



**MONITORING**  
the implementation of  
**MINORITY RIGHTS**  
on the local level

**A HANDBOOK**

Stefan Dehnert | Harald Schenker

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Monitoring the Implementation of  
**Minority Rights on the Local Level**

A Handbook



## Contents

Foreword	1
Why monitoring the implementation of minority rights on local level?	3
Aims of the Programme	7
Proposed Methodology	9
Selection of the municipality	10
1. Decision of the Municipal Council	14
Annex I: Example taken from Municipality of Ardino, Bulgaria	17
2. Programme Group	22
3. Administration Self-Evaluation	25
Annex II: Questionnaire used in the pilot projects	29
4. Citizens' Input	44
Annex III: Questionnaire used in the pilot projects	48
5. Stocktaking	60
6. Status Report	63
7. Stakeholder Input	66
8. Proposal to Local Authorities	67
9. Evaluation	69
10. Recurrence	71
Annex IV: Example from the Municipality of Cluj-Napoca, Romania	72



## Foreword

During the ongoing process of European integration or, in other words, as a result of their striving for accession to the European Union, all states in Southeast Europe have been subjected to specific sets of monitoring their performances, not only by the European Union, but also by other international bodies, such as the Council of Europe. The issue of majority-minorities relations have been and continue to be a sensitive one in Southeast Europe, but also beyond this region.

It is today a precondition for accession to the European Union to solve potential inter-ethnic conflicts and to balance the system in a way that makes the relations between the majority and ethnic or national minorities one of mutual acceptance and respect, based upon the principle of non-discrimination. To achieve this, most countries have passed a variety of legislation, with successes in its implementation varying from country to country.

Being involved in minority related issues for some years now, we found that a disparity exists between what is happening on state level - meaning creation of legislation and policy making, and what is the reality on the ground. The fast processes of decentralisation and thus derogation of power to the local level of administration are not always matched by improvement for the minorities. In fact, ethnic bias in the work of local administrations often found as a result of a negative attitude against minorities (although it would be naive to exclude that this happens), but rather due to lack of specific knowledge, to narrow interpretation of legislation and implementation regulations, or simply to the inability or the lack of will to interrupt existing routine, and reflect upon the result of one's daily work. In all fairness it has to be said that a high work load and tight schedules often leave little space for reflection by the employees in local administrations.

Almost two decades after the fall of communism, citizens in Southeast Europe are still struggling with the lack of transparency and accountability of institutions, including the local administrations. Although progress undeniably has been made in some areas, there is still a long way to go until administration will fully become a service to the people. It would of course be unfair to claim that this is fully achieved in the countries of the European Union. The discourse here has however moved from the idea of service to that of cooperation through direct and active participation of the citizens. It comes as no surprise that Scandinavia is leading on this issue. But other countries have taken some of the experience and developed their own participation models.

Having all this in mind, it seemed to us that the time has come to tackle the two problems mentioned above: the sensitivity of minority issues on local level



and the issue of citizens input and participation in the work of local administration. We think that a combination of the two will further constructive solutions for both problems and will result in an increased and measurable level of inclusive local democracy. This was the background against which we developed the methodology we are proposing in this small handbook.

The Friedrich Ebert Foundation could rely on a network of experts from Southeast Europe, which not only discussed and gave their input into the theoretical approach in a series of workshops, but also carried out the pilot phase in a chosen municipality in their respective countries. The experience gained there was again checked against the theory and finally resulted in the methodology proposed here.

We would like to thank specifically the Albanian Helsinki Committee (Albania), International Center for Minority Studies and Intercultural Relations (Bulgaria), Ethnicity Research Centre (Serbia) and Ethnocultural Diversity Resource Center (Romania).

By publishing this handbook, we would like to encourage organisations to pick up the methodology, make good use of it, improve under way and possibly develop new ways of enhancing the democratic processes where they are most impacting on people, namely on the local level.

And one last remark: the handbook you are going to read is not a piece of advocacy for minority rights. It takes the existence of the complex of minority rights, protection and participation for granted; it builds upon the premise that there is good will both among the majority population and the local minority or minorities to contribute jointly to furthering democracy in their own, common interest.

## Why monitoring the implementation of minority rights on local level?

Over the last decades, the complex of minority rights and protection has come a long way. In the course of the 20th century it developed from a political instrument invoked and used by interest groups mainly against other states to a genuine instrument of organising societies.

The difficulty in developing and furthering a system of rights and protection for minorities lies in their **dual character** - they apply at the same time to individuals and groups. For decades, the scientific debate and research have been overshadowed by the political dimension. In a simplified way it could be stated that following each of the two world wars, the issue of collective protection and rights for minorities were taken on by the political right, while the left occupied the terrain of individual or "human" rights. With the two positions apparently being ideologically incompatible, little dialogue and thus fruitful research could be done for a long time.

As a pattern, which of course had its exceptions, minority rights were mostly invoked by groups, which found themselves in the minority in the new national states, which were formed after the end of World War I and partially re-shaped following World War II. Just think of the Hungarians in the countries neighbouring today's Hungary; or of the Germans in post-war Poland or Czechoslovakia, or in Italy, or in the

first Yugoslavia. Think of Poles in Ukraine or Lithuania. The list is very long.

Moreover, these groups had been part of the ruling (often relative) majority population in the supranational states preceding the wars. A small degree of acceptance of the new reality and the need to reorganise as a group produced clear political demands, often met with scepticism or open hostility by the now ruling elites.

At the same time, the former "motherlands" quickly took on the role of protector of "their" minorities abroad, asking vehemently for minority protection. This was also met with a high degree of animosity by the neighbouring countries, nourishing the suspicion that the political representatives of the minorities were merely a fifth column of the not so friendly neighbour state. And indeed, this proved to be true at least as often as it turned out to be pure paranoia.

While the League of Nations did not manage to come up with a binding catalogue of measures, the United Nations, the Council of Europe and other organisations slowly developed a set of rights and measures to protect minorities. It has to be said though that the major impulse in the last decades was the implosion of the communist system. The emerging new democracies in Europe and on the territory of the former Soviet

Union are almost all characterised by multi-ethnic mixtures of population. It is due to their insistence and often against the resistance of Western political interest groups that considerable progress could be made in the last two decades.

It is also due to the collapse of the communist illusion that individual human rights are less and less seen as a prerogative of the left and collective rights as the playground of the political right. Interweaving the two approaches can bring fruitful results for both individuals and groups. **Multi-layered identities** do not preclude ethnic belonging. Just as a parenthesis, one of the contentious issues of our days - religion - cannot be defined as either an individual or group identity only. It is both, and when combined with ethnic belonging it can be quite explosive.

Today countries which are characterised by a given situation, in which the relationship majority-minorities has to be defined, find themselves embedded in, but also bound by a series of international treaties. The era of upholding "internal affairs" against other countries has ended. But as always, political habits and mentalities sometimes take longer to come to terms with this reality, creating a **disparity** between the virtual legal reality and the political reality on the ground. What in consequence became reality is that no country and no society in Europe can close its eyes anymore to the subject of minority rights and protection, with-

out being treated by its peers as a pariah. The current situation of Belarus is the best example, of course disregarding Russia's unhelpful role there.

The framework of regulations is still emerging, and the approaches taken by a variety of international bodies differ still. **Instruments** like the Council of Europe's Framework Convention on National Minorities and its European Charter for Regional or Minority Languages, the OSCE High Commissioner on National Minorities' recommendations regarding participation of minorities as well as the Charter of Fundamental Rights of the European Union are binding documents for the member or participating states. They set the framework and define some monitoring instruments. Nevertheless, the actual process of monitoring is an exercise that can still be considered in its **incipient** phase. It still seems to be rather difficult to find a systematic approach, which is partially due to the sometimes substantial differences on local level within one country or even within one region. Europe's diversity is difficult to grasp exactly in the area, which makes this diversity the most visible: ethnic and linguistic diversity.

A certain **disparity** exists still between countries, which are members of the European Union and those who aspire to become members. While the latter are subjected to a thorough monitoring of the fulfilment of all accession criteria, including good inter-ethnic relations and

the implementation of minority rights, this process comes to a halt when they become member states of the European Union. There is hope though that a remedy can be found to this omission.

Until recently, a number of member states blocked a debate about collective rights of minorities, fearing the emergence of this topic within their own societies. Politics refused to make a distinction between human rights, which per se are individual, and the collective nature of minority rights. The acceptance of a proposal by EU parliamentarians mainly from the new member states to found an **executive agency for fundamental rights** can be considered a step into the right direction. The agency<sup>1</sup> which replaced the European Monitoring Centre on Racism and Xenophobia (EUMC) will become operational through 2007 and monitor the implementation of all fundamental rights of the inhabitants of the European Union and the accession states. It will depend very much on internal policy making, whether the complex of minority rights and protection will find an adequate place in the work of the agency. The pressure stemming from the new member states will be hopefully kept up and slowly induce changes into this direction in the work of the European Union.

In Southeast Europe, monitoring of minority rights and their implementation has been so far conducted in two (or almost three) different ways, namely through the Council of

Europe's Monitoring Mechanism of the Framework Convention on National Minorities, through so-called "shadow reports" to the CoE reports, generated by civil society and finally through the EU's accession mechanism, mainly in the form of so-called "Stabilisation and Association Reports" and of candidate countries progress reports.

Although all these mechanisms actively seek and are based on local input from both government institutions and civil society, they provide for the overall picture and do not challenge authorities on other than central, state level. Experience however has shown that a variety of **problems** related to minority rights are generated and exist on **local level**, with the local authorities often lacking the instruments and the knowledge to address them adequately. Furthermore, all countries in Southeast Europe have embraced **decentralisation** as a major instrument not only of derogating power to the local and regional levels, but also to provide more effective citizen participation. The latter has often been paid a lot of lip service to, while we still find local authorities mostly acting in a closed environment and input from civil society being incidental and often based on personal relations rather than being a systematic and mutually accepted mechanism.

On the other hand, the process of transformation towards compatibility with the European Union will enforce the modernisation of local adminis-

<sup>1</sup> For more information on the agency, see: <http://fra.europa.eu>

tration. It will be expected from **local authorities to self-evaluate their work** in order to be able to properly conduct a policy and resource planning. Often, local

administration finds itself overburdened with this task, which is additionally made more difficult by the complex of personal relations and dependencies still prevailing.

The following programme proposes a methodology to monitor the actual implementation of minority rights on local level. It is based upon experience in Scandinavian countries and on a model developed and applied in Germany to monitor the local administrations' orientation towards their public - the citizens.

Why? The main reasoning behind proposing this approach is that the actual relevant **interface** for minority-majority relations is the local level. While constitutional solutions have been found in most countries in South East Europe, and legislation is well under way, partially installing regional advisory mechanisms, it is the local level, where the day-to-day communication occurs. It is also the local level, where the definition of **minority** can differ from the regional or national one.

As said before, local authorities are the weakest link in the state power hierarchy. While the decentralisation processes are given high priority in the reform process, local administration is often left alone with coping with the tasks and responsibilities. On the other hand, minority organisations often formulate their demands in a vague, theoretical way, which often ignores the real capacity and willingness of the local administration to meet these demands.

The proposed methodology would profit both sides. It would provide cit-

izens and their organisations with a **tool** to assess the performance of local administration and propose enhancements in their policies, while at the same time offering a self-evaluation tool to the local authorities and a way to improve their capacity to properly and openly address issues raised by their constituents. Since the initiation of the process would be based on a high level of consensus, and the implementation of the model would imply a high degree of participation both horizontal and vertical, it is likely that the results would be acknowledged by most actors implied and would induce a political process of addressing real shortcomings. Issue-based policy making would therefore start to prevail over the rather declarative style, which can be still found so often. The so often stressed principle of citizen participation would mutate from a phrase to a practical instrument.

