

Strategy-making of national councils of national minorities in Serbia as a tool of community building

Summary

National minority councils in Serbia are organisations which are created and function according to the Law on National Councils of National Minorities ('the Law'). The councils possess certain public powers to participate in decision-making or to make some independent decisions in the fields of culture, education and media, as well as the official use of languages and scripts (art. 1a, para. 1). The Law outlines the general rules for the election, functioning and financing of councils that should be applied equally to all national minority councils. However, the way and the extent to which these councils deploy the possibilities offered under the Law depends on individual councils, their leadership and the political, human resources, infrastructural and financial capacities of the national minorities themselves.

National minority councils may be understood as representative political bodies elected by those belonging to a national minority; but unlike traditional political bodies, these councils are required to provide a long-term perspective for the communities they represent instead of simply seeking to 'survive' from one election to another. While the state provides the legal basis for establishing minority self-governments, the minority community through its council must fill the legal provisions guaranteeing non-territorial autonomy ('NTA') with substance (sometimes with state assistance). One of the tools for this 'content production' is strategic planning.

Due to the differences between national councils themselves, as well as between minority populations recognized as national minorities in Serbia, various strategy-making methods would be used by councils in order for the completed strategy to result in considerable improvement in the life of the communities they represent (at least in the areas covered by NTA). However, given that national minorities share several common problems, the strategies of more organised national councils might serve as exemplars for others. Certain strategic goals and programmes that have already been implemented or are currently being rolled out can be reproduced by other councils. Some of these goals and programmes can be implemented regardless of the size and institutional infrastructure of these minority communities and the political support they may receive from the state and/or kinstates.

The recommendations outlined below are formulated in such a way as to encourage especially the enhancement of those national minority councils that do not yet have a strategy. This is without neglecting the importance of the intermediary and advisory role of the state and NGOs in this community-building process.

Recommendations

- ▶ The state must take an active role in training national minority councils to establish strategies, identify and obtain necessary resources, implement programmes and evaluate the success of their strategies. Given that the Serbian state has previously adopted several national strategies in the areas covered by the NTA, relevant state ministries can present the key steps and possible hazards involved in the strategy-making process to council representatives at roundtables and meetings.
- ▶ Larger, more organised national minority councils that are already well versed in strategy-making may introduce their successful programmes to the other councils. These more organised councils may offer other councils the opportunity to adopt and adapt their existing projects according to their respective community's needs. The Coordination of the National Councils of National Minorities operating as a standing conference of the national minority councils in Serbia may be a good podium for these discussions.
- ▶ The state must provide access to necessary data, reports and analyses to ensure the most authentic assessment of the situation in the fields of minority culture, education and media, as well as the official use of minority languages and scripts can be made to support councils' strategies. In addition, national minority councils should be encouraged to set up and maintain their own databases in the mentioned fields, in parallel with the official ones.
- ▶ The national minority councils must strive to make their strategies implementable from a financial, human resource and community perspective and, in turn, realise them. Therefore, the strategies must primarily be pragmatic and practical, characterised by and conformed to professional standards, rather than based on the idealistic programmes of political parties participating directly or indirectly in the management of the respective council.
- ▶ The strategic programmes must be provided with specific implementation dates (as much as this is possible). Annual reports on the pace of implementation of the strategic programmes should be prepared and sent to the relevant ministry. This can significantly contribute to the efficient planning of costs from both sides (councils and the state).
- ▶ The strategic goals will be used to define the future direction of travel. As such, councils must solicit the broadest possible consensus from the community with regards to the emphases and objectives of the strategy. Public authorities should also be active participants in the strategy-defining process. National minorities are integral to the state, and their long-/medium-term plans can affect the state's domestic and foreign policy.

- ▶ The NGO sector should assist national minority councils in raising awareness of the importance of strategic approaches among the community. A national community can only be maintained with people who, like the decision-makers, feel responsible for realising strategic goals that serve the community as a whole.
- ▶ The completed strategies must be made visible both to the community (published on platforms known to and visited by the community) and to the state bodies connected to the realisation of the programmes. For this purpose, the strategic plans must be translated into Serbian and made available online. International visibility, e.g., through the strategy's translation into English, would create an opportunity for further examination and analysis from multiple perspectives. However, this is not a priority.

