5 Ethnic groups and constitutional deliberation

Understanding participation in Bosnia-Herzegovina and Romania

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5.1   Introduction

The participation of ethnic minorities in deliberation processes has been often approached from the perspective of group interests in ethnically diverse settings (Wheatley, 2003; Schneiderhan, Khan and Elrick, 2014) or from the angle of multicultural democracy (Siapera, 2005). However, less is known about the ways in which ethnic minority groups engage in deliberative processes organized in their communities. This chapter addresses this gap in the literature and aims to understand how ethnic groups engage in public deliberation. This is an important issue because many countries are multiethnic and communitarianism expands to several parts of the world. The issues concerning the new democratic processes (such as deliberation) taking place within and among different communities has become increasingly salient. This chapter compares the cases of local deliberation in Bosnia and Herzegovina (BiH) with the constitutional deliberation forum organized at the national level in Romania.

We choose the two countries based on their differences in terms of experience with deliberation and ethnic diversity and plurality. Although democratic deliberation is quite limited in both countries, there are important nuances. In BiH, there were no national level deliberations, but only several attempts to organize them. Romania had one large deliberation at the national level – which is investigated in this chapter – and several deliberative practices at the local level, especially in the form of participatory budgeting. This chapter covers two models of consolidation of deliberative set-ups in BiH that aim to stimulate discussions on constitutional reforms to reshape the current deliberation paradigm. In BiH, there were various internationally driven initiatives that attempted to resolve this issue and incentivize citizens to be more active in the process. In Romania, the initiatives were coordinated by political parties and provided opportunities for people to contribute to the reform outcomes. We use an inductive approach that allows studying the engagement of ethnic groups in the deliberation processes based on rich description in the two countries.

We start with a theoretical section that discusses the inclusiveness character of deliberation and reviews the literature referring to the involvement of ethnic groups in deliberative processes. The next two sections outline the characteristics

of the deliberative processes in BiH and Romania. The fourth section derives explanations about the exclusion of ethnic groups from these descriptions and provides an in-depth discussion about the similarities and differences. The conclusions summarize the key findings and explore avenues for further research.

5.2   Inclusive deliberation and ethnic groups

Democratic decisions are understood as legitimate if and only if those subjected to them have the right, opportunity, and capacity to participate in political decision-making (Goodin and Dryzek, 2006; Hendriks, Dryzek and Hunold, 2007; see also the chapter by Stone in this volume). However, it is well known that the interests of several parts of the population are not taken into account in democratic decision-making due to different exclusionary mechanisms (Bartels, 2008; Rosset and Stecker, 2019). As majority decisions form an important part of democratic procedures, the interests of smaller groups, such as ethnic or sexual minorities, tend to be overruled.

The main aim of deliberative processes is to include citizens in the entire cycle of the decision-making process, ranging from the definition of problems and information acquisition, to implementation or evaluation of policies (Anderson, 2011; Fishkin, 2011). The claim for inclusiveness applies to deliberative democracy and originates in the general principle of equal participation opportunities, requiring that a maximum number of viewpoints are considered (Goodin and Dryzek, 2006; Karpowitz, Mendelberg and Shaker, 2012). Deliberative procedures enhance the chances for minorities to be heard, understood, and taken into consideration in political decisions. Ideally, in deliberation, all participants are granted the necessary amount of time and goodwill to develop their arguments, so that, by the end, a consensus rather than a majoritarian decision is reached (Habermas, 1996). In this way, it can be expected that claims of minority groups will be included in the final decision (Benhabib, 1996). Deliberation is of paramount importance for the enhancement of social cohesion and for reducing the chances of escalation of conflicts, as observed in many multiethnic areas (O'Flynn and Caluwaerts, 2018).

The degree of inclusiveness in deliberative processes depends on organizational principles at three points: the recruitment stage, during the event, and with regard to the outcomes (Beauvais and Bachtiger, 2016). There is a difference between external and internal inclusion. External inclusion is understood as the openness of deliberation to all those who are affected (Mansbridge et al., 2010; Curato et al., 2017), while internal inclusion refers to the equality of voice of those involved (Young, 2000; Gerber, 2015). Deliberative practices that are well designed and implemented can generate support for decisions among the general public. The latter might be more inclined to trust a decision that has been vetted and proposed by ordinary people in an open and transparent procedure that fosters equality in obtaining input and allows for more adequate self-positioning of those who seek to be included in the processes (Agarin, McCulloch and Murtagh, 2018).