This methodology proposes a mechanism, which would be repetitive in itself, thus ensuring continuity in the process of assessment, (self)-evaluation and implementation. The hope is that, once established, this method could become a valuable instrument to move issues related to minority rights forward in a timely and appropriate way. Ultimately, due to its inclusive nature and because of its compromise and consensus based approach, this model could constitute a conflict prevention mechanism in itself.

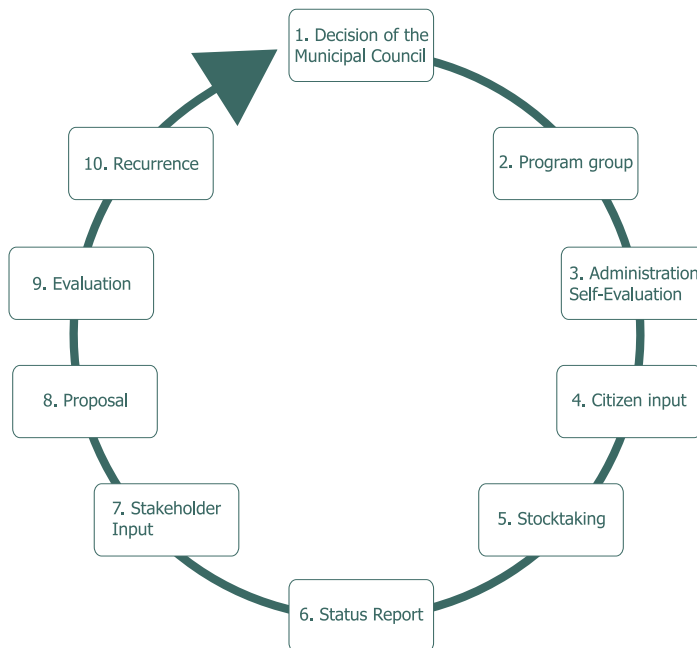
With this publication, the methodology and the know-how behind it are passing into the public domain, being available to anyone daring and willing enough to embark on this exercise. It has been tested in a one-year pilot phase by local implementing partners in municipalities in Albania, Bulgaria, Macedonia, Romania and Serbia. The pilot phase was followed by an evaluation process and by individual discussions with a number of persons.

The methodology was also critically reviewed by a network of experts under the umbrella of the King Baudouin Foundation in Brussels (thank you for that opportunity!). We think that it is ready to be applied and improved in the process. It should however always and in fairness be mentioned that it is a methodology elaborated on behalf the Friedrich Ebert Foundation.

The proposed methodology relies on a cyclic, self-repetitive logic, with each cycle gradually improving the achieved results. The proposed cycle consists of ten steps, which build upon each other in a logical series:

- Decision of municipal council.
- Organisation: constitution of a program group
- Administration self-evaluation
- Polls and citizens' input
- Stocktaking
- Status Report
- Stakeholder input
- Report/Proposal to the local authorities
- Evaluation of Implementation
- Periodical Recurrence

The cyclic recurrence of the proposed model can be illustrated in the following way:





In the following, the methodology will be explained along the ten logical steps of the project cycle.

## Selection of the municipality

The selection process can be described as phase zero of the project cycle and has to be regarded as a milestone for the success of the project. The decision has to take into consideration a number of factors, which are responsible for the general framework, in which the project can be successfully implemented. Erroneous decisions in this incipient phase can and will put the entire project into jeopardy, making the achieved results less relevant and sustainable. Among the factors to be considered, the following seem to be decisive:

- Is the municipality free of **"hot" conflicts**? This is an essential precondition. The proposed methodology relies on the willingness of the various actors to cooperate and to enhance their capacity to do so. The presence of a major conflict situation would require a number of other conflict management instruments, before the issues that this approach proposes to tackle became relevant.
- The **willingness** of decision makers to cooperate is in the interest of a maximum success of the project. As mentioned before, this methodology is about cooperation. This means that a certain level of mutual trust into the motivation of the participat-

ing parties has to either exist or to be established before the actual project can begin. This again excludes municipalities, in which the relations between majority and minorities are characterised by a high degree of tension.

- The degree of **development** and **functionality** of local civil society. As will become evident later in the description of the proposed methodology, the local civil society has an essential and multiple role to play in the implementation of a project based on it. It is the role of a decisive party in the implementation of the project - as the implementing organisation, but also as stakeholder. Civil society organisations play the role of intermediary between the citizens of the municipality and the local authorities. Although this methodology intends among other things to raise both the awareness and the capacity of all parties involved, the implementing organisation needs to have a certain level of knowledge that enables it to understand and manage the political, legal and administrative implications with the appropriate degree of diplomacy.
- Assessing the **risk of misuse** of the project's aims for political goals by either of the parties is an exercise that needs to be done thoroughly before making a decision on the municipality to be chosen. It should be considered normal that either party would try to profit politically from a positive outcome of a project based on this methodology. If this profit is based on actual achieve-

ments, then it is legitimate. However there is a fine line from there to misuse. Knowledge of the personalities

of the political actors could be an asset here, as it could help avoiding ulterior surprises.

The motivations for considering a specific municipality for the participation in the monitoring exercise can be numerous. The pilot phase gave the implementing organisations full freedom to choose the municipality. Not surprising, the choices differed substantially from country to country. In Albania, the Southern town of **Korçë** is characterised by an ethnic Albanian majority in the town and small groups of Macedonians and Vlachs in the surrounding villages. In Bulgaria, the organisers decided to go to **Ardino**, a remote mountain municipality with villages inhabited by ethnic Turks and Pomaks. The Macedonian choice was **Gostivar**, a town in Western Macedonia characterised by complex and not always peaceful relations between ethnic Albanians, Macedonians and Turks. Public and political life in **Cluj**, one of the larger towns in Romania is shaped by intricate relations between the Romanian majority and the ethnic Hungarian minority, which bears a lot of political weight on national level. In Serbia finally, the decision was made in favour of **Kovačica**, a municipality in the Northern autonomous province of Vojvodina, where the Slovak minority is the local majority - a municipality with a track record of relaxed inter-ethnic relations. While each of the choices had its legitimacy, some turned out to be more suited for this type of exercise than others.

Depending on the intention of the project, selection mechanisms can vary. If the donor and/or main implementer are not a local organisation, a **tender process** might be considered. This approach is not only the more transparent one, but it offers from the very beginning a possibility to assess the capacity of the organisation in carrying out the project.

If the intention is to focus more on the possible impact of such a project on national level, a consultation or even closer forms of **cooperation**

**with the associations of local governments** could be envisaged. It will have to be considered depending on the concrete circumstances on the ground, whether a role should be given to these associations in the selection process. In both cases, additional local and political knowledge is helpful and can again help avoiding mistakes from the beginning, which would - if made at this point - endanger the entire project, or at least distort it.

The experience accumulated in the course of the pilot project showed that all the above mentioned factors count rather heavily. It turned out that the **size of the municipality** is another decisive factor. In the Bulgarian case, the municipality of Ardino turned out to be just too small and remote, with practically no local civil society. Although the project was carried out with a high degree of involvement of the implementing organisation, the very fact that the latter is located in the capital Sofia presented a major handicap. The relations with local actors became quite personal - which can be seen both positively and negatively. At a certain moment it seems that these relations were necessary to save the project, which had gotten into an impasse due to misunderstandings and hurt personal and political pride.

Due to sheer lack of civil society structures on the ground, it is highly unlikely that the envisaged recurrence of the monitoring exercise even beyond donor driven and financed projects would happen. A certain **critical mass** of actors with a certain level of specific knowledge seems to be an indispensable precondition not only for the success of the project but also for a smooth implementation.

This comment does not imply that the actors involved in Ardino have not given their best for the success of their project. And indeed, considering the circumstances, the pilot phase did yield results. However a sustainable application of this methodology with the genuine wish of achieving more citizens' participation remains rather unlikely.

With the municipality chosen and the first contacts been made, the actual project cycle can begin. The proposed methodology provides for a phased, step-by-step approach. The ten steps are conceived in logical order to ensure that the entire work and its results achieved in every phase are taken to the next step in their entirety. Thus, when the cycle is complete, the work invested in fulfilling the ten steps should yield maximum results. In order to do so, it is however necessary that all steps benefit from the same attention,

amount of preparation and thorough implementation. Although some may seem more important than others, the approach is conceived in such a way that only building upon the results of the previous step will produce results, which do not distort the aims that this type of project tries to fulfil.

It should be stressed again before entering the actual project cycle that the primary aims of projects based upon this methodology should not be actual political changes in the status

of minorities, although improvements are likely to be the outcome and are always welcome. The methodology aims much more at providing a means of **evaluation and self-evaluation** of the work of local authorities and at implicitly establishing or improving the level of **participative democracy** at local level. Behind the entire exercise lies the conviction that the instrument or methodology proposed by this project will, if applied properly and in reoccurring cycles, have three major effects:

- It will induce a **shift** in the perception of minority issues on the side of administration and political players, and possibly the civil society, contributing to a de-politicisation of the subject;
- It will induce concrete **improvement** in the work of the administration and open it up for genuine citizens participation;
- It will contribute to a more **conscious interaction** of people across ethnic boundaries.

## 1 Decision of the Municipal Council

In order to facilitate the implementation of a project based on this methodology, all political actors have to be informed from the very beginning. Once the municipality and the implementing organisation have been chosen, the time is ripe for this first step of the project cycle.

The **sensitivities of local politicians** can be an intricate

issue. In order to be able to understand them, a certain level of knowledge of the informal power and decision making channels on the ground is needed. Depending on the size of the municipality, it will be important to avoid the impression that personal or political rivalries are underlined and encouraged by this type of project. It is essential that elected or appointed political figures but also the key persons in the local administration affected by such a project understand that criticism would occur during its implementation. Should the method be applied properly, this criticism - if based on the real situation- would ultimately be transformed into positive results, into improvements in policy. This ultimately would be to the mutual profit of all the actors.

Experience in the pilot projects showed that this argumentation line is more difficult to pursue and uphold the smaller the municipality is, and the more personalised political and administrative functions are. With the differing degrees of decentralisation and derogation of power in the countries in South East Europe, the unfortunate situation still persists that local politicians treat the municipality as their personal kingdom. This of course presents an additional challenge for the organisation involved, especially if it is a local one. In this case, it will be difficult to maintain the image of neutrality and to pursue a truly neutral role. This is another argument in favour of what has been mentioned before, namely that the size of the municipality matters. Organisations carrying out projects based on this methodology will find it easier to act in **municipalities** with a size conducive to a more **depersonalised political scene**. Small and remote places present a number of challenges. It depends very much on the possibilities and the capacity of the implementing organisation, whether it makes sense to carry this exercise into that type of municipality in the beginning. Gathering experience first in larger places seems to be the more promising approach in terms of results and familiarity with the process.

Once the key players are informed, the next step is to forge a political consensus. Depending on the political and electoral system, it may be necessary to involve the mayor and - if applicable - the head of the municipal assembly or their representatives, as well as the political groups represented in the local assembly. This step is necessary in order to avoid a politicisation of the issue and thus the temptation to capitalise politically on success or failure.

The implementing organisation's task is to explain to the above mentioned parties the nature of the project and to clarify that it is a political exercise, but one that is beyond political party interests and boundaries. In the course of this presentation and discussion, the participants will agree to the basic principles of the project. They will express the readiness to pass a **decision of the local**

**assembly** in support of the project, thus giving it political legitimacy and a certain weight in the everyday business context of rather over-worked administrations in the region.

In cooperation between the implementing agency and the secretariat in charge, a draft decision should be formulated, containing the firm commitment of the local authorities to carry out the monitoring project. The draft decision should very clearly state aims and rationale, targets, expected outputs and a reasonable time frame for the project. It would be desirable if the project received an appropriate short and catchy name, under which it would be easier to be presented to wider public, and under which it would stand a chance of being remembered in the public domain. (See an example in the annex)

In some countries, a decision made by the **mayor** is a sufficiently important document to provide the project with the legal and political weight. It would be advisable though also in this kind of set-up to consult all political forces and to secure their support upfront. This would increase **legitimacy** in a context where there are often rivalries and power struggles between the mayor and political parties.

