that they be used against the larger minorities by the majority population. This is indicated by the attention paid to a minority making up less than 10 percent of the local population, and little mention of the Macedonians, the majority at the national level and the most important local minority – almost 20%. This behaviour is symptomatic of the region, where the local or national majority promotes the

interests of small minorities in order to demonstrate institutional interest in accommodation of diversity, but neglects the largest minority.

The relationship between the Macedonians and Albanians raises another question: the reversed majority-minority relations. The Macedonians are the majority at the national level, but they constitute the minority at the local level. Though this issue would deserve special attention because the minorities tend to reproduce the behaviour of the majority when they represent the majority at the local level, it is treated as rather unimportant. Awareness of local minorities (whether they are the national minority or not) and proper measures to accommodate them should constitute dimensions of good governance in any multiethnic environment.

Local level representation mechanisms: the role of representation mechanisms and how they can promote the interests of minorities.

4.1.4. Case study on the participation of minorities in local governance, Tuzla, Bosnia and Herzegovina

This case study, although limited from the lack of practice, highlights the importance of making space for minorities, especially in a state in which there is no majority, but three constituent nations. Although the model is not clear regarding the outcomes of the representation, it does represent a first step in acknowledging and ensuring minorities' rights to being part of the local decision-making.

The main idea exemplified by this multiethnic community in the Federation is the provisions of the electoral law passed in 2004 which allocates seats to representatives of national minorities other than the three constituent nations, Bosnians, Croats and Serbs. This

is the only document in Bosnia and Herzegovina that stipulates the representation of national minorities in institutions.

According to this law, members of national minorities can participate in elections for seats in the municipality council. At the next local elections (2008), two members of the municipality council of Tuzla will be members of national minorities. As a result, the municipality of Tuzla will – at the next municipality elections – have 32 instead of 30 councillors.

The new law will come into force in the local elections in 2008 for the first time after municipalities have individually carried out local censuses in order to establish the list of national minorities, as well as their share in the local population.

Prior to local elections, every municipality has to change its Statute and provide the list of national minorities it accommodates, as well as the number of their members, so that seats can be allocated. The law stipulates that national minorities whose numbers account for less than 3% of the municipality's population are guaranteed at least one seat in the municipal council. Each minority exceeding 3% of the local population is guaranteed two seats in the municipal council.

The municipality of Tuzla was the first to review its census data and change its Statute, adjusting the number of representatives in the local council to ensure the legal number of minority representatives. As a result, starting in 2008, Tuzla will have 32 local representatives, 2 of whom will legislate for the benefit of the minorities living in Tuzla. These additional seats allocated to elected representatives of the national minorities are the means to ensure the participation of national minorities at the most crucial level of governance, the local one.

There are two major issues raised by the case in Tuzla: how can participation be quantified (that is, based on which criteria can one assess the success of representation of minorities in municipal councils), and what are the mechanisms of, and parties involved in, the appointment or election of minority representatives?

The stipulations of the new electoral law regarding local representation for national minorities are first of all a mechanism for the representation of these groups in municipal councils. The fundamental question is what potential do the aforementioned allocated seats have to permit *de facto* participation of minorities? More exactly, what chances do proposals of the minority representatives stand in getting favourable votes? What guarantees do these minority representatives have that the interests they are supposed to voice do not end up neglected and unheard? In addition, how can one measure the level of participation of minority community representatives in such a way that it indicates good governance and not –

for instance – the smooth functioning of the municipality council with minority representatives in it?

Representation and participation are two different stances that a (minority) community can experience. One's concern – when discussing good practices in local governance in multiethnic communities – is to make sure that the two go hand in hand and either custom, or legal provisions, reinforce the dynamics of co-participation among different communities living together based on representation. The question is, what turns sheer representation into successful participation? Is this law a means to ensure some form of power-sharing (participation) or representation? Furthermore, a technical question completes the first two: how is the success of minority participation to be measured to reveal the degree of appropriate inclusive local governance?

Another issue is the way representatives of the minority communities are appointed for election, as well as the distorted outcomes of the electoral process. A question about the technicalities of election itself can also be raised, as there are several elements that exert influence on them: the design of the lists (single or doubled by a second one with the names of the appointees for the minority seats), the style of the vote (single vote, or special vote for the minority representatives), as well as the recipients of the right to vote for the minority representatives (any voter, as opposed to members of the minority communities exclusively). In addition, attention should be paid to the risk of “ethno business” potentially done by some members of the community.

One limit of the Tuzla model as a case of good governance is that it has not been performed yet, and there are no real life experiences connected to the outcomes generated by this law. Still, although the positive outcomes of the provisions are only hypothetical, the model is important as a generator of questions and alternative scenarios, offering a chance to refine attempts at improving minority involvement in local governance.

4.1.5. Case study on the access of minorities to institutions, public services, education, employment, and use of native language in Kosovo

Kosovo is not an example of good governance, but the case eloquently illustrates the necessary prerequisites that troubled societies need to ensure in order to be able to govern successfully. One such prerequisite is security and public safety. Another one is equal access to resources and funds allocated for all publicly financed sectors of life: healthcare, social security, education, infrastructure, and order. Finally, it appears that proportional representation and the elimination of segregation are also considered to be fundamental to early steps of effective governance.

The case study from Kosovo highlighted the overall situation of ethnic minorities in the region by referring to key aspects of public life regulated by law and enforced by the Pristina government (PISG).

Given the nature of the recent open conflict in the province, the appointed advisor on minority affairs – Jenness Craig – addresses issues such as security, return of refugees, self-governance (also implying the empowerment of local communities), as well as conditions for the exercise of the right to free movement. Unlike other states whose populations have not experienced recent outbursts of ethnic hatred in violent forms, Kosovo's minorities (especially the Serbs) have an underlying problem in addition to the ones they may experience in the form of under-representation or discrimination or lack of public acknowledgement: security.