Deliberation can help ethnic groups in conflict to deal democratically with existing division. One way to do this is through deliberative consociation (O'Flynn, 2006),

which originates from the idea of consociation in representative democracies. A consociation means that different ethnic parties agree to form a government coalition to ensure political stability in divided societies (Lijphart, 2008). The representative consociation relies on the idea of high inclusiveness, but has some problems that can be addressed with the help of deliberative consociation (O'Flynn and Caluwaerts, 2018). For example, the scope for ethnic outbidding is minimized through dialogue and by weighing the arguments of the other side. This also applies to instances in which polarizing political issues are covered because such issues are less likely to exacerbate the political conflict in deliberation. Instead, quality of deliberation between ethnic groups is high because citizens do not stick to their ethno-linguistic group but engage with other groups (Caluwaerts, 2012).

5.3 Deliberation in BiH

Historically, before the 1990s, the constitutional system of Bosnia and Herzegovina did not follow the principles of ethnic or national affiliation linked to a specific territory. The violent international conflict taking place from 1992 to 1995 generated a new complex constitutional structure based on political compromises: inter alia, the principles of multinational federalism supported by weak constitutional asymmetries (Sahadžić, 2019).

In complex multiethnic societies with multilevel governance like Bosnia and Herzegovina, ethnic minorities engage in several forms of political participation. In doing so, they aim to increase the importance of their group or challenge the consequences of limited participation channels; i.e. navigating the exclusion-amid-inclusion dilemma and finding channels for participation from within the structures that are available to them (Savić-Bojanić, 2023). BiH, as a representative democracy with multiple levels of decentralized subnational governance, has no constitutional provisions for direct participation of citizens. There is no reference to popular sovereignty in the BiH Constitution, and instead the term 'constituent peoples along with Others and citizens of BiH' is used. The three constituent peoples' groups in the country (i.e. Bosniaks, Croats, and Serbs), together with other 'micro' minorities in BiH had limited opportunities to engage in public deliberation processes (Hasić, 2015).

The 'micro' minorities in BiH, with lower relevance to representatives and voters of constituent groups, are institutionally almost completely sidelined, and do not effectively participate in power-sharing systems, unless they decide to opt for one of the constitutionally recognized categories, and run for the seats reserved for those categories.[1] The 'others' in BiH face the challenge of the so-called 'corporate consociations' (Stojanović, 2018) where political participation in the power-sharing system is subjugated by 'preserving the peace' discourse and accommodating ethnic, linguistic, and other identities, rather than civic and equal access rights (Agarin, 2019).

Motivations for citizens' enhanced representativeness and participation in public deliberation in various deliberative practices in BiH were driven by international organizations (Hasić and Telalović, 2021). Many of them pay specific attention to

deconstructing the notions of dominance that three ethnic groups have in shaping public policy. They foster a sense of greater inclusion for other statistical minorities in the processes by crafting admission criteria, which allows for more guarantees of an optimal representativeness.

There are two ongoing initiatives based on Citizens' Assembly models,[2] each of which is initiated and funded by the European Union (Office of the EU's Special Representative in BiH) and the Council of Europe (Office in Sarajevo), respectively. These initiatives are aimed at accommodating citizens' participation in public decision-making processes related to electoral law reforms (as a part of a wider constitutional reform process) and in tailoring deliberative processes at local levels in Mostar[3] (as a part of a wider reform of City's Statute and imperfect electoral practices).[4] Both are focused on enhancing citizens' capacity to initiate, act on, and directly take part in said processes, thus revitalizing citizens' confidence and trust in public authorities in BiH. Both are attentive to basic features of representative deliberative processes, and aim to integrate them into the wider systemic change needed in the country. Both also advocate for opening spaces for 'constructive engagement' of statistical minorities, and thus alleviating the byproducts of marginalization within the power-sharing structures.