Once formulated, the draft decision should be circulated among all parties involved, in order to ensure that no surprises would occur in the plenary session in which the decision would be passed. It would of course be ideal to receive the support of all political groups and/or individuals represent-

ed in the municipal assembly. Should this not be possible, a vast majority including the main political players would also do.

Once this step is completed, nothing should stand in the way of a formal decision adopted by the municipal

assembly, which would thus take ownership of the project and task the administration with its implementation.

The spirit and contents of the political decision will be further clarified and underlined in a **Memoran-**

**dum of Understanding** signed between the implementer, the head of the municipal assembly and the mayor. The memorandum will clarify that the role of the three sides does not suffice in political agreement, but contains active support to the implementation of the project.

One idea used in the pilot phase turned out to be particularly useful: while the political decision states an envisaged time frame for the project, the memorandum is left open ended. Through this a continuous cooperation can be ensured and does not need to be renegotiated prior to each repetition of the project cycle.

Annex I: Example taken from Municipality of Ardino, Bulgaria



INTERNATIONAL CENTER FOR MINORITY STUDIES  
AND INTERCULTURAL RELATIONS



**ОБЩИНА АРДИНО**

MEMORANDUM OF UNDERSTANDING AND COOPERATION

**BETWEEN**

**THE INTERNATIONAL CENTER FOR MINORITY  
STUDIES AND INTERCULTURAL RELATIONS,  
ARDINO MUNICIPALITY AND ARDINO MUNICIPAL COUNCIL**



Today, on 24 February 2006, a Memorandum of Understanding and Cooperation is reached between:

1. International Center for Minority Studies and Intercultural Relations (hereafter IMIR), represented by Mrs. Antonina Zhelyazkova, Chairperson of the Board of Directors
2. Ardino Municipality, represented by Mr. Aydin Serkan, the Mayor.
3. Ardino Municipal Council, represented by Mr. Izet Shaban, Chairman of the Municipal Council.

Parties of this memorandum hereby agree to cooperate on the realization of the project **Monitoring the Implementation of Minority Rights on Local Level**. All three parties will work together for the realization of the common goals:

- To further improve the minority rights situation in the municipality;
- To improve existing and find new ways of cooperation between the Municipality, Municipal Council, local civic organizations and citizens of the Ardino Municipality;
- To facilitate a culture of open dialogue between local authorities and population of Ardino;
- To provide citizens with a tool for assessing and improving the performance of the local authorities; and
- To contribute to the understanding that minority rights issues are not a matter of relevance only to the minorities, as the improvement of the quality of life of all residents is linked to them.

All three parties undertake to actively support the implementation of the project.

#### Responsibilities of the parties:

Responsibilities of the implementing organization

1. Budget management.

2. Advise and assistance concerning questionnaire for public administration; Consultations will be provided on the seminar, organized in the municipality.
3. Questionnaire for citizens (various forms) - full implementation.
4. Web-site: joint decision on content.
5. Preparation of media campaign, informing the citizens on goals and scope of the project, and on the progress being made during individual phases of the project.
6. Stocktaking: Preparation of a list of all legally binding means of enforcing minority rights on local level, alongside with possible mechanisms offered by the municipality, which exceed the legal frame.
7. Preparation of draft status report, containing an evaluation of existing mechanisms, describing already initiated trends and developments as well as problems and shortcomings. The report will propose concrete ways for improvement of the minority rights related policy of the local administration.
8. Stakeholder input: organization; the draft report will be sent for comment to relevant associations and organizations with human rights/minority rights character, to minority organizations etc.
9. Preparation of final report, which will include the recommendations received from the stakeholders, and which will be presented to the municipal council. The report should contain concrete short, medium, and long term recommendations with clear targets and for a concrete and reasonable period of time.
10. Evaluation of the number and quality of measures that have been undertaken: during the evaluation period, formal meetings of the program group will take place in order to assess the progress of the evaluation process.

#### Responsibilities of the Municipal Representative (Mayor)

1. Participation in the preparation of official decision of municipal authorities to be involved in the project.
2. Formal proposition to the Municipal Council to approve the official decision for participation in the project.
3. Coordination of the Program Group, including a coordinator, representatives

of the municipal administration, and municipal councilors.

4. To deliver the questionnaire to the administration staff members - completion of the questionnaire.
5. Web-site: joint decision on content and technical implementation and updating.
6. Preparation of media campaign, informing the citizens on goals and scope of the project, and on the progress being made on individual phases of the project.
7. Stakeholder input: organization (selection of appropriate organizations and other interested parties).
8. Presentation of final report to the Municipal Council and formal proposition to the Municipal Council to approve the report.
9. Organization of formal meetings with the implementing organization's experts in order to facilitate the evaluation process.

## 20

Responsibilities of the Municipal Representative (Chairman of the Municipal Council)

1. To reach an unofficial consensus between representatives of various parties in the Municipal Council to support the approval of Decision.
2. To deliver the questionnaire to the staff of the Municipal Council - completion of the questionnaire.
3. Coordination of the program group formation, including a coordinator, representatives of the municipal administration, and municipal councilors.
4. Setting a date for the Municipal Council session for approval of the final report.

Timeframe:

Beginning: January 2006;

End: December 2006.

This Memorandum is prepared in three copies in Bulgarian language.

On behalf of IMIR,

Mrs. Antonina Zhelyazkova, Chairperson of the Board of Directors

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Sofia, 24 February 2006

On behalf of Ardino Municipality,

Mr. Aydin Serkan, the Mayor

\_\_\_\_\_

Ardino, 24 February 2006

On behalf of Ardino Municipal Council,

Mr. Izet Shaban, Chairman of the Municipal Council

\_\_\_\_\_

Ardino, 24 February 2006

# 2

## Program group

Once the political and administrative preparations for the beginning of the project work have been finalised, the first personnel decision needs to be made. Since a variety of departments within the local administration are likely to be involved in the various steps of the project, a **coordination mechanism** for these activities will be established.

It is desirable that one person - **the coordinator** - be charged with the general responsibility for the entire part of the project that involves the local administration. Who this person should be and which institution he or she should come from, is a matter of resources, capacity and local sensitivities. The person could be e.g. someone in the mayor's office or from the secretariat of the municipal assembly, or someone from one of the departments specifically dealing with inter-ethnic matters. It is important that this person enjoys a certain authority and can act responsibly on behalf of the mayor or the local assembly - whichever is the office that nominates the coordinator. Ideally, and in conformity with the legal situation on the ground, the coordinator should also be the per-

son assigned to **represent the project to the public** on behalf of the administration in partnership and coordination with the implementing organisation. Public in the context of this project means the media but also assemblies of citizens in whatever form they will take place during the project cycle - public debates, stakeholder meetings, hearings, etc. The coordinator should have both the authority and competence to speak on behalf of the local administration.

Depending on the size of the municipality, it would be difficult for the coordinator to overlook the entire activity within the administration alone. On the other hand, the exercise carried out in accordance with this proposed methodology presents an integrated approach, in which civil society, administration and political representation interact in a meaningful way, without undermining the competencies of the single institutions and softening the boundaries imposed by existing legislation and implementing regulations.

In order to meet the first point and underline the second one, it seems to be a useful approach to form a **programme group** to act as some sort of management board tasked with the implementation of the project within the local administration. For reasons of practicability, the group should be no larger than **five persons**.

Although the activities to be carried out by the coordinator do by far not represent a full time job, a certain amount of **time and resources** will be needed. It is hence essential that this is understood from the very beginning and these resources be allocated by the local administration. One issue the implementing organisations were confronted with during the pilot phase was that in most cases administrations were complaining and criticising the additional burden put on them through projects of this type, while human resources and additional time were not allocated. Even if in some cases - and certainly in very small municipalities - this argument may hold water, it is an intrinsic characteristic of administrations to complain about resources. This should not in any way discourage the implementing organisation from exercising gentle and friendly pressure, while underlining the profit that the administration would get from the results of the project: a more clear and structured working environment.

Most countries in South East Europe are still characterised by an oversized administration. This is reflected on local level, in spite of what the self-perception within the administrations may be. The size is by far not matched by appropriate resources other than human, and this is where complaints are partially justified. In some cases, especially in remote areas it might help the implementation of the project if a small **donation** in kind (a piece of technical equipment or something similar) is made to the municipality.

Members of the group should be: one representative of the implementing organisation, representatives of the various most relevant sectors within the municipal administration, which are confronted with inter-ethnic issues, and representatives of the locally relevant political forces - while ensuring an appropriate, relevant and constructive representation of the political opposition on local level is to be regarded as a precondition or at least as a valuable asset to the credibility and transparency of the process.

To clarify the tasks of the group, short and concise **terms of reference** (See annex I for an example) should be drafted by the implementing organisation together with the coordinator. This could include the following: members of the group; frequency of meetings (it depends very much on the situation on the ground if the meetings should be ad hoc or follow a certain schedule - in any case they should not be too frequent); the concrete tasks - overseeing of the project implementation,

ensuring participation of the administration, ensuring timely delivery of the results, assistance to the employees in the administration with questions or problems regarding the project; and finally the time frame for the group's functioning.

Since the proposed methodology and the implementation of projects based on it seek to improve the accountability of the local administrations' work, the participation of representatives of locally existing **inter-ethnic bodies** or institutions (e.g. inter-ethnic or minority councils) at the sessions of the programme group

should be allowed, albeit only as observers. Experience from comparable environments shows that enlarging the programme group would be counter-productive. Too many decision makers would water down the group's decision making power. It should however be introduced as good practice wherever these mostly advisory bodies exist, that the programme group informs them about decisions that have been taken. Part of the exercise proposed here is to start doing away with the practice that decisions taken with the local administration are treated like state secrets.

24

The pilot phase showed that this part of the project cycle tuned out to be a lot less problematic than anticipated. The reasons for this smoothness can most probably be found among the following: either there is a beginning routine in carrying out projects driven by outside donors within local administrations and this approach is adopted on a regular basis; the perception prevailed that the project would be to the mutual benefit of all parties involved and thus motivated the participants; the project was not perceived as a direct threat to existing political power set-ups. Perhaps a combination of all these factors ensured that programme groups functioned very well. A last factor may be that local administrations can be much more efficient than the outer perception would indicate - if the motivating factors are the right ones.

# 3 Administration Self - Evaluation

The first content producing phase of the project cycle is at the same time one of the crucial ones. In order to be able to understand the relationship majority-minorities with regards to the local administration it is necessary to see what the **self-perception** of this administration is. The expectation is on the one hand to get a picture about strengths and weaknesses, which then would enable outsiders to the administration machinery, be they experts or regular citizens to make suggestions for an optimisation of the services provided by the administration. On the other hand, the way in which the self-evaluation is handled by individual offices or persons within the local administration is telling about how structures have been built up and where there is need for improvement.

The first set of expectations is results-based, and lessons will be learned from these results, eventually leading to more or less contents related **recommendations**. These will be likely to circle around finding better ways to deliver the necessary services to those citizens, who belong to ethnic minorities.

The second one is more abstract, in

the sense that it is a systemic one. The results of the self-evaluation are less interesting here. It is the constant dialogue between the implementing organisation and the local authorities, which generates **observation patterns**. These can be used to input into the communication style, into future recommendations and into altering instruments - like e.g. the questionnaires used for the self-evaluation exercise - to be more suitable to depicting the specific situation on the ground.

There are two possible approaches to the self-evaluation of the local administration: the distribution of questionnaires and the individual interview. Both options have their advantages and disadvantages and will be briefly discussed in the following.