On 10 January 2005, the Special Representative of the UN Secretary General (SRSG) appointed Jenness Craig as Senior Advisor on Minority Issues.

The purpose of this appointment was to support the SRSG in an effort to integrate Kosovo minorities and create a multiethnic society in the province. The position is focused on the issues closely related to the priorities for fulfilling standards related to constant dialogue among ethnic communities in Kosovo.

Jenness Craig reports to the UN SRSG and is in continuous cooperation with the Coordinator for standards and other UNMIK staff.¹¹

Equal representation of all groups in decision-making and executive positions, as well as access to public resources are thus relevant concerns and under constant scrutiny in order to avoid discrimination.

Based on the Constitutional Framework issued in May 2001, Kosovo established a multiethnic self-governance as of 13 June 2002.

Until April 2005, Kosovo Police Service (KPS) had 6,282 police officers divided in 26 police stations, out of whom 84.15 % were men and 15.85 % women, 84.5 % Albanians, 9.4% Serbs, and 6.1% of other ethnic background.

Minorities represent 6.1% of the Kosovo Protection Corps, of which 46 are Serbs, 43 Muslims, 13 Croats, 13 Turks, and the rest Roma, Egyptians, and Ashkalies.

There are 398 local judges and prosecutors, of whom 18 are Serbs and 22 from other ethnic groups; also, 24 international judges and prosecutors work on 88 cases. It is considered that among the court staff, ethnic minorities are underrepresented with only 4.4% members of minority communities out of the total number of court staff in Kosovo.

11. UNMIK Press Release 1297, Monday, 10 January 2005.

There are hospitals in all areas in the main centres: Pristina/Prishtinë, Mitrovica/Mitrovicë, Dakovica/Gjakovë, Prizren/Prizren, Pec/Pejë, and Gnjilane/Gjilane, as well as outpatient clinics in all 30 municipalities. There are 13,500 employees working in the healthcare sector, including 1000 Serbs. Small outpatient clinics provide medical services for the villages.

A total of 42,000 children attend 1200 schools. Around 15,000 students attend two universities in Kosovo. The Kosovo Assembly has passed the Law on Adult Education and Training.¹² There are certain schools in the Bosnian language that follow the Kosovo education programme and two departments of the Pristina University located in Pec/Pejë and Prizren/Prizren, especially operating for Bosnian students.

Even though there were plans to enable Bosnian students to attend university in the Albanian language and take exams in Bosnian, the university has not implemented that yet and it is still difficult for Bosnian students to continue their education at other universities in the region. There is also a lack of schoolbooks. Even though the Ministry of Education, Science, and Technology had some books published, the amount is still insufficient. The most critical issue in the field of education is instruction in native language. This issue is not so much caused by open discrimination, but rather by insufficient funding divided in an equitable way to all groups, and in some cases, by limited mobility in the territory. While Serbian children who have schools nearby usually attend parallel schools financed and managed by the Serbian Ministry for Education and Sport, and Turkish children can attend school in Turkish language, other communities do not have such opportunities.

Roma people have the most serious problem with this issue. There are no schools or schoolbooks that could help Roma children learn Romani. As it is

with other issues, the Roma community is not strong enough to receive sufficient funds or other types of support for opening at least one class in elementary schools, or for publishing school books in Romani. Ashkaly and Egyptians attend Albanian schools, and the members of these communities complain all the time that they do not identify enough with their nations. Gorany, who mostly live in the municipality of Dragas/Drage, in the south-western part of Kosovo, still face a lot of problems with education in their native language. Even though it would be possible for Gorany children to attend Serbian schools because of the similarities with the Serbian language, most of the Serbian schools are in the central and northern part of Kosovo, which is too far away for the members of the Gorany community.

Although the situation regarding the visibility of minorities in institutions of public life, as well as key activities for the survival of minority communities is defined by significant shortcomings, these are secondary to the central issues facing minority communities: security and employment. Many of Kosovo's minorities in rural communities are poorly educated and mostly unskilled; therefore, it is hard for them to find jobs, and consequently, on the average, they are poorer than the average majority Albanians. This makes them more dependent on state funds and social benefits.

The residents of Kosovo have the right to a pension. This is regulated by UNMIK Resolution no. 2001/35 on Pensions in Kosovo, as well as by a law passed by the Kosovo Assembly on social and family services.¹³

The Kosovo Government started paying pensions in July 2002 right after it passed the aforementioned law. Around 100,000 people draw their pensions, of which 18% belong to minority communities. The basic pension now is the equivalent of 40 euros per month.

Social welfare support goes from 34 to 62 euros per month, depending on the number of family members

12. Law no. (02/L-24) Art. 13 states on non-discrimination: Older freshmen have right to be treated without discrimination based on ethnic reasons, political and religious beliefs, national or social background, sex, and limited abilities.

13. Law no. 02/L-17.

and other criteria. Around 200,000 people receive social welfare support.

The lack of equity among the groups living in Kosovo, and their limited presence in the public sphere, is also visible in the use of their respective native tongues in dealing with the public authorities and in the media.

Every municipality should provide interpreters and use the languages of all communities living in that municipality. This was regulated by the UNMIK Resolution 2000/45.¹⁴

Kosovo Gazette is published regularly at least once a month in Albanian, Serbian, Turkish, Bosniak, and English.¹⁵

At the public RTK TV station there is a certain amount of time allocated for programmes in minority languages, which was recently extended. RTK offers news and cultural programmes in different languages several times a day. However, such programmes still do not represent a method for diverse communities' representatives to inform the minority audience of important events or issues related to that specific community. This does not apply to the local radio stations. On 1 June 2005 four new radio stations sponsored by the OSCE Mission to Kosovo were opened. Journalists who are members of these communities broadcast various programmes, including news, hoping to improve the flow of information within the communities.

