

## Editorial

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# Twenty Years of Human Security:

## Theoretical Foundations and Practical Applications

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Theoretical Foundations and Practical Applications  
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*Editorial*

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Editorial

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**TWENTY YEARS OF HUMAN SECURITY:  
THEORETICAL FOUNDATIONS AND  
PRACTICAL APPLICATIONS**



2015.

Goran BAŠIĆ\*

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## HUMAN SECURITY AND MULTICULTURALISM<sup>1</sup>

**Abstract:** This paper discusses the relationship between the ethnic nature of modern multicultural societies and the public security. Security is a human right, and providing it is essential for protecting the life, dignity and freedom of citizens. Requests for the protection and equality of ethno-cultural identities and the creation of social relations in which ethnic and cultural differences are not a stability barrier, arise from the people's needs for not only their personal and civil rights, but also group and cultural rights. In an effort to recognize the requirements for the protection of ethno-cultural identity and thus provide stability and development, the modern liberal state has redefined the paradigm of ethno-cultural neutrality and through the process of globalization developed a policy for "reducing cultural differences" whose main levers are the principles of equality, tolerance and respect for diversity.

The responses of nation-states to the challenges of multiculturalism in the 21<sup>st</sup> century differ vastly among themselves: from the acceptance of the idea of human security in the immediate multicultural environment as the basis for development; through recognition of different forms of autonomy and self-government of national minorities; to the sharp opposition to the demands of the minorities for the secession or recognition of political autonomy of the ethnically homogeneous areas within the modern state. Contemporary politics of multiculturalism, that have been roughly criticized by the heads of the "Western democracy" states at the beginning of 21<sup>st</sup> century, are marked with the fear of terrorism, fear and misunderstanding of Islam and the syndrome that "the colonies colonized colonizers" (highly increased number of the immigrants from the former colonies in Africa and Asia in the European countries).

Western Balkan countries, after a period political ethnification and ethnic conflicts at the end of the last century, have specific policies of "monocultural multiculturalism" as the answer to the challenges of multiculturalism. The policy of "monocultural multiculturalism" recognizes the minority rights in accordance with international standards, but also their social segregation and maintenance of their high ethnic distance. The problem of inter-ethnic relations in the Balkans is rooted in the theory of the state reason and the concept of national security. There are several critical areas where ethnicity poses more as the obstacle for establishing stability and develop-

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ment than as the momentum of cultural interaction and regional stability. In such a constellation, the concept of human security gains importance only as the mechanism for preventing the conflicts and eliminating their consequences.

At first glance, it seems that human security concept has no theoretical and political response to the contemporary challenges of multiculturalism; it seems that the citizen has been defeated by the state. However, during the middle of the last century, the similar situation was similar with the recognition and realization of human rights. Various social movements, born in a multicultural basket, consistently insisting on recognition of the identity of minorities changed the liberal ideology and the state, and urged the recognition and protection of human rights as the universal value and priority. It is that tradition in which these changes have occurred, that is the firmest foothold of the human security strategy.

**Key words:** *Human Security, Multiculturalism, Ethnicity, Diversity*

## 1. HUMAN SECURITY AND HUMAN RIGHTS

The concept of human security has been widely debated within the scientific and public community since 1994, shortly after the UNDP announced the Human Development Report.<sup>3</sup> The essence of this Report is based on the revitalization of the great ideas in the history of human thought - freedom from fear and freedom from deprivation. Former UN Secretary General Kofi Annan, in his address to the United Nations on Human Security, defined security with a significantly wider global strategy that does not stop with the prevention of violent conflict but insists on good governance, access to education and health care, making environment in which it is possible for people to feel like they can make their own plans, reduction of poverty, increasing economic growth, elimination of the risk of conflict. These interrelated categories can move the focus of security from national level towards the man and his community: "Human security is a child who did not die, a disease that has not spread, the work position that is not extinguished, an ethnic tension that did not erupt in violence, a dissident who was not convicted. Human security is not about guns, it deals with human life and dignity" (UNDP 1994:23).