## The Questionnaire

This constitutes the more cost-efficient and less resource-intensive alternative. This does not necessarily mean that it is the best one to be applied. But we shall get back to this point a little later.

Just as the other method, it requires solid **knowledge** about the functioning of local administration in the specific location - from the legal framework, which is likely to be embedded into the country's national, regional and local legislation, down to the nitty-gritty of competencies within and between units and departments. Background knowledge of European and international con-



ventions, such as the Council of Europe's Framework Convention on National Minorities or the OSCE High Commissioner on National Minorities' recommendations regarding participation of minorities is also required, if the exercise should be relevant.

The implementing organisation elaborates a questionnaire, which contains a variety of sets of questions. In the following, a **proposed structure** of such a questionnaire is discussed very briefly. Introductory questions should be general and "test" the knowledge about the existence of minorities. A second set would be dedicated to the legal situation and the implementation procedures. A third would address more specifically the treatment of minorities in the light of this legal situation. A fourth section would be dedicated to new ideas, suggestions for improvement, etc. The area covered in this section should not be limited

to the work of the administration only, but involve the general situation of the minority-majority relations in the municipality. There is no reason, why ideas or suggestions could not be formulated also for larger entities, like the region<sup>2</sup> or the national level. The questions should generally be formulated in a way that they lead to the problems identified by the implementing organisation in the preliminary assessment that lead to choosing the specific municipality for the project.

To ensure transparency and accountability on one hand, but also in order to avoid possible misunderstandings, the draft questionnaire can be discussed within the programme group, and possible **suggestions** to improve it should be taken into account, as long as they do not alter the general idea and approach, or are contrary to the objectives of the project.

As the situation on the ground can vary substantially depending on geographic, demographic, economic, social or political factors, it proved to be very useful to adapt the questionnaire to local reality, i.e. avoid non-applicable questions, which could stir confusion or, in the worst case, provoke hostile reactions from the respondents. By no means should the questionnaire create the impression that the organisation behind it is party to the inter-ethnic set-up and aims at making the local administration look bad. Problems of this kind have occurred in the pilot phase and it took a certain amount of diplomacy to undo misunderstandings and get back to the previous level of trust.

A **deadline** will be given for the self-evaluation exercise. This needs to be adequately generous, so that

the heads of different units could consult with the programme group if needed. The implementing organisa-

<sup>2</sup> Region in this context means a level of administration between municipal and national, where it exists (e.g. district) and by no means the trans-national region of South East Europe.

tion as well as the coordinator assigned from within the administration should be available to provide assistance in explaining how the

issue of minority rights could affect the work of each and any specific unit.

One of the essential moments of this specific phase is the **fear** to express a **personal opinion** experienced within local administrations. Allowing oneself to express a personal opinion is still a practice that has not taken on, it seems. The largest group of answers received by all organisations involved in the pilot project was "I don't know". A certain number can probably be attributed to a genuine lack of knowledge when it comes to minority rights and protection related issues. However, if we add another typical occurrence, another explanation is at least possible. Many of the questionnaires bore the same handwriting. This points at two possible scenarios. Either people decided to work in groups and compensate for the individual lack of knowledge - this would be somewhat understandable and not distort the results too much, as the "collective" knowledge within the administration is preserved. The second scenario would however be less positive - somebody filled in the questionnaires on behalf of the administration staff. It is likely that this someone would have specific knowledge and a certain responsibility. This would not only **distort** the answers but also very likely constitute an attempt to make the administration "look good". Unfortunately, the use of this kind of cosmetic effort is zero. In fact, it fires back at the administration because if the reality is distorted in this manner, the **gap** between the picture that the administration wants to paint about itself and the way its work is perceived by the citizens widens. And public perception and opinion is rarely taking sides in favour of public administration...

The lessons learned from this important aspect of the project implementation are that genuinely democratic values of the type of the freedom to express an own opinion have still not penetrated public administrations in South East Europe to satisfactory depth.

How to deal with this situation in the context of this proposed methodology? The evaluation discussions resulted in the proposal of a **monitoring** of the self-evaluation. From the point of view of the spirit and logic of this methodology, this would however be a step into the wrong direction. Instead of providing more space for the employees, in which

they would sense the freedom to express themselves, a monitoring would just increase the pressure on them and produce more "politically correct" answers.

The long-term effect of this kind of project lies in the results yielding from its **recurrence**. The current situation should be one more incentive to repeat the exercise in regular intervals. With a certain routine establishing itself, the administration employees would understand the benefits of answering honestly and to the best of their knowledge.

What could and should be ensured by the programme group is the readiness to assist the employees in understanding the questionnaires - clarification of terminology and of the wider context. By no means should the programme group or its individual members undertake the answering effort.

## The Interview

The second approach to the self-evaluation is the individual interview, in which significant samples of employees from each department are subjected to one-to-one talks. From the point of view of the reliability of the results this method is certainly preferable. The main problem with it lies in the amount of resources needed to carry it out. Time and staff are the two main resources needed. Should a sufficiently high budget be at the disposal of the implementing organisation, the compilation of the results would be likely to produce a

clearer picture about the self-perception and work of the local administration. This approach has however not been tested in the pilot phase, and remains an assumption, even if it is based on experience acquired elsewhere.

Generally it has to be stated that both **capacity and resources** of the implementing organisation have a major impact on the quality of this phase of the project. It is hence essential that this part is planned with the appropriate background knowledge and logistics.

Annex II: Questionnaire used in the pilot projects

## Questionnaire for public administration

### Personal information

Gender            M            F            other

Age                18-25    26-35    36-45    46-60    61-99

Marital status \_\_\_\_\_

Religion \_\_\_\_\_

Ethnic appartenance \_\_\_\_\_

Education \_\_\_\_\_

How long have you been employed in the public administration? \_\_\_\_\_ years

### General

1) What ethnic and religious minorities live in your municipalities?

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

6. Other (please specify)

7. Don't know (DK)

[extend the number of response options if needed]

2) How do you get along with people from other communities?

1. Very good
2. Good
3. Medium
4. Bad
5. Very bad
6. DK

3) Do you think that minorities should have / need specific rights for their protection?

1. Yes
2. No
3. Only in some fields
4. DK

[Explain specific rights granted in your area and include in question (e.g. use of mother tongue...)]

### Legal framework and existing mechanisms

4) What services are delivered by your municipality in regards to minority rights, protection and promotion? [E.g. use of mother tongue, multilingual forms, translation services...]

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. Other (please specify)
7. Don't know (DK)

5) To what extent are these possibilities used by minorities?

1. Frequently
2. Not very frequently
3. Insufficiently
4. DK

6) Did the situation of minorities change during the last several years?

1. It changed to better
2. It remained the same
3. It changed to worse
4. DK

7) In what cases minority community members ask for help regarding minority rights?

1. Discrimination in employment
2. Access to information
3. Legal help
4. Documents issuing
5. Other (please specify)
6. DK

8) What chances and concrete possibilities do you see for further integration of minorities?

1. Organization of joint cultural activities
2. Facultative multicultural education in schools;
3. Other (please specify)
4. DK

9) What services beyond the minimum legal obligations does your municipality/department offer?

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. Don't know (DK)

10) How much do you utilize documents on minority rights in your daily work?

1. Very often
2. Only in certain cases
3. Very rarely
4. Never
5. DK

11) Would you find it useful if trainings for minority rights were provided?

1. Yes
2. No
3. DK

12) Do you have problems or interference from the central government concerning minority rights?

1. Very often
2. Sometimes
3. Rarely
4. Never
5. DK



13) Have there been any cases of discrimination by the municipality towards the members of minorities recently?

1. Yes
2. No
3. DK

14) If any discrimination occurred, in what fields?

1. Employment
2. Religion
3. Education
4. Language
5. DK

15) Has any member of the municipal public administration been sanctioned for violations of minority rights?

1. Yes
2. No
3. DK

16) In your municipality, do members of minorities have the right to use their mother tongue in school?

1. Yes
2. No
3. DK

17) Do members of ethnic minorities exercise this right?

1. Yes
2. Only some minorities do
3. No
4. DK

18) Has the municipality taken additional measures to keep children belonging to minorities in school for the minimum period required by law?

1. Yes
2. No
3. DK

19) In what way does your department contribute to more minority participation in public life?

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. Don't know (DK)

20) In which areas has the local government worked toward minority protection and participation?

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. Don't know (DK)

21) Do minority members exercise the possibilities more participation?

1. Yes
2. Sometimes
3. No
4. DK

Explain how

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22) What are the mechanisms for providing information to the public in your municipality?

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

5. \_\_\_\_\_

6. Don't know (DK)

23) Have there been cases of obstacles for access to information of minority representatives?

1. Yes
2. Very few cases
3. No
4. DK

24) Do representatives of minorities use their right to access to information?

1. Yes
2. No
3. DK

25) Do you think that the minority rights would be better implemented if the minority representation in the municipality council were better / broader?

1. Yes
2. No
3. DK

26) What mechanisms exist in your municipality for representation of minority members in the municipal assembly?

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. Don't know (DK)

27) Is there an official use of minority languages in your municipality?

1. Yes
2. No
3. DK

28) If this is the case, in what fields do the members of minorities exercise this right?

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. Don't know (DK)

29) Does legislation provide for inscriptions / topography in minority languages?

1. Yes
2. No
3. DK

29a) Is this legislation implemented in your municipality?

1. Yes
2. No
3. DK

### Suggestions

30) Is the distribution of competencies between local, regional and national level sufficiently defined?

1. Yes
2. Not yet
3. No
4. DK

31) If not, than in which areas is it not sufficiently defined?

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

4. \_\_\_\_\_
5. \_\_\_\_\_
6. Don't know (DK)

32) Concerning competencies, do you have any suggestions on resolving the problem?

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. Don't know (DK)

33) Which steps would you propose to improve the rights of minorities on local level?

1. Training on minority rights for minority members
2. Training on minority rights for public administration
3. Seminars or workshops organized by the municipality
4. Strict implementation of existing anti-discrimination laws
5. Other (please specify)
6. DK

34) What chances and concrete possibilities do you see for further improvement in the relations between majority and minorities?

1. Organization of joint cultural activities
2. Facultative multicultural education in schools
3. Other (please specify)
4. DK

35) What concrete measures do you suggest in order to prevent discrimination of minority members?

1. Antidiscrimination legislation
2. Training the public administration
3. Other measures (please specify)
4. DK

36) How do you think that the situation of minorities in terms of education can be improved?

1. Thorough assessment of the education situation of minorities
2. Draft projects for handling the issue of education of minorities
3. Equal opportunities for all minority groups
4. Other measures (please specify)
5. DK



37) Are there any concrete measures that you would undertake to improve the the relations between majority and minorities on local level?

1. Encouraging minority representatives to get better knowledge of official languages
2. Organizing public events to promote culture and other values of community groups
3. Other measures
4. DK

38) What measures do you suggest for improving the access to information for members of minority communities?

1. Normative measures
2. Policy of open municipality
3. Better contacts (PR) with citizens
4. Special bulletin dealing with minority issues
5. Through local media
6. Other measures (please specify)
7. DK

39) How do you think the representation of ethnic minorities should be improved?

1. Reserved seats in the municipal assembly
2. Proportional employment policy
3. Local "minority issue" offices

4. Advisory council consisting of minority members
5. Other measures (please specify)
6. DK

40) Are there any concrete measures that the municipality can offer to improve the use of mother tongue of member of minorities?

1. Draft by-laws for implementation of existing laws
2. Better implementation of existing laws
3. Other measure (please specify)
4. DK

# 4

## Citizen input

The next part of the project cycle is probably the most difficult one in terms of achieving relevant results. Depending on the size of the municipality in question, the question of what consists sufficient and relevant

citizens' input cannot be answered easily. But first to the methodology.

