

HELSINKI Bulletin



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SERBIA BETWEEN STATUTE AND REGIONS

When will Vojvodina's draft statute find its way to republican MPs? The answer to the question spoke of various deadlines – firstly it was March, then May and now the summer extraordinary session of the Parliament¹ and even early autumn 2009.² Asked about it, Bojan Pajtic, president of the provincial government, said lately, "I wouldn't prognosticate since we have finished our job. The responsibility for it is now on republican institutions."³



BOJAN PAJTIC

However, the republican institutions – the Parliament and the government – have manifested no political will to solve the issue in the past eight months. Dissatisfied with such attitude, Sandor Egereshi,

¹ Statement by Slavica Djukic-Dejanovic, president of the People's Assembly, Dnevnik, May 28, 2009.

² Dusan Bajatovic, president of the Provincial Committee of the Socialist Party of Serbia, said he doubted that the Statute would be on the parliamentary agenda this summer. „Statute To Wait till Autumn,“ Dnevnik, June 9, 2009.

³ „The Government To Blame for Delayed Statute,“ www.Blic.rs, June 5, 2009.

chairman of Vojvodina parliament, even mentioned the possibility of Vojvodina's appeal to the Constitutional Court of Serbia for the Republican Parliament's disrespect for the status related deadline laid down in the Constitutional Law.⁴ Given that the People's Assembly failed to fulfill its obligation by December 31, 2008 and adjust legislation to the new Constitution, and failed to prolong deadlines for adjustment, the country has practically found itself in a state of lawlessness. To somehow "legalize" everything the Constitutional Law needs to be amended and deadlines prolonged, said Slobodan Vucetic, ex-president of the Constitutional Court.⁵ But such maneuver implies a two-third majority vote in the Republican Parliament and the question is whether the ruling coalition could possibly ensure it.

Vojvodina's Draft Statute was met with strong criticism from both the opposition and conservative circles. However, even the Democratic Party is split on the matter between its Vojvodina wing and the headquarters in Belgrade. The six-month campaign against the Statute forced President Boris Tadic to suggest Serbia's

⁴ Dnevnik, May 30, 2009.

⁵ Dnevnik, May 30, 2009. Vucetic said that the failure to meet deadlines was not punishable under the Constitutional Law. It is rather unusual for an ex-president of the Constitutional Court to state that „deadlines can be prolonged only after amendment of the Constitutional Law. Otherwise, we would have a state of lawlessness.“

regionalization. Actually, this is all about a battle over the concept of Serbia's territorial organization: a unitarian and centralized or a composite state? Conservative circles see any attempt at Serbia's decentralization as separatism or a plan for creation of a new state, particularly when it comes to Vojvodina.

BLURRING THE SUM AND SUBSTANCE

The statement by Boris Tadic, president of Serbia and president of the Democratic Party, at the meeting of the party's Main Committee about the issues of Vojvodina's statute and territorial authority to be solved through the plan for Serbia's regionalization raised hue and cry among the opposition and the party's coalition partners.⁶

The Draft Law on Regional Development – submitted later to the People's Assembly for adoption under summary procedure⁷ -- provides Serbia's division into seven statistical regions: Vojvodina, Belgrade, Kosovo and Metohija, Eastern, Western, Central and South Serbia.⁸ According to the Draft, each region shall have a regional council and agency. Regional councils shall decide on policies for regional development, whereas regional agencies shall implement those policies. For the first time, said Serbian Vice-Premier Mladjan Dinkic,

⁶ In his address Tadic said he would propose the regionalization issue as the party priority at the next convention. Underlying that decentralization and regionalization were crucial for Serbia, Tadic warned that „the strategy for regionalization and decentralization should focus citizens rather than political elites that could establish their feuds and thus threaten the state's integrity.“ Dnevnik, May 31, 2009.

⁷ The need to have the law adopted under summary procedure is obvious – financial assistance from the EU. According to Bozidar Djelic, vice-premier, the law is a major step towards institution building that will make it possible for Serbia, once it becomes a candidate-state, to secure tens millions of Euros. When it becomes a fullflegded member, Serbia will get more substantial assistance, some 600-700 million Euros, said Djelic, adding that the European budget can trigger off other funds such as those from the European Investment Bank, EBRD and the Council of Europe's Bank for Development.

Serbia's regions will be given the opportunity to influence their development. “We are aware this is just the first step...A substantive regionalization will be accomplished through administrative, i.e. political regionalization implying citizens' direct vote for their regional representatives,” said Dinkic.⁹

“Statistical regionalization is a technicality and cannot influence the character of the present order and state organization. It is necessary for the access to the EU's structural funds and for abating differences, given that Serbia is among the countries with biggest regional discrepancies,” said Dejan Jovanovic, state secretary for regional development.¹⁰ Since the aforementioned draft law is not fundamental for decentralization, Serbia will be governed in the old, centralized manner for the years to come.