The Office of the EU Special Representative in BiH (EUSR) was officially launched in late 2021[5] in consultation with other partners supporting the existing initiatives on the constitutional and electoral reform process in BiH. The EUSR Office will support the establishment of a Citizens' Assembly consisting of 57 members. The process was designed and managed by a Coordination Team, independent of the authorities. The primary goal is to introduce a process in which citizens can speak directly about issues that shape the country's future. As announced, the composition of the Citizens' Assembly will reflect the country's demographic criteria and is intended to be more representative than regular open public debates. Assembly meetings are planned to begin with a learning phase and only then move on to consideration. The participants will engage in topic-focused discussions in detail for an optimal period of time, so that the Citizens' Assembly can produce high-quality outcomes that can be trusted. This project has not officially begun yet, and there were discussions in 2022 to have the first Citizen's Assembly organized soon.

The second initiative on enhancing citizen's capacities in deliberative processes is local in its nature and also follows a Citizens' Assembly model. It is based in the City of Mostar, and consists of four main phases: selection of citizens, learning and capacity building, consultations and deliberation. It was initiated and supported by the Council of Europe's Office in Sarajevo[6], and titled 'Building democratic participation in the City of Mostar. The project is set to open up opportunities for 40 citizens to engage in a deliberative process and participate in local decision-making processes. The laws for local self-government allow for direct participation of citizens in decision-making in their units. Citizens can directly decide on matters within the competence of local self-governance through a referendum, local Assembly of citizens, and other forms of direct expression. The procedures for direct decision-making of citizens from the self-governing scope of local self-government units

are regulated by law and local municipal-city statutes. Citizens can submit their proposals through a citizens 'initiative, citizens' associations, non-governmental organizations, and in other ways described and regulated by the statute. Local self-government units may introduce any other mechanisms of participatory democracy that are not otherwise prohibited by law. The project also entails expert support and guidance, as well as activities centred on capacity development for local decision-makers, politicians, and other relevant stakeholders.

The Citizens' Assembly initiative in Mostar, designed by the Council of Europe, uses a broadly representative sample (40 members)[7] of a specific population to create recommendations that have been informed by a wide variety of diverse backgrounds and experiences. The entire process is divided into several phases, and each segment entails the presence of various stakeholders, including the general public, interest groups, NGOs, and local political parties. The admission to the Assembly was open for all citizens, aged 16 and above. The final cohort was selected from a pool of invited applicants who had previously expressed willingness to participate in the project, based on different criteria like gender, age group, level of education, address, economic characteristics, and ethnicity. The selection criteria were set to secure diversity, while the impartiality was ensured through adoption and implementation of a rulebook that prescribes the ineligibility criteria for participation. The entire process, guided by facilitators and experts, was carefully designed to maximize openings for every participant to put forward their inputs.

The Citizens' Assembly was designed to encourage active listening, critical thinking, and full regard between participants, on topics and issues that go beyond the short-term incentives of electoral cycles. Inclusive and representative deliberation models, along with a tailored selection methodology and sensibly chosen topics of interest, are aimed at fostering more responsive and accountable policies that addressed both the economic and psychological costs of political participation citizens face in participating in the project. After the formal procedures are completed and the proposals are made, as anticipated, local authorities, citizens, and civil society organizations were able to apply new deliberation tools and mechanisms, while local stakeholders would benefit from improved skills and knowledge about democratic approaches. On top of this, local decision-makers would be able to create favourable conditions for enhanced citizen engagement and enhance their own capacities to implement democratic approaches based on citizens' deliberation and proposals. In the long run, local stakeholders would be able to identify the best applicable models of citizen participation and improve their knowledge of democratic standards, electoral systems, open and transparent government, as well as strategic planning at the local level.

The governance structure of the Assembly is based on rules and procedures applicable and standardized in other similar deliberative platforms around the world. Yet, the structure was adapted to reflect the specificities of the particular process features in the City of Mostar. There are several international and local teams that set the general rules, methodology and timeline, as well as provide guidance on the baseline procedures. The Design Team, composed of the Council of Europe project team (two international experts and one local expert), is in charge

of managing the entire process strategy and crafting the implementation activities. The Coordinating Team, also consisting of the Council of Europe representatives, was responsible for the organization of the Assembly (selection, recruitment, programme design, organization of meetings), and provided various services in different stages of the process. The Oversight Team, consisting of 19 representatives of mixed backgrounds, was in charge of supervising the process and ensuring that it follows the standards set out in the rulebook. The Arbitration Team, composed of five members, was to get involved when the Assembly Standards were violated. Additionally, the Arbitration Team could be called to take action to restore compliance with set standards, while the Facilitation Team, also consisting of 5 members, was in charge of mediating the procedures. The process yielded 32 recommendations, developed in July 2021. Each recommendation generated over 90% support from members. The recommendations were officially submitted to the City Council of Mostar for consideration. The Council has unanimously adopted the Action plan for the implementation of the Citizens' Assembly recommendations in November 2021. Mayor of Mostar, Mario Kordić, supported the process and announced the City of Mostar will take over the organization of a second edition of the Citizens' Assembly in Mostar (Citizens' Assembly of Mostar, 2021).