Citizens have to be **informed** in order to be **activated**. But even with a massive public relations campaign, previous experience elsewhere shows that only a small percentage of people can be motivated to actively participate in matters of direct concern to their daily life. The smaller the municipality is, the more this is becoming a problem. Even if the data received can be processed statistically, their actual relevance becomes more than questionable.

44

During the pilot phase, the implementing organisations made a rather **passive, conservative and erratic use** of the possibilities offered by a local media landscape, which is ever craving for relevant news. **Articles** were written, **TV appearances** of NGO representatives and/or local politicians took place. Hardly ever read **official newsletters** and **Internet portals** of the local authorities, which no one would ever click on were used.

This approach is rather common in the NGO world and is often explained with the supposed lack of resources such as funds, time, and staff. None of these is entirely the case, and there is no doubt that media campaigns are work-intensive. But considering that the results of a successful campaign are likely to materialise in donor interest, an effort seems to be worthwhile.

For projects based on the methodology presented here to be successful in the sense that their outcome is relevant to the improvement of the situation of minorities, a well thought through and carried out media campaign is a must.

Nevertheless - **information dissemination** is the first step in this part of the project cycle. At the latest at this stage, a media **public relation campaign** should have started at full speed. The campaign should have at least the following elements:

- Detailed, yet catchy information about the **scope and aims** of the project;
- A **public call** for citizens' participation, which should explain why this is to their benefit;
- A **website** containing the information of the two previous points and which is updated on a regular basis with the information about progress reached in the project implementation. The site should also contain the documentation emerging from the project. It is worth considering having an interactive part of the website, in which users can comment on project related issues.

The pilot phase has shown a certain **reticence** or even reluctance on the side of the implementing organisations when it came to make use of a variety of tools for the purpose of receiving maximum citizens input. In the consequence, the reports coming out of this chapter of the exercise look very much alike. In the preparation for the project, the implementing organisations insisted in the preparation of **standard questionnaires** for both the administrative self-evaluation and the citizens' input phase of the project cycle. Giving in to this request has certainly simplified and standardised the type of responses received in all the five countries, thus making it easier for the implementing organisations to stick to time frames and other constraints of the project cycle. (As the basic structure of the questionnaire is nevertheless comparable, we attach the questionnaires for the public administration and the citizens input to this guidebook.

It has to be questioned though, whether standardised data was needed at all. In the end, the situation in Cluj cannot really be compared with Arduino, just as little as the one in Korçë compares in any way with

Kovačica. The relevance of the data is for local use, for the sakes of learning lessons from it on the local playground and in the local social and political context.

Furthermore, the production of standardised questionnaires premeditated the use of opinion polls as the main instrument to gather citizens' opinions with regards to the situation of minorities and the performance of the local administration in this regard. Other methods, which require more resources but allow for more flexibility and what is even more important - **creativity**, have been disregarded in the pilot phase.

The media campaign should ideally be carried out through **advertising pages** in local newspapers, and **spots** on local TV and radio stations. Minority language media should be specifically targeted, but by no means the only ones approached. In parallel, arrangements with local media can be made for appearances of project related persons (representatives of the implementing organisation, the coordinator from within the administration, related experts) - in the form of **interviews**, participation in **discussions, round tables, talk shows**, etc.

The pace of the media campaign should be kept up all during the implementation of the project, with an alternating choice of instruments being used at the same time.

Just as the administration self-evaluation, the citizen input is a crucial

element of this proposed methodology. Although this will prove difficult, it is important to receive a substantial number of responses in order to be able to form a substantiated opinion. The tools used by the implementing organisation to gather the needed data will differ and depend again upon available resources. In order to maximise the resources, **cooperation** with the local university - if applicable - could be sought. The project itself could rely on the know-how and the human resources of e.g. the department or faculty for sociology. Of course it is important that the profit would be reciprocated - whether making use of students as an internship or through a contract involving financial compensation is a matter of local decision.

The following listing of possible tools is merely a suggestion. Depending on local circumstances, it can be altered and added on:

- Representative opinion polls - a rather traditional instrument, which usually produces solid results. Problematic in the sense that it is used too much and a certain fatigue if not hostility against being asked to participate can be observed.

- Polling of target groups - needs some more preparation, but equally solid in producing results. Same problems may occur, mainly fatigue and mild hostility.

- Delphi method and Cross Impact Analysis - two expert-based methods with a smaller number of participants, but with a more specialised view. Likely to produce detailed and more in-depth analysis if carried out with experts. If carried out with focus groups, the results will be broader than the ones produced by experts but at least as representative as the ones received through polls.

- If the implementing organisation wants to target the municipality's youth, which is highly desirable in the spirit of the methodology, the qualified use of internet fora and monitored web chats seem the best instruments to do so. This however requires qualified staff within the organisation, which not only possesses the technical know-how but also the socio-professional skills to successfully approach young internet users.

47

In order to reach a maximum impact regarding a real citizens' participation in monitoring the local authorities' performance, a broad range of persons should be involved at this particular stage of the project cycle. The groups of persons included in this phase will vary from municipality to municipality, but will include, if possible, local experts, NGOs, students, media, highly respected personalities

from the ethnic communities, etc.

The sum of all the activities in this phase of the project together with the results gathered will present the so-called **public opinion**, which will in the following have to be confronted with the picture that the local administration painted of itself as a result of the self-evaluation exercise carried out in parallel to this phase.

## Annex III: Questionnaire used in the pilot projects

**Questionnaire for citizens****Personal information**

Gender            M            F            other

Age                18-25    26-35    36-45    46-60    61-99

Marital status \_\_\_\_\_

Religion \_\_\_\_\_

Ethnic affiliation \_\_\_\_\_

Education \_\_\_\_\_

48

**General**

1) What ethnic and religious minorities live in your municipalities?

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

6. Other (please specify)

7. Don't know (DK)

2) How would you evaluate relations between various communities on a scale from 1 (excellent) to 5 (very bad)?

	Community 1	Community 2	Community 3	Community 4	Community 5
Community 1					
Community 2					
Community 3					
Community 4					
Community 5					

3) How do you get along with people from other communities?

1. Very good
2. Good
3. Medium
4. Bad
5. Very bad
6. DK

4) What do you think about other ethnic communities? What are their main characteristics?

	Characteristic	Characteristic	Characteristic	Characteristic	Characteristic
Community 1					
Community 2					
Community 3					
Community 4					
Community 5					



5) Which communities are minorities in your municipality?

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. Other (please specify)
7. Don't know (DK)

6) Why do you think that the ethnic groups that live in your municipality are minorities?

1. Language
2. Culture
3. Religion
4. Customs and tradition
5. Number
6. Other (please specify)
7. DK

7) Do you believe the minority rights are respected in your municipality?

1. Fully respected
2. Partially respected

3. Depends on the ethnic community
4. Not respected at all
5. DK

### **Legal framework and existing mechanisms**

8) What services are delivered by your municipality in regards to minority rights protection and promotion? (E.g. use of language in public life)

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. Other (please specify)
7. Don't know (DK)

9) To what extent are these possibilities used by minorities?

1. Frequently
2. Not very frequently
3. Insufficiently
4. DK

10) Did the situation change during the last several years in regards to minority rights?

1. It changed to better
2. It remained the same
3. It changed to worse
4. DK

11) Do you know of any cases when minority rights of certain citizens were violated?

1. Yes
2. No
3. DK

52

12) In what minority-related cases would you ask for help?

1. Employment
2. Access to information
3. Legal help
4. Documents issuing
5. Other (please specify)
6. DK

13) Do you perceive the public administration as helpful in regards to minority rights?

1. Very helpful
2. Sometimes helpful
3. Not very helpful
4. Not helpful at all
5. DK

14) Do you have any recommendations for the municipal administration in regards to minority rights?

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
6. Don't know (DK)

15) What would you do when you have information that someone's minority rights are being violated?

1. Report to the police
2. Report to an international organization
3. Report to the municipal organs
4. I would do nothing
5. DK

16) Which international organizations can be helpful with the implementation of minority rights?

1. Helsinki Committee
2. OSCE
4. EU
5. NATO
6. UNHGR
7. Amnesty International
8. Transparency International
9. Other (please specify)

54

17) Have you ever turned to any of them?

1. Yes
2. No
3. DK

18) Who would you contact if your rights were violated?

1. The police
2. An international organization
3. The municipal organs
4. Informal community leaders
5. DK

19) Have you ever turned to the municipal administration for protection of your rights?

1. Yes
2. No
3. DK

20) If not, why not?

1. They do not have the competencies to act upon it
2. They are inefficient and would not do anything
3. I do not trust the municipal organs
4. Other (please specify)

21) Does discrimination exist concerning employment of members of minorities?

1. Yes
2. Depends on the minority
3. No
4. DK

22) Are there any cases of discrimination by the municipality towards members of minorities?

1. Yes
2. Depends on the minority
3. No
4. DK

23) Do you think that you are treated equally compared to other citizens?

1. Yes
2. No
3. DK

56

24) Does discrimination exist concerning education for members of minorities?

1. Yes
2. Depends on the minority
3. No
4. DK

25) Are there any measures taken by the local government to improve the relations between majority and minorities?

1. Yes
2. No
3. DK

26) Is there promotion of tolerance and cultural pluralism in the local media?

1. Yes
2. No
3. DK

27) Did local media report on cases when the municipal administration did something to uphold / to violate the minority rights?

1. Very often
2. Rarely
3. Never
4. DK

28) How do the local media present the situation regarding minority rights?

1. Objectively
2. Not very objectively
3. They are biased
4. DK

29) Which media are the most important for minority rights protection?

1. Internet
2. TV
3. Radio



4. Newspapers (dailies, weeklies)
5. DK

30) Do you think that the minority rights would be better implemented if the minority representation in the municipality council were better / broader?

1. Yes
2. No
3. DK

### Suggestions

31) Do you have any recommendations for the municipal administration?

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. Don't know (DK)

32) What chances and concrete possibilities do you see for further improvements in the relations between majority and minorities?

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

- 4. \_\_\_\_\_
- 5. \_\_\_\_\_
- 6. Don't know (DK)

33) What would you suggest in order to improve the situation in the field of minority rights?

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_
- 6. Don't know (DK)

# 5

## Stocktaking

The next phase of the project cycle is a rather academic exercise. The results of both administration self-evaluation and the variety of data

obtained from the citizen input exercise will now be compiled and compared.

In the evaluation process following the pilot projects the decision to keep this as a separate step has been discussed. In the reporting, both orally and in written form, the stocktaking was mostly merged with the next step, the preparation of a preliminary report. After giving it some consideration, we decided to keep it as a **logically separate step** in the process. There are a number of reasons, but the main one from a practical point of view is that this work can be done either in house by the implementing organisation or as part of the above-mentioned possible cooperation with a local university. In other words, no special expertise is required to compile the three listings. The expertise is needed later. Also from a logical point of view, a report can only be produced on the basis of existing, workable data.

On one hand, the legal situation and the state of its implementation as seen by the local administration will have to be presented in a workable way. For this, a division into three parts seems useful, but is by no means binding for implementing organisations. The reason why this division is proposed is merely practical.

First, it would make sense to produce

an exact **listing of national, regional and local legislation** (to the extent that this exists) relating to the status of national minorities and put it in relation to international conventions and treaties - based on the various reports of the Council of Europe, the European Union, and, where applicable, the OSCE. The angle here would be to analyse the extent to which international requirements are met by

national legislation or to what extent they are even exceeded - this having in mind that they provide for a minimum of protection only.

The second listing would entail the **implementation regulations** of existing legislation on one hand, and the **evaluation of the administration** staff, indicating

to what extent these regulations are put into practice. Should it be the case, the listing can also contain arrangements or **best practices**, which the respective municipality is offering as a service to its citizens belonging to minorities, and which exceed the minimum standard required by law.