DRAFT LAW ON REGIONALIZATION: REACTIONS

Ishtvan Pastor, leader of the Alliance of Vojvodina Hungarians /SVM/ interpreted Tadic's statement as a red light to Vojvodina's statute and the President's message to the society that cared not about constitutional provisions. Pastor also strongly opposed Tadic's announcement that new regions would be nothing like Kosovo and Vojvodina and would not be established by historical principle. “There are two things that could not be ignored. First, we have a constitution that recognizes Vojvodina

⁹ Dnevnik, June 9, 2009.

¹⁰ www.politika.rs Presenting the Draft Law Dinkic warned that the proportion between the most developed Belgrade and the least developed municipality of Trgoviste was 1:15, whereas between regions 1:7. Novak Gajic, adviser at the Permanent Conference of Towns and Municipalities also refers to Serbia as a country of deep social and geographic differences. According to him, social differences are the product of transition accompanied by wars, criminalization, sanctions and uncontrolled privatization. On the other hand, depopulation and unused resources threaten entire areas of Serbia, excessive concentration of population and industrial resources jeopardize cities. Such discrepancy is the source of serious infrastructural, social, economic and ecological problems. www.politika.rs

as an autonomous province and lays down deadlines for adoption of its statute and relevant bylaws. Second, difference between regions and those between autonomous provinces cannot be identified.”¹¹



ISHTVAN PASTOR

Bojan Kostres (of the League of Vojvodina Social Democrats /LSV/) takes that Vojvodina’s statute must not be skirted because of the announced constitutional amendment and that adoption of the statute and regionalization process are not the same things.¹²



BOJAN KOSTRES

The advocates of a centralized state such as the Democratic Party of Serbia /DSS/ and the Serb Radical Party /SRS/ -- and now the Serb Progressive Party /SNP/ as well – fiercely assaulted the idea about full autonomy for Vojvodina. The campaign against Vojvodina’s statute they launched got considerable coverage in Belgrade media and incited conservative forces from all sides. Zoran Loncar, president of the DSS Provincial Committee, firstly

¹¹ „Tadic Breaks the Constitution,“ www.borba.rs

¹² Dnevnik, May 27, 2009.

accused the ruling coalition in Vojvodina of seeing the statutes as an opportunity for secession and then the ruling coalition at the republican level of choking constitutional rights of Vojvodina citizens and blocking development of autonomy in keeping with the Constitution.¹³ Invoking months-long delusion of citizens, DSS requested “resignation of the Executive Council and the DS to call elections and thus enable citizens of the province to elect their new representatives in the Vojvodina Assembly.” Boris Tadic is fully aware, said Milos Aligrudic /DSS/, that his coalition is faced with serious problems and his government on the edge of dissolution, and, therefore, prepares an alibi for elections. “It is more convenient /for Tadic/ to tell citizens the elections need to be called because of the planned, thorough constitutional reform,” he said.¹⁴

“Why should we need a regionalization that leads to Serbia’s disintegration and creation of mini states,” said Mile Ilic of the Socialist Party of Serbia /SPS/¹⁵ “We don’t need any regionalization whatsoever because Serbia is already divided into districts and that’s quite enough,” said Milorad Mircic /SRS/. “Regions would be nucleuses of future autonomies and then states. This is best exemplified by the cases of Vojvodina and Kosovo,” he added.¹⁶

While not questioning Vojvodina’s statute and regionalization as two separate processes, some political players such as Branislav Kovacevic, president of the League for Sumadija, said they doubted there was a genuine political will for implementing regionalization as there was no such will for adoption of the provincial statute.¹⁷ Referring to the

¹³ Dnevnik, May 20, 2009.

¹⁴ „Boris Tadic Needs an Electoral Alibi,“ Dnevnik, June 1, 2009. „Those are just empty words whereby Boris Tadic prepares an alibi for possible fall of the government. The whole story is superficial but malign as it attacks the highest legal act of Serbia by undermining the Constitution’s foundations.“

¹⁵ www.novosti.rs

¹⁶ www.novosti.rs

¹⁷ Kovacevic said, „The very fact that whether or not we need regionalization is not questioned but what kind of regionalization we need itself stands for a progress in the way of

developments related to the statute as politically scandalous, Aleksandar Popov, director of the Center for Regionalization, said the pro-European bloc was inconsequential in its decentralization efforts.¹⁸ He underlined that decentralization was a necessity, said a centralized state costs much because it was inefficient and suggested to politicians to create a positive climate that would remove any doubts about decentralization leading to disintegration.¹⁹