Many issues have risen regarding the relationship between human rights and human security on both theoretical and empirical level, but the two of them seem to be of utmost importance: first, security is itself a human right, and second, the concept of human security is largely based on theoretical discourse, practice and scope of the concept of human rights. The Universal Declaration of Human Rights directly indicates that security, along with the right to life and freedom is a basic human right. Other multilateral documents - International Covenant on Civil and Political Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the American Declaration of the Rights and Duties of Man, the African Charter on Human and Peoples' Rights - the concept of security refers to the individual as the subject of rights and there is no doubt that the institutional connection between the concept of human rights and human security exists. However, this connection is even more noticeable in everyday life and systems of value of individuals who, especially in circumstances where their personal safety is immediately threatened, ignore every other human right and try to rectify the circumstances and risks that threaten the fundamental right to life. Conversely, if people feel safe and

3 Prior to the UNDP report, which was finally formulated by Mahbub ul Haq, significant discussions were conducted that enabled for Canada to adopt the concept of human security as a priority in its foreign policy, and for the UN Commission on Human Security to begin working.

free, if their basic needs are satisfied, they attempt to exercise their right to happiness in the fullest sense of the term and meet the needs that are beyond the scope of the vital core of human security.<sup>4</sup>

In addition, human security as a derived and new social security concept has no social support or institutional and theoretical capacity within which international law has recognized the concept of general opinion and practice of human rights. Therefore, the human safety relies both on this infrastructure, and the part of the academic and professional arguments developed in the doctrine of human rights. However, despite still looking for its place in the international system of values, it is evident that the concept of human security has also impacted human rights in terms of their social empowerment. Ellen Seidensticker rightly notes that human security can help mitigate the impact of the state on exercising the rights, especially if this concept comes into the equal regulatory position, within the constitutional and legal argument, as the concept of national security. If this balance was to be achieved the security people would not be neglected in favour of the security of the state. The same author, focusing on the tension between certain types of human rights, and the dilemma of priorities of the first and second baskets of human rights, presents the capabilities of the concept of human security in terms of overcoming these internal conflicts. According to her human security can provide a new approach to balancing of civil, political and socio-economic rights. Finally, usually the most visible indicator of human security is the threat to human rights, and the safest way to achieve full human security is to insist on respecting them (Chen, Fukuda-Parr, Seidensticker 2004).

Unlike human rights that have the institutional mechanisms, human security is based on the value system of the individuals or their subjective feeling of being threatened or not. In this sense, human security is a broader basis of human rights and aspires to become a paradigm of values in a globalized world. It includes many categories that the concept of human rights with its theoretical apparatus and institutional mechanisms does not include.

## 2. HUMAN SECURITY AND MULTICULTURALISM

The concept of human security did not take as its subject the concept of group security, as it is the case with its predecessor, the concept of societal security. Its subject is the individual, in accordance with the liberal doctrine. At the intersection of these two ideas, in liberal literature the debate whether the concept of human security is wide enough for the collective of ethno-cultural identities, as well as the natural environment of individuals, has opened.

In relation to this question, Pier van der Bergs dilemma about whether multiculturalism is a barrier or incentive to democracy in contemporary society could be reconceptualized (Berghe 1981). This problem can be considered in two planes. The first relates to the fundamental, civilizational, and cultural differences that present a strong barrier to global expansion. Huntington's stance on the conflict of civilizations opens more than one level of contention in contemporary relations of fundamental Islam and divided Christianity. In this case it is not a lack of understanding of Islam in the perceptions of European and

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4 The concept of vital core is the result of the assumption that institutions are unable to equally effectively protect all aspects of human security, but it is necessary that they protect the safety aspects that guarantee the survival, livelihood and dignity of people.

American authors and politicians (Esposito 1992), but the essential ideological and cultural diversity. If we bear in mind that many of these differences are based on religious and traditional values, it is clear that the ideologues of globalization have to take into account cultural and ethnic aspects as the real basis for determining the space in which the capital of multinational companies will expand. There is no doubt that in the conditions of ethnic tensions and constant clash of civilizations the idea of a global society as an incentive for achieving the common good will not be achieved. It is possible to prevail this situation by achieving cooperation of the world's great metropolises, in which the economic aspects will have much more impact on the financial and economic developments, and thus the political situation. But such problems that the concept of human security is facing will not be removed.