Especially this point about municipal authorities going beyond the requirements of the legislation is often met with scepticism by organisations dealing with minority rights and protection and especially by partisan or advocacy organisations. Often the argument is voiced that this is a purely theoretical issue. It is not. It is true that it is a rare situation that politicians not only talk about good will and confidence building, but actually take measures. It does happen that municipalities allow e.g. the use of mother tongue in certain circumstances not foreseen by the law.

For example, some time ago, a municipality in Macedonia, which does not exist anymore because it was merged with another one, allowed primary school education for the Turkish minority in their own language in breach of national legislation and the constitution, but being aware that both were in breach of international legally binding standards. The political gesture was very much in favour of the children belonging to the Turkish minority, who henceforth enjoyed education in their own language. The legal case became a European issue and was dropped after the Macedonian constitution and legislation were adjusted.

The third listing finally should contain the **findings from the citizens' input**, compiled and categorised in an analogue way to the

first two listings, so that a useful comparison can be made between the three listings.

The final product of this phase should be a compilation of data for example along the following headlines:

- Legal requirements;
- Achieved implementation;
- Non-achieved implementation;
- Partially achieved implementation;
- Implementation beyond requirements;
- Recommended improvement.

# 6

## Status Report

The next step in the project cycle is one that requires a set of skills, which may not necessarily be available in-house for some implementing organisations.

What is needed here are analytical skills, in order to take the compiled data material and transform it into political and policy recommendations. Furthermore, a thorough knowledge of the state of art in minority rights and protection related research is needed in order to be able to apply the most recent findings. Deep knowledge of the international and national legal and political situation with regards to minority issues is a must as well. And last, but not least, good drafting skills are an asset - who wants to read boring reports?

Should the implementing organisation possess such resources among its staff, it is privileged and can proceed to the drafting exercise. Many organisations probably would not have this kind of expertise. It will in that case be necessary to hire an

**external expert** to draft the preliminary status report.

The aim of the preliminary status report is twofold: on one hand it is supposed to give an **overview about the *status quo***, based on the data acquired during the first stages of the project and compiled in the previous, stocktaking exercise. On the other hand, the report is intended as a **tool for policy makers**, containing concrete recommendations for improvement in the sphere of minority rights and protection.

The first part of the report will be rather descriptive by nature. It will contain a critical review of the existing data, with a special bias on mechanisms of minority protection and participation. The evaluation of existing mechanisms will be supported by the identification of trends, of already initiated further development but also of problems and shortcomings.

The report will also go beyond the mere evaluation and propose concrete amelioration to the minority rights related policy of the local administration, developing concrete recommendations for measures to be undertaken as well as for potential projects in order to enhance the level of implementation of minority rights.

The recommendations should circle around three thematic complexes:

- Improving the implementation of existing legislation and regulatory framework for the individual and collective rights of citizens belonging to minority groups, especially in their interaction with the public administration;

- Improving the implementation of minority protection mechanisms as required by international standards and national legislation. Here especially the interaction of local administration, judiciary and police in the spirit of community policing can be an interesting issue. Also the interaction between administration and (where applicable) local or regional branches of the ombudsman institutions would fall under this category. Another issue of growing importance is the protection of local minority groups, which in a larger, national context belong to the majority population;

- Improving the conditions of minority participation in public life, in the administration, in the education system, etc. In the context of a general trend to decentralisation, more and more competencies in the fields of education, social and health policy will be derogated to a local level, and mechanisms to ensure appropriate minority participation are yet to be developed. In this context, recommendations as to an enhanced interaction between the local administration and existing minority or inter-ethnic councils should be developed, where appropriate.

The recommendations will be based upon thorough knowledge of the local sensitivities and competencies. Size and capacity of the local administration should be taken into account just as much as the budgetary situation. For recommendations to be useful, they have to aim at improving the existing situation in a step-by-step approach. It is important to distinguish between issues, for which the local administration is competent and such, where it only has little or no influence.

It would also make sense to distin-

guish between **short, mid, and long term recommendations**, since they would affect the work of the administration in different ways. And last but not least, it should be clearly expressed who the **addressee** of each specific recommendation is. It will probably be necessary to include ideas and recommendations to the legislator (the national parliament, in most cases). These should also be clearly marked as such, in order to avoid misunderstandings and the feeling of unnecessary pressure exercised upon the local administration.

It should go without saying that the report needs to be drafted in a **clear language**, trying to avoid "expert speak", which is not understandable to anyone but the experts themselves. The report will by nature be critical. It is thus important to formu-

late the criticism in such a way that the addressee - mostly employees in the local administration would not only not be offended, but would gladly take on the recommendations, understanding that it is to everybody's profit.



# 7 Stakeholder Input

Before the status report can be put in its final form, it should be circulated to a **broad range of stakeholders** with the kind request for a friendly review and comments. Among the organisations and persons who should receive the draft are relevant associations and organisations with human rights and/or minority rights character, minority organisations. Also local experts could be considered, as well as universities or research institutes, which are active in the specific municipality or region.

It seems useful to send the draft for comment also to offices of state institutions, which are present in the respective municipality or are in charge of it, and which are not part of the local administration and have a minority issues related mandate. The local or regional offices of the ombudsman or the population service of the ministry of interior would be such types of institution. Naturally, the range and nature of these institutions varies a lot from country to country.

Depending on the circumstances, it would be useful to send the draft report in this case more as informa-

tion to relevant international bodies, which are active in the municipality or the region, but also on national level, if they are interested in local and minority affairs. Such offices could be the Council of Europe local office, the OSCE missions, UNDP offices and the EU delegations. Should they want to comment on the contents, these comments would as well be taken into consideration. Involving the international factors can have a positive effect insofar as the reporting carried out by the organisations themselves, but also with regards to future cooperation. It should be taken into consideration that minority issues are part of the **European integration process** and receive a certain amount of attention from the European Union institutions.

Depending on time and resources, it may be a good idea to organise a **roundtable** with a more restricted expert audience or a hearing with a broad range of stakeholders, in which the findings laid down in the draft report can be discussed in a public form.

In theory, every citizen should have the chance to input on the findings of the report. The range of instruments available for this purpose is wide. **Creativity** is needed here once more to find ways to reach out to a population, which tends to be passive in its vast majority.

# 8 Proposal

Following a waiting period with a set deadline for input from stakeholders, the draft report will be brought to its final form taking into account the comments received during the previous step of the project cycle.

The final report, preferably in a **published version accompa-**

**nied by a CD**, will first be presented to the local authorities and later made available for a wider audience.

It depends very much on the situation on the ground, whether handing over of the report will be done in a special session of the programme group with the mayor and/or the head of the municipal assembly, or if this can be turned into a more public event, that would entail a symbolic hand-over of the opinion and wishes of the citizens to the local administration. In any case, appropriate **public attention** - meaning media - should be drawn to the event or at least to the fact that the handover has taken place.

It is likely that the final report will not be received with a lot of **sympathy** especially by the political decision makers on the ground. Nobody likes to be criticised publicly, and certainly not by one's own constituency. It has happened during the pilot phase of this project, and it took some amount of discussion and backroom diplomacy to get the project back on track. This is why it is so important that the reports are **formulated in a positive manner**, so that the addressee does not appear to lose face in the entire exercise. In the end the methodology is about the process and longer-term results rather than about short-lived public criticism.

Depending on the legal situation and the competencies of local authorities, the decision of the local assembly taken in step 1 of this proposed methodology should be revisited and

ideally a **binding commitment** should be made to implement the recommendations within the limits of the possible and feasible.

This kind of binding commitment was at least partially achieved in Cluj during the pilot phase of the project. There, the main ideas of the methodology, albeit not the recurrent approach, have been integrated into the five year strategy for the development of the municipality.

The local authorities should be informed that the **programme group** will continue its activity and will evaluate progress in due time and with due diligence. Ideally, an **implementation plan** would be elaborated with fixed dates or time frames for every single commitment. This plan could be elaborated by the programme group together with the

heads of relevant departments in the municipal administration and with the heads of the political groups in the local assembly. In the best case scenario, this plan would also be made **public** to underline the good will of the municipality in contributing to raising the standards of minorities-majority relations on their territory.

# 9 Evaluation

Following a **time schedule** agreed upon in advance, an evaluation will take place to assess the number and quality of measures that have been undertaken and how the implementation of minority rights, protection and participation has developed over the implementation period.

The evaluation process will be undertaken by the programme group in formal meetings and in discussions with the heads of the relevant departments in the local administration. The progress will be checked against the implementation plan, which has been elaborated in the previous step in the project cycle.

Considering that the time frame and dynamics of some recommendations and their implementation would differ, it is possible to consider a **suc-**

**cessive evaluation.** However for reasons of visibility and public impact it is recommended to have a **one compact evaluation period.** The timing could be set e.g. by taking the average time frame indicated in the implementation plan. This approach will ensure that short-term progress is visible and not outdated already, that the implementation of medium term commitments will be well under way and possibly even some of the long-term ones. Should this be the case, the evaluation could indicate progress, while still pointing out the tasks lying ahead.

The evaluation should materialise in the shape of **progress reports.** Depending on the approach chosen by the implementing organisation, there would be one bigger report or a number of smaller, issue-oriented ones. Either way, the wide distribution of these reports to persons and organisations contacted in the stakeholder input phase and to media, but also to regional and national government agencies and offices is essential. This of course implies that ideally also these progress reports should be published.

It is also important to confront the administration with these reports because of the possibility of rotations and changes in staff and the loss of **institutional memory** that usually goes with this process. Another reason is the fluctuation in the degree of commitment to minority issues within the political scenery. Much of the quite dramatic

progress in minority protection and participation in Romania and Bulgaria happened under pressure from the European Union, due to commitments enshrined in the accession treaties and the negotiations leading up to them. The prospect of inherent accession did certainly have a motivating effect.

Now that this pressure is no longer kept up and with the European Union showing no real interest in minorities related issues within its boundaries, a **regress** in the situation on the ground is expected. It will fall into the duties of initiatives like the one proposed by this methodology to keep the pressure on governments up and insist on the fulfilment of international, national, regional and local commitments.

Another aim of this exercise is to bring the issue of the implementation of the commitments made by the administration and the political factors back into public discussion. The instruments and contacts used dur-

ing the media campaign in the actual implementation phase of the project can be reactivated and used to a maximum, in order to keeping the issue high in the **public domain's attention**.

# 10

## Recurrence

The concept of this proposed methodology is that it would have a **cyclic, re-occurring life span**. Once the first cycle completed, ways and means to repeat the exercise will be explored and implemented. The ultimate aim is to establish a **culture of dialogue** between civil society and local authorities.

During the implementation of the first project cycle, the implementing organisation should lobby with the authority in charge - be it the mayor or the head of the local assembly, or the secretary general of the local assembly - for putting the issue of implementation of commitments regarding minority right, protection and participation on the **agenda of**

**the local assembly**. Ideally this would coincide with the publication of the evaluation reports. The aim would be here to make this a recurring event in the assembly and to shape the next cycle around the given dates.

Through this technical "trick", the degree of **local ownership** for this process would automatically increase, which is on one hand a central objective of this methodology and on the other hand a precondition to achieve relevant, tangible and sustainable results.

Improvements will take time, but will contribute substantially to more credibility on both sides of the imaginary, but still very effective divide between local administration and civil society. The process will hopefully also contribute to the understanding that minority rights and putting them into practice is not a matter of relevance to the minorities only and it does not have to be a political matter only, but that in the end it is an exercise of **lived citizenship** - something that all our societies need badly.

Annex IV: Example from the Municipality of Cluj-Napoca, Romania

Strategy for the Development of the  
Municipality of Cluj-Napoca

Multicultural Cluj

72

## Summary

Culture and the relationships between various cultures and ethnic groups affect a variety of different spheres of public life and as a result, play a key role in the realisation of social and economic goals of development plans. The present document attempts to make a contribution to the creation of the framework for the improvement of interethnic dialogue by means of formulating local policies promoting interethnic collaboration and a beneficial employment of religious and ethnic diversity in Cluj-Napoca.

