

GLOBAL CHALLENGES, LOCAL SOLUTIONS IN PUBLIC REPRESENTATION:
GENERAL SOCIO-THEORETICAL LESSONS IN THE TRANSFORMATION OF SERBIAN
MINORITY AND REGIONAL INSTITUTIONS

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The present paper examines the historical interactions that form the majority–minority relationships in connection with the belated (early 2000s) change of regime in Serbia. As the present minority institutional systems (of either regional or personal principle) can only lessen the inequities caused by the structural deficiencies of the general operation of political systems, they can not be expected to emancipate communities that are small in numbers (that are in a *'not dominant situation'*), in terms of democracy. However, a certain chance of solution does appear, as it can be seen in the conclusion of this paper as well.

Keywords: inequities in political systems; majority–minority relationships; democracy, political theory

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1. Rethinking the problem

Both the social and political questions of Serbia in the new-millennium can be traced back to the political programs introduced at the birth of the Serbian-Croatian-Slovenian Kingdom, so to interpret the present situation, we have to look back to that period first. The political and minority issues of the region have been and are formed by the competing alternatives of union- and federal states. This holds also true for the examined minority-related inequities. In order to lay ground to further interpretations, it is necessary to distinguish between the two definitive dimensions of the meta-theoretical framework.

2. The actual instances of the inequities stemming from the subsystem of politics

One of the newest developments of the political theory in the EU is that social inequities have come into the focus of internal and EU politics of the definitive member states again, according to their size and weight. The German integration-debate¹ and the French 'Roma-policy' come to mind, but we cannot ignore the European Committee's conservative (?) changes of approach towards immigration and regionalization, either.

An obvious effect of the new situation is that problems of 'integration' will sooner or later challenge the community on the level of the EU. With a universal perception of the problem and with its attempted re-articulation, its socio-theoretical dimension gains more attention. A 'historic opportunity' has appeared to rethink without taboos (to use the words of Chancellor Angela Merkel) those social inequities that stem from the structural anomalies of the political subsystem and are generated and maintained by the majority-principle representation. As it is stated in this paper, in Eastern-Central-Europe the sentence: 'We've got a situation here' is extremely accurate. This situation, even if not exactly international, is definitely inter-EU at the very least. And 'it is escalating'². With the topic of integration of immigrants and gypsies appearing on the political agenda Europe-wide, minorities, especially the so-called historical minorities are striving to re-arrange their relations with the majority society.

1 Mostly mentioned in the German media as 'the Sarazzin-case'

2 'The international situation is escalating.' An adage from the film 'Tanú' ('The Witness') by Hungarian director Péter Bacsó. In the mediated discourses of political theory in the Carpathian basin, to use/cite this sentence is to point out both the incompetence of political personalities (power in general) and the parallel and inevitable hypocrisy that comes along with the former.

Perhaps this standpoint, held by various minority leaders, cannot be labeled as a unified ideology (as a program/agenda of political theory). The approach is based on the observation that believes that in the majority-minority dimension it is possible to distinguish between a) the essence of the minority situation, voluntary and stemming from immigration and b) the change of status that took place due to large-scale political regionalization and is mostly unrelated to a change in place of residence.

As we see it, the two situations, the integration of immigrants and the emancipation of historical minorities indeed show significant differences on the level of phenomena. Therefore, 'treating' them requires different solutions. By 'treatment', we mean the possible/reasonable specific political 'interventions' aiming at mitigating the social inequities originating from the minority status. From a socio-theoretical viewpoint, however, they can be traced back to the same structural anomalies.

It seems also important to point out that some elements of these local solutions to global challenges can become examples (from the perspectives of both effectiveness and morality) to follow and are adaptable in other environments (while paying attention to the local conditions). This can be especially useful when actually phrasing political theories, i.e. when creating programs of minority politics. Thus, the dichotomy of global vs. local is not a one-directional relation. Local solutions, too, can become global procedure, while the local manifestations of global problems have local characteristics.

The analysis attempts to yield relevant socio-(politico-)-theoretical contributions to this global/local system of interactions. Moreover, it demonstrates procedures from the Serbian practice that are in accordance with or based on these theoretically relevant assumptions. The elements of this practice, its socio-historical background, its intentions and effectiveness are examined. Generalizing the actual experiences, the possibilities and practice of the seemingly most relevant institutional solution, of personal autonomy are analyzed. Policy attempts, projects of minority policies are the focal examples. A primary purpose is to highlight such interpretations of minority management that require an interdisciplinary, multi-dimensional approach.

3. The increments and dangers of the institution of personal autonomy

The creation of the minority institution system known as the national councils, created in the first decade of the 2000s, is regarded as a success story of the Serbian minority politics. This view is shared by us in many aspects, though not in its entirety.