On the other hand, multiculturalism fragmented in many aspects, can lead to the formation of strong macro and micro movements that can undermine both national and global society. Insisting on overemphasized specificity and particularity could become, not an obstacle to globalization, but the cancerous tissue that would metastasize in different social and cultural fields, and would lead to the destruction of the desired global order. Ethnic exclusivity is the part of the pessimistic projections that think that transnational control of religious and ethnic conflict is not possible and that it is more realistic to take into account the cultural and ethnic diversity in the context of the reconceptualization of economic aspects of globalization (Stiglich 2002). Economic aspects of globalization, supported by military and technological superiority are its strong arms, but the neglect of cultural and ethnic dimensions could lead this process to dark corners of homogeneity and exclusivity. In this sense, the concept of human security should not follow the examples of the intransigence of the traditional security model and the classical liberal doctrine, but to take advantage of its internal capacities, and exhaust possibilities from other doctrines and ideas that would on the basis of the security policy in addition to the individual also include their immediate community.

The argument for the need of finding a “synergistic” model reinforces the new requirements for the recognition of territorialisation of ethno-cultural units - Crimea, Scotland, Catalonia are the examples which suggest that ethnicity still has the strength and that it can significantly undermine regional and global security. It also provides a completely new quality of life for the members of ethno-cultural communities that are prone to finding solutions for national, political, economic and other issues and problems less and less within the recognition of different self-governments and autonomies (Ghai 2000).

### **3. NATURE AND POLICIES OF MULTICULTURALISM IN SERBIA AND THE HUMAN SECURITY CONCEPT**

The National Security Strategy of the Republic of Serbia,<sup>5</sup> in the part that defines global security environment, adopted the approach of the modern concept of security that takes into account the importance of the security of an individual and the society as a whole. However, when it comes to multiculturalism, the national policy document is primarily aimed at the risks that this and related phenomena are causing, and not at the strategic directions in which the ethnic and cultural diversity is used as a potentials for development.

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5 [http://www.vba.mod.gov.rs/strategijski\\_i\\_doktrinarni\\_okvir](http://www.vba.mod.gov.rs/strategijski_i_doktrinarni_okvir)

Specifically, in the part where it considers the regional security aspect, it is emphasized that “the security situation in the region is characterized by distinct national, religious and political extremism and the destruction of cultural heritage, which, besides the existing economic and social problems and under-built state institutions, complicates the process of faster and more successful democratic transition of the states in the region. The relations among the states in the region are also burdened by the return of refugees and their property and boundary problems, and certain problems stemming from inadequate integration of minority communities and groups in the wider social environment”. Therefore, the integration of the region into the European and other international security structures is difficult, which increases the risk of a resumption of crises and armed conflicts. The strategic solution is based on a theoretical approach where the ethno-cultural relations are the field in which security structures intervene in order to control and direct the requests from minority groups to recognize the identity and specific rights: “Due to the complex nature of security in the region, the countries of Southeast Europe are increasingly in a position where they have to join efforts to suppress the negative processes that threaten their safety. The construction of joint mechanisms for the prevention of risks and threats and crisis management, will create the preconditions for rapid democratic transition of the countries in the region, thus creating the conditions for convergence and joining of all countries of the region to the European Union.”<sup>6</sup>

The opinions in which multiculturalism and the status of ethno-cultural minorities is primarily the “security” issue, cultural differences are possible triggers of conflicts (Huntington, 1996), and especially the opinion that multiculturalism has the untameable nature, were reinforced when several influential politicians challenged the contemporary politics of multiculturalism.<sup>7</sup> To tell the truth, the “Crimean crisis”, the demands of indigenous European peoples for the recognition of the sovereignty of their nation-state, suggests that Pandora’s Box has been opened with the recognition of Kosovo’s sovereignty. That is the bogeyman that circles the world and suggests renewing demands for the recognition of territorial autonomy and independence based on ethnicity. In the past, ethnification of the policies was for the “invisible” power centres a powerful lever for initiating mechanisms of global or regional distribution of power. Traditional global, regional and national mechanisms for security, despite their efforts to adapt their operations to modern political and economic developments, often see the phenomenon of ethnicity as a disturbing factor. Most often, the ethno-cultural diversity is seen as a “thorn in the side” and insisting on the

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6 National Security Strategy of the Republic of Serbia, pg. 3-5.