The case study on Kosovo reveals several aspects regarding ethnic bias in public policy. The main question raised by the case study is whether lack of representation in administrative institutions (police, court system, healthcare institutions) – revealed by the presentation – is, in this context, a matter of ethnic bias. Ethnic bias in issues concerning returnees, and the security and/or freedom of movement of Kosovars is a direct by-product of the nature of the recent

conflict. However, no one can surmise that the Kosovo administration and the UNMIK reveal an ethnically biased way of addressing post-war issues affecting Kosovars in general, when the person appointed to manage these matters is the advisor on minority issues? Is turning post-war challenges into matters of ethnic groups' challenges a means to institutionalize ethnic bias?

Another facet of ethnic bias is revealed by the expectations of the Pristina government that minorities will organize and exert pressure over the majority Albanian government in order to have their needs met. The government's expectations vis-à-vis self-organizing of minorities is already a matter of ethnic bias, as the same government does not expect the same thing of the Albanian majority. Since this government acts for the majority Albanians, there is no need for the majority to exert pressure over political actors. In addition, expecting self-organizing abilities of minority communities, but not of the majority community, and engendering policy-making practices built on such a double standard can also be conceived as ethnic bias in the process of decision-making and resource allocation, respectively.

Although the case of Kosovo is somehow singular in the region, it reveals several common characteristics for the region. The example is suggestive of the reproduction of state conduct on a smaller scale, biased in favour of the majority group.

Another problem raised by this case is that proportionality is not enough to ensure equal access of all groups to public services. The proportionality principle has to be accompanied by measures that create equal chances for all groups. Equity means that the benefits are given according to the identified needs. This first requires identification of all of the needs of all groups, without differentiation according to number or status - majority or minority.

14. UNMIK Resolution, on self-governance in the municipalities Art. 9 – Languages, Item 9.5 Statute of the municipality and Resolution on the languages of Communities.

15. See Kosovo Law on Gazette no. 2004-47, Art. 3 – Languages.

4.1.6. Case study on the implementation of the Law of Self-Government in Sombor Municipality, Serbia

The municipality of Sombor offers a clearly defined case of public authorities weaving into their everyday work activities aiming to foster inclusion and to ensure the survival of minority cultures. Three elements form the pillars of this organic model of multiethnic good governance. Representation of diversity in decision-making bodies is the first key aspect. The institution of the ombudsman, responsible for matters concerning the equality of minority communities, and that of the Serbian majority, is a second key factor. Lastly, the forum in the form of a Council for Interethnic Relations is the third key element in keeping the very different cultures alive and thriving.

This case study focuses on the consequences of the Law of Local Self-Government and how a multiethnic municipality, Sombor, understood its application. Although we cannot consider the law as a model of good governance, the case is relevant because it identifies the elements that could make it an example of good local governance.

As one of the most important solutions for the improvement of interethnic relationships in local communities, we shall cite the example of the Law of Local Self-Government, issued in 2002, which in Article 63 introduces the institution of Municipal Councils for Interethnic Relations into the legal and social life of the country. This article regulates the obligation of ethnically heterogeneous municipalities to found councils whose basic competence would be to discuss the issues of realization, protection and improvement of national equality according to the Law and Municipal Statutes. In addition, the Law defines the role of the Council.

The first limitation of the law is related to its partial application due, in this case, to insufficiently clear legal regulations. This characteristic is one of the most common in the region, as a result of ambiguous or incomplete legislation, and/or lack of funding and human resources for the implementation of the legislation.

Although many municipalities had the foresight in their Statute to set up the Council, because of insufficiently clear legal regulations regarding the founding and work of these bodies, there are only 18 municipalities in Serbia (16 in Voivodina and 2 in Sandjak) that have established a Council for Interethnic Relations

The case study on Sombor Municipality is the focus of the present analysis, because here the local public administration understood the possibilities provided by the idea of local self-government, i.e. taking responsibility for the minorities at the local level and acting in the interest of all local citizens.

The municipality of Sombor is situated in the farthest north-western part of the Republic of Serbia, bordering on Croatia and Hungary. It stands out as a genuine example of tolerance, mutual respect and harmony among the citizens of all nationalities and religions. Multiethnicity is the most precious historical heritage in this over three-century old community. The 1178 km² territory hosts, beside the city of Sombor, another 15 settlements, which share 97,263 inhabitants. There are 21 nationalities represented, with the Serbian ethnic community amounting to 61% of the total population. Among the more numerous ethnic communities are the Magyar (approximately 13%), the Croat (8%), and Bachka Croat or Bouniëvtzi (3%). Members of the Croat, Shokatz and Magyar communities make up the majority population in 6 villages.

At the institutional level, representation of minorities in the local decision-making bodies is the first indicator of good governance. Protection of the rights of the citizens against possible abuse of local authorities is the other relevant aspect, embodied here by the Ombudsman.

Members of national and ethnic communities participate equally in the economic, social and political life of Sombor. The political parties of the Croat and the Magyar communities have their representatives in the Town Council Session. Moreover, out of the total of 61 members of the town council, 6 declare themselves to be Croats, 4 Magyars, 1 a Bunjevatz, while 7 belong to other ethnic communities. Striving to pay adequate attention to multiethnicity, the Ombudsman's Office in the municipality of Sombor started work in 2005.