In general, the COE's Mostar Citizens' Assembly initiative highlights an inclusive 'active resistance' approach, void of purely political motivations, and it fosters 'associational political participation' standards through development of a live social network, which allows all participants to engage in a communal 'social capital' of trust and exchange. However, minorities' perspectives were not necessarily taken into account, raising the question of whether the Citizens' Assemblies were doing justice in providing voices to minorities. By focusing on "representativeness" and poorly designed "randomization", they additionally emphasize the already strong "ethnic" features of the three main constituent groups (Bosniaks,[8] Croats, Serbs), which further sidelines the minority groups and constitutional "Others", whose claims and court appeals had started the whole process in the first place (e.g., Sejdić and Finci). The three main constituent groups have divergent but ethnic-based policy-making interests. The political system of Bosnia and Herzegovina is founded on the principle of proportional representation of "collective interests" and "collective identities" of the dominant ethnic groups. The system has various tools for protection of these "collective right-based interests" like veto powers that can challenge or ban the adoption of decisions or legislation if it is "found and declared to be detrimental for the interest of one of the groups".

Most local political decision-making bodies in BiH are often not descriptively representative of the wider population, nor are they meant to be. There are no legal mechanisms or intrinsic political willingness that promotes democratic representation (equality), citizens' participation, and quality deliberation at local levels. This is why externalized initiatives are vital in developing these participatory practices, especially in building 'microscopic deliberation' tools. Overall, involving a small and representative sample of the population helps in realizing the democratic

values of equality and deliberation, because large-scale participation is not fully achievable by deliberative practices alone.

5.4   Ethnic groups and deliberation in Romania

Romania recognizes 18 ethnic minority groups of different sizes, from the more territorially compact Hungarians (6% of the total population) or the more dispersed Roma (officially 3%, but estimated at around 7–8%) to the smaller groups of Polish, Italian, and Armenians (the latter consisting in only 1,300 people). Each of these minority groups is represented by one member of the Chamber of Deputies (the Lower Chamber of the Romanian Parliament), except for the Hungarians who have systematically succeeded to meet the 5% electoral threshold that allows them to have MP factions both in the upper and in the lower chamber of the Parliament. If ethnic minorities enjoy extensive rights in the cultural, linguistic and educational, and judicial fields, claims for more political rights, including territorial autonomy and protection against discrimination, have been expressed by both the Hungarian and Roma populations.

In Romania, the only major deliberative exercise at the national level was the 2013 Constitutional Forum. The 2013 initiative deserves attention as it emerged in the context of changing civic engagement and as one of the few deliberative constitutional revisions in Europe (Gherghina and Mişcoiu, 2016). In more than 30 years of post-communism, Romania witnessed several procedures to amend its 1991 Constitution. The sole successful one took place in 2003 and was motivated by Romania's process of accession to the EU. On that occasion, the most important amendments were the introduction of articles allowing the EU and NATO accession and a series of political and administrative reforms (including the extension of the president's term of office to five years).

However, there was no deliberative component of the revision process as there was a general consensus among political elites about the need for constitutional change. Therefore, the entire process was based on a top-down approach and the reform was approved in a binding referendum that had to meet a 50% participation quorum. The more recent revision was scheduled ten years later and envisaged mainly as a response to major institutional problems that had become visible over time (Gherghina and Mişcoiu, 2016). There were demands for a more precise definition and application of rights and liberties, and of citizen control over institutions. There was also an obvious need to constitutionally and institutionally prevent further political conflicts (such as two votes of no confidence in one term, in October 2009 and in April 2012; and two impeachments of the President, in April 2007 and in July 2012).