The recognition and amplification of this cultural diversity in the future makes the elaboration, adoption and promotion of policies tailored for the local context that would turn this diversity into value a necessity. Although diversity is a value in itself, its integration has both an economic, as well as social dimension, contributing to durable local development. Naturally, the definition of cultural diversity is still under debate. However, several features have been identified, such as multiculturalism, linguistic diversity, ethno-diversity, cultural rights, diversity of confessions, beliefs and traditions. As a result, cultural diversity implies an integrative approach in the fields of politics, economy, the social and the legal spheres.

As a result, the present document contains a series of recommendations regarding the beneficial employment of cultural diversity in the city of Cluj in an attempt to support local development. The central recommendations are the following:

1. Assuming and defining a multicultural identity for the city and its promotion via all means of mass communication;
2. The creation of a Consultative Council in the sphere of multiculturalism that would bring together leading representatives of the various ethnic groups living in the city;
3. The encouragement and promotion of partnerships between public and private institutions, non-profit organisations in various fields of activity: education, culture, tourism, etc.
4. The organisation of multicultural events and the elaboration of short and medium term agendas in this regard;
5. The city should rely on its multicultural potential in encouraging cultural tourism;
6. Raising awareness of the Roma problem as a component of the multicultural potential of the city.



## Introduction

Cluj-Napoca is a city with a significant multicultural tradition. From a cultural perspective, the city is remarkable due to the wealth of the Christian (Orthodox, Roman and Greek Catholic, Calvinist, Unitarian, Pentecostal, Adventist), Muslim and Judaic communities. The presence of these religious communities is completed by ethnic diversity due to the presence of ethnic Romanians (79.39%), Hungarians (18.96%), Roma (0.95%), Germans (0.07%), Ukrainians (0.5%) as well as Jews, Arabs and Chinese. In the recent past, Cluj has been welcoming an increasing number of asylum seekers, refugees, migrants, as well as employees of international companies.

The recognition of this cultural diversity and its amplification in the future makes the elaboration, adoption and promotion of policies tailored for the local context that would turn this diversity into value a necessity. Although diversity is a value in itself, its integration has both an economic, as well as social dimension, contributing to durable local development. Naturally, the definition of cultural diversity is still under debate. However, several features have been identified, such as multiculturalism, linguistic diversity, ethno-diversity, cultural rights, diversity of confessions, beliefs and traditions. As a result, cultural diversity implies an integrative approach in the fields of politics, economy, the social and the legal spheres.

Romania has made significant progress in regard to the protection of ethnic minorities. Romanian legislation has been enriched by a series of provisions that are meant to protect minorities and support them in their yearnings to maintain their identity and traditions. In this general atmosphere of relaxed interethnic relations, of acceptance and promotion of diversity, the negative example of Cluj was becoming increasingly visible.

Local elections in 2004 have brought about major changes in the Mayoralty of Cluj-Napoca. The implications of this change for the ethnic diversity of the city are very important. For the first time in 12 years, the discourse of local authorities remained short of ultra-nationalist phraseology, allowing minorities to feel an integrative part of the local community. In spite of this, the participation of minorities in public life is still timid. After such a long period of exclusion, in which minorities have developed their own mechanisms and institutions of social participation, there is need for a joint initiative of local actors - public authorities, non-profit organisations, organisations of ethnic minorities - in order to overcome lack of trust, in order to ensure the involvement of minorities in the life of the local community, and for the promotion of respect for the values of diversity.

Our desire through this document is the identification of local public policies that will allow to beneficially rely on the cultural diversity of the munic-

ipality of Cluj-Napoca in supporting current developments.

### *The Analysis of Current Affairs*

Contemporary scholarly literature proposes three normative models in the approach of majority-minority relations. These are: the assimilationist model, the differentialist model and the multicultural model.

The assimilationist model proposes the "incorporation of minorities into the majority" by giving up their language, traditions, cultural and social values, while concomitantly internalising those specific for the majority group/population. The individual is responsible for assuming this task, while the state is implicitly not expected to bear responsibility for accommodating preferences and values specific to given groups. This model implies that through the internalisation of language/values/traditions specific for the majority groups, any chance for conflict is excluded.

The second model is the differentialist one, according to which contact between the majority group and the minority group(s) is reduced to a minimum, ensuring the "cohabitation" of groups that rarely meet and interact in this way. The state assumes no responsibility for accommodating specific languages/preferences/values, although it allows for the existence of parallel institutions.

The multiculturalist model implies, however, a more nuanced approach in between the above two through

the acceptance of legitimacy and potential represented by assuming the diversity of ethnic groups. This model believes that there are chances for facilitating the participation of various groups in public life in such a way as to accommodate the language/preference/values specific for all groups. The participation of different groups in public life is, from the perspective of this model, the key element in the restructuring and improvement of community life and elimination of conflicts. The role of public institutions is diversified and improved by the encouragement of creativity in developing organisational combinations that are adequate for the specific needs of local communities.

Naturally, these theoretical-normative models are hard to find in pure form. They are, however, useful in structuring characteristic policies in a strategic manner, taking into account the outcomes of contributions made by every ethnic group to the life of the community it is active in over the medium and long run. From a legal point of view, current legislation creates the context for adopting multicultural policies at local level.

According to the Romanian Constitution, minorities are guaranteed the right to maintain, develop and express their ethnic, cultural, linguistic and religious identity, conferred by art. 6 para. 1

The Art. 6 defines the right to identity:

(1) The State recognizes and guarantees the right of persons belonging to national minorities, to the preservation, development and expression of their ethnic, cultural, linguistic and religious identity.

(2) The protecting measures taken by the Romanian State for the preservation, development and expression of identity of the persons belonging to national minorities shall conform to the principles of equality and non-discrimination in relation to the other Romanian citizens.

By Art. 16, is guaranteed the equality of citizens:

(1) Citizens are equal before the law and public authorities, without any privilege or discrimination.

(2) No one is above the law.

(3) Access to a public office or dignity, civil or military, is granted to persons whose citizenship is only and exclusively Romanian, and whose domicile is in Romania.

In addition, art. 4 para. 2 states the equality of all citizens of Romania irrespective of nationality, race, ethnicity, religion, or language.

Also the Romanian Constitution establish: the right to education of minorities (Art. 32, para. 3: The right of persons belonging to national minorities to learn their mother tongue, and their right to be educated in this language are guaranteed; the ways to exercise these rights

shall be regulated by law), parliamentary representation of minorities (Art. 59, para. 2: Organizations of citizens belonging to national minorities, which fail to obtain the number of votes for representation in Parliament, have the right to one Deputy seat each, under the terms of the electoral law. Citizens of a national minority are entitled to be represented by one organization only), the right for interpreter during juridical procedure (Art. 127, para. 2: Citizens belonging to national minorities, as well as persons who cannot understand or speak Romanian have the right to take cognizance of all acts and files of the case, to speak before the Court and formulate conclusions, through an interpreter; in criminal trials, this right shall be ensured free of charge).

Cabinet Decision no. 137/2000 regarding the prevention and sanctioning of all forms of discrimination, later adopted as law no. 48/2002 defines discrimination and stipulates its punishment. In this regard, an organism was founded, called the National Council for Combating Discrimination, whose aim is to supervise the respect for the provisions of the anti-discrimination legislation.

Emergency Ordinance 22/1997 regarding local public administration brought significant positive changes as far as the use of minority languages in public administration are concerned. Legislation is applicable in localities in which at least 20% of the population belongs to a minority

community. The normative act contains provisions regarding the use of bilingual signs and inscriptions, the use of minority languages in communicating with local authorities, both in writing, as well as in oral interactions, the publishing of announcements of public interest in minority languages, as well, the use of minority languages during Council meetings (local or county level) if at least one third of the councillors belong to a minority group (translation into Romanian must be offered), and the use of minority languages in court.

As a more recent development, a new law regulating public administration, passed in 2001, includes new provisions regarding the use of mother tongues in administration; in areas where minorities constitute over 20% of the population, all regulations adopted by local councils must be published in the mother tongue, as well, while individual decisions may be translated on demand. Similarly, if representatives of minorities constitute at least one third of all the representatives in the local council, meetings may be held in Romanian or in the minority language and must be assisted by an interpreter.

The Law regarding local public administration (Law no. 215/2001), at article 90 stipulates:

"(1) In the relations between citizens and the authorities of local public administration the Romanian language is used.

(2) In the territorial administrative

units, in which citizens belonging to a national minority represent more than 20% of the number of inhabitants, in their relations with the authorities of local public administration and their specialized bodies, can address them orally or in writing in their mother tongue as well and they will receive answers both in Romanian and in their mother tongue.

(3) In the conditions stipulated at paragraph (2), on the public relations posts there will also be employed persons that know the mother tongue of the citizens belonging to the respective minority.

(4) The authorities of the local public administrations will assure the inscriptioning in the mother tongue of the citizens belonging to the respective minority, of the names of localities and the public institutions under their authority, as well as the inscriptioning of announcements of public interest, in the conditions stipulated in paragraph (2).

(5) The official documents are obligatorily made up in Romanian."

Education in minority languages in Romanian public schools is another important component of the relevant legislation, recognised by the Law of education, passed in 1995. The problem regarding the use of Hungarian language in public education has been thoroughly debated over the past years. The law on education and its amendments ensure the right to education in the mother tongue at all levels of study and in all forms of

instruction.

"Art. 118. Persons belonging to national minorities have the right to study and receive instruction in their mother tongue, at all levels and forms of education with appropriate request, according to the present law.

Art. 119. (1) Taking into account local needs, groups, classes, sections or school units with teaching in the languages of national minorities may be established, at request and in accordance with the provisions of this law.

(2) Paragraph (1) of this article shall be implemented without prejudice to the learning of the official language and the teaching in this language.

The necessity to approach in different ways problems of national minorities depending on the nature of specific issues they are faced with appeared with the adoption of the Strategy of the Romanian Cabinet for the Improvement of the Situation of Roma in 2001. The strategy represents the first governmental initiative that comprehensively addresses the problems of the Roma minority, stipulating measures for ten different directions of action: community and public authority development, housing, social security, health care, economy, justice and public order, child protection, education, culture and cults, communication and civic participation. Recently, the Strategy has been completed and modified by Cabinet Decision 515/19.04.2006.

Thus, as far as community and public administration developments are concerned, the Strategy stipulates: "Local / county level organisation of mixed working groups formed by elected representatives of the given community, those of decentralised structures of the central administration and non-profit organisations of Roma and the Roma minority, in the evaluation of the more important needs of Roma communities and the application of support programmes for the latter." Another listing in the same chapter recommends "the development of collaboration between public administration and non-profit organisations of Roma, based on partnerships; the inclusion of leaders of Roma communities in local level administrative decision-making processes that affect the Roma communities."

The Constitution and the electoral law guarantee the representation of minorities in the Chamber of Deputies in the articles that grant one deputy seat to the organisations of all national minorities officially recognised if they obtain 5% of the total number of votes necessary for a lower house representative nationwide.

In June 2002 the Statute of the Police Officer was passed and stipulates the inclusion of persons who speak the language of the given minority in the police forces of the settlements in which at least 20% of the population belongs to a minority community.

The currently existing legal framework in Romania provides the general pieces for the adoption of multicultural policies. This aspect is important not only concerning the facilitation of existent ethnic minorities' participation in public life, but also as regards pro-active measures connected to migration policy targeting communities in Romania that have been settling in this country over the past years.

### *The Objectives of Multicultural Policies*

Through this document, we propose to identify means with the help of which local authorities can identify public policies that will permit the beneficial employment of the cultural diversity of the municipality of Cluj-Napoca in supporting current development. This study is based on the assumption that the multicultural tradition of Cluj is a value that must be cultivated in order to avoid the appearance of feelings of social isolation of certain cultural and / or ethnic groups, as well as to transform cultural diversity into a factor of lasting development.