Introduction

The paper will answer the following questions: do national minority councils in Serbia need their own strategies beyond the cases required by the Law? If so, are they ready to draft and implement their own strategies? What are the preconditions of a successful strategy-making as far as national minority councils are concerned? How might the state and the NGOs assist the councils in this process?

According to the Serbian National Ombudsman: 'Council strategies are of great importance, and they indicate that these bodies design their activities for the preservation and nurturing both traditional and contemporary cultural creation in a planned and systematic way' (Protector of Citizens, 2019, p. 20). However, to live up to the Ombudsman's claims, the possibilities inherent in strategic planning should be employed to a far greater extent. This paper examines various strategy-making techniques that have primarily emerged from the business sector, considering the apparent differences between national minorities and their councils in Serbia.

Strategy-making in the Law on National Councils of National Minorities

National minority councils must produce an annual financial plan and provide an end of year spending report, containing the annual performance report with an explanation (art. 112). This presupposes that the councils are obliged to produce yearly planning documentation. However, this cannot be understood as a strategy in the classical sense, which in the case of a national community must be at least medium-term, covering a period of 5–7 years, and which should have a more comprehensive content than an operational plan. This does not mean there is no need for annual planning of the everyday operation of the national minority councils. However, to ensure the given minority population's long-term survival and development at the community level, it is necessary to strategically plan several years in advance in a broader context. '[P]rofessional strategic planning is one of the fundamentals of effective and successful policy making and good governance generally. It is a tool by which problems might be systematically resolved and public interest protected' (Korhec, 2014, p. 157).

National minority councils are bound by the Law to create strategies to develop the culture of the given ethnic group (art. 18, para. 2) and, in accordance with the media strategy of the Republic of Serbia, to adopt strategies for improving information broadcast in the language of the given national minority (art. 21, para. 1). However, the Law does not contain any sanctions in the case of non-implementation of these provisions by the councils; there is no monitoring mechanism to verify the completion of strategic programmes or to check the consistency between the national/state and council strategies in the field of media. Moreover, there is no legal requirement for councils to produce separate strategies in the councils' two other areas of activity: education and the official use of minority languages. Indeed, the reach of national minority councils in these two areas varies greatly: for example, some minorities do not have any form of education in their mother tongue, while others have primary and secondary schools providing education exclusively in the given minority language. Additionally, the languages of some national minorities are not even standardised, while language of others is recognized as official language in which entire court proceedings might be conducted. However, this does not mean that steps should not be taken in the process of community-building to develop educational provisions in the mother tongue and advance the use of the mother tongue as an official language. Both the legal provisions and legal gaps support the fact that community-building followed by strategy-making should be primarily a bottom-up process (starting from the council and not the state), even if the law stipulates the councils' obligation of strategy-making on certain issues.

During the review of the constitutionality of the Law, the Serbian Constitutional Court found that the Serbian Constitution identifies four main areas that are important for the preservation of the identity of every national minority. In turn, the Constitutional Court determined that the remit of national minority councils cannot extend beyond these areas.

The Law says that the councils may ‘take positions, start initiatives and take measures in all issues which are directly related to a national minority’s status, identity and rights’ (art. 10, para. 14). However, due to the Constitutional Court’s restrictive interpretation, emerging issues within the minority population such as emigration, depopulation and worrying demographic data in general, the cultivation of science in the mother tongue, the economic growth of the community, overcoming the disadvantages resulting from the differences between urban and rural environments etc. should remain outside the councils’ remit. One might conclude that the councils cannot develop strategies in these areas, despite the non-binding nature of these documents. Yet, because of the *sui generis* legal status of the strategies (they are not considered legal acts the constitutionality/legality of which can be examined by the Constitutional Court, but they must be based in the law and cannot conflict with valid legal sources) and given the powers of the Serbian Constitutional Court, the question arises as to whether a strategy dealing with the above-mentioned issues (outside the four main areas of NTA in Serbia) could be annulled.