7 In public the most mentioned statement is the one of German Chancellor Angela Merkel, who in 2010, at a meeting of the youth of Christian Democratic Union (CDU), said that the multicultural concept, according to which „people live happily side by side“ failed in Germany, where there are about four million of Muslims (Guardian of 17 October 2010). Chancellor’s opinion was not an exception because it was preceded by a statement of the leader of the Bavarian Christian Social Union (CSU) Horst Seehofer that multiculturalism is dead in Germany (Der Spiegel of October 18, 2010). Subsequently, the then French President Nicolas Sarkozy said that multiculturalism is a failed concept and called for the restoration of the French identity: “We were too focused on the identity of the person to come, and not enough on the identity of the state that received them” (The Telegraph of 11 February 2011). Criticism of European policies of multiculturalism was joined by the British Prime Minister David Cameron who believes that the long-standing policy of England was a failure and therefore urges for better integration of young Muslims to help fight the growing “domestic” extremism (BBC News of 5 February 2011). The statements of the former Spanish Prime Minister Jose Maria Aznar (The Washington Times of February 16, 2011) and Australia’s John Howard (The Telegraph of 15 September and 29 September 2010) were less prominent in the public, but also stated that the policy of multiculturalism has not been successful in the integration of immigrants.



legal protection and political participation of minorities is a legitimate demand for their integration into the broader cultural entity. On the example of integration of Muslims in Europe, Tariq Ramadan indicates the consequences of European integration policies of ethno-cultural minorities: "The way in which Islam is very often presented in Europe is not without consequences. Understood as a problem in secularized societies, Muslims are put in a position where they have to find solutions in order to adapt their religion and practices. It almost automatically forces them to adopt a reactive stance, and to feel challenged to justify their beliefs and practices. In such an atmosphere, it is impossible, for Muslims as well as for their counterparts, to present a substantial Islamic learning, one that springs from the recognition of the existence of the One and Only God, and that is nourished by daily spirituality, which signifies the whole of life and gives it value and meaning" (Ramadan 2007).

Abstract policy of cultural integration in Europe contributed to the state of "open questions related to legitimization of multiculturalists requests". The effort to control and coordinate open ethnic conflicts in Europe, especially in the Balkans where many conflicts are burdened with the demands for the recognition of the territorial autonomy of individual ethnic groups, in the process of Euro-Atlantic integration are facing challenges that require new ideas and approaches. However, as the ideas that would bolster the fragile constructions of cultural and social cohesion in modern European area are lacking, it has resorted to pressuring the state to adopt common values, where the culture of human rights had strategic importance. In such a constellation of states "old democracies" established public policies in the attempt to enhance the integration of mainly allochthonous minorities. It was relatively easy to impose the acceptance of international multilateral and bilateral documents (UN, OSCE, CoE) to post-socialist countries. These documents should allow that by adopting the values of liberal democracy the ethno-cultural identity of minorities would be preserved and their effective participation in public life would be ensured.<sup>8</sup>

However, the causes of ethnic divisions in some regions and countries are very complex and are accompanied by ethnic hatred, prejudice and bigotry. In the "western" Balkans, the threat of high risk to regional security is also the ambiguity of multiculturalism policy in relation to the fate of the post-Dayton Bosnia and Herzegovina, the development of democracy in Macedonia and still open question of Kosovo's status.