The widespread experience in the region proves that the legal and institutional framework is not enough to have the legislation implemented. This is why the involvement of the local administration in other projects and initiatives is important. They are meant to create the capacity of the local government to reach its goals and to implement the existing legislation, as well as respond to the needs of the citizens. Aiming to develop a model of good administration in the local community, the municipality of Sombor, in cooperation with the Center for Regionalism of Novi Sad and the Fund for an Open Society of Belgrade, launched the project entitled "Local Policies in Multiethnic Communities", in which Sombor serves, along with Senta and Zrenjanin, as one of 3 pilot municipalities. The focus of this project lies upon information and official use of language, including in writing, culture and education.

These activities will be coordinated in cooperation

Within these fields, pilot municipalities undertake several different activities:

- *building the capacity of the local self-government,*
- *designing local policies and action plans for ethnic communities,*
- *intensifying public advocacy of the Councils for interethnic relations,*
- *supervision and evaluation of the work of local self-government in all the fields mentioned above.*

with the Ombudsman and the national councils, i.e. the Councils for Interethnic Relations.

Defining the needs of the citizens in an inclusive manner, to accommodate the majority and the minorities alike, is in the spirit of good governance. The local administration has the capacity and resources to influence and raise the cultural life of the minorities and to support them in keeping alive their cultures and traditions. The most important aspect, in this regard, is the public education system in minority languages, and protection of the edifices that are markers of community life.

In Sombor, special attention is paid to support for public institutions, and to establishments and projects of national minorities in the territory of the municipality. In 2005, the municipality financially managed complete expenditures for elementary schools (performing the teaching in the native tongues of national minorities in seven elementary schools) in an overall amount exceeding 27,000,000 Dinars¹⁶. Furthermore, the funds of the municipal budget are used to financially support teaching in the Magyar language in two secondary schools. Also, complete school book collections for elementary school from 1st to 8th grade, printed in the languages of national minorities, have been provided by the municipality.

The municipality of Sombor also materially supports the activities and projects of the cultural so-

16. = 344,417 €, Feb.2007

cieties and associations of citizens belonging to national minorities. In 2005, more than 15 associations were subsidized from the municipality's own financial resources.

In the field of information dissemination in the languages of minorities, the municipality of Sombor pays for the publication of a weekly newspaper in Hungarian "Dunatai", the expenses for which amounted to 2 million Dinars¹⁷ for the year 2005. The municipality of Sombor, as the founder of PE "Radio Sombor", enabled the broadcasting of programmes in Serbian and Hungarian languages alike, in such a way that the language of the ethnic minority was not limited to news broadcasts only, but was also included in the all-day Radio Sombor programme, as well.

Also, financial support was provided for repairs of church buildings of the Roman Catholic Church in Sombor and in Bachki Monoshtor, amounting to around 5,500,000 Dinars¹⁸, and the Jewish and the Reformed Churches of Sombor also received financial support.

The case of Sombor is relevant to the belief that good governance emerges from local initiative, rather than from centrally adopted legal provisions. At the same time, this case also demonstrates the situations that may occur as a result of incomplete or ambiguous legislation, which

accounts for non-implementation or partial implementation of legislation.

Furthermore, the case indicates to the relevant aspects of the community life that the local administration must pay attention in order to preserve the traditions and cultural life of the minority communities. Although the answer to this problem is quite simple, i.e. looking at what the minority ethnic groups need and taking subsequent action, the experience in the region shows it is difficult to overcome the more recent or past tensions between the groups, and the tendency to perceive democracy in terms of strict majority rule.

Although the initiatives are admirable, there are two questions raised by the examples mentioned in the case studies. Who defines what initiatives are financed: is the decision made by the members of the community who are also the beneficiaries, or rather, is it the choice of the authorities? The second question refers to the implementation of these initiatives: to what degree are the members of the ethnic groups involved in this process? As emphasized several times in this chapter, minorities should participate both in the definition of the needs and in meeting those needs.

Accountability and responsiveness via informal local initiative

Accountability and responsiveness refer to the willingness of the local government to address specific demands of the community. In a multiethnic environment, this implies that the demands of ethnic groups are placed on the agenda and are addressed by the local authorities through proper allocation of

resources, improvement in the quality of services, special programmes aimed at a specific target group, etc. The following case studies reveal the means by which local authorities are convinced to address the needs of minorities, as well as the extent to which these means impact real life situations.

17. = 25,514 €, Feb. 2007

18. = 70,162 €, Feb. 2007

4.1.7. Case study on the role of the local council in Kardjali Municipality, Bulgaria

The case study highlights the beneficial impact at local level governance of local councils formed as forums for discussions and formulating interests. Although labelled as institutions through which minority communities can contribute to decision-making, this is not the case. The strengths of this model are its potential to stimulate direct participation and an ongoing negotiation of local problems and find suitable solutions. Its weaknesses consist in the fact that they lack institutionalization, hence they are strongly dependent on the willingness of local authorities to create the environment necessary for such forms of cooperation.

The case of Kardjali municipality is interesting as a case of responsiveness and accountability. Upon the initiative of the mayor, several local councils were created in order to involve the citizens in the formulation of the problems at the local level. Thus, one step in becoming accountable is to create the channels through which the people can express their needs.

The municipality of Kardjali is situated in the Southeastern part of Bulgaria. It includes 117 inhabited places, separated into 43 small administrative centres. Kardjali has evolved as an administrative, commercial, cultural and industrial centre. It is 259 km away from Sofia and 90 km away from Plovdiv. The nearest border town is “Kapitan Andreevo”, 132 km away from the town and it connects Bulgaria with Turkey and Greece. With the opening of transport corridor N9 and customs Mataza there will be a straight connection with Greece, only 57 km from the town.

The municipality of Kardjali is a multiethnic community, inhabited by 69,830 people. In 2001, the ethnic structure of the population was the following: 30,209 (43.1%) Bulgarians, 36,980 (54.3%) Turks, 938 (1.5%) Roma, and 1408 people did not declare their ethnic group.