The parliamentary elections of 2012, when a two-thirds majority made of the Social-Liberal Union (USL, composed of the Social-Democrats and the National-Liberals) was elected, offered the first opportunity in more than 20 years of democracy to operate a process of constitutional revision that was theoretically supported by the needed majority and consequently had fair chances to succeed.

Instead of keeping the constitutional revision process within the closed perimeter of the Parliament, as had happened in 2003, the leaders of USL decided to involve various stakeholders and regular citizens in this process. This decision was determined after the Pro-Democracy Association, one of the most important civil society organizations in Romania, expressed willingness to participate in the constitutional reform. This was helped by the new governmental coalition's desire to be seen as responsive to popular demands, after wide success in the 2013 parliamentary elections. Consequently, the political elites held a process of Constitution change in Parliament based on proposals from citizens. The latter were expected to meet and debate in an organized framework (the Constitutional Forum) and all their proposals were voted on by the parliamentary committee in charge of the revision.

The crowd-sourcing of constitutional change in Romania had an *a priori* well-defined status: deliberations were aimed to produce proposals that were later submitted for approval to a parliamentary committee. The role of the deliberative body was not to draft a constitutional revision, but to gather proposals from civil society organizations and citizens, and to prepare an exhaustive report that served as the basis for the work of the parliamentary committee.

In early 2013, the Romanian Parliament voted to set up the Constitutional Forum as an autonomous and consultative structure, meant to organize debates and consultations with society members regarding the revision of the Romanian Constitution. Complementarily, it set up a parliamentary committee with the task to discuss proposals emerged from the deliberative practices of the forum. The Forum Coordination Team asked for a minimum of six months to deliver a report and the parliamentary committee decided to grant them only two and half months, including the public consultations and proceedings' synthesis (February–May 2013). The main consequence of this precipitation was the insufficient time to prepare some of the public debates and to draft a coherent and consistent final report.

The Pro-Democracy Association was the only NGO able to organize representative debates on constitutional reform at a national level, and coordinated the forum for two reasons as it had an extensive network of local organizations all over Romania. The Pro-Democracy Association's national scope was very important because debates were supposed to be organized throughout the country. Despite the limited time frame, the idea of local-level debates was extensively implemented in practice: more than 50 debates were organized at the local level in March–May 2013, where more than 1,200 people participated.

Nonetheless, while the number of meetings and participants was high for such a short deliberative process and the amount of constitutional amendments proposed by the citizens involved in the process was considerable (more than 400), the variety of the socio-demographic profiles of the people involved was rather limited, as the proportion of educated urban participants was much higher than the national average. Moreover, the participation of the citizens belonging to the two main ethnic minority groups in Romania – the Hungarians and the Roma – was also significantly lower than the proportion of these ethnic groups in Romania, while the Romanian majority was overrepresented (Mișcoiu, 2016). This is worth further exploration since it targets some crucial aspects of civic participation and

engagement, minority–majority relations and, most importantly, the concrete limitations of deliberative democracy in practice. The following pages try to explain the main reasons for the very low degree of participation of the Hungarian and Roma ethnic Romanian citizens in the 2013 Constitutional Forum.

From the perspective of liberal democracy, limited participation by the two groups reflects a systemic dysfunctionality within the Romanian socio-political system. The entire social and political life of the communities is meant to be organized within the respective structures, including debates, discussions, and collective decisions. The latter are supposed to be further on defended and promoted by the elected representatives of the minorities (municipal councillors, MPs, MEPs, NGOs, church leaders, etc.) within the national decision-making institutions (Salat et al., 2014). This chain of representation does not include a stage of direct interaction between the minority and the non-minority citizens. The way in which the relations between the minorities and the majority are conceived could allow for some forms of debate within the different minority groups but do not offer the framework needed for wider and direct societal collaboration and even less for processes of deliberation involving members of different ethno-linguistic communities. The community-based structure of decision-making, elections, and representation mechanisms is perceived both by the minorities and the majority as a guarantee for the preservation of the ethno-cultural identity of the minority groups (Mişcoiu and Harda, 2007).

Under these circumstances, the Constitutional Forum was seen by a considerable part of the Hungarian ethnic citizens of Romania as a process of consultation limited to the Romanian majority. As a consequence, the number of Hungarian ethnic participants was about 25 individuals (out of the 1,200 total participants: about 2% compared with the 6% proportion of Hungarian population in Romania). The great majority of the Hungarian participants took part either in the debate organized in Târgu Mureş or in the one held in Cluj-Napoca. In both cases, they presented their views as being the official stances of the Hungarian community, and did not get involved in proper debates and further discussion that could alter the contents of the propositions they read in the first place.