The issue of the status of national minorities in Serbia is a slightly smaller problem to the security of the region. Serbia has specific post-conflict conditions where it has developed a policy of segregate multiculturalism that is suitable for strengthening of minority demands for the recognition of exclusive rights. Serbia is an example of a state that has accepted and adopted the standards of protection of national minorities, not having already developed a policy of multiculturalism, which was supposed to provide much-needed social cohesion for the implementation of other vital reforms. Consequence of badly thought and erratic policies of multiculturalism has caused the contemporary Serbian society to be greatly ethnically fragmented. In addition, there are no conditions for substantial decentralization

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8 The establishment of a new policy towards national minorities contributed to by the establishment of the OSCE High Commissioner on National Minorities, whose mandate is early warning and intervention as the result of spotting ethnic tensions in the territory of the member states of the OSCE. In the first few years the High Commissioner has made a number of recommendations by which through the "soft law" he advocated the standards of rights of national minorities to education, information and official use of language.

in which various types of autonomy could be part of a stable territorial-political organization of the country. The obstacles for the establishment of integrative policy of multiculturalism adjusted to the multiethnic nature of the country are the estimations that exclude the factors of human security from the planning of the integration of ethno-cultural minorities. Supremacy of politics of "Reason of State" over the policy of "The State as Guarantor of the Best Interests of Citizens" has gone through several phases.

In the first phase, from 2001 to 2005, the most important decisions regarding the protection of the rights of national minorities were made in the former federal Yugoslav state, and then in the State Union of Serbia and Montenegro. At the invitation of the Committee of Ministers of the CoE, Yugoslavia acceded to the Framework Convention for the Protection of National Minorities on May 11, 2001. This formalized a break with the "minority policy", which was conducted since the disintegration of the socialist Yugoslav federation.<sup>9</sup> Shortly thereafter, in both Parliamentary Houses the Law on Protection of Rights and Freedoms of National Minorities<sup>10</sup> was unanimously passed, and in 2005 the European Charter for Regional or Minority Languages<sup>11</sup> was ratified.

The Law on Protection of the Rights and Freedoms of National Minorities, which is substantially based on the Framework Convention, has introduced new institutes to the social and legal life - a minority self-government (national councils of national minorities); cultural autonomy in the field of education, information and official use of language, alphabet and culture; and affirmative action. From the adoption of the law it was clear that the effectiveness of these institutes can only be achieved if member states adopt laws to regulate the rights of national minorities specifically. The Republic of Serbia has not done so, and the first elections of national councils were conducted according to the Regulations that were made by the Federal Minister for Human Rights and Ethnic Communities. This bylaw has essentially directed the policy of multiculturalism in Serbia towards the segregation of minorities and the strong influence of political parties on the election, centralized organization and operation of minority self-governments. The first election of minority self-governments were conducted on the basis of the said Ordinance, indirectly, at the assemblies of electors, where the citizens, who identified themselves as the members of a national minority and who at the previous local and parliamentary elections had been elected into the representative bodies, chose among themselves the members of minority self-governments. These representatives at the time had the responsibilities related to cultural autonomy that were tentatively established.<sup>12</sup> The consequences provisory that

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9 The Assembly of the Federal Republic of Yugoslavia ratified the Framework Convention (Law on Ratification of the Framework Convention for the Protection of National Minorities, "Official Gazette of FRY - International Treaties", No. 6/98) in 1998. But with the process that preceded the verification of this instrument, the CoE did not comply with the prescribed procedure to provide minimum requirements for the protection of national minorities.

10 "Official Gazette of the FRY", No/ 11/2002, "Official Gazette of Serbia and Montenegro", No. 1/2003 - Constitutional Charter and the "Official Gazette of RS", No. 72/2009.

11 Law on Ratification of the European Charter for Regional or Minority Languages, ("Official Gazette of Serbia and Montenegro - International Treaties", No. 18/2005)

12 Elector, in accordance with the rules, could be any member of a national minority who gathered the support of hundreds of fellow citizens or has a support of an organization that represents the interests of national minorities. Such candidates are not on an equal footing with the candidates for electors who are nominated by a well-organized political party. The election results indicate that the first assemblies of national councils of national minorities, in particular the numerous and homogeneously residing national minorities, consisted solely of the representatives of political parties.

lasted over the next six years were those that the citizens belonging to national minorities were forced out of these self-governing bodies in which they were supposed to establish and develop the system of protection of ethno-cultural identity of minority communities. The mandates of minority governments were taken by their fellow officers and the members of political parties of national minorities that brought interests and problems of political life into the field of cultural autonomy (Bašić, Crnjanski, 2006).