In this case, the creation of local councils came as a solution for voicing interests of all inhabitants of the municipality and for inclusion of the population in the decision-making process. During the meetings, different themes, problems and solutions are discussed. Another form of this type of participation is to have citizens participate in special commissions on different problems or subjects.

Here are a couple of examples of active participation. A problem occurred with the town Art Gallery, and the Mayor invited people who were concerned or who were experts in the field – artists, journalists and experts in restoring paintings – to a meeting. As a result, the restoration work is now being done, and funding is being sought from donors to complete the work.

On another occasion, when the Municipal logo was to be decided, a commission was set up, and even the mufti and the orthodox priest participated. This shows trust, tolerance and respect to the religion and culture of others. The Mayor of the municipality, Hasan Azis, established a fund of 25,000 euros to co-finance projects of non-governmental organizations, schools, cultural and other institutions concerned with improving public life and to encourage the development of the municipality.

Attention is paid by the local public administration to the issues of local minorities, the Roma being one of them.

The Roma have their representative on the Town Council. When an issue arises, the Roma can be sure their voice will be heard. For example, the Roma people needed a health centre in their neighbourhood, so the Mayor did everything to open one.

Another issue of interest in Kardjali is education. The example below shows how, after public consultation, a public policy was developed which reflects the problems identified by the people and the solutions they found. The method was quite successful in Kardjali, so it applies in other relevant fields, also.

In the middle of 2004, a public council for education was established. Members are experts from the municipal administration, school inspectors, headmasters, teachers, parents and common citizens. During the council meetings, the participants discuss specific problems of the municipality, such as school dropout rates, bilingual education, juvenile delinquency, and drug abuse at school, etc. The issues therefore revolve around the following:

- *ensuring equal access to high quality education;*
- *organizing after-school programmes for the children;*
- *providing training courses for teachers working in a multiethnic environment;*
- *involving parents in the process of education, etc.*

This public council for education prepared an education strategy and action plan, which were widely discussed and accepted by the Town Council. After that, the Mayor and his team had a clear image of the problem, and thanks to the public discussion, he had a flexible action plan to respond to the needs of different ethnic groups.

Following the example of creating a public council on education to assist municipal administration, a few more public councils were created:

- *public council for culture*
- *public council for tourism*
- *public council for drug abuse*
- *public council for urbanization*

The model promoted by the municipality of Kardjali is a good example of bringing the local administration closer to the people, and making the policies respond to the precise local needs. Transparency and accountability in the governance process means keeping the people involved in the decision-making process and fully informed of the implementation and results. The local councils are one possible solution for keeping the citizens involved and at the same time, ensuring total transparency.

The model has inherent limitations highlighted by similar experiences in the region. Its functionality is a question of openness of the local public administration. What most of the cases of good governance lack is means of institutionalization of such initiatives, that are otherwise in danger of dissolving once their promoter disappears.

The question raised by this model is how to get this type of direct participation of the citizens to have an effective influence on the local governance process, and how to overcome the rule of majority. The model presented above does not contain the mechanisms through which the responsiveness of the local public administration to the needs of minorities is raised. The issues of the local minorities in Kardjali became relevant because the majority of citizens and the local public administration decided so. In order to have a model of good governance in a multiethnic community, it is imperative to get the local administration to respond to the needs of both majority and minorities.

4.1.8. Case study on the community development programme as a model of good governance in Prahova County, Romania

This case study, relying on extensive experience of using community development strategies, proved to be effective in a variety of different ways. The model proposes a mediated cooperation between previously neglected and non-participatory communities and the local and county level authorities in agenda setting and implementation. The model proposes the intervention of a third (expert) party, the mobilisation of the minority (Roma) community and the formation of an informal negotiating team that can represent their own community in negotiations with the authorities. The weakness of this model is that the long-term outcomes of the facilitating actor's withdrawal are unknown.

The following case study analyses some success stories of actively involving the Roma communities into the life of the village in several settlements in Prahova County, Romania. The case focuses on the work of an NGO in Roma communities and their immediate vicinities, and more precisely, on community development projects in which Roma members of the community were involved in the needs assessment stage, in negotiations with local and/or county officials for resource allocation, and in making their own contribution to completing projects of public interest. As a result of this involvement, the relations between local authorities and the Roma community improved significantly.

The purpose of the projects was to stimulate the participation of the representatives of the relevant local and central authorities in the implementation of the General Measures Plan¹⁹. One of the objectives of the project was to actively engage the Roma communities in the decisions that concern them.

The model stresses the importance of voicing one's own needs – the inclusion of Roma priorities on the local agenda and the significance of being part of the actual decision-making at the local level – as the sine qua non condition for facilitating participation of the Roma. These are both crucial aspects for the welfare of Roma communities especially in rural areas. Another aim pursued through these projects was the development of durable partnerships among the Roma communities and the local, county, and central authorities, as well as partnerships with the non-Roma members of the community.

In addition, involvement and participation re-emphasized as civil rights (as opposed to an act of good will of the government or the majority group) and negotiation were the most valued means in accomplishing set goals, along with pressure, lobbying and advocacy.

The main activities of the projects through which the final products were obtained were:

- project promotion campaign
- needs analysis
- setting up local initiative groups
- training of the initiative group members in “Community Development”
- developing local development plans
- providing financial support for the implementation of two selected action plans
- monitoring and assessment of the project.