As we already pointed out while discussing the formation of this peculiar West-Balkan institution of personal autonomy, it is a significant improvement but is not a substitute for regionally principled efforts in minority policy (c.f. Sarnyai-Pap, 2010, p. 82-83.) There are no universal solutions in minority politics, anyway. Like in other, better researched fields of political institutions (representation, government power), various solutions of minority policy can be invented for the particular social challenges appearing in different situations. These solutions can be similarly satisfying in the given specific case, even when their methodologies are hardly compatible. Definitely, the general implements of fair and efficient minority politics are expanded and improved by the novel Serbian solution. However, a Serbian unified minority management that would equally satisfy the manifold minorities is nearly impossible to realize. The primary reason for this is that the involved minority communities possess different pasts (Vorwelt) and are in dissimilar present situations (Mittwelt). Therefore, they articulate differing expectations and search for dissimilar ways of solutions (Nachwelt) for their specific problems (c.f. Schütz-Luckmann, 1984.).

3.1. *The institutional creation of the personal autonomy*

The main goal of the new institution is to provide solutions for issues in minority politics without endangering the regional integrity of the 'remaining' state. The realization of the fundamental aim was further complicated by the fact that pro-European powers were in a nearly-constant need of minority votes. In 2000 and 2008, this was most perceivable for outsiders, too. The support from minorities was instrumental in creating those majorities that were able to remove the Milosevic-regime relatively peacefully, to change the system and direction and to play down the nationalist faction. The cooperating³ dominant agents of minority wished to attain power position in the given political situation and to reach results that would legitimate their activity in the electorate's eyes. Since their support was crucial due to the aforementioned reasons, when the minority institution system was created, they were able to enforce the demands of those involved to a greater extent than it had been previously planned. The effects are quite detectable both in the

³ The term 'loyalty' was used by Hirschmann to describe such a strategy, since then the term has entered the vocabulary of minority research theory (see Hirschmann, 1995, or Losonczi, 2002.)

texts of the planned minority laws⁴ from the time of the existence of Serbia and Montenegro state and in the codification of the institution of the national councils. The top levels of codification rendered the emancipation of the minority institution system inevitable.

This is also shown in the fact that this emancipation could not have been prevented; only postponed when daily political tendencies were more pointed towards the idea of a nation-based unity state⁵. So the national council act received its final form in 2009⁶. By this law, the particular national councils were elected on a representational principle in the summer of 2010.

3.2 *The institutional blind spots of the national councils*

Yet, the debates concerning the institution were going on; mostly about the legitimacy of the election methods (see Bozóki, 2010). Procedural issues got into the focus of the debates. The question was how to elect the representational bodies of the minorities. As a main rule, the law prescribed direct election on the basis of the register, providing that half the voting members of the given minority signs up for the register. This is the so-called 50%+1 rule⁷. This part of the debate mostly was about why the creation of the register is not a state responsibility. If this implicit⁸ quantity threshold is not met, the council is elected indirectly, by introduction of electors.

The question is unresolved to such an extent that the two historical Hungarian parties did not even present a list at the time of the election of the national councils, because of this ‘legitimacy deficit’.

Apart from the dispute on the election procedures, the distinction (on the level of political theory) between the issues of personal autonomy and economic autonomy is of no less significance. According to the populist approach of the Serbian public thinking in the Milošević-era, minority law grants an ‘unrightful’ advantage to minorities. The reason would be that in addition to the rights of the majority, they have complementary rights. Today, no one really comments on the political nature of the inequities, but reservations towards the ‘excess rights’ do appear in the Serbian public thought. An example is the dispute on Voivodina’s status (Vukadinović-Samardžić, 2005). This controversy intended the discourse supporting the economic regionalism of the province to be positioned in the context of minority politics. Then again, it is common knowledge that the regionally based minority features of Voivodina (the ‘fluctuation’ of the regional relative majority among Serbians, Germans and Hungarians) was done away with already in the times following the second World War. It was done by deportation of Germans and organized and controlled relocation of Southern Slavs. On the 90-year anniversary of the 1918 *post festa* breakaway of Voivodina, there were some who thought of the provincial form of the regional separation as straight counterproductive (see Krestić, 2009.). The settling of the issue is further hindered by the statements of Serbian intellectuals supporting the autonomy of the province (e.g. Jovanov, 2005.), who approach the question with an idealization of the past coexistence.

In our view, both regionalist and minority efforts could be more efficient if their supporters could clarify the relationship of the two approaches. This clarification could assist future discourses to be formed in a way that reaches beyond provisional alliances and conflicts. In such a discourse, their endogenous options, competences and tension sources could be compared.

4. On the possible effects of the minority institution system

4 One of the first steps was the *Charter on Human and Minority Rights and 1995. Civil Freedoms* adopted by the State Union of Serbia and Montenegro.