A tangle that was created by mixing cultural autonomy and political action is difficult to describe, but it is possible to identify several consequences of it and which were by no means in the interests of citizens and the development of a stable and secure social environment. First, since then all the important decisions that in the narrow and broad sense referred to the policy of multiculturalism were made on the basis of exclusive arrangements of “political elite” of national minorities and the parliamentary political parties. The institutions that were established at the state level to ensure the implementation of the rights of national minorities were provisory, which behind them had informal power centres that used cultural autonomy as a convenient tool to achieve wider political goals. Second, the minority governments are centralized bodies that are elected only at the national level and therefore are not able to develop the institutional capacity for achieving full cultural autonomy. Third, the connection between the minority government and local governments are weak and tentative, except in cases where the members of the same political party “exercise authority” in both forms of self-government.

Predominant influence of political parties on the election and the work of minority government and its centralized structure have caused the links between the minority government and citizens belonging to national minorities not to be established, but also for spaces of the impact of different power centres to open, including those dealing with national and regional security in the work of minority governments.

During the first phase of development of the system of protection of rights of national minorities the Assembly of the State Union of Serbia and Montenegro adopted the Charter on Human and Minority Rights and Civil Freedoms<sup>13</sup> which clearly outlined the rights of national minorities, including the rights of the minority self-governments in the field of cultural autonomy.<sup>14</sup> This document, called the “Small Charter” because it was part of the constitutional order of the State Union, introduced to the constitutional protection of minority rights the institute of acquired rights whose legal consequences have not been clearly explained. The impact of the “Small Charter” was crucial in constitutionalization of the rights of national minorities in Serbia.

The second phase of the process of development of protection of minority rights begins with the adoption of the Constitution of Serbia<sup>15</sup> in 2006, in which both the spirit and solutions were taken from “Small Charter” and the Law on Protection of Rights and Freedoms of National Minorities.<sup>16</sup> The adoption of the Constitution of 2006 constitutionalized the system of protection of national minorities taken from the legal system of the Union. That approach caused the following error. Rather than adopting a special law on the protection

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13 “Official Gazette of Serbia and Montenegro”, No. 6/2003.

14 Articles 47-57.

15 “Official Gazette RS”, No. 98/2006.

16 The Constitution of the Republic of Serbia, Articles: 14; 18; 20-22; 47-49; 75-81.

of national minorities in Serbia, that would be adapted to the nature of multi-ethnicity of the Serbian society and the needs of citizens, the adopted system of protection of “minority” rights was “inherited”. This system went along with the needs of politically organized, territorially numerous and homogeneously inhabited national minorities. More specifically, the direct benefit of such a system of protection of rights of national minorities was to the political parties of ethnic minorities - it further strengthened more their negotiating position (Basic 2006). This is confirmed by the fact that the amendments to the Law on Election of Deputies<sup>17</sup> allowed, in the process of distribution of seats, for the political parties of national minorities and coalitions of political parties of national minorities to participate, even if they got less than 5% of votes in the total number of voters (Jovanović 2005). “Natural threshold”, which as an affirmative measure was implemented since 2007, was favourable to the National Assembly mandates won by the representatives of a number of politically well-organized minorities. All other ethnic minorities do not have this right, even though it is provided in the comparative electoral systems (Bašić, Crnjanski 2006).