Some of the outcomes of the projects were:

- 50 Roma people were mobilized to participate actively in solving their own problems;
- 5 local authorities were involved in solving the problems of Roma communities;
- priority problems of the community were identified and action plans to address them drawn up;
- an initiative group in each target location was formed, and subsequently recognised by the Local Councils;

19. GD no. 430/2001, Roma communities local development sector.

- *the conditions for a lasting local development were created;*
- *collaboration between the local Roma communities and the local authorities was started;*
- *the civic participation of Roma in the five localities improved significantly*
- *the Roma communities in each of the five localities delegated a representative of their initiative group to run for local councillor in the local elections in 2004. Two of them were elected;*
- *based on the expertise acquired in the project “Center for Professional Inclusion of Roma Ethnic”, started in December, 2003, Împreună Agency offered specialty consultancy to the local partner, Tudor Foundation. Thus, in June, 2004, Tudor Foundation received funding for the project “Center for Social Inclusion of Roma Ethnic”.*

The above case also revealed an important tool in the assessment of the model. Many of the indicators are useful in pinpointing its contributions to local good governance:

- introducing priorities of the Roma communities on the working agenda of local authorities;
- at least 10% of the programme’s cost was covered by the local council;
- 5 initiative groups were (officially) recognized by decisions of the local councils;
- active participation in voluntarily solving one’s own problems;
- increased self – confidence of the beneficiaries (Roma);
- active involvement of the local authorities and Roma organizations;
- involvement / consulting of Roma representatives at the local decision-making level;
- improved relations between the Roma communities and the local authorities;
- improvement in the local communities’ perceptions

of their Roma neighbours.

In conclusion, the two main results of the programme were: agreements for further cooperation between the major stakeholders (i.e. the local authorities and the initiative group of the Roma community), and the creation of a foundation for further collaboration.

As far as the sustainability of this model is concerned, the question remains regarding the further development of good relations after the NGO withdraws its support and steps aside as facilitator of the process between the Roma community and the local authorities, the Roma community and the rest of the village, and the village and county or central authorities. Also, it is questionable to what extent pressure, lobbying and tactics of exposing authorities through channels of the media will remain viable in the long run in maintaining those institutions interested in collaborating with a long-neglected minority group. In other words, would there be a risk of negative backlash due to the means employed in pressuring authorities, once the aiding organization is not present to support the Roma community?

The more important question regarding any model for local good governance – not only as far as this model is concerned – is its limitations and its exportability. What are the weaknesses of the model, or what problem(s) is it unable to tackle? For instance, it is questionable to what extent it raises awareness towards social inclusion among the non-Roma in the given communities.

The model is replicable provided that (1) values and demands of the communities gain priority in the design of the community project to be carried out, and (2) the diversity of the Roma minority in Romania is taken into account during all stages of planning, as cases of wealthy (and possibly more conservative) Roma communities may arise, which are more likely to refuse any intervention.

4.1.9. Case study on the Relationship between the Police and Multiethnic Communities, Romania

The strength of this model, developed as a response to the lack of implementation of legal provisions, consists of its flexibility and decentralised nature. Although positive discrimination (affirmative action) targeting members of minority communities in entering the police forces and the use of minority languages, initiated by the responsible Ministry, were enforced, the measures proved to be insufficient. As a response, these strategies were paired with assistance (financial, know-how) from NGOs in local, short-term projects. This model – whose aim is to enact high quality governance – strongly relies on the joint efforts of authorities and NGOs in addressing the lack of implementation of existing legislation.

The following case study focuses on the attempts of non-governmental organizations to improve the relations between the police and multiethnic communities. The idea originated due to the recurrent cases of abuse by the police in Roma communities, and also due to the fact that before 1989, the militia (the former name of police) was seen as the instrument for political repression (for all Romanian citizens alike) as well as national/ethnic repression (for members of ethnic communities). This perception survived to a certain extent throughout the 1990's and to the present, coupled with the lack of adequate general and specific communication.

There are several levels on which these issues are addressed, starting with the enactment of a proper legal framework:

In June 2002 Law no. 360 on the Status of the Policeman was passed. Article 79 of the law states that “in the territorial-administrative units where people belonging to national minorities comprise over 20% of the population, police officers speaking the respective minority languages should be hired”.

A particularly salient problem is the relationship between the Roma community and the police. Thus, the Strategy for the Improvement of the Roma Situation (Government Decision no. 430), adopted in April 2001, includes one chapter entitled Justice and Public Order, aiming to develop local programmes in cooperation with Roma organizations in order to provide identity cards for the Roma, initiate training and criminality prevention programmes together with Roma, and increase the number of Roma represented in the police and in the gendarmerie.

Law no. 218/2002 regarding the organization and functioning of the Romanian Police sets up a new institution at local level, the Territorial Authority for Public Order, a consultative body on procedural issues regarding the activity of the police in the interest of the community. In addition to representatives of the police, as well as those of the local authorities, members of the community are also on the board, ensuring the premises of improved communication between the police and the community, as well as a more effective involvement of members of the community in the activities of the police.

This legislative framework, although addressing several central issues regarding relations between the police and multiethnic community, does not solve all the problems, especially since its implementation is the critical point in this area.

The main problems persisting in the relationship between the police and multiethnic communities are the following:

- in spite of an adequate legislative framework, and declared availability for resolving problems, the problem of good governance in multiethnic communities does not represent a systematic and institutional preoccupation of public authorities due to other priorities that the Romanian Police and the Ministry of Administration and the Interior face in their reforms. This fact is demonstrated by the lack of plans regarding the implementation of legal provisions, as well as the lack of funds necessary for carrying out such public policy;
- under-representation of various ethnic communities in the ranks of the Romanian Police, as well as among clerks of the Ministry of Administration and the Interior. Although members of ethnic minorities represent more than 10% of the total population of the country (according to the 2002 census), the share of public servants from ethnic minorities employed by the Ministry is under 1%;
- lack of interest among youth of minority communities to work in the police; in the case of Roma, this problem is doubled by the fact that only a very small number of individuals are eligible to apply for admission into institutions of education of the Ministry. While affirmative action, successfully applied in institutions of higher education in Romania, is not strictly necessary for members of the Hungarians and small minorities, for the Roma it seems to be the only solution to attract a larger number of candidates;
- although the legal department of every county police inspectorate has designated officer(s) responsible for the Roma, with significant experience and tactful in their relationships with the latter, there still are dysfunctions in these relationships at the local level (discriminative practices on behalf of public authorities; professionally unjustified raids in areas inha-

bited exclusively by Roma; unacceptable offensive attitudes towards Roma people by public servants; lack of official papers and clear civil status for some of the Roma; isolated, though sometimes gross, violations of human rights, including the unjustified use of violence and force against citizens belonging to the Roma minority);

- although Territorial Authorities for Public Order were set up in every county, most frequently - due to the limited skills of local community representatives in these institutions, and to the reluctance of the local police to cooperate - the institutions are unable to achieve their mission to genuinely improve communication between the police and the local community.