ALEKSANDAR POPOV

Speaking in favor of President Tadic's proposal, Vlatko Ratkovic, president of the parliamentary Legislative Committee /DS/, spoke about "a false dilemma" and said it was all about "two utterly parallel processes." Sharing this stand, Nenad Canak, leader of LSV, said, "The Law on Regional Development and Vojvodina's Statute are two quite different things."²⁰

Bojan Pajtic, major advocate for autonomy in DS, also said that the Statute and the law (on competences) were provided under the Constitution and had nothing to do with regionalization leading to constitutional amendment.²¹

thinking in some political parties."

www.politika.rs

¹⁸ „For Decentralization until They Come to Power," www.politika.rs

¹⁹ „Regions and Sub-regions," www.politika.rs

²⁰ Canak said, „I am not a proper address for the questions about the statute because I see it /statute/ as a thoroughly political issue calling for clarification – whether Vojvodina needs a statute or some other form of basic law. This is still to be debated and I believe it would be on the agenda as we debate adoption of a new constitution." Dnevnik, June 9, 2009.

²¹ „The Government to Blame for Delayed Statute," www.blic.rs

FROM THE TOP OR FROM THE GRASSROOTS

One of the questions raised about the draft law is the following: will statistical regions be the basis for administrative, that is political regionalization? In other words, will regionalization be imposed from the top or left to municipalities' initiative to merge and thus form regions?

Should later be the case, most probably the picture of regions would be different from the one presented to the public – for, they would be new regions or some regions such as Sandzak – now included in other, more comprehensive wholes – would stand alone. Expressing his doubts about statistical regions' prospects to grow into administrative one, Aleksandar Denda, BID director, called the present approach to regionalization utterly wrong. "Problems cannot be solved through maps drawn by someone in Belgrade. Regionalization is a process that needs to start from the grassroots rather than for the top. Therefore, competences and, above all, property have to be handed back to municipalities," said Denda.²² According to Balint Pastor, head of the minority caucus in the republican parliament, the draft law on regional development, brings nothing new. "That's not the first step towards the country's decentralization," said Pastor.²³



BALINT PASTOR

Bojan Kostres also takes that establishment of regions means nothing. "A model of decentralization is crucial. If regions will still be

²² Dnevnik, May 26, 2009.

²³ www.autonomija.info

governed from Belgrade, that's not decentralization," he said.²⁴ Kostres opposed the idea about averaged regions²⁵ and any form of division of Vojvodina into "some artificial regions," as well as possible establishment of territorial autonomies of national minorities.²⁶ "We shall crush all such ideas as an embryo as we would not allow any division of Vojvodina," said Kostres.²⁷

CONCLUSION

As time goes by the ruling coalition in Serbia is facing more and more challenges. Its inability to reach a consensus on Vojvodina's statute frustrates politicians in the province – most of all those who have insisted on the deadlines laid down in the Constitution. Despite statements to the contrary by high party officials, the Democratic Party seems to be seriously split over Vojvodina's statute. Because of the months-long delay to submit the statute to parliamentary vote the Democratic Party will be losing voters.

On the other hand, since the law – according to the advocates of full autonomy for Vojvodina – cannot solve crucial problems, one can expect the situation in the province to radicalize.

The fact that Kosovo is included in Serbia's statistical regionalization testifies of persistence of the policy that clashes with reality. If the regime wanted to demonstrate

once again its nonacceptance of Kosovo's secession, a legal act is no place for such a demonstration. If it wanted to message that regionalization and decentralization lead not to Serbia's disintegration, the question is what this has to do with a neighboring state.

As it seems, Boris Tadic has backed down – in the meantime – his initial argument that Vojvodina's autonomy should be treated within Serbia's statistical regionalization. Be it as it may, this major decision will depend on the Democratic Party and balance of power within it.



²⁴ Ibid.

²⁵ Verica Kalanovic, minister for national investment plan and vice-president of G17 Plus, said in an interview with the Novi Sad-based Dnevnik daily that asymmetric regionalization and developmental imbalance obstruct Serbia's overall development and that the law on regional development would make it possible to have regional differences systematically lessened, as it would provide benefits, combat depopulation, etc. Dnevnik, June 8, 2009.

²⁶ The question of minority autonomy is not presently on the agenda, said Balint Pastor, and can be raised only within a serious debate on constitutional reform and under the condition that the debate addresses the possibility of sub-regions within administrative regions. B. Pastor reminded that the idea about an autonomy in North Backa was not against best interests of Serbia and Serb people. Dnevnik, May 28, 2009.

²⁷ Dnevnik, May 26, 2009.