The third phase of the development of “minority protection” starts with the adoption of the Law on National Minority Councils<sup>18</sup> in 2009. It is said that the Republic of Serbia has not passed a law regulating the status of national minorities, and that the system of protection of national minorities is developing on an abstract multi-ethnic model. The continuity of this policy is achieved by passing the Act regulating the location, jurisdiction and selection of the bodies representing the interests of national minorities in the field of cultural autonomy. Passing of this law furthermore strengthened the corporate nature of minority protection - centralized organization of minority governments was kept, the influence of political parties on their choices and work was institutionalized and strengthened, the competences were defined. Some of these are inconsistent with the constitutional and legal system,<sup>19</sup> and in particular the multi-ethnic nature of society.

The problems arose at the very beginning, during the conduction of elections of minority self-governments. Due to the flaws in the law, poorly organized and conducted elections and open participation of political parties in the elections the Bosniak minority self-government was not constituted. The Commissioner for Information of Public Importance and Personal Data Protection,<sup>20</sup> the Commissioner for Equality<sup>21</sup> and the Ombudsman<sup>22</sup> have found numerous irregularities and violations of human rights and minority rights during the election process.

After the constitution of minority governments the “bad practices” continued. Experience shows that the conditions for the exercise of full autonomy are only possible for the members of the Hungarian minority. This minority is sufficiently numerous, homogeneously residing in the north of Vojvodina. They have strong traditional institutions in which they

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17 “Official Gazette RS”, No. 35/2000, 57/2003 - decision CCRS, 72/2003, 75/2003, 18/2004, 101/2005, 85/2005, 28/2011 - decision US and 36/2011 and 104/2009)

18 “Official Gazette RS”, No. 72/2009, 20/2014 - decision US and 55/2014.

19 The Constitutional Court issued a decision which found a number of provisions unconstitutional (“Official Gazette RS”, No. 20/2014)

20 Commissioner’s Statement from 26 April, 2010. (<http://www.poverenik.rs/ys/zaopstinja/889--26-03-2010.html>)

21 Commissioner’s opinion on the basis of a complaint against the Ministry for Human and Minority Rights of RS for discrimination regarding the conditions for the constitution of the National Council of Bosniak national minority (No. 015/2010) on 11 August, 2010.

22 Recommendation of 6 December, 2012. ([www.pravamanjina.rs/index.php/sr/podaci/dokumenta/-/454-preporuka](http://www.pravamanjina.rs/index.php/sr/podaci/dokumenta/-/454-preporuka))

can develop rights recognized by law, well-organized political party, and clearly defined national interest. Lastly they enjoy support of both the state and their compatriots in the Diaspora. All other ethnic minorities lack the capacity to exercise the rights recognized by the Law on National Councils. In addition, due to the fact that they are insufficiently numerous, due to the consequences of assimilation and other objective reasons, most of them cannot use their recognized rights.

However, these reminders do not complete the list of issues related to the policy of multiculturalism in Serbia. On the contrary, there are numerous examples of weaknesses of the policies that define the rights of national minorities. Nevertheless, these problems (the predominant influence of political parties and centralized structure of minority government) indicate the visible and insurmountable obstacles to the effective exercise of “minority” rights. With the amendments to the Law these problems can be easily removed, but the delay to do so indicates a substantial obstacle - the state’s interest to “control” the situation in relation to the complete minority policy through political parties of national minorities.

#### 4. IS THERE A SOLUTION?

Policy of multiculturalism in Serbia is in serious limbo. It lacks strategic basis and institutional foundation. In addition, the Constitution of Serbia defined the republic as “the state of the Serbian people and all citizens who live in it”, which theoretically could be explained, but it is clear that the practice is firmly based on the model of segregation of ethnic communities. Fruitless debate has been open and still is about a broader cultural context, which should offer alternative solutions. The pluralism of ethno-cultural monism has suppressed civil principle that has shown itself to be successful both for the development of democracy, the establishment of the rule of law and for the protection of identities of indigenous and allochthonous ethno-cultural minorities. Keywords by which we can describe the policy of multiculturalism in Serbia are: mistrust and lack of ideas.

The examples of successful solutions, but not of complete policies, regarding the establishment of multiculturalism, exist even in the region, in the practice of the protection of rights of national minorities in Serbia. What they all have in common is that they are based on a realistic analysis of social reality and devising solutions that are in favour of citizens. Protecting the identity of ethno-cultural minorities is effectively realized in conditions of development of democracy and human rights and strengthening of public awareness about the common (public) well-being.