The Ministry of Administration and the Interior has had several initiatives to facilitate the partial application of the above-mentioned legislation. These initiatives have targeted the use of minority languages in the police and the representation of the Roma community in the institution both through the presence of police officers who assume their Roma ethnic identity, and through the presence of officers who are specialized in liaising with the Roma community.

In addition, the work of the non-governmental sector with the Police has been effective in terms of addressing most of the above-mentioned issues, as demonstrated by the following initiatives.

1. The project entitled Human Rights and Conflict Management for Roma Liaison Police Officers, was implemented between 2004-2005, by a partnership including the Regional Center for Facilitation and Negotiation, Romania, the Ministry of Administration and the Interior, Romania, The Danish Center for Conflict Resolution, Denmark, the Danish Institute for Human Rights, Denmark, and Romani Criss, Roma Center for Social Intervention and Study, Romania.

2. The project entitled **Prevention and Resolution of Inter-ethnic Conflicts**, in partnership with the Resource Center for Roma Communities, the Foundation for Democratic Change, as well as the Institute for Research and Prevention of Criminality between 2002-2003, aimed to train 22 interethnic conflict mediators in over 10 counties of Romania.

3. Two projects, entitled **Conflict Prevention and Management in Multiethnic Communities and Promoting Good Governance in Multicultural Communities**, completed in partnership with the Ethnocultural Diversity Resource Center and the Institute for Research and Prevention of Criminality, between 2000-2005, focused on training sessions for police officers and agents, meetings between police officers and members of the local communities for the improvement of communication, as well as information dissemination activities, and promoting career opportunities with the Romanian Police among members of the local (minority) youth.

4. As part of the project entitled **Equal Chances for Roma Children without Identity Cards**, initiated in partnership with Romani Criss, The General Directorate for the Digital Registration of Persons, the City Hall of Bucharest and the Government of Romania, Roma individuals without identity cards were issued legal documents between 2001-2002.

5. There were a lot of small projects at the county level, which aimed to help citizens to receive proper identification papers (Alba, Galati, Giurgiu, Maramures, Prahova, Sibiu, Timis, etc.), or attempted to improve communication between the police and Roma communities (Buzău, Sibiu, etc.).

The main aspects raised by the case of Romania shape a model of good governance in which the non-go-

vernmental organizations take, to a large degree, the initiative to tackle issues that hinder the relationship between the police and the minority groups in Romania. These initiatives became a support for the authorities and were carried out in partnership with institutions of the Ministry of Interior. The central point of this good governance model is the partnership established between the civil society and the authorities, a partnership that allows for carrying out of the proposed activities and for solving the issues of the community in which they are active. This also makes these partnerships dependant on the willingness of the actors involved to participate in such projects. The aim of these projects was defined according to a model of good governance, which includes representation of minorities in the police, equal treatment of all groups by the police and contribution of the police to the improvement of the situation of disadvantaged groups.

4.1.10. Case study on the implementation of the National Strategy for the Improvement of the Roma Condition, Romania

The Strategy for the Improvement of the Roma Condition is considered to be an element of good governance in itself. Practically speaking, the fact that the national government issued a detailed Strategy, followed by a plan of measurement tailored for a specific minority-related problem is considered to be an outstanding model of a good practice in governance. However, irrespective of good intentions, the lack of instruments, clearly allocated funds and the lack of qualified personnel can and do leave this Romanian piece of legislation on the books, and not implemented.

By analysing the implementation of the Romanian Government's Strategy for the Improvement of the Roma Condition, one can find the reasons why the policy lacks efficiency, and also what it would take to

turn the implementation of the Strategy into an example of good governance. The Romanian Government and the relevant ministries at the central level, as well as the authorities at the county and local levels, have taken a number of steps to implement the Strategy for the Improvement of the Roma Condition. However, implementation remains inconsistent among structures involved at the central, regional and local levels. The operation has been difficult from the outset, and has had a negative impact on the Strategy's overall effectiveness. Indeed, the assessment (based on selected sectors and counties - Botosani, Sibiu, Buzau, Brasov, Constanta, Cluj, Iasi, Dolj, Timis, Brăila) indicates that the key structures involved are generally not working efficiently yet, and that the operational effectiveness of the implementation of the Strategy varies greatly, at both the central and the local levels.

At the national level, the Strategy has provided that institutional structures should coordinate the implementation of the policy.

The Joint Committee for Implementation and Monitoring (JCIM) is the primary structure for the coordination of the Strategy, with the National Agency for Roma acting as its executive body. The composition of JCIM, as defined by the Strategy, includes a President, an Executive Secretary and Members, including ministry representatives (State Secretary level) and Roma leaders. The Strategy also states that the JCIM is in charge of "organisation, planning, coordination and control of carrying through the activities stipulated in the master plan of measures". It recommends regular meetings to coordinate the implementation of the Strategy, and the measurement plan. In reality, meetings have only been held occasionally, and only about half of the Strategy-signatory ministries effectively participate in the meetings. Furthermore, most of the meetings were not attended by ministry representatives at State Secretary level, nor were they attended by

Roma leaders or civil society representatives, other than Roma Party affiliated NGOs.