5 Such a case was the constitution work in 2006. The main goal was to declare Kosovo ‘un-separable’. According to the participants of the dispute, during the procedure, codification of human rights was almost omitted from the constitution. The English text of the constitution is available on the website of Skupština.

www.parlament.gov.rs/content/eng/akta/ustav/ustav_1.asp

(As of 31st January 2010): ‘Considering also that the Province of Kosovo and Metohija is an integral part of the territory of Serbia, that it has the status of a substantial autonomy within the sovereign state of Serbia and that from such status of the Province of Kosovo and Metohija follow constitutional obligations of all state bodies to uphold and protect the state interests of Serbia in Kosovo and Metohija in all internal and foreign political relations’

6 The Act on National Councils (as of 31st January 2010) is available on the Internet in Hungarian under the link, doi: www.puma.vojvodina.sr.gov.yu/dokumenti/Madjari/Jogszabalyok/Statut_APV_hu.pdf; and in English under the link, doi: www.puma.vojvodina.sr.gov.yu/dokumenti/Engleski/pravni_akti/Statut_APV_en.pdf.

7 Which is phrased in a lot more complicated way in the text of the law: e.g. it assumes a 20% ‘natural’ shrinkage (!)

8 Since the law practically defines a sort of participation minimum, this is considered by us as an implicit threshold. If half the community did not tire themselves to (following the American practice) previously sign up on the register, then the method of the election gets to a ‘lower’ level of legitimacy: members of the body already elected by other means take the place of ‘people’ – this cannot be viewed as an extension of democratic procedures.

By the Serbian legal system, national councils are lawful and legitimate makers of the policies intended to protect the identity of the communities. The two most interesting problems from our viewpoint are: to what extent do these assist the finding of institutional solutions, and: what questions do they raise on the theoretical levels of political science.

4.1. On the network-principled operation of the minority institution system

One of the main advantages of personal autonomy is that it is a link between the members of the communities living in different areas of the country. So the operation of national councils is able to partially prevent the structural anomaly that is inherent to the majority-principled systems of representation and that is also 'responsible' for minority tendencies. What does this mean? Partially, it eliminates the deficiencies of such a representational form that is applied and legitimate to everyone and that simplifies the complexity of decision making. The first of these deficiencies is that historical and immigrant communities (who is not part of the so-called primary minority for any longer period) are blind spots of the conventional, democratic form of power based on the majority-principled elective procedure. In other words, otherwise they can never be in a situation where at making certain decisions, their interests are fully taken into account (i.e. beyond the compromises that the given political situation requires, e.g. in the spirit of communicative rationalism) and in practice.

Another increment of the Serbian attempt of extending the minority institutions is that it provides means of policies to mitigate the inequities that affect these communities. But cooperation of majority and minority is not sufficient for that, at least not in Serbia. The process has international and so-called home country participants. These attempts are relatively recent. So far it can be stated that in order to reach minority goals, those policy forms that are based on the so-called governance procedures seem to be more efficient than the general hierarchic approach. The governance form of policy making is a method that is based on the networking cooperation of the involved horizontal participants.

4.2. The politico-theoretical challenges of the network-principled operation of the minority institution system

Practical political tendencies grant the opportunity to re-think many, less frequented concepts of political thought. Of these concepts, the most important and relevant are representation and democracy; both traditionally considered to be the so-called best practices to enable the coexistence of communities. We emphasize the reconsideration of these two in terms of social theory. Or, to quote the Sorensen-Torfinng synopsis also cited by György Gajdusek (Gajdusek, 2009: 69):

'Governance networks definitely pose a threat to representational democracy, although they may not pose any threat to democracy in general.'

From the perspective of minority theory, this threat is at the same time a chance to eliminate the anomaly of the majority representation. Because it cannot be forgotten that the present minority institutional systems (of either regional or personal principle) can only lessen the inequities caused by the structural deficiencies of the general operation of political systems. They cannot be expected to emancipate communities' small in numbers (in 'not dominant situation') in democracy terms. However, a certain chance of solution does appear, as it can be seen from the Serbian practice. This may stimulate sociologists and political scientists to use the occasion and study the not so obvious, yet observable theoretical possibilities. Thus, the recent Serbian practice of minority policy can become the exemplary pattern of a relationship that enables a more efficient and fair social coexistence. This is not without foundation even if it is known that this possible practice is a probably non-intentional effect of a political strategy against further territory loss. Due to this, the Serbian example may be worthy of more attention and empathy. The latter would be quite important for the country, considering the events of the last decade of the previous millennium. Of course, it depends also on Serbia how it is able the repair its wounded international reputation. On this path, efficient minority politics also accepted by the minority communities can become a serious advancement.

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9 The considerations that are the basis of the text appeared in the conference 'The Trianon treaty and Hungarian academics' on the panel session: 'Preludes of Trianon, the creation of the peace contract, demands' in Szeged, on 11 of June, 2010.

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Appendix 1:

The present plan of the Serbian regionalization, published in the autumn of 2010:

www.blic.rs/Vesti/Politika/214636/Dinkic-Na-prolece-trazimo-promenu-Ustava (26. 05. 2010.)

Appendix 2: The Statutum of Voivodina – the Betrayal of Serbia. Stop Secessionism!

www.youtube.com/watch?v=iqBU4OqffdE&feature=player_embedded (26. 05. 2010.)

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