In the wake of such solutions, the perceptions of society and the state in relation to multiculturalism, as a reality that should be organized, should be established. The key is to change the paradigm that arranges the policy of multiculturalism - it is necessary to devise a sufficiently broad and flexible model which will favour the protection of equality of ethno-cultural identity, while at the same being sufficiently stable, attractive and open in terms of creating social conditions for overcoming ethnocentricity. This approach is a way out of the current situation of segregated multiculturalism which adopted legislative guarantees of social toleration of diversity, but not the acceptance of diversity as such (Bašić 2007).

In modern society there is no ethnicity that can be “immune to the virus” that due to its primordial characteristics has a firm stronghold in the structure of multiculturalism, but

often poses a risk to public safety. However, the destructive power of ethnicity usually is encouraged and directed by the factors that they see it as a resource for mobilization in winning or redistributing political power and economic resources. In such process, ethnicity is brought to the fore in order to exert influence on the social, economic or other policies. Ethnicity becomes mask for the real causes of the conflict.

Consociation, federalism, regionalization, decentralization, autonomy, devolution of power from central government to regional and local, and other forms of governance in our multi-ethnic societies and regional practices are adopted mainly under pressure from the international community. However, even in cases where the establishment of decentralized model of multi-ethnicity management is considered, the consociation democracy, as the best outlook of this model, is usually reduced to negotiating process in which (national, political) elite has a decisive role. In other words, it is considered that the essence of the social contract should be found in establishing the balance between centre-periphery. Also, the centre represents the area that has the power and is ruled by values and beliefs, and the periphery is made of the social groups that are governed.

The value system in the centre is the result of consensus, commitment to it weakens when descending to periphery which is usually heterogeneous and has divided values. The essence of consociation in this sense is not in the institutional harmonization of different interests within a pluralist (multicultural)<sup>23</sup> society, but the consent of the leaders of its various segments to participate in its management (Bašić 2007). Political system and relations in Serbia are striving towards a quasi-consociative model. At the same time, the stable development of a multicultural society requires the construction of a democratic model in which no one, not even major ethno-cultural community has the right to represent civil and political space exclusively in their own interests. For correcting such a model, it is required to reach a consensus on the basis of which the model of democratic governance that will harmonize the different interests of a pluralistic society, and develop awareness of the public good and the importance of the state will be to establish.

Canadian experience with multiculturalism is an indicator of good management of multi-ethnicity in contemporary society. Since 1971, the federal government developed a policy of multiculturalism based on the normative and practical action. The base of this policy is made out of realistic understanding of social relations and creation of a policy that is supposed to provide the affirmation of different cultures and the full participation of minorities in public life. Back in the mid-sixties when the problems of Francophone and Anglophone were the most pronounced, the Royal Commission of experts who should study the problem of Canadian bilingualism and biculturalism and propose optimal solutions was formed. They aimed towards the rejection of assimilation models and policies of the melting identity, and advocated the pluralism of ethno-cultural identities that should, while preserving features, fit the unique Canadian identity based on a multicultural mosaic of natives, colonists, and the new wave of immigration that significantly altered the ethnic picture of Canada. This policy of multiculturalism demanded the changes to the Constitu-

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23 Although the consociational democracy is influenced by many factors, including the political system and non-institutional way of harmonizing the relations between partners, its main levers are the power of veto, proportionality and autonomy of the segments that are intended to ensure the protection of minority interests. In order to reduce the risks to the stability of the achieved coalition, the mechanisms for ensuring the protection of the vital interests of minorities (veto), proportional redistribution of functions and resources and autonomy of the minority communities in matters relating to its vital interests, are established (Bašić 2011).

tion and the adoption of the Law on multiculturalism,<sup>24</sup> the change in immigration policy and the transformation of the security system in which the specific significance was given to the concept of human security and the safety of citizens in the immediate environment (Remacle 2008).

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24 Canadian Multiculturalism Act, 1988.

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