Regarding the Roma ethnic group in Romania, their estimated share in the Romanian population is roughly 5%. Their levels of civic and political participation are traditionally low for historical reasons (Mişcoiu, 2006; McGarry, 2008). They widely ignored the existence of the constitutional revision process (Mişcoiu, 2016). Additionally, most of the Roma population has only minimal political engagement – those who do vote make up only a small share of the total Roma population (McGarry, 2008; Buta and Gherghina, 2023) and predominantly rely on the local political Roma leaders to represent their interests. Moreover, within the Roma communities, there is no tradition of discussing political matters outside the very narrow circle of the ethnic groups' leadership. The very few Roma participants who attended the Constitutional Forum (eight persons in total) were representatives of specific NGOs and ethnic parties, having a specific pre-settled agenda. As with the case of the Hungarian population, in four of the five debates where the Roma participants attended, the interaction was limited to the enunciation of a series of

points of view regarding the needed constitutional reforms that were supposed to be shared by the Roma communities.

Another obstacle hindering the participation of the members of the Hungarian and of the Roma communities at the Constitutional Forum was related to the very possibility of direct communication with the other participants. Since 1990, the development of school, high school, and university programmes taught exclusively in Hungarian led to the severe reduction of Romanian language proficiency by many members of the group. This is visible especially to those educated in the last 30 years and mainly among Hungarians who live in ethnic compact areas in Eastern Transylvania (Rácz, 2021). At the same time, there is virtually no opportunity for the Romanian ethnic citizens to learn Hungarian as a foreign language in school. If we add to this the impressive material and symbolic efforts of Budapest to reinforce the Hungarian identity of the ethnic Hungarian Romanians, we can draw the picture of an increasing trend towards a de facto minority–majority societal separation. As a result, low levels of participation by ethnic Hungarians in Romania in the 2013 Constitutional Forum could be explained by the fact that all the debates were organized in Romanian and so those who did not feel comfortable with their language skills preferred not to attend the meetings.

In the case of the Roma communities, the linguistic obstacles were less salient but were substituted by some more drastic limitations related to the overall level of education and to the perceived capacity to effectively take part in civic and political deliberations. According to data before the launch of the forum, 1 in 20 Roma had a higher education degree and roughly 1 in 5 had a high school degree (Roma Education Fund, 2007). In spite of the diversity of the Romanian Roma groups, the widespread feeling among the ensemble of the Roma population is that there is still a literacy gap between themselves and the others. This gap is reflected in the social roles (i.e. jobs, functions, positions) that Roma ethnic citizens occupy, many of which require only a basic level of education and social integration. Many of these pursuits do not include civic participation and engagement, which require some more sophisticated knowledge about the state, institutions, and citizenry.

Finally, the low attendance degree of these two minority groups to the proceedings of the Constitutional Forum can be explained by the fact that both the Roma and the Hungarians believed that such debates have no impact on the achievement of their specific interests. On one hand, many minority members believe that they share many of the general interests of broader society (better living standards, safety, stability, development, etc.). Therefore, there is limited room to add to what the majority members would claim in such debates. On the other hand, there are specific interests of the minority groups that could be described as being different and in most cases opposite to those of the majority. For the Hungarian minority, these include: regional autonomy based on ethno-linguistic criteria, a wider use of the Hungarian language for education and administration, and in the institutions of the judiciary, and full restitution of the historical properties of the Hungarian churches, etc. For the Roma, the specific claims are related to the implementation of inclusion and non-discrimination policies, ample programmes of investment and development in the Roma areas, villages, and neighbourhoods,

policies of protection of the Roman cultural and linguistic identity, the recognition of the WWII Roma holocaust, of the pre-mid-nineteenth century Roma slavery-related abuses and, consequently, a strategy for granting retributions, etc. Such topics are not seen as being discussable in open and grass-root debates because of the virulent opposition of the majority. Instead, the representative organizations of the two minorities, the Democratic Alliance of the Hungarians in Romania and, respectively, the Party of the Roma, are better placed to negotiate their support in the Parliament for the governmental majorities in exchange for the advancement of these claims.