Different types of strategy-making ‘capability’

A strategy consists of three essential parts: assessment of the current situation (first part) is usually followed by the establishment of the strategic goals (second part) and programmes, together with an implementation timetable (third part). Details regarding sources of financing, responsible agents, methods of supervision and indicators of success may be included in the strategy itself or in separate documents.

National minority councils represent different national minorities in Serbia. The differences between national minorities are not necessarily cultural. The minority population’s size, demographic patterns, history and ties with the state and the national majority, their territorial dispersion, the existence of a kinstate and its political/financial support, the presence of political fragmentation or unity within the community, the community’s relationship with the governing political powers at various levels of governance, its educational possibilities and information broadcast in the mother tongue as well as other infrastructural capacities determine the strategy-making capability of a community and through them the national minority council itself. These factors may also determine whether councils can rely on the already existing capabilities of their own communities or whether they may need external support from NGOs, public bodies and kinstates (if they exist) when drafting, executing or monitoring their strategies. For this reason, one cannot adopt a ‘one-size-fits-all’ approach. Strategies must be tailored to the unique characteristics of each community. A well-

prepared situation analysis, which, in addition to the presentation of relevant legal provisions applicable uniformly to all populations in the country, also includes the practical experiences and data referred exclusively to the given community, helps with the individualisation of the strategic documents. In this regard, official and shadow reports are equally important, indicating that undertaking fieldwork by the councils themselves and affiliated organisations (e.g. educational, cultural institutions co-founded or NGOs supported by the councils) or persons (e.g. external consultants, individual community organisers) is necessary.

The administrative element of strategy-making is undoubtedly the council's job. This element also includes certain organisational, technical and financial responsibilities. However, the question arises: how should the community participate in the process? For, as Hart reminds us in his study of the framework on strategy-making process, '[w]ithout the commitment and involvement of organisational members, there can be no strategic vision' (Hart, 1992, p. 329). Although Hart primarily refers to the business sector here, his sentiments regarding the relationship between a company's top managers and organisational members may also apply to the relationship between national minority councils and their respective communities. Of course, the logic of company management is only applicable to the representation of national minorities by national minority councils in a very narrow way because of the contrasting roles and goals of business and public bodies to which group national minority councils supposedly belong. In the case of a national minority, for instance, the objectives of community members and the council representing them are more or less the same - or should be the same to ensure the community's long-term survival and development. On the other hand, in a company, the organisational members' goals are far more subjective.

However, some strategy-making methods, specifically Hart's that have emerged in the business sector may nevertheless prove useful to national minority councils. According to Hart's classification elaborated in his above mentioned study, there are five strategy-making modes. In the *command* mode, the council formulates the strategy and hands it down to the community for its execution. This mode should function well in relatively simple situations and for small and less organised communities because the council retains complete control of the strategy. On the other hand, in larger, more differentiated communities, the strategy-making mode should be *symbolic*, according to which the leaders primarily articulate a mission and common perspective, and community members adapt the actions to the field conditions, respecting the collective goals that have been set down. In relatively stable communities with the capacity to fully realise the formulated plans, the *rational* mode would be a good solution. A formal planning system and hierarchical relations within the community and during the execution are at the fore of the *rational* mode.

In these three modes, national minority councils initiate the strategy-making process in their role as leaders. However, in the case of dysfunctional or incompetent leadership, the community may need to make the first move. In this regard, the civil sector's professional assistance and the state's intermediary role can be crucial. According to the *generative* mode, the council's task is only to select and support high-potential strategy proposals

from below. However, in the *transactive* mode, the council facilitates an interactive strategy formation process through interactions with community members (Hart, 1992).

These modes are not, however, mutually exclusive. For example, councils with functional and competent leadership may also encourage the community to develop their own strategic programs and plans. Equally, the community may also participate in strategy-making according to the command mode through public debate of non-binding character. Moreover, although this paper primarily deals with the possibilities of strategy-making in the context of the national minority councils in Serbia, modified versions of some above-noted methods can be successfully applied in the case of functional autonomy, as well (i.e. when the national minority has institutional background neither in public nor in private law).