Each ministry should have a Ministerial Commission for Roma (MCR) involving Roma participation, which should hold regular meetings, be in charge of the coordination and implementation of the activities in the measurement plan relevant for each ministry. However, MCRs generally do not work in the manner envisaged by the Strategy. In 2003, there were 16 MCRs established by ministerial order, but with the exception of a few key ministries, these did not meet or produce results relevant for the Strategy in their fields of activity, nor did they have regulations for functioning or clear responsibilities.

The National Agency for Roma (NAR) is a relatively new organization which evolved from previous Strategy organizations. NAR's wide responsibilities, as defined under the Strategy and its own establishment by Governmental Decision (GD 1703/2004), include the coordination and monitoring of the Strategy through the measurement plan. It has failed to take the lead in developing and proposing strategies for coordinating and monitoring the Strategy, and in providing objective reports on relevant Strategy issues and policy impact. It has been argued that the responsibility for NAR's failure largely lies at the doorstep of senior management, which has not demonstrated the strategic management skills required to structure NAR into a coherent and effective organization. A further issue relates to the fact that in the framework of consultations with Roma NGOs and the appointment of Roma experts, the Agency treats RSDP (the Roma Party) preferentially.

The malfunctioning of the Strategy at the national level is replicated at the local level, following the same pattern. The effective functioning of the strategy in some counties is, again, the result of local initiative.

The Strategy provides for the establishment of County Offices for Roma (COR) within the Prefec-

tures for planning and coordination of activities relating to the measurement plan and the Strategy. COR Roma experts are to be appointed based on a process of consultation with, and recommendation from, Roma NGOs. In practice, however, decisions were often influenced by the recommendation of the Roma Party. The operations of the BJR has been limited in effectiveness by a number of constraints. These include the lack of resources available in the Prefectures for the COR to perform their duties; the fact that the joint working groups were either working poorly or not working at all; low interest level of the local authorities in cooperating on the Strategy; and the lack of experience of Roma experts (where the position does exist) or job insecurity. The location for their functions is also too distant from the source of actual decision-making (i.e. county councils), thus making it more difficult for CORs to be effective and influential.

The Strategy calls for the employment of Local Roma Experts (LRE) in towns and communes with a high percentage of the Roma population. The LREs are to be the chief mediators between the public authorities and the Roma communities, and should report to both the mayor and the COR. At the city and town hall levels, the position is full time, while at the commune level it is a cumulated position including other job responsibilities. The process of appointment is characterised by the influence of the Roma Party in the local consultative process. The total number of LREs in the municipal and commune halls was estimated to be 146 in 2003. Eight out of the 42 counties (including the municipality of Bucharest) had no LREs appointed, and not all LREs are of Roma background. Most LREs are practically engaged in providing information about social assistance and solutions to the problems that occur in the Roma communities, and lack resources or budget to travel to Roma communities.

Looking at the situation in the counties selected for the evaluation, as in Sibiu, for example, BJR advised the mayors, with the support of the county council, to take advantage of the provisions of the Law on Public Administration, and to employ a Roma expert where the Roma population is over 20%. This was possible where a sufficient number of people admitted their ethnicity as Roma at the last census and allowed a number of authorities to set up the position of Roma expert, while the local Council has now the legal basis to allocate a larger budget. At this moment, there are seven local Roma experts employed for a population of 17,125 Roma (according to the latest census). There were situations where a Roma expert position had been approved, but for various reasons (e.g. the qualifications/experience criteria were not met, the Roma Party did not accept the person, or the mayor and the Roma leaders did not agree on the candidate), the position was not filled. It should be noted though that the recruitment for the positions was organised openly with a set criteria and requirements, written examination and interviews.

In Botosani County, local Roma experts were employed where large Roma communities live. All have a job description and are paid as experts. Some are Romani teachers as well, or have other responsibilities concerning Roma issues. In many cases, they are members of the Roma Party. There are thirteen local Roma experts appointed in Botosani, for a registered population of 3390 Roma (the real figure of the Roma population being estimated three times higher), and efforts of the COR appear to have been very successful. In addition, the COR expert provides constant support and coaching to the local experts.

In Brasov County, the declared Roma population is 18,313 and there are five towns and seven communes where Roma experts have been appointed in the town hall, with full allocation of time to Roma duties. They were recruited based on the Strategy provisions.

In Buzau county, where the Roma population is 14,446 according to the 2002 census, there are three full time Roma experts, while others have been appointed by “cumul de functii” filling more than one position, as provided by the Strategy. In Constanta, for a registered 6023 Roma population, eight local Roma experts have been appointed. Since 2003, half of them have already been replaced.

There are several conclusions to be drawn from the case. First of all, internal democracy is a necessary means of legitimizing any action taken in relation with the national strategy. Belonging to one of the minority's organizations cannot be a relevant criterion for occupying positions that are not political. Moreover, such associations will reduce the support of the targeted community for the implementation of the policy, because of the politicization of the issue.

The successful implementation of a policy requires the creation of capacities at the local level, including allocation of human and financial resources. Without capacity building, the risk is that the policy remains on paper only.

Any legal act has to be enforced in order to produce effects. The fact that the provisions of a law are not carried out at the national level is an indicator of the reduced importance of the law in practice. It is the role of other segments of the society – civic organizations, businesses, the media – to signal the lack of enforcement and to take appropriate measures in order to change the situation.

The cases presented in this chapter show that good governance in multiethnic communities can be accomplished. The following chapter will illustrate the steps that a local public administration could take in the attempt to get closer to the requirements of good local governance.