Cluj is constituted by a conglomerate of parallel cultural communities (ethnic, linguistic, religious) among which there is little communication. A variety of reasons (historical, political, among others) lead over time to the current state of affairs, but which is incongruent with needs for local development of the city. In order to be able to respond to the context of cultural pluralism at local level, we

would like to identify a set of measures that can effectively address problems of communication amongst cultural and ethnic groups in Cluj.

Measures specific for the multicultural model of diversity depend on the concept of applied multiculturalism. Scholarly literature distinguishes among three different notions of multiculturalism. The first conception is a demographic one, and according to which diversity is identified by the description of criteria that characterize the social context relevant for the process of local level public policies. The second conception is of a political nature and refers to measures and specific policies of local authorities that are meant to address specific needs of diverse contexts. The third conception, and the most controversial one, is an ideological one according to which cultural diversity is a social value in itself. As a result, there is a necessity to recognize individual and group rights as a prerequisite for the preservation of the cultures and traditions of various ethnic groups.

Irrespective of the adopted conception of diversity, multicultural measures taken attempt to attain one or several of the below enlisted goals:

- The preservation of cultural identity - refers to rights specified by law that ensure the freedom of speech and the manifestation of cultural and linguistic values for every citizen.
- The insurance of social justice - implies the guarantee for equality of

chances and everyone's right to be treated equally irrespective of race, ethnicity, culture, religion, language, gender and origin.

- The improvement of economic performance - the development and employment of skills and talents of everyone irrespective of origin.

At the level of public policies, the promotion of multiculturalism and communication amongst various cultural communities means the elaboration, adoption and promotion of principles specific for the local context in an aim to support local development. We identify in this regard five main domains in which local public authorities have the possibility to adopt measures aimed to beneficially employ the multicultural character of Cluj. These principles are the following:

1. The necessity to preserve traditions and specificities of the different cultures.

a. officially recognising of local cultures and that of minorities,

b. guaranteeing the access of persons/communities to their own culture,

c. protecting and promoting cultural institutions.

2. The conservation of the languages of all linguistic communities.

a. insuring an institutional framework that aims to create and support edu-

cation in the mother tongue,

b. facilitating the use of mother tongues in relations with local authorities,

c. insuring the access to information in minority languages through the development and support of audio-visual programmes.

3. The facilitation of intercultural communication.

a. promoting the consumption of a diverse range of cultural services,

b. ensuring the pluralism of information services,

c. stimulating intercultural events in the field of culture,

d. supporting participation in intercultural events.

4. The adoption of multicultural education.

a. elaborating and applying curricula for multicultural education in the formal education system,

b. supporting intercultural information services provided by NGOs,

c. supporting the diversity of instruction systems for adults.

5. The development of cultural services.

a. stimulating artistic creations in all cultural locations,

b. the creation of multicultural artistic workshops.

The adoption of these principles in the elaboration of local development policies contributes to the increase of social inclusion of various cultures and minorities, who in turn facilitate the beneficial employment of local resources for the promotion of durable development.

### *Main problems*

Problems facing the Cluj community from the perspective of inter-ethnic relations can be divided into:

#### *I. Institutional problems*

As regards local public institutions

a) The lack of a multicultural vision as far as local authorities are concerned. Multiculturalism has not been considered till recently an important aspect for the development of the community by local authorities.

b) The lack of specialists in the domain within public authorities. This need refers to specialists in problems of multiculturalism in general, as well as specialists for problems of specific communities. As far as this latter aspect is concerned, there is a definite need for specialists regarding problems affecting members of the Roma community.

c) Unsuitable communication of local authorities with minorities, including in problems of common interest. It is important to mention here the lack of

informative materials in the languages of minorities/or international languages for cooperation. The sources of information that need diversification are: the website, the newspaper of the Mayoralty, the printing of brochures with useful information, summaries of pieces of legislation specific for minorities, pin walls for public information.

d) The lack of cooperation mechanisms among numerically small minorities whose contributions to the enrichment of the life of the community would otherwise go unnoticed.

e) Low levels of institutional capacity in utilising existing resources actively used in the non-profit sector for facilitating dialogue. There are limits in understanding the mutual points of view and constraints regarding specific activities.

A) As regards relations among minorities and between minorities and the majority

a) As formal relations among institutions

i. Relatively rare contacts between active organisations of the different minorities.

ii. Limited access to internal and external financial resources necessary for joint cultural initiatives.

b) Informal

i. The loss of interest in collaboration over time due to punctual, limited



actions.

*II. Problems of mutual perceptions that exist both between majority and the different minorities, as well as among minorities themselves:*

- i. The fragmentation of the population on ethnic grounds;
- ii. Lack of information regarding each others' values/traditions;
- iii. The existence of stereotypes and prejudices regarding alternative groups.

*Recommendations*

*1. Assuming and defining a multicultural identity for the city and its promotion via all means of mass communication;*

1.1. The periodical evaluation of the situation by means of a **sociological study\*** in order to assess the state of interethnic relations in Cluj-Napoca and those domains that require intervention.

1.2. The elaboration of a **strategy of communication\*** and the adoption of a multicultural identity for the city.

1.3. The launching of a **campaign promoting a multicultural message** on all channels of communication (the newspaper, the website of the Mayoralty, etc.).

*2. The creation of a Consultative Council in the sphere of multicultural-*

*ism that would bring together leading representatives of the various ethnic groups living in the city;*

2.1. Identifying and co-opting respectable, recognised and appreciated representatives of the Cluj community. The creation of a **Consultative Multicultural Council\*** of the Mayoralty, formed by these respectable representatives of ethnic groups living in the municipality. The role of this Council would be to update and put into practice the strategy of the Mayoralty promoting multiculturalism by formulating proposals and recommendations and by approving decisions of the Local Council in problems that fall within the competence of the Consultative Multicultural Council.

*3. The encouragement and promotion of partnerships between public and private institutions, non-profit organisations in various fields of activity: education, culture, tourism.*

3.1. The periodical **initiation** of multi-sectorial meetings (public institutions, non-profit organisations, the business community) for the **harmonisation** of efforts regarding the accommodation of ethnocultural diversity.

3.2. **The encouragement of partnerships** in the fields identified in the SWOT analysis as being domains preponderantly segmented on ethnic grounds: culture, the associative medium and education, by allocating a certain score in the evaluation forms of projects financed by the

Local Council and which would promote the respective initiatives.

3.3. The allocation of a budget that would encourage the **co-financing** of European projects promoting multiculturalism and multicultural partnerships in the domains identified as priorities in the beneficial employment of the municipality's multicultural assets.

#### *4. The organisation of multicultural events*

4.1. The editing of a representative **publication** that would illustrate the multicultural potential of the city.

4.2. At the recommendation of the Consultative Council, the hosting of **events** with significant visibility attended by educational and cultural institutions of cultures to be found in the city (theatres, churches, cultural centres, publishing houses, schools, media agencies, etc.).

4.3. The celebration of multiculturalism, by identifying a **day** dedicated to the multiculturalism of the city.

#### *5. The city should rely on its multicultural potential in encouraging cultur-*

#### *al tourism*

5.1. The preparation of **materials** promoting the city and tourist events by the office for tourism proposed by the strategy for the development of tourism that could strongly rely on the city's multicultural wealth.

5.2. The improvement of **monuments' visibility** and that of historical buildings by appropriately indicating their significance.

#### *6. Raising awareness of the Roma problem as a component of the multicultural potential of the city*

6.1. The hiring of a **Roma expert** according to the provisions of the *Strategy of the Romanian Cabinet for the Improvement of the Situation of Roma*.

6.2. The identification and **promotion** of **Roma** human and institutional resources in the municipality.

6.3. The creation of an institution or departments within existing institutions for the promotion of the above-mentioned assets (a museum for Roma, etc.).

## ***Annex - Institutional local resources of multiculturalism***

The National Theatre and the Romanian State Opera. The Hungarian State Theatre from Cluj, the Hungarian State Opera is the oldest theatrical company in Hungarian, inaugurated in 1792. A majority of performances are interpreted into Romanian.

The "Puck" Puppet theatre runs shows for children both in Romanian, as well as in Hungarian language.

Other public institutions of culture: the National Art Museum, the National History Museum, The Ethnographic Museum of Transylvania, „Lucian Blaga” Central University Library, the Cluj chapter of the Academy Library, „Octavian Goga” county library, the Transylvania State Philharmonic.

Babes-Bolyai University, the one that adopted as its main direction of development multiculturalism, enrolling students and employing faculty with Romanian, Hungarian, German, even Roma ethnic background.

Other institutions of higher education (the University of Fine Arts and Design, „Gheorghe Dima” Music Academy, Cluj-Napoca technical university, the University of Agricultural Science and Veterinary Medicine, „Iuliu Hațieganu” Medical and Pharmacy School, the Protestant Theological Institute Cluj, Sapientia

University).

Institutions of secondary education with the language of tuition in Romanian, Hungarian (Báthory István theoretical high school, Apáczai Csere János theoretical high school, Brassai Sámuel high school), as well as institutions of secondary with multiple languages of tuition (for instance: „George Coșbuc” national college – Romanian, as well as German language classes; „Onisifor Ghibu” theoretical high school – Romanian and Hungarian language classes).

Publishing houses, as well as literary and cultural magazines – the existence of publishing houses, that of literary and cultural magazines, newspapers both in Romanian (daily newspapers, magazines, among which Steaua, Tribuna Apostrof, Echinox), as well as in minority languages (Hungarian) (among which Szabadság, Krónika, Korunk, Helikon, Művelődés).

The regional studio in Cluj of the national television station, TVR, with programmes in Romanian, Hungarian, as well as those of other minorities.

**Religious institutions and foundations with activities of social and community interest – the presence and functioning of multiple religious cults in Cluj-Napoca: Orthodox, Greek Catholic, Roman catholic, protestant, Neo-protestant.**

Institutes of the Romanian Academy in Cluj: „George Bariț” History Institute, „Sextil Pușcariu” Institute of Linguistics and History of Literature, as well as the Folklore Archive of the Romanian Academy.

Non-profit organisations, associations, cultural centres: Association for Interethnic Dialogue (Asociația pentru Dialog Interetnic), Max Weber Foundation, SACRI, the Centre for the Study of Interethnic Relations, (Centrul de Cercetare a Relațiilor Interetnice), The „Ion Aluș” Centre for the Documentation of Multiculturalism (Centrul de documentare pentru multiculturalism „Ion Aluș”), Civitas Foundation, Tranzit Foundation, Transindex Foundation, PATRIR, Resource Centre for Roma Communities (Centrul de Resurse pentru Comunitățile de Romi), Ethnocultural Diversity Resource Centre (Centrul de Resurse pentru Diversitate Etnoculturală), etc.

Non-profit organisations of different ethnic minorities: Kolozsvár Association (Kolozsvár Társaság), Transylvanian Museum Society (Erdélyi Múzeum Egyesület), Transylvanian Hungarian Cultural Society (Erdélyi Magyar Közművelődési Egyesület), Transylvanian Hungarian technical Scientific Society (Erdélyi Magyar Műszaki Tudományos Társaság), Foundation for Transylvanian Hungarian Civil Society (Erdélyi Magyar Civil Szervezetekért Alapítvány), “Heltai Gáspár” Library Foundation (Heltai Gáspár Könyvtári Alapítvány), Hungarian Student Society from Cluj (Kolozsvári Magyar Diákszövetség), The Democratic Forum of Germans from Romania, Cluj chapter (Deutsche Forum), The Federation of Jewish Communities in Romania, Cluj chapter, Wasdass Foundation, Amare Phrala Association, Romano Suno Roma Students’ Association, etc.