Conclusions and policy implications

Until the adoption of the Action Plan for the Realisation of the Rights of National Minorities (2016), Serbia was criticised for its lack of a systemic approach towards national minorities, as ‘reflected primarily in the absence of a strategic document that would determine the basic principles and principles of minority policy and defined the roles of many actors at all levels of government who deal with this topic within their own competencies’ (Marković & Pavlović, 2019, p. 91). Although there is now a national minority strategy in the form of the Action Plan, it prescribes all-inclusive measures equally applicable to all national minorities. On the other hand, separate strategies tailored to separate minority groups should individualise these general programmes and objectives. These documents are inevitable tools of community-building; their implementation is primarily an internal matter for the national minority councils; they serve as a guide to their work and for their ‘target audience’.

With due consideration of the characteristics of the given minority group, it is necessary to find the most appropriate channels for communities to actively cooperate in the strategy-making process. Communities cannot be expected to participate in the implementation of strategies in any way if they do not have a say in their creation. On the other hand, if there are no people on the council or in the community who feel responsible for strategic thinking and systematic planning, it raises the question of how much the given ethnic group can be considered an independent national minority and not just a tool of ethno-business.

Neither the state nor the civil sector can take over the task of strategy-making from the councils, nor can they formulate the goals and programmes for the development of the community in their stead. Public authorities and NGOs may help in the elaboration of formal analysis, instruct on strategy-making in a formal sense, promote and provide funding for the strategic programmes, as well as monitor and evaluate their execution. Thus, strategy-making is a multi-sided process: the national minority council is primarily in charge of building its own community, but the state and sometimes NGOs must help it in this, both materially and formally.

REFERENCES

- Hart, S. L. (1992). An integrative framework for strategy-making processes. *The Academy of Management Review*, 17(2), 327-351.
- Korhecz, T. (2014). Non-territorial autonomy in practice: The Hungarian National Council in Serbia. In Z. Kántor (Ed.), *Autonomies in Europe* (pp. 151–163). L'Harmattan.
- Marković, K., & Pavlović, J. (2019). Teritorijalna ili kulturna autonomija za nacionalne manjine? Studija slučaja Republike Srbije [Territorial or cultural autonomy for national minorities? Case study of the Republic of Serbia]. In T. Várady (Ed.), *Prava nacionalnih manjina u ustavnopravnom sistemu Republike Srbije* [National minority rights in the constitutional order of the Republic of Serbia] (pp. 83–98). Srpska akademija nauka i umetnosti.
- Protector of Citizens. (2019). Special report of the Protector of Citizens with recommendations: Analysis of the situation in the field of execution of public authorizations of National Councils of National Minorities for the period 2014–2018. Protector of Citizens.

Legal documents

- Constitutional Court of Serbia (2014, January 16). Decision No. IUz-882/2010.
- Law on National Councils of National Minorities (2014). *Official Gazette of the Republic of Serbia*, No. 72/2009, modified: No. 20/2014, 55/2014, 47/2018.

ENTAN – The European Non-Territorial Autonomy Network aims at examining the concept of non-territorial autonomy (NTA). It particularly focuses on NTA arrangements for reducing inter-ethnic tensions within a state and on the accommodation of the needs of different communities while preventing calls to separate statehood. See more details at www.entan.org

ENTAN policy papers are written either by ENTAN members or by outside authors, and the views expressed are the sole responsibility of the author(s) concerned.

ISSN 2671-3896

© 2023 University American College Skopje (UACS)

This publication is based upon work from COST Action CA18114 “ENTAN – The European Non-Territorial Autonomy Network”, supported by COST (European Cooperation in Science and Technology).



COST (European Cooperation in Science and Technology) is a funding agency for research and innovation networks. Our Actions help connect research initiatives across Europe and enable scientists to grow their ideas by sharing them with their peers. This boosts their research, career and innovation.

www.cost.eu