In fact, within the forum deliberations, all the Roma and most of the Hungarians claimed they represented structured organizations and groups and that if the regular citizens were much less inclined to express their thoughts, it was because they knew there were better mechanisms for achieving specific minority demands, while acquiescing that the general propositions for revising the Constitution are very similar to those expressed by the Romanian majority. Nevertheless, the participation of the representatives of these two communities in the debates that they considered more relevant (the two meetings organized in the major cities in Transylvania – Cluj-Napoca and Târgu Mureș – in the case of the Hungarian minority, and five meetings held in areas with a higher proportion of Roma ethnics, in the case of this second minority group) was meant to ensure the representation of the respective groups and demonstrate that their specific demands were indeed heard.

5.5   Conclusions

This chapter aimed to understand how ethnic groups engage in public deliberation. We reveal two contrasting realities. On the one hand, the external interventions in BiH incentivize public deliberation and create an open space for active engagement of experts and regular citizens. As the integrity of BiH and the status of peace among its entities is still dependent on the permanent surveillance of the international community, pressures for creating mechanisms for inter-ethnic and inter-confessional political consultation, participation, and deliberation also come from organizations, such as the European Union, the Council of Europe, or the U.S. Department of State. The deliberation processes in the City of Mostar accommodate citizens' initiatives, and relate to citizens' capacity to initiate, act on, and directly take part in constitutional reform processes. The Citizens' Assembly initiative in BiH fosters the concept of 'active resistance' and allows representative political participation of citizens in public deliberation practices. This is void of purely political motivations, but it highlights the benefits that regular procedures lack when some minorities are not engaged. The Mostar Citizens' Assembly operationalizes the 'associational political participation' model through the development of a live social network, which all participants recognize and want to preserve as the communal 'social capital' of trust and exchange. This is a mission that they feel could countermand their size and fragmentation, and pronounce a more nuanced form of constructive engagement that influences policy-making.

On the other hand, in Romania, the participation to the forum was not taken into consideration as an option by the wider Hungarian and Roma communities but instead it was perceived as another opportunity to highlight the collective demands of the community as articulated by their "classical" representatives. To put it more abruptly, what may have seemed for its initiators and by other participants as a mechanism of civic engagement and an exercise of deliberative democracy became for these two communities' political leaderships an occasion among others to voice and reconfirm some specific demands in the name of their ethnic groups.

Notes

1 Sejdić and Finci group of cases (ECHR) challenged the existing power-sharing arrangement in BiH and revealed that communities of 'Others' and citizens of BiH, although minuscule in numbers, can fully participate in the BiH general elections, thus fully exercise their political rights and demand the constitutional changes that institutionally limit these rights.

2 The Citizens' Assembly is one of the representative deliberative processes models, designed as a platform where ordinary citizens, can consider, deliberate on, and contribute to the design of new public policy proposals (Elstub and Escobar, 2019).

3 Mostar is split between Bosniaks and Croats. It has not held a local election since 2008, when Bosnia's constitutional court declared its election rules discriminatory and ordered them changed. The two dominant political parties in the city long failed to agree on how to do so, until 2020, following the Recommendation 442 (2019) on local and regional democracy in Bosnia and Herzegovina and the ruling of the European Court of Human Rights in the case *Baralija v. Bosnia and Herzegovina*.

4 The project is rooted in the work of the Reflection Group on Mostar, established in 2017 with the goal of proposing a sustainable solution for restoring democracy in the City.

5 The first official meeting took place in February 2022, at the same time with the writing of this chapter.

6 This project is supported by the Congress of Local and Regional Authorities of the Council of Europe, as part of the Council of Europe Action Plan for Bosnia and Herzegovina 2018–2021.

7 The CoE's design team randomly distributed invitation letters to 5,000 households in Mostar. A total of 40 members were selected in accordance with the set criteria, along with eight substitute members entitled to participate in the deliberation meetings in case one or more members of the primary participants was unable to attend.

8 The term 'Bosnian' principally refers to the citizens of BiH belonging to any and all ethnic groups. The term 'Bosniak' refers to a member of one of the dominant Slavic ethnic groups in BiH who are predominantly adherents of (mostly Sunni) Islam. In some political circles in BiH, the term 'Bosniak' is often used interchangeably with 'Muslim Bosnian